

THE COLOUR PROBLEMS OF SOUTH AFRICA

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University of Cape Town*

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CONTENTS

BETWEEN OURSELVES :

A PREFATORY NOTE FOR MY SOUTH AFRICAN READERS	vii.
CHAPTER I.	Page
INTRODUCTORY	1
CHAPTER II.	
NATIONALISM	25
CHAPTER III.	
SEGREGATION	53
CHAPTER IV.	
LIBERALISM	79
CHAPTER V.	
THE ECONOMIC APPROACH : ITS VALUE AND ITS DANGERS	109
CHAPTER VI.	
THE ANTHROPOLOGICAL APPROACH : ITS VALUE AND ITS DANGERS	131
CHAPTER VII.	
CHRISTIANITY AND COLOUR	153
CHAPTER VIII.	
CONCLUSIONS	175

APPENDICES

APPENDIX I.	.
LIST OF STATUTES SPECIALLY OR DIFFERENTIALLY AFFECTING NATIVES 1910-32	193
APPENDIX II.	
LIST OF NATIVE SEPARATIST CHURCHES 1932	203
APPENDIX III.	
THE NATIVE ADMINISTRATION ACT, No. 38 OF 1927, AS AMENDED BY ACT 9 OF 1929	205
INDEX	233

BETWEEN OURSELVES: A PREFATORY NOTE FOR MY SOUTH AFRICAN READERS.

I should like to express here, very briefly, the spirit in which I, as a good South African, would wish to offer this study of our Colour problems to you, my fellow-countrymen.

Merely to press certain points of view, merely to argue, would be of little help. For South Africa the issues here discussed are issues of life and death, not to be handled on academic lines only, but with a vivid consciousness of the human lives involved, White, Brown and Black. A South African who loves his country dare not justify any existing unfairness or prejudice; but he must not lightly flout traditions held sacred by many. His words must be weighed, and he must suffer where he makes others suffer. No plea for the Brown man or the Black man can be of maximum value if it is not based on a real love for and understanding of White South Africa, and a frank recognition that many accusations of cruelty and injustice made in the past have been founded on imperfect information and deficient sympathy.

To me the fundamental solution of these, as of all, problems depends upon a right relation with God, Whose will is our peace. I should be far happier to bring any individual to the issue of real willingness to know and to do that Divine Will than to bring him to exact agreement with my point of view. Such a surrender would inevitably lead, step by step, to a complete solution of problems, the end of which men may to-day find it hard to see.

And, on a lower plane, I should be far more satisfied to persuade South Africans to embark on a really honest attempt to think out what economic policy will benefit the country most than to win them to any specific point here advocated.

Nevertheless I make no apology for the effort made in these Lectures to make clear the issues involved and the decisions to be taken, and to give my own considered opinion thereon.

That opinion differs in some respects—though not so greatly as a hurried reading might suggest—from my *History of Native*

Policy published in 1923 and revised in 1926. I think it best to own, frankly and simply, that the march of events and the development of my own thought have produced changes.

Elements of differentiation and of assimilation—the latter term by no means necessarily implies racial miscegenation—must, as far as we can see into the future, combine in any African Native Policy. There is no need for us to pursue the school-boy plan of “taking sides” in this matter. The coming together of races and parties which has ended the period of South African history covered by this book, and which represents no mere political manoeuvre but a real hungering for unity, ought to open up a new era—an era in which policies such as those here discussed are handled without partisanship and in which every honest effort towards solution should be received with welcome and attention.

If, after all, the good of every race in South Africa is the good of every other, as I devoutly believe, is this not simply a gospel—a “good news”—for our country?

It is in this spirit that I have tried as fearlessly, as clearly, as honestly and as sympathetically as possible, to handle the topic of Union Native Policy during the era of national division (1910-32).

EDGAR H. BROOKES.

15th March, 1934.

CHAPTER I.

INTRODUCTORY.

A NEW survey of Native policy in South Africa may seem to need some apology, for a larger number of studies of race contact has been published during the last fifteen years than during the whole of the country's previous history. The present examination is, however, different in many respects from its predecessors. In the first place, an attempt is being made to cover the field of Union Native Policy from 1910 to the present day. The author's *History of Native Policy in South Africa* succeeded in giving at any rate the main outlines of the pre-Union policies of the Cape, the Transvaal and Natal. Its handling of Union policy was necessarily inadequate. The trend of Union legislation was not, when that study was published, as clear as it is to-day. It was impossible in the early days of controversy to see the Hertzog land and franchise programme as clearly and dispassionately as it is to-day after seven years of public criticism and discussion. The second edition of the *History of Native Policy* appeared just before the passing of the Native Administration Act of 1927, which is in some ways the most important piece of Union legislation specially affecting Natives, and which lays down certain fundamental principles regarding the recognition of Native law and the rights of Natives in relation to the Government and its servants. Although one or two very valuable surveys of Native policy have been published since 1927, there exists no critical analysis of this controversial law in a form accessible to the public. As for the question of segregation, there should be some value in a review of the twenty years since the passing of the Natives' Land Act of 1913—a review which must throw some light on the practicability of segregation as a "solution" of the problems of race contact in Southern Africa.

Secondly, the present study is based on an examination not merely of the legislation of the Union, but also of the underlying theories which alone can explain it. The growth of speculation, sometimes no doubt of an unduly academic character, on the great problems of colour in South African life is a very

striking phenomenon of the past ten years. More and more young South Africans are beginning to face the issues of their national life with honesty and courage, in a scientific spirit and with a determination to know the worst and do the best that they can with it. Although the habit of refusing to think about disquieting facts persists among many of the rank and file and some "leaders," it has nevertheless received some shattering blows during the past decade. Mere prejudice is becoming unfashionable, and those who hold reactionary views on the status of the Native in South African society are attempting to rationalise them by various cultural, anthropological or political theories—although one cannot agree (at least in this instance) with Burke that vice has "lost half its evil by losing all its grossness."

This is to say that South Africa has passed out of the pioneering stage to a higher level of civilisation. She is becoming conscious of herself and her problems, and has time to reflect and to formulate principles of action, where previously, like almost every pioneering society, she was too busy in living to lay down rules of life. There are dangers, as well as advantages, in such a development; but on the whole it is a matter of congratulation that South Africans are beginning to write books about themselves, even if sometimes rather bad ones, instead of merely resenting books written about them by others.

The third element which characterises the present survey is its reference to other non-European sections of the South African people, as well as to the Bantu. The large group of men and women of mixed race, to whom in South Africa the use of the term "Coloured" is confined, and the smaller but very significant group of South African Indians, must not be left out of consideration when the present and the future of the Native are being studied, if only to assist us in seeing how far the arguments adduced in favour of discrimination against Natives are genuine arguments entitled to respect and how far they are mere rationalisations of colour prejudice. Every educated Native would acknowledge without hesitation that the Coloured group as a group is better educated, and more closely assimilated to the dominant European civilisation than is the Native group.

But equally every reflecting Coloured man would admit that there are large numbers of Natives whose stage of development is above that of the lower strata of the Coloured community and some who can compare favourably with those at a higher social level.

How comes it, then, that there are such marked discriminations between educated, urban Natives and Coloured people? Every Native, unless holding a special letter of exemption which may be clogged with any conditions laid down by the Government and is revocable at discretion, must carry a Pass. No Coloured man, except that any person residing in a proclaimed Native area (and no such area exists within any urban area of the Union) under the same conditions as a Native is regarded for certain purposes as a Native (Native Administration Act, 1927, Section 35), need do so. Native education, not merely in the Reserves but also in urban locations, is financed from a separate and limited fund, calculated on a certain proportion of Native tax revenue. Coloured education, on the other hand, receives a *per caput* grant, which, however inadequate, does at least expand with the expansion of school attendance and is not limited by the amount of revenue coming in. Every Native in the three northern Provinces is subject to certain summary and extra-judicial powers of the Governor-General, as Supreme Chief under the Native Administration Act, 1927. The Coloured man, however, enjoys the privileges of the Rule of Law in the same way as the European. The Mines and Works Amendment Act (popularly known as the Colour Bar Act) contemplates the possibility of economic discrimination between Coloured and Native workers, to the benefit of the former.

Such discrimination is frequently justified by arguments based on the tribal system, the existence of separate Bantu languages, and the supposed "primitive" stage of civilisation of the Native. Implicit in this type of argument is the attitude of mind which deals with individuals not as individuals but as members of classified groups. Irrefutable demonstration that the tribal system is non-existent in the towns and is disintegrating in the country, that more and more Natives are speaking the European languages, and that a considerable number of Natives are educated men and women, may therefore,

not convince those who favour such discrimination. Judge, then, what must be the surprise of the impartial visitor from abroad when he discovers that the "superior" Coloured man and the "inferior" Native, who differ so markedly as to have provided for them separate systems of law and administration, separate areas for the ownership of land, separate schools, and a separate budget, are grouped together for many social purposes with complete complacency on the part of those who are ready to justify their political and educational segregation on the philosophic basis of divergency of culture. On the trains, Coloured, Indians and Natives are grouped apart from the Europeans, but not from each other. In most Government offices where discrimination takes place, the slogan is "Europeans only," not "Non-Natives only." A colour bar, which is in practice complete, operates, equally against Coloured and Natives in the higher posts of the Public Service. It is as difficult for a Coloured man or an Indian as for a Native to secure admission to any of the South African Universities. Similar barriers exist for all non-Europeans in most places of entertainment, hotels, restaurants, swimming-baths, sports fields or libraries. While some Churches in practice admit both Native and Coloured Christians, and most in practice exclude both, there are very few which admit members of the one group and not of the other.

Naturally enough, the Coloured man tends to conserve jealously such privileges as he has and to leave the Native to fight his own battles, although some few large-hearted Coloured leaders have felt that the unprivileged classes ought to unite in their struggle for better conditions and a handful of Native thinkers, more clear-minded than their fellows, have seen in the Coloured man the spear-head of non-European advance. The special point to which attention is directed is, however, the inconsistency of the dominant European ruling class which justifies repression on grounds of nationalism, tribalism, anything except colour, and then proceeds to discriminate against the Coloured man, even where his state of civilisation is such that all grounds for discrimination, except the single ground of colour, have fallen away.

Few illustrations of the embarrassment of European thought as to these issues can be more illuminating than the franchise legislation of the Union, actual or projected, since 1926. General Hertzog's franchise proposals of that year contemplated the complete removal of the Native voters, due regard being had to existing vested interests, from the ordinary voters' rolls. They were to vote separately for a limited number of representatives. In the meantime, however, not only were Coloured voters to remain in the general—i.e. predominantly European—voting community in the Cape Province, with the same requisites for qualification as voters, but after seven years the newly-enfranchised Coloured voters of the Northern Provinces might be, by resolution of both Houses, placed in the same position as in the Cape. It is true that, to the anxiety of the Cape Coloured community, General Hertzog's Bills did contain provision for a separate Coloured roll distinct from the "lily-white" general roll, although the two classes of voter were to exercise the franchise together, and that it spelt retrogression for a few hundred Coloured voters in Natal; but in general terms the policy, whether right or wrong, was based on a clearly-defined principle. That principle was the political segregation of the Native from the non-Native and the placing of the Coloured man unequivocally on the European side of the dividing line.

Since 1926, General Hertzog's Bills having failed to secure the approval of the requisite majority in Parliament, another course has been taken. The Women's Enfranchisement Act conferred the vote upon European women only. Thereby not only was the relative strength of the Coloured vote greatly reduced, but a new discrimination was created whereby Coloured and Native were classified together and both apart from the European. The further step of the introduction of adult suffrage throughout the Union was accompanied by a similar discrimination. The Coloured man in the Cape Province, no less than the Native, must satisfy the registering officer of the prescribed property or income, and educational qualifications. The European voter need no longer do so. If General Hertzog's Bills in their latest form are carried, the position in the Cape

Province will be that similar qualifications, limited by property (or income), education and sex, are demanded from Coloured, Indian and Native citizens, while every adult European may vote. The Coloured and Indian voters will be grouped with the Europeans: the Native voters will vote separately for a limited number of representatives. What principles underlie these complicated provisions? Is the Coloured man a part of the community or not? If not, on what ground does discrimination take place against him? If it is essentially colour, may it not be that after all the real ground of discrimination against the Native is not any of the high-sounding theories put forward from time to time but merely colour?

That such discrimination has taken place in recent legislation to an increasing extent is undoubted. Indeed one of the most puzzling phenomena of the first twenty-three years of Union is the synchronising of an undoubted increase of liberal thought among young South Africans at the Universities and elsewhere with the appearance on the Statute-book of a great deal of discriminatory, and some repressive, legislation. It is worth our while to establish the existence of these two conflicting tendencies, before trying to explain their co-existence.

Let us glance, briefly, at Union legislation specially affecting Natives.

The South Africa Act of 1909 began the process of discrimination by limiting membership of Parliament to Europeans, thereby withdrawing a right existing in theory in the old Cape Colony and though never put into practice highly prized by Natives as a symbol of equal citizenship. In 1912 a Clause was inserted in the Defence Act by which in practice Natives were excluded from the Defence Forces of the Union. These discriminations merely legalised current practice, and in other fields—e.g. Land Settlement and Public Service Legislation—it was found possible to discriminate against the Native without specifying the fact. The Natives' Land Act of 1913, however, did actually withdraw a clear and not infrequently exercised right—the right to purchase land freely in the Transvaal and Natal Provinces.

Union land legislation will be discussed more fully in Chapter III. At this stage only two points need be made.

The restrictions introduced in 1913 were conditioned by a clear promise that new Native areas would be provided, and much was made of this undertaking at the time. After twenty years the implementing legislation referred to in Sections 1, 2 and 3, of the Act has not been passed.

During the War period (1914-19), comparatively little was done in the way of discriminatory legislation. Indeed, between 1913 and 1923, the only Act of major importance affecting Natives was the Native Affairs Act of 1920, which so far as it went was wholly beneficial, creating a Native Affairs Commission, inaugurating a system of Native Conferences, and extending the Council method of government previously proved successful in the Transkeian Territories to other areas.

It must be noted, however, that the benefits conferred by the Native Affairs Act of 1920 have not been so great as was anticipated at the time. The Native Affairs Commission is generally regarded as something of a failure. The Native Conferences held annually in 1924 and the three succeeding years have been summoned very sporadically since 1927. The extension of the Council system beyond the Transkeian borders did not take place until an amending Act (No. 27 of 1926) had greatly modified the powers originally granted to the Councils.

If we look at projected legislation, as well as Acts finally approved, during the decade following the Natives' Land Act, we shall find already sown the seeds of racial discrimination. Only the best of intentions inspired the Native Affairs Administration Bill of 1917 and the Native Registration and Protection Bill of 1922. The former was a courageous though unsuccessful, attempt to implement the Land Act of 1913 by creating areas of preferential purchase for Natives. The latter, while it introduced a system of registration certificates into the Cape Province, hitherto free from passes, did much to soften the rigours of the pass laws elsewhere. Its rejection was, on the whole, to be regretted.

Nevertheless the precedent of special class legislation for Natives had been set. Necessary as it has been and still is in some cases, it lends itself readily to abuse on the part of those who regard the Native as a menace. A new era in legislative

activity began with the Natives (Urban Areas) Act of 1923. Itself a measure of no small utility, indeed the cause of a great improvement in the living conditions of urban Natives, it has nevertheless paved the way for ever-increasing restrictions on the free movement of Natives into the towns, while the provision of new areas in the country remains to be seen to by Parliament.

In 1924, the Industrial Conciliation Act excluded pass-bearing Natives from its provisions for the peaceful settlement of industrial disputes. As striking on the part of Natives had already been made a criminal offence in proclaimed Native Areas by the Native Labour Regulation Act of 1911, and as the industrial employment of Natives had greatly increased since the formation of the Union, the exclusion of Natives from the scope of the Act led to much disappointment, which has been only partially removed by their comprehension within the activities of the Wage Board, set up under the Wage Act of 1925.

The Native Taxation and Development Act of 1925 furnishes an interesting illustration of a blessing granted by discriminatory legislation, which the progress of time has turned into something not very unlike a curse. The Act made uniform Native taxation throughout the Union, a slight increase in the Cape and Natal being counterbalanced by a considerable reduction in the Transvaal. It provided for the setting aside of a minimum sum for Native development (the whole Local Tax and 4/- in the £1 of the General Tax, plus a block grant of £340,000 per annum). That the non-production of the Tax Receipt on demand rendered the Native liable to arrest and criminal prosecution seemed a small point at which to cavil in the face of these benefits. For the first few years all went well. The Provinces which had been backward in their support of Native education were brought up nearer to the level of the more progressive ones. Expenditure on Native Development increased at a rapid rate. The practical benefits seemed enormous.

But very soon, the calls on the Fund began to exceed the tax revenue available. Depression and a labour policy which closed many avenues of employment to Natives diminished the receipts, and in addition led to wholesale arrests of Natives for non-payment of tax. The minimum soon became a maxi-

num expenditure. Neither the Union nor the Provinces were prepared to find funds from general revenue for Native expenditure. The wholly unsound principle of fiscal segregation, made easy of acceptance in the first instance by the practical benefits conferred, now became apparent in all its naked repulsiveness. The results of eight years of the Taxation and Development Act may be summed up as an overdrawn account, hundreds of under-staffed schools and teachers unable to obtain increments on their approved scales, Natives clamouring everywhere for aid for schools which cannot be opened, and some fifty thousand arrests annually for non-payment of tax. The situation as regards taxation and education has become urgent, and the time is ripe for revision of the whole doctrine of budgetary separation.

The year 1926 was a black year for Union Natives. In it were carried two measures of a decidedly repressive character. Under the Mines and Works Act, 1911, Amendment Act, the Government was given power to differentiate by regulation between different classes of workers, on the ground of their race or colour. This Act, popularly known as the Colour Bar Act, was only passed by a Joint Sitting of the two Houses, subsequent to a double rejection by the Senate. The Masters and Servants Law (Transvaal and Natal) Amendment Act reduced the labour tenant on farms in the Transvaal and Natal for disciplinary purposes to the status of a mere labourer, thus imposing yet another restriction on the farm Native while the promise of an outlet him for in the shape of more land remained unfulfilled.

The Colour Bar Act has in itself produced little direct harm to the Native. But the acceptance of the principle of colour discrimination in a form which meant that the suspended sword would fall on the Native whenever and wherever he happened to be successful had psychological effects of a far-reaching character. Moreover, the industrial policy of the Government did in effect set up numerous colour bars, though not directly under the Act. Railway and other Governmental fields of employment have been gradually closed to Natives. The Customs tariff has been used to compel manufacturers to employ White in preference to

Black labour. Indirect pressure has been put upon the Municipalities in the same direction. The Labour Department, created in 1924, has ostentatiously disregarded the interests of Native labour. The result has been loss in earning power and opportunity for the Native, the growth of anti-White prejudice, and the general embitterment of race relations throughout the Union.

It goes without saying that the labour policy now under discussion has as its primary motive not the repression of the Native, but the helping forward of the "poor White." The tacit assumption behind it is that there is a limited amount of prosperity in South Africa, and that what is gained for one racial group must necessarily be lost to another. We may be unable to agree with this assumption. If we do agree with it, we may justify the labour legislation and administration of 1924-32, but even as we do so we must admit that its inevitable result is increased race-hatred and the growth of revolutionary sentiments among the Natives thus discriminated against.

In these circumstances it is easy to understand why the Hertzog Bills of 1926 received so poor a welcome from Native leaders. The passing of the Colour Bar Act had created an atmosphere which made it impossible for them to review the proposals in a dispassionate spirit. Nor were the proposals themselves very attractive, when carefully examined. It is true that the concession of the principle of a Native franchise, even of the most limited kind, in the Transvaal and Orange Free State, represented a considerable advance, but it was to be bought by the abandonment of the existing Cape franchise, the cherished symbol of equal citizenship. As for the Land Bill, as will be shown in a later chapter, it gave legislative sanction to the existing administrative practice in the Transvaal and Natal, but it gave far less than was deemed reasonable by those responsible for the Bill of 1917, it introduced the principle of restriction in the Cape Province where the Land Act of 1913 had been largely inoperative, and it proposed to put on Native "squatters" (i.e. tenants other than labour tenants) restrictions of the most drastic kind. No wonder that the Native Conference summoned under the Act of 1920 refused to give its approval to the Bills,

though its contumacy in this respect has been the cause of the frequent intermission of its sittings since 1927.

The year 1927 witnessed a further growth of Native discontent. The country, as well as Parliament, was greatly agitated by the controversy on the Hertzog Bills. The latter were frequently advocated as being necessary in the interests of White civilisation struggling against the "Native menace." Indeed it may be said that the arguments in favour of the Bills did more harm than the Bills themselves. Anxiety was not quietened by the passing of the Native Administration Act in the same year. That Act contained some provisions of undoubted value and benefit, such as the recognition of Native Law throughout the Union, the setting-up of special Native Civil Courts, the inauguration of a more uniform, and on the whole a better, system of administration. But it tended to strengthen tribalism and to bear hardly on the urban and detribalised Native. It greatly watered-down the system of exemption available to the latter. Most important of all, as will be shown in more detail in Chapter IV, it substituted for the rule of Law and the supremacy of the Courts a system of privileges held at official discretion, a sort of Native *droit administratif*. It may be described as the charter of bureaucracy, and its provisions, though capable of defence and explanation, must on the whole be regarded as another link in the chain of repressive discrimination.

Passing rapidly over the Immorality Act of 1927, the Liquor Act of 1928 and the total exclusion of Natives from the Old Age Pensions Act of 1928, and bearing in mind the significant fact that the election of 1929 was for the first time in Union history fought and won on the issue of the "Native menace," we come to the fateful year 1930.

The Women's Enfranchisement Act of that year, from the operation of which all non-European women were excluded, had the effect of greatly reducing the political power, such as it was, of the Native voter. To-day Native voters constitute from 1% to 2% of the total electorate of the Union, and the objects of General Hertzog's Bill of 1926 have been largely achieved in this somewhat different way. The Riotous Assemblies (Amendment) Act of the same year gave to the

Minister of Justice powers almost unprecedented in a modern State claiming to be Parliamentary and not actually at war. It may be described as bringing into being a state of Martial Law in time of peace, to be applied or not at the discretion of the Minister. Hitherto the Riotous Assemblies (Amendment) Act has operated to the disadvantage of people most of whom have no general support even from those favourable to Native advancement, and some of whom are irresponsible and dangerous to the community, but its provisions would enable the Minister to force any Native leader, industrial or political, of personality and influence, into the position of taking unconstitutional action, for he may under the Act close virtually all constitutional channels of action or expression.

The year concluded with an Urban Areas Act Amendment Act which tightened up the Act of 1923, whilst in 1932 the Native Service Contract Act laid down principles designed to put an end to all "squatting" and to make all Natives in European rural areas labour tenants—as such, remember, since 1926, in the disciplinary position of labourers. As no further land legislation had been approved by Parliament, with the exception of three minor Acts (28 of 1924, 28 of 1925 and 34 of 1927 which made no appreciable difference to the main issue) this was a new departure from the undertakings of 1913.

It would be foolish, as well as misleading, not to paint the other side of the picture. If the earlier years of Union produced little that was harmful to the Native, they brought him little positive gain. Later years have been prolific in both types of Parliamentary and Governmental activity. Educational expenditure, as has already been indicated, has increased greatly. The creation of a Native Agricultural Section within the Native Affairs Department and the increasing use of Native Agricultural Demonstrators, have stimulated production in the Reserves. The South African Native College at Fort Hare has continued to receive subsidies from a Government many of whose supporters denounced Native higher education and has continued its career of steady growth. The recognition of Native Law in the Ciskei and the Transvaal has removed an anomaly which was at the same time a grievance. Most striking of all has been

the progress made in the development of the Council system. Under the Native Affairs Act of 1920, as amended in 1926, sixteen new Councils have been called into being in the Ciskei, the Transvaal and Natal. The Council system has been gradually extended to embrace every district in the Transkei with a single exception,* to Western Pondoland (1911) and to Eastern Pondoland (1927). By a process of successive amalgamations there has been brought into being a United Transkeian Territories General Council, embracing twenty-six Magisterial districts, and working now through its own Executive Committee, on which Natives are well represented. Three Agricultural Schools, four Council Farms, eighty Demonstrators, and an Agricultural Demonstration Caravan, which was visited in 1931 by 5,200 people, are indications of the activities of the Council. In 1908 it spent approximately £8,000 on agriculture, in 1931 £71,000; in 1908, £17,000 on roads and public works, in 1931 £80,000.

These are encouraging facts, which must be borne in mind when we sum up the twenty-three years since Union. If we would face the facts with judicial minds rather than as advocates trying to make a case, we must acknowledge the presence of much solicitude for the Native and his progress side by side with a fear for the future of the White man which has led—as all fears lead—to injustice. No good purpose could be served either by minimising the harm done during the short existence of the Union or by omitting the positive help given to Native development.

Nevertheless, while all due allowance is made for these considerations, the fact remains that the history of Union Native policy has been one of increasing discrimination and repression, and that the Statute-book has never been so full of laws bearing hardly on the Native as during the last eight years. How can this be reconciled with the increasing "liberalisation" of South African thought on race problems, in the Universities and elsewhere? Before we proceed to answer the question, we must examine the facts and see whether they justify the assertion that liberal thought has indeed made progress during recent years.

*Mount Currie, where there is a large European population.

One phenomenon which must be of interest to every student of Union Native policy is the growth of the Joint Council movement during recent years. Starting from the Native Affairs Reform Association of the late Mr. Maurice Evans, there arose a system of Native Welfare Societies, which, after the visit of Dr. Aggrey and the other members of the Phelps-Stokes Educational Commission in 1920, and largely under the influence of Dr. C. T. Loram, developed into Joint Councils of Europeans and Bantu. There are some thirty of these bodies in the Union to-day, and, though their influence is in few towns what it ought to be and their importance can easily be exaggerated, they nevertheless represent a significant change in South African life—a conscious interest in Native welfare on the part of men and women not necessarily professionally interested in Natives, and that in the towns, always the storm centre of race and class contacts. Joint Councils have succeeded in ameliorating the conditions of life for the Native, in arousing interest in him, of assuring him even in dark days of continuing European friendship, and in serving as a rallying point around which has gathered a public opinion on race questions sufficiently important to prevent the worst excesses of reactionary legislation. Out of the Joint Council movement has arisen the South African Institute of Race Relations, which promises to become more and more the centre of friendly research into the colour problems of South Africa.

The change which has come over the Universities and Colleges of South Africa is striking. At the time of Union—even at the time of the calling into being of the present University system*—there was no sign that the South African Universities were specially interested in the great problems of life just outside their own doors. Perhaps education tended to be "academic" in the worst sense of the word. To-day four of the five Universities have Departments of Bantu Studies, which, in spite of much discouragement and disappointment, have done good work. It is true that this development alone, valuable and significant though it may be, would not be enough. Lin-

* 1917-18

guistic and anthropological study, despite a recent welcome widening of the scope of anthropology, does not cover every field of race contact. But the Universities have gone further. History is now being taught and written, as the works of Professor Walker and Professor Macmillan remind us, in a different spirit from that which prevailed when the chief reference to the Native was a list of "Kaffir Wars." More than one of our Professors of Economics have taken a direct interest in the problems of race contact, and indeed it would be tedious to enumerate the various University Departments which have moved away from the old pseudo-"academic" indifference to a realistic study of South African life, which inevitably means the inclusion of the Native in the picture. Student interest has been sustained and increasing. The National Union of South African Students, through Bantu Studies Circles in the various Universities and Colleges and otherwise, has done much to encourage a rational and liberal outlook and to dispel the timidity which has been so great an enemy of right thought and action in South Africa. It is true that the emergence of what is called the "Native Problem" into student consciousness has given form to reactionary as well as progressive thought, and that sometimes the Universities help to rationalise prejudices rather than to banish them. Still, on the whole, the balance is on the right side. When we find prominent Africans or American Negroes addressing University audiences, when we find students taking time to visit urban locations for themselves and to undertake social or religious work, when we find three of our University institutions taking the first timid hesitating steps to admit non-European students, we realise that academic life in the Union has been developing in a direction which we should not have suspected from a mere study of the legislation of the period.

Needless to say, the Universities influence the schools; and a few of our schools, including some of the best in the country, are becoming centres of liberal thought. While there are more numerous examples of the contrary to be found, it may yet be claimed that the newer attitude on race problems is more consciously present in the schools than at any time in our previous

history, and more than one Provincial Teachers' Association has devoted time to a sympathetic study of Native education.

One of the turning points in the history of Race Relations in South Africa was the Conference of Europeans and Bantu called by the Dutch Reformed Church in September, 1923. This Conference represented the first attempt to bring White and Black leaders together on a nation-wide scale, and it is clear that there could never have been any going back on the precedent thus set. All that has happened since, including the much-criticised Fort Hare Conference of 1930, has been an inevitable result of this first step taken so happily by the Mother Church of South Africa. Let it not be forgotten, at times when impatient and ill-informed men try to sow dissension between the two White races on the question of their relation to the Natives, that it was Afrikaans-speaking South Africa which inaugurated the series of National Conferences, as it was Afrikaans-speaking South Africa which decided the success of the Fort Hare Conference. The irresponsible criticism of that Conference by sections of the Afrikaans press betrayed a deep ignorance of the history of the Conference movement, and of the sentiments of increasing numbers of Afrikaans-speaking students, and did much to rebuild in sheer wantonness that wall of prejudice against Afrikaans-speaking South Africa which has encompassed so many Bantu leaders and which many of us have laboured so persistently to break down.

A second Conference was held in 1925, for which the Joint Councils were responsible, and in January, 1927, the Dutch Reformed Church again called the leaders of the Native and European groups together. In February, 1929, the Joint Councils convoked a conference at Cape Town at which twenty-seven Bantu and eighty-two European leaders were present, and which evolved a programme of action, sane, liberal and practical, that is in itself a justification of the Conference movement. Finally in the winter of 1930, the Student Christian Association of South Africa summoned at Fort Hare a National Conference of Bantu and European Students—a Conference of such importance that it is necessary to dwell on it somewhat in detail.

Fifty-three European and one hundred and thirty Bantu

students attended the Conference. There were present sixty-nine Bantu and eighty-seven European senior visitors, among whom were Professors and Lecturers of various South African Universities. Five overseas visitors made up the Conference total of three hundred and forty-four.

The European educational institutions represented were as follows :—

The University of Cape Town.

The University of Stellenbosch.

The University of the Witwatersrand.

The Transvaal University College (now the University of Pretoria).

Natal University College.

Rhodes University College.

Grey University College.

Huguenot University College.

Wellington Institute.

St. Paul's Theological College.

Heidelberg Normal College.

Bloemfontein Normal College.

It is interesting to notice that out of the twelve institutions referred to, six were wholly or largely Afrikaans-medium. No student delegations were keener than those of Stellenbosch or Bloemfontein.

The chief articles of charge against those responsible for the Conference were the common meals at which White and Black students sat side by side, and fraternisation on the playing-fields. It may not even now be generally known that this process of "de-segregation," as it has been happily termed, was a spontaneous act of the students themselves, who broke down the perhaps too timid arrangements for conventional separation made by those responsible for the Conference. Only in 1932 did a similar "de-segregation" of a prominent Native leader take place on a South African-bound mail steamer, at the initiative of the returning South African International Rugby Team.

The students at the Fort Hare Conference broke down the conventional social barriers of South Africa, because they felt it was absurd to travel hundreds of miles to meet and exchange

views with Bantu students, and not get to know them intimately. They were not prepared to limit their social intercourse to formal meetings. They stood for a living Christianity and a valiant liberalism. They were backed whole-heartedly by their organ "*Nusas*," the journal of the National Union of South African Students in the controversy which followed. The Student Christian Association successfully resisted the immense pressure brought to bear upon it to disavow what had taken place. The Fort Hare Conference stands, and a second will follow the first.

Rightly did the prominent statesman who gave the opening address say that the Conference was something which could not have happened in South Africa a few years previously. And rightly did he tell his audience: "There has come into the Universities and Colleges of this land a new spirit of liberalism, of impatience with the old appeals to prejudice, of intellectual interest, a spirit of determination to find a new and better way."

It would be idle to claim that what may be termed the "Fort Hare" attitude is universal among the European students of the Union. The very success of the Fort Hare Conference provoked a reaction of some bitterness. But it is fair to say that the student opinion of South Africa is more keenly alive to the problems of race contact, more ready to be just and to face facts, more sympathetic towards Native aspirations and more determined to challenge mere prejudice and convention on colour issues than it has ever been.

What then is the solution of the paradox that, while all this has been happening, the official attitude of the State towards the Native has become less friendly, the Statute Book more charged with repressive laws, the gaols fuller than ever of Natives convicted for technical offences?

The first and simplest explanation is that it is precisely this rapid growth of liberal ideas among young South Africans which has provoked a reaction. Politicians bred in the older school of conservatism and prejudice have taken fright at the breaking-down (as they conceive it) of the laboriously erected ramparts of defence of White civilisation in South Africa. They look on the young liberals of the Universities as traitors who are "selling the pass" which defends their fore-

fathers' ideals. In just the same way the Legislature and the Government are setting up economic barriers against the Native in a form which was unnecessary twenty years ago, precisely because the Native has made such amazing progress during those twenty years. The passing of the Colour Bar Act does not necessarily mean that White South Africa is more intolerant than it was in 1910. It means that the Native has become a power to be reckoned with. So has the "negrophilist," who instead of being a missionary from overseas is to-day a son of the soil, born, bred and educated in South Africa.

If there seems at times to have been a regression from the earlier days, we must remember this last-named fact. An argument could be put up that the total number of men and women likely to take a liberal view of race matters has decreased. But without any doubt the number of liberals who are South African born, with their roots in the soil, has greatly increased. We do not, perhaps, make sufficient allowance in forming our judgments on South African matters, for the very great influence of the War of 1899-1902, the Milner regime thereafter and the British immigration, more especially into the Civil Service and the teaching profession, which was part of the Milner policy. Educated oversea opinion has generally been less favourably disposed to racial discrimination than has South African opinion, whether English or Dutch. As the old Milner officials and the Crown Colony teachers,

"steal silently to rest,"

they are replaced by men and women who do not always share their point of view and are sometimes greatly influenced by ideals inspired by a reaction from it. If we take our Schools, for example, we shall find that however much they may have improved on the Schools of 1903 in other ways, they are sometimes active factors of colour prejudice in a way in which the old "Crown Colony" Schools could never have been. But this apparent loss masks a real gain. What there is of liberalism to-day is increasingly indigenous, and it may be claimed with confidence that one liberal teacher, South African born and trained, is a more significant phenomenon than half-a-dozen introduced from outside.

One effect of the Milner period has passed generally unnoticed until it was recently put before us by Mr. J. D. Rheinallt Jones. That is the fact that the abnormal immigration of the years 1901-7 is bearing fruit to-day in the abnormal difficulty of finding employment for European juveniles. It is, in short, the children of the post-war immigration together with the children of farmers impoverished by the War and gradually falling to the status of "Poor Whites" who constitute the juvenile unemployment problem of South Africa to-day. The great increase in unemployed juveniles is, therefore, up to a point, a passing phenomenon. The rate of increase will not continue to rise to the same degree in succeeding years. But this fact neither the public nor its leaders seem to have grasped. Much racial discrimination during recent years is the result of economic panic. The sensational Census Report which preceded the change of government in 1924 and the growth of unemployment since have been responsible for much that seems hostile in the State's attitude towards Natives. If the facts were carefully and accurately studied, and if South Africans could get rid of the habit of shouting "Kafir! Kafir!" as some Continental peoples shout "Jew! Jew!" it would be found that much of the panic legislation of the past few years has been quite unnecessary. Negrophobia is, like anti-Semitism, a substitute for economic thought. Yet it is based on genuine disquiet. The negrophobe leaders are

" children crying for a light "

and if at times we feel impatient that they are endowed

" with no language but a cry,"

we must acknowledge the fears of darkness as real fears, to be removed by patience and persistence and understanding, not by mere anger or resentment. If only the people of South Africa can be brought to see that the economic position is not desperate, and that no ultimate help can come to the community by the mere depressing of one section of it, we shall have moved a long way towards the solution of our difficulties.

But the economic motive is not the only one. Much of South Africa's recent attitude towards the Natives is the result of

cultural beliefs and ideals. Nationalism has profoundly influenced thought as regards the future of the Bantu. The timid nationalist is strongly imbued with the protective spirit. He desires in South Africa, as in most new and self-conscious communities, protection against every conceivable enemy of the tender plant of the growing culture. The Native he regards as a dangerous enemy, who can be kept away only by segregation or repression. Worst of all, he looks upon a certain fixed attitude on Native questions as a fundamental attribute of South African nationalism, one of the factors to be jealously preserved as differentiating it from other national cultures and making its preservation worth while. The magnanimous Nationalist, on the other hand, feels that he must in all consistency preserve for the Bantu what he claims for himself—mother-tongue instruction in the schools, a literary future for the home language, the old traditions and customs defended against external assimilationist tendencies, cultural independence. He is not very much perturbed by the fact that the majority of the Bantu leaders do not relish his programme. Like Rousseau he feels that they must be "forced to be free." He therefore stands for measures of differentiation which easily become, in the face of the economic inter-dependence of White and Black in South Africa, measures of repression.

And what of liberal nationalism? The example of Mazzini and indeed of the heroes of the Risorgimento generally is sufficient to shew that liberal nationalism may exist. There are in the Union of South Africa men who combine a strong feeling for South African independence with a liberal Native policy, but they are not numerous enough to count. Nationalism sweeps over them and submerges them: they are lost in the crowd. In general, what the writer said in his *Political Future of South Africa* eight years ago remains true: "There are nationalists and there are liberals in the Union of South Africa; but the nationalists are not liberals, and the liberals are not nationalists." May it turn out to be otherwise!

During the last decade no forces have been stronger in the life of South Africa than those of economic stress and fear and of cultural nationalism. Both of these have turned against the

Native and his progress, in spite of the undoubted progress of clear feeling and right thinking on problems of race contact during the same period. With no wish to minimise the gravity of the present situation, or to indulge in any facile optimism, we may nevertheless allow ourselves to feel that for the reasons already given economic stress is likely to decrease rather than increase in the near future and that cultural nationalism, having achieved so much of its programme, and having at least begun to escape from its inferiority complex, will begin ever so gradually to decline in intensity. Little by little the growing plant of South African liberalism will thus become disentangled from the creepers which entwine it, and the Statute Book will reflect the new release from fear in a greater generosity and a closer approximation to the moral standards which influenced the young idealists of Fort Hare.

Are those moral standards confined to visionary academicians? As we ask the question, we find ourselves stumbling upon yet a further explanation of the divergence between the opinion of young South Africa and the laws approved by the Union Parliament. The moral standards which some of us have learned to associate with Christianity at its best, which were obviously the inspiration and the very condition of being of the Fort Hare Conference, are not necessarily accepted by our legislators. "Self-preservation, the first law of life" is a motto which must produce very different rules of conduct from those built on the great saying "he that would save his life shall lose it." Beneath the economic controversies, the lists of statistical information, the clichés of nationalistic propaganda, lies the fundamental issue. From the pages of our Bible ring the words: "Am I my brother's keeper?"; "Who is my neighbour?"; "Do unto others as ye would they should do unto you." They challenge an answer. Do we or do we not accept them? Is there ultimately any common ground between those who build their rules of conduct on acceptance and those who do not? Do those who in Parliament mould our legislation accept these principles as applying to all human relationships, or do they not?

If I were asked to advise a man who sought for himself not a

comfortable life as a politician, not present reputation nor immediate popularity, but recognition by future generations as a statesman, a builder of peoples, a servant of truth, I should bid him " Take the side of Youth and hold to it. Fight above all against the middle-age of the soul. Pray that, as one of those whom the gods love you may, whenever you die, die young ! " If he recognised that he would be all his life " a voice crying in the wilderness " I should, greatly daring, bid him finish the quotation as, greatly daring, I finish it for you now : " Prepare ye the way of the Lord : make straight in the desert the highway of our God. Every valley shall be exalted, and every mountain and hill brought low, and the crooked places shall be made straight and the rough places plain, and the glory of the Lord shall be revealed and all flesh shall see it together ; for the mouth of the Lord hath spoken it."

CHAPTER II.

NATIONALISM.

IT is a platitude to say that no political movement in South Africa since the formation of the Union has had more influence than nationalism. To it lives and reputations, great intellectual ability and high idealism have been cheerfully and wholeheartedly devoted. It is not something to be dismissed lightly. Like all causes which have called forth passionate enthusiasm, it demands respect even from those who may not agree with it in all its manifestations. Like all movements which have attracted large numbers of men it contains at least some element of truth.

And yet, in practice, few factors have worked more persistently against the true interests of the Bantu, or more constantly hindered their advancement. How comes it that a movement in itself perfectly intelligible and from many points of view valuable and right should have produced such unfortunate effects?

The term "nation" is used in many different senses, and indeed a certain confusion of thought has gathered round the whole philosophy of nationalism. Little purpose would be served by quoting a number of divergent definitions, but a few propositions may be laid down which would command the general adherence of most of the different schools of thought.

Firstly, there is an element of artificiality inherent in the conception of a "nation." If a "nation" is to be distinguished, as presumably it must be, from a state, a natural geographical area, a race in the true sense of that much-abused term, or a language-group, it must have in it an element of conscious creation. More especially must this be the case where a nation arises in the politically self-conscious twentieth century, and where it is a composite body made up of different language-groups with different traditions. The evolution of the Afrikaans language-group in South Africa has been, relatively speaking, natural and sub-conscious, even allowing for a certain amount of conscious suppression in the case of the Huguenot immigrants and their language. No one doubts that Afrikaans-speaking South Africans form a part of the South African

“ nation ” as that term is commonly employed. There are few who claim that no other inhabitants of South Africa should be comprehended within the “ nation.” But any further developments are bound in the nature of the case to be conscious developments, and as such to contain an element of artificiality as against the more natural processes of a less sophisticated age.

From this it follows, in the second place, that the essence of national sentiment is *will*. In the last resort, the only definition of a nation that covers all the cases in existence is substantially that a nation is a number of human beings who will reciprocally to regard one another as a unity. The importance of this definition for South Africa is patent.

It makes at once obvious the difficulty with regard to the Bantu. For they are clearly not within the self-constituted “ South African nation ” at all. For the illiterate majority, the question has not arisen. The educated minority would greatly welcome a frank admission to citizenship, but, as that seems to them impossible, a few have been drawn to the cause of a separatist Bantu nationalism and many to a sentimental alliance with the less nationally-minded elements of British South Africa. We have here faced the situation as it is. Those who know the Bantu leaders best, however, would be the first to recognise their readiness to come into the national fold if their White rulers would let them.

But against such a development nationalist *feeling is all but unanimous. Those who would be willing to see the Bantu treated as an integral part of the South Africa community are in general thinkers for whom the philosophy of nationalism would have little attraction. A very few liberal nationalists—may their number increase !—can find a place for the Bantu in their theory of politics, but they would be repudiated by the overwhelming majority of their fellow-nationalists.

Herein lies the significance of the tremendously successful nationalist movement for Bantu aspirations. In no way con-

* I need hardly say that “ nationalist ” (spelt with a small “ n ”) is used in its general sense as describing a world-wide type of political thought. When a member of the National Party in South Africa is indicated the word is spelt with an initial capital.

ceived as an anti-Black movement, South African nationalism has become so, as a result of the psychological impossibility of including the Bantu in a programme appealing inevitably so largely to sentiment and emotion. If the ideal of the nation is to dominate South African political thought, and if the Bantu are to remain forever excluded from the nation, it is clear that they will tend to be regarded, as they are to-day, in the light of an exceptional phenomenon, an *imperium in imperio*, inevitably excluded from the real benefits of membership of nation and state alike.

Every just and magnanimous nationalist must feel dissatisfied with such a position. Hence nationalism has quite naturally become identified with policies of segregation. If, in areas specially set aside for them, the Natives can live their own life and evolve a national ethos of their own, justice can be done to them whilst preserving the cultural and racial purity of the South African nation as hitherto envisaged.

The question of segregation will be discussed at some length in the succeeding Chapter. In order to make the position clearer, let us anticipate the conclusions there arrived at, namely, that complete segregation or anything approaching it is absolutely out of the question owing to the (not necessarily unjustifiable) refusal of the White community to make the necessary sacrifices of land and labour, that the majority of Natives will in course of time live in European areas, and that the strong and persistent influence of the higher civilisation will continue to break down tribalism and separatist Bantu culture. If this is so, it becomes clear that the philosophy of nationalism involves very grave dangers to the South African State. To treat as an inassimilable minority a majority which is being subjected daily to the strongest influences of assimilation is to refuse to recognise facts.

It would seem that there are four ways open to South Africa, as we study here problems of colour relations from this angle.

There is, in the first place, the way of segregation, so genuine and thoroughgoing as to place a very decided majority of the Bantu in their own areas and to prevent culture contacts of such a nature as would tend to encourage common ideals and loyalties between them and their White neighbours. Such a picture is

Utopian, and no South African who knows the facts and honestly faces them can seriously treat this policy as something that is really likely to happen. Those who feel otherwise must suspend judgment until we have discussed segregation more fully.

There is, secondly, the way followed by present-day nationalism, which must ultimately lead to a colour oligarchy endeavouring to rule a growing black proletariat, carefully prevented from having common loyalties and common interests. It is a policy so inexpedient and so unjust that few are prepared to defend it directly, and what its own adherents think of it is shown by the fact that when challenged they always raise the banner of segregation, thus proving that they are at least not satisfied with what the results of their policy must be if segregation proved impossible.

In the third place, there is the way of liberal nationalism. The nationalist philosophy of politics would be preserved but the nation would include Bantu, Coloured and Indian South Africans. This is a noble picture which has long attracted some of us, but which on the whole seems quite incapable of realisation. It is no disparagement to nationalism to say that of all forms of political doctrine it is the one which relies most on sentiment, strong emotion, and tradition. All these forces are in South Africa hostile to the inclusion of non-Europeans in the body politic. Hence the combination of the factors essential to a popular nationalist movement with the factors essential to the inclusion of Native, Coloured and Indian interests in a national policy is impossible.

There remains a fourth way—namely, the frank recognition of the fact that nationalism as here understood is an unsuitable philosophy of politics for the Union of South Africa, and that, while much of its cultural programme may be of permanent value, its political and economic tenets are incompatible with the essential conditions of South African life.

Before going on to ask what picture nationalism has of the future of the Bantu, we may, however, raise one further issue. The economic pressure to which the Bantu have been increasingly subjected since 1924 arises principally from solicitude for the class known as "Poor Whites." This solicitude is the result,

not only of new economic theories or of any radical or socialistic creed, but also of a feeling on the part of nationalist thinkers that the Poor Whites represent a submerged part of the South African nation. Bantu encroachment is to be resisted, not only because the Poor White may starve but also because he may under pressure of living conditions betray his colour and mix his blood with members of the Bantu proletariat. No doubt there are feelings of genuine compassion which mingle with these racial considerations, but a great part of the driving force which leads parties and governments to restrict fields of employment for the Bantu in favour of the Poor Whites is nationalism. Here is another illustration of the immense importance of nationalism in relation to Union Native policy. For no part of that policy has done more harm to the Native, nor been a greater cause of awakening bitterness in his soul, than this economic discrimination against him all over the country in fields of work which he had begun to regard as peculiarly his own.

Economically the Poor White, the Coloured man and the detribalised, urban Native are in the same category. Yet no political party in South Africa, with the exception of the Communists, has made any serious or sustained attempt to draw them all together in opposition to capitalism. It is most significant that the Poor White proletariat of the towns does not in general vote for Communist or even for Labour candidates, but for some Party—whether the main National Party or not—which claims to be “nationalist.” They are not class-conscious. They prefer to join with their fellow-White men, even if capitalists, than with their non-White fellow-workers. Indeed, one of the results of the Poor White migration into the towns, so largely encouraged by the policy of the last few years, has been to reduce very greatly the relative importance of the Trade Union movement in South Africa. The change in the Railways in this respect has been extraordinary. As was long the case in the Southern States of America, as indeed still is the case there, the Poor White has sacrificed his economic to his sentimental interests, and the immediate economic protection offered him on colour lines, whilst a very useful palliative, gives him no security for future development.

What is the future development of South Africa as seen by nationalist thinkers? What, in particular, is the aim with regard to the Bantu?

In the absence of any very clear formulation by nationalist thinkers themselves, we must try to work out in our own way the implications of their policy. We may do this with greater chances of success if we proceed by the method of elimination. What solutions are inadmissible from the standpoint of nationalist theory and practice?

We have ruled out for us by the essential circumstances of the case a grouping of the Bantu with the Europeans as an integral part of a single South African community. The most that nationalists will concede is two nations within a common state, and as has already been stated the contrary view of a few liberal nationalists need not detain us.

We may further rule out the association of the Bantu with other Africans in a great movement of pan-Africanism. Such a movement would be regarded by most nationalist thinkers as highly dangerous to White supremacy. That this is a fair statement may be illustrated by the very strong opposition made to the idea of incorporating the Rhodesias with the Union, the frequent references to "Kafir-states," and the obstacles thrown in the way of American Negroes suspected of propagandist ideas who have from time to time wished to visit the Union.

We must also exclude mere tribalism as a solution. Nationalists, indeed, tend to favour the tribal system, logically enough, as forming part of a distinctive Bantu "ethos." But the policy of nationalist thinkers goes further. We may take General Hertzog's Bills of 1926 as an indication, supported as they were by all Nationalists with a capital "N" and by some nationalists with a small "n" in the ranks of the South African Party. In these Bills, Natives are, it is true, separated from everybody else (European, Coloured or Indian) for voting purposes, but *not from one another*. Constituencies are not formed on tribal lines. The proposed Union Native Council would have had the same effect of bringing all Natives together, though apart from the rest of the community. Indeed Union legislation, since 1910 and not merely since 1924, has abounded with

examples of this classifying of all Bantu groups together as "Natives," whatever differences of language or custom may exist between them. The very fact of their differentiation from the European has driven them closer to each other. Social practice has had similar and even more far-reaching effects. The only legislation which moves timidly in the direction of perpetuating tribal differences is the Natives Land Act Amendment Bill of 1926, the Schedule to which ear-marks certain Native areas for specific tribes—or, to be more accurate, specific language-groups. All Bantu nationalist movements, even when they favour the retention of power by the chiefs, tend in the nationalist direction. They look on the South African Natives as a single group, a nascent nation.

By this process of elimination we are driven to define the Nationalist programme for the future of the Natives—not unfairly, it is submitted—as the building up side by side with the (White) South African nation of a parallel nation. For shortness' sake we may call this the Bantu nation, though "Bantu" is of course originally a philological term. The Bantu nation will embrace all the Natives in the Union of South Africa, and it will be kept clear by sharp lines of distinction both from Europeans in South Africa and also from Natives outside the Union borders. Such a creation would be in a very high degree artificial, but it would not be impossible. Would it be wise and right?

Because the majority of nationalists are deeply concerned for White supremacy, or at least White self-preservation, in South Africa, it may be pertinent to ask what reaction the creation of a parallel Bantu nation would have on those ideals.

We are to picture the South Africa of the future as consisting of two groups—for here we may at the moment ignore the Coloured and Indian groups, although it is not certain that they would not take sides. One of these groups would consist of Europeans. They would represent the bulk of the employing classes and large land-owners, as well as an increasing class of "Poor Whites." The other group would be a Native one. Its members would represent the majority of the agricultural, and probably also, in spite of the "civilized labour" policy, the

industrial proletariat of South Africa. They would be living partly in Native Reserves scattered about among White areas and largely dependent economically on men working for wages in such areas, partly on European farms, partly in the towns. The majority—an increasing majority—would have no land rights in Native areas. Here then would be a subject-race, which was at the same time a proletariat, asked in a shrinking world to keep clear of both pan-Africanism and Bolshevism, and to be contented with a permanently inferior position in its own land. It would have become by education and experience group-conscious. It would have constantly dinned into its ears theories of nationalism and before its eyes examples of nationalism in practice. It would organise in self-defence. And it could not be otherwise than that that organisation should be of an anti-White character. What other result could conceivably be expected? Yet is it the end at which the nationalist thinker, desiring White supremacy, would designedly aim?

On a much smaller scale, do not the same arguments hold good of the Indians in South Africa? The formal basis of the famous Agreement between India and the Union was the acceptance of the Indians as an integral part of the South African community, in exchange for India's acceptance of the immigration restrictions and co-operation in voluntary repatriation. Yet public opinion makes quite impossible the full carrying out of the principle of Indian citizenship in South Africa. No policy of Indian franchise is likely to find favour. Indians are in practice excluded from the European Universities as well as, of course, from the Schools. As far as the law allows, they are segregated in public offices, and on the Railways must travel with Coloured men and Natives, not with Europeans. From time to time discriminatory legislation is mooted with regard to them. Can it be expected that they will form yet another nation—a kind of "Indo-South African" nation, cut off at once from fellowship with their fellow South Africans and their fellow-Indians in India?

Coloured men and Indians cannot, in the nature of things, associate themselves with a Bantu, any more than with a European, nationalism. If we are to have a minimum of four

“nations” in South Africa, hedged about with innumerable divisions and restrictions, we shall have entered upon a new caste system. Such a caste system is seen in South African social life to-day as one watches the Coloured community raising against the Bantu exactly the same type of barrier as the Europeans have raised against them. What part will Coloured and Indian thinkers play in the drama of South African history? Will they accept the new caste system? Will they accept a position of permanent inferiority to the White man, compensating themselves by the slight superiority of their position to that of the Native? Most of the indications point at present in that direction, yet there are powerful forces working against such a policy. The White man's prejudices have, for example, thrown all non-Europeans together in the field of University education. Excluded from European Universities, Coloured men and Indians have made for the “humbler fold” of Fort Hare. Fort Hare, instead of becoming as its founders expected a Bantu seminary, is developing into a non-European University. This is all to the good, but in the long run is it as wise for the European as would be the genuine throwing-open to all races of one of our leading Universities? The White man, anxious to divide in such matters as the franchise, has further thrown all non-Europeans together on the Railways and in many public offices. Suppose that the Indians of South Africa should produce a second Gandhi. Suppose that he should devote himself to bringing together all the castes of South Africa, not excluding the “untouchable” Bantu, in a great union of protest against the European oligarchy?

Nationalism alone shews us no way out of this and similar difficulties. But a philosophy of the State which was not built on mere nationalism would find as would none other a place in the South African sun for the Coloured man and the Indian. Were they to accept their position as potential reconcilers in the war of colours in our midst, several achievements of the past twenty years would become land-marks in Native policy. The final exemption of all Coloured men from the Pass Laws, the raising of the status of the Indian, would seem to the Native forward movements instead of new discriminations against him,

But that would only be greeted with equanimity if a very considerable body of European opinion also set itself against caste. The Coloured man will discriminate against the Native as long as the European discriminates against the Coloured man. Otherwise the coming-together of African, Eurafican and Asiatic would be fraught with grave dangers to European supremacy. Once again the best friend of White civilisation turns out to be the very man whom shallow and superficial thinkers have accused of betraying his race. Once again he who is willing to lose his life is the only one who can save it.

Would the Bantu themselves welcome race co-operation? For there are distinct movements of nationalism on the Bantu side of the colour line, and, though they are essentially reactions from European exclusiveness, they have none the less an importance of their own.

Perhaps the most interesting of these movements is the Bantu Separatist Church movement, frequently though somewhat incorrectly referred to as "Ethiopianism." There are between three hundred and three hundred and fifty of these sects. A list which I was able to obtain in August, 1932, and which is printed as Appendix B, contains three hundred and twenty-six names. No less than seventy-six of these begin with the word "African" (e.g. African Zulu Methodist Church, African Seventh Church of God, African Christian Baptist Church, African United Brethren Church of St. Moravian, African Seventh Day Zulu Chaka Church of Christ) thirteen with the prefix "Ethiopian," sixteen with the word "Native" and nine with "South African." Among the others are, e.g., the Gaza Church, the Holy National Church of South Africa, the Independent Ethiopian Congress Mission, the National Church of God Apostolic in Jerusalem, the New African Ethiopian Church, the St. Philip's Ethiopian Church of South Africa, the Transvaal Basuto Lutheran Church, and the Zion Holy Church Nation of South Africa.

There are a very few bodies in this list which conform to the normal Protestant picture of a Church as regards size, stability, and standard of faith and morals. Most ought not to exist as independent bodies. But almost all have in them some element

of nationalist reaction against unimaginative or overbearing White superintendents, colour bars in the United Church or lack of opportunity and responsibility for the Native clergy. Many are formed from unworthy motives. More than one founder is a seceder who was under discipline in his own Church. Pride has played its part, as sometimes (tell it not in Gath!) among Europeans. Sometimes failure to devolve responsibility is due to the unfitness of the subordinate as well as to the unwillingness of the superior.

But the point to bear in mind is that all these bodies from the large well-known and respected African Methodist Episcopal Church down to the smallest and newest sect, with all their varying clergy—saints, honest labourers, politicians and charlatans alike—represent a great phenomenon of nationalism. What should be the least nationalistic of religions, whose founder and whose greatest Apostle were the victims of nationalist resentment, has become in the course of time, nationalist in many of its manifestations. As some branches of the Christian Church have discriminated against all Natives as such, the Bantu have formed their own Churches, sometimes tribal, sometimes “national,” but always discriminating against Europeans and sometimes—though probably not as often as reputed—anti-European in tone.

To form these separatist bodies into one great United National Bantu Church is the ambition of the African Native Congress, the greatest and most important Bantu political organisation. Here we have exactly what European nationalism seems to have been aiming at, yet it is surprising that the Congress is not at all popular among European nationalists. Can it be, after all, that nationalists are really striving for their own “nation” rather than for the principles of nationalism in general?

Nowhere are the effects of nationalism seen more interestingly at work than in the Schools. For in the Schools we have gone a step further than anywhere else and not only divided Coloured, Indian and Natives from ourselves and from each other, but have formed separate Afrikaans and English-medium Schools, and during the last two years have gone a long way in the direction of introducing the same division into our Universities. We

thus have at least five different groups of Schools and (so contagious is the disease of nationalism) movements that all the world over have stood for international co-operation have been sub-divided in South Africa into as many as four different groups, based on race. If such is the unhappy fate of the Boy Scouts and Girl Guides, what can we expect of the Schools !

It might have been expected that Native education would be specially affected by nationalistic theories. One of the most important results of these beliefs has been the adaptation of syllabuses to Native requirements—in itself a good thing—and a constant criticism by nationalistically-minded authorities of the subjects taught and the way of teaching them. They aim at giving the Native not necessarily what he wants, but what they think he ought to want if he were a good nationalist.

There is no doubt that education must be moulded to the past experience and present needs of the Native people, but this holds good for Europeans too. In essence it is simply a matter of taking social heredity and environment into account. It is true that a child in Sekukuniland could do more useful problems than working out the cost of carpets or the velocity of motor-cars, but this is also true of the European child in the *Platteland* and it is not true of the Native child in Johannesburg. Our educational system has been greatly influenced by nationalism and in no way more than by the stress laid on the existence as a separate science from general education of something called "Native education," which must be applied to all Natives wherever they may be, and to no one but Natives. Education becomes, then, more an affair of national groups than of individuals, and such has been the unfortunate side of nationalism in its relation to education in the Native schools, although in its insistence on respect for past tradition and experience and caution in breaking down the old possessions of Bantu life it has done good.

Perhaps the most interesting point on which to fasten is that of the medium of instruction. Here theories of nationalism are exercising a very marked influence. Nor is this surprising. Language has become in South Africa more than mere language. As between South Africans of British and Dutch descent it has

become a symbol of political equality. Valuable as are the psychological and pedagogical arguments for mother-tongue instruction in the schools, the real force behind the demands made for it is almost always national sentiment, of which the other arguments are in general rationalisations.

The bilingualism of White South Africa has had important repercussions on Bantu education. Nationalist thinkers have perfectly logically argued from their own experience and, where they have taken an interest in the education of the Native, have advocated mother-tongue instruction, which has the additional advantage of perpetuating a cultural segregation. Those, on the contrary, who have abandoned the philosophy of nationalism think of English as a desirable *lingua franca* for all South Africa. Probably, if they could have their way, many of them would abolish Afrikaans as an official language. With these arguments mingle sometimes less worthy motives. Ignorance of the Bantu languages rationalises itself into educational theories that make them unnecessary. Few are willing to face the problem purely and simply as an educational one.

The existing bilingualism of South Africa makes it all the more difficult to encourage tendencies which might one day turn the Union into a quadrilingual country. The utmost simplification of the Bantu languages must leave us with at least one language of the Nguni group (Zulu or Xhosa) and one form of Sotho. Curiously enough it is those who are most attached to bilingualism who are keenest to see the Bantu languages developed. Thus in the Orange Free State a nationalist philosophy of education has led to English, Afrikaans and Sotho being taught in some Schools, whilst there are Schools elsewhere where English holds the field alone. It seems as if trilingualism or unilingualism may be advocated for Native Schools in the Union, but not bilingualism.

The Bantu themselves are far less eager champions of their languages than are their European nationalist friends. In recent years a controversy has arisen in the Transvaal on the question of the substitution of the vernacular for English as the medium of instruction in primary Schools. The protagonists of the change were Europeans. Bantu parents were in many places loud in their opposition to it.

English has stood to them in the past as the symbol of the more powerful culture of western civilisation, as the key which opens the door of success. They realise its unique economic value. They know that no man can make a fortune in South Africa unless he knows English. They realise that the employment market takes little account of nationalistic theories, and that the best knowledge of Thonga or Venda will carry a Native a very short distance when he comes to work on the Witwatersrand.

Mingled with this no doubt is a certain cultural snobbery, an undervaluation of their own tradition—the kind of attitude which among Afrikaans-speaking people has so often exasperated the leaders of the arduous and successful crusade for cultural nationalism.

If the Bantu are to be absorbed into the general life of South Africa, it would seem right that their languages should gradually give way to the official languages of the country. One says it with regret. But a quadrilingual South Africa is manifestly impossible; and if the Bantu are to be denied recognition on equal terms, it is better that the practical considerations which they themselves so fully appreciate should have full sway. From pedagogical motives, we are bound to believe in mother-tongue instruction in the lower standards as the only way of preventing the divorce of the school from the home, of education from life. But no attempt should be made to parallel in the Bantu world the Afrikaans movement which has led to Afrikaans medium from the Grades to the Doctorate. The Bantu languages should be gradually superseded by English or Afrikaans as medium after the lower Standards, while during the full school course Afrikaans, English and the Bantu languages should be taught as subjects.

Language is not the only sphere in which theories of nationalism have influenced Bantu education. They have operated in the quite unexpected sphere of finance. Nothing but an ineradicable habit of thinking on lines of nationalism could justify the fiscal separatism which insists on Bantu education being financed from tax revenue paid by the Bantu, and the starvation of Bantu education as a result of the poverty of the

people. It is to be observed here that Coloured education, though supported at a much lower cost per head than European education, is nevertheless financed from general revenue, and the question is never raised as to whether the Coloured community gets more than it gives. Not without interest is the fact that, while European, Coloured and Native children are educated in separate sets of Schools, the syllabuses for European and Coloured are in general the same and differ from the Native syllabuses.

We are often told that discrimination does not necessarily mean worse treatment. The Native takes this statement with more than a pinch of salt. Educational discrimination means for him in general worse Schools, poorer equipment, fewer, worse-trained and more wretchedly paid teachers, a lower expenditure per head and a poorer provision for advanced training than for the Coloured man. Knowing the history and traditions of South Africa he can understand the position, but he sees that the Coloured man who is included, though as a second-class partner, in the body politic gets the necessary funds, while he receives mainly high-sounding phrases about the sacred rights of national culture and the value of "developing on his own lines."

Finance is intimately bound up with Administration, and administration furnishes another field of application for nationalist principles. It is the picture of the Bantu as a separate nation which alone can explain the principles of the Native Administration Act of 1927. That Act has not gone so far as thoroughgoing nationalism would have wished. Its main principles have been tempered by the practical wisdom of experienced officials, so that the separate system of administration does not apply in certain Cape Districts where Native Commissioners have not been appointed, the special powers of the Supreme Chief do not apply in the Cape Province at all, and the provisions as to the recognition of Native Law are so flexible in wording as to allow the Native Appeal Courts to recognise the actual position of detribalised Natives. Nevertheless the Act goes a long way in the direction of recognising all Natives as forming a single group, which must as a group be differently

treated from the White group, almost as a matter of principle. In so far as educational administration is concerned, the nationalist principle has not won the day. Education, Native no less than European, continues to be controlled by the Provinces. In so far as this constitutes a recognition of the essential unity of education, it is a matter for satisfaction. There are, however, objections. Up to the passing of the Native Taxation and Development Act in 1925, there were startling differences in the amount of financial support accorded by the different Provinces. Less variation now exists. The change has been brought about as a result of the budgetary control over the Native Development Fund, exercised by the Minister of Native Affairs upon the advice of the Native Affairs Commission. A carping critic might instance this as a further proof of the application of the nationalist principle, but it is probably due to the accidental presence on the Native Affairs Commission in 1925 of two eminent educationalists. One of these is no longer a member, and whenever the other comes to be replaced there is no guarantee that his successor will have had educational experience.

A further objection to Provincial control is the unnatural severance of education from other fields of welfare work. Agriculture, for example, falls under the Native Affairs Department. To minimise the danger of such a divorce between what is called "scholastic" education and forms of extension work, adult education and "education for life," Southern Rhodesia has set up a Native Development Department, which is serving as a model for other African States. Ought the Union to follow the same course, if education were taken away from the Provinces, or if a Union Board or Bureau were set up to supervise the Provinces in their control of Native education?

Should such a Bureau fall under the Union Education Department or the Native Affairs Department? Agriculture, as we have already seen, has gone to the Native Affairs Department. Health, on the other hand, remains with the Union Department of Health.

If no Native Development Department of a general character is to be created, it would probably be better for a Bureau, of the type here referred to, to fall under the Union Education Depart-

ment. The growing, and perhaps the inevitable, bureaucracy of the Native Affairs Department is not the best atmosphere for educational experiments. The Union Education Department would undoubtedly welcome an extension of its functions, and would look with pride on its new acquisition. Expert educational advice would be always available, and would not depend as it does now on happy accidents in the composition of the Native Affairs Commission.

Were we to follow the Rhodesian example, and create a Native Development Department, our difficulties would not yet be over, for Rhodesia has had considerable trouble in deciding what Minister should be Parliamentary head of the Department. Should it be the Minister of Native Affairs or the Colonial Secretary? In the Union, the corresponding Minister would be the Minister of the Interior, who has for many years held the portfolio of Education along with his own, though this combination is not constitutionally necessary. The decision is of some moment, more so perhaps in the Union, where the Act of 1927 has vested the Minister of Native Affairs with such far-reaching powers, than in Southern Rhodesia.

Two considerations which somewhat differentiate the Union from the Colony should here be mentioned. Complete parallelism is more difficult in the Union than in Rhodesia, for reasons of land and industrial development: hence the creation of a parallel Department for all welfare services might possibly be a step in the wrong direction. Secondly, the existence of the Provinces is almost dependent upon their continued control of education. Feeling in certain parts of the Union is strongly in favour of the retention of the Provincial system, and while the Provinces might accept with equanimity the loss of Native education if that were all, they might object to such a transfer as being "the thin end of the wedge." Needless to say, this particular complication does not exist in Rhodesia.

But what may well turn the scale in the Union, is precisely that principle of nationalism which we have been discussing, and which involves a creation of a separate united and parallel Bantu nationality. Without having to come to any final decision on the matters under discussion, we may content ourselves with

showing how every possible part of the area of Native education, from the mountain-tops of educational theory to the arid plains of administrative detail has been influenced by the nationalism which has pervaded the atmosphere of South Africa during the last two decades.

Before we pass to a final summing-up of the advantages and disadvantages of nationalism as it affects South African Native policy, it may be well for us to devote a short time to studying the movement in relation to the outside world.

Bantu nationalism, as understood in this study, must have natural affiliations with certain world movements. More especially the driving of all Black men together, and their careful separation from other sections of the community, cannot but encourage pan-Africanism. In the nature of things, most pan-African movements tend to be anti-White, hence the terrified severity with which nearly all Colonial Governments in Africa tend to treat such movements. Is it sound and wise policy for the Union to place its Bantu people in such a position that they feel naturally closer to Bantu groups under a foreign flag than to the White and Coloured citizens of their own country ?

☞ Bantu nationalism must also reach out towards Bolshevism. How could it be otherwise ? If there is a clearly defined proletariat anywhere in the world, it is in South Africa. Happier or wiser countries postpone or altogether avoid a Marxian " class war " by the creation of common interests, by open doors of opportunity enabling the ambitious member of the proletariat to escape into the governing class, at the very least by ostentatious professions of a single national unity transcending class distinctions. In South Africa we follow a different course. We try to prevent the multiplication of common interests, we close almost every door of opportunity, and we loudly proclaim the impossibility of union in a single nation. Class becomes associated with something definite and tangible such as colour. The stage is inevitably set for the " class war." As a member of the *bourgeoisie* myself, I hope it is not set for the " dictatorship of the proletariat." As a liberal, I believe that only swift and far-reaching reforms and many more opportunities for self-realisation on the part of the Bantu can ensure the impossibility

of such a dictatorship. I insist, and mean to keep on insisting until the people of South Africa grasp the truth, that those who are fighting the battle of the Bantu are the real friends of the White man and of the whole South African community. The Bantu will gain immeasurably more by co-operation with the White man than by the class war which is also a colour war, even if they were successful in it ; but what is one to advise them if year after year requests, petitions, protests made by constitutional methods are made in vain ?

Many nationalists will rejoin that the policy of segregation aims precisely at giving the Bantu opportunities which they do not now possess of rising in the social scale " in their own areas." They will claim that the nationalist picture of South Africa is one of two nations side by side each with its own capitalists and its own wage-earners. They will point to the feudal character of Bantu society and the wealth of a few occasional chiefs.

But so long as the nationalist policy of segregation involves the retention of Natives as the labour-force of South Africa's primary industries—gold-mining and agriculture—the Natives will remain essentially the proletariat of the country. The " Poor White " road-maker or railway labourer will remain a hanger-on of the capitalistic class to which his colour binds him. The opportunities of rising will be given in those areas (e.g. the Transkei) where there is least likelihood of a "class war " and denied in those areas, such as the Witwatersrand, where every element—including European precept and example and organised Communism—is present to fan it into flame. Nor will the difficulty be removed by the mere passing of repressive legislation such as the Riotous Assemblies Act Amendment Act. Revolutionary movements can only be checked by removing grievances, not by removing agitators. The Communists themselves, with their philosophy of force, cannot logically complain if force is used against them. But the average citizen who is not a Communist cannot but be disquieted when he sees the liberty of fellow-citizens many of whom have good intentions and high motives arbitrarily interfered with, while the grievances of which they complain go unredressed.

No way out seems possible so long as the dominant note in

South African thought is a nationalism which finds no real place in the nation for three-fourths of the population of the country.

The most effective counter-movement is one at which most Communists would sneer. The missionary Churches, in whose hands rests almost entirely the direct control of Native education, do tend to link the Bantu up with the outside world in a way which binds him to, rather than separates him from, the White community. So many exceptions must be made that one is almost afraid of referring to the idealised picture of the Church, One, Holy, Catholic and Apostolic, which means so much to many of us. Is the multiplicity of sects, are the colour-bars in the Churches and the self-protecting nationalism of some missionaries, not incompatible with such a picture? It may be so, yet the sober facts remain that the Churches are largely international, do in general stand for an inclusive policy in which Black as well as White form a part, and are a powerful agency fighting against the more extreme forms of exploitation. Especially in education is the combination of the Christian outlook of "inclusiveness" with the Renaissance humanism and the extra-national attitude of modern science a powerful agency to unite in spite of all the efforts of other agencies to divide.

As is well-known, not all African powers favour the building-up of separate African nations in their Colonies. In general, Portugal and France have set themselves to carry out a gradual policy of assimilation. They are large land-owners in Africa—France is the largest—and their policy is therefore of importance. How comes it that they should think on lines so different from those popular in the Union?

Is it not the case, perhaps, that, apart from more sordid motives, the different ruling powers in Africa are trying to give the Natives the best suggested by their own experience. In a unique way, France is the inheritrix in Africa of the Roman sceptre of empire, and of this she is definitely conscious. Her own experience is one of conquest by a higher culture. She is proud of the Latin speech and outlook which the conquerors have bequeathed to her. Indeed she is herself in thought one with the conquering race. It is logical that she should desire

rather to give the African the best of that Graeco-Roman culture which she herself has assimilated than to preserve his own "barbarous" way of life. Portugal, though a less representative country, is in much the same position.

When Germany was an African power, she stood at her best for the opposite policy—that of the preservation of African life and languages as little contaminated by civilisation as possible. Was not that, too, based on her own experience? For, while not ignoring the influence of the Holy Roman Empire, Roman Law and the Roman Church in German history, it is surely fair to look on Germany as the most distinguished, if not the purest, representative of the Teutonic north against the Latin south.

If this theory were to seem doubtful, should we not be finally convinced of its truth when we recollect that the two Colonial powers which have taken up an intermediate position between assimilation and preservation of the African culture—Great Britain and Belgium—are precisely the two African powers which have had mixed Latin and Teutonic influences at work in their cultural history?

Now, let us look at the Union of South Africa. Nearly half of its governing community is of British stock, and has inherited the somewhat hesitating British outlook on African policy, influenced still further in the direction of differentiation by South African conditions and the attitude of the older White population. Rather more than half of the ruling race is Afrikaans-speaking. Its main lines of descent are Dutch, German and French in the numerical order stated. The Dutch and German inheritance is obviously not assimilationist, and the French immigration was a fruit of the persecutions of Louis XIV based on the Latin ideal of "*un roi, une foi, une loi.*" If we add to this the epic struggle of Afrikaans-speaking South Africa against anglicisation and for physical self-preservation against what a century ago were savage tribes, we can well understand that, Germany having disappeared from the map, the Union of South Africa is the one African state where parallelism is closest, and assimilation furthest removed, from the experience, inheritance and tradition of the ruling group.

And yet—such are the contradictions of South African life—

there is not one territory in the continent of Africa where the economic factor is more decidedly on the side of assimilation. While France is attempting in West Africa the almost impossible task of latinising a huge Black population with the assistance of a negligible number of French settlers, South Africa is vainly trying to develop a separatist Bantu nationalism in a country where a large and increasing White population is inextricably bound up with the Bantu in an economic unity, and where the absence of adequate Native Reserves and the presence of the Witwatersrand combine to render any thoroughgoing policy of parallelism impossible.

We shall understand the unhappiness of South Africa better, if we think of her as a case of maladjustment. Her sentiments and traditions are incompatible with the practical circumstances in which she has to live. Nationalism is strong enough to maintain the sentiments, but not strong enough to destroy the conditions which render the satisfaction of the sentiments impossible. Hence its basis of despair and its frequent petulance. The Witwatersrand gold mines have alone made possible the building of well-equipped Schools and Universities, where frequently a nationalism is preached which must come into conflict with the modern industrial internationalism—that internationalism which alone has transformed South Africa from a collection of primitive, pastoral republics and colonies into a modern State. A deep disharmony pervades the body politic of South Africa, and some of the best men shrink from facing facts which are so clearly disquieting. Can the economic development of South Africa be effectively checked and reshaped, or must not nationalism of the older type be sublimated by a larger idealism, and one more in accord with the facts of South African life ?

We may now pass to the last phases of this study, and ask ourselves what are the fundamental advantages and disadvantages of nationalism as applied to South African Native policy since 1910.

Nationalism has been of advantage, in so far as it has acted as a brake on over-hasty and ill-considered inroads into Bantu life. Those who have done most to break down the old traditions are

not missionaries so much as employers of labour anxious to "get rich quickly," and among missionaries not so much high-souled idealists deliberately working towards the brotherhood of man as the lazy and unimaginative who have not troubled to learn the Bantu languages and have despised the Bantu customs. As the Pope has said "Everything which enables our missionaries to understand or to be understood is good," and nationalism, by its insistence on the preservation of the better elements of the old culture, has done something to make mutual understanding a little easier.

Nationalism has had a grip on the facts as regards the more backward tribal Native. Its application in the legal sphere—the recognition of Native Law—has been much more equitable than the refusal of our Courts in the Ciskei to recognise any essential legal difference between Black and White. It is precisely this grip on the facts which made the old Voortrekkers more reliable as regards Native policy than many of their critics. Modern exponents of Voortrekker policy have tended to save the body at the expense of the soul. In other words they have tried to apply the substance of the older policy to modern conditions, instead of maintaining the spirit of reverence for facts. For the conditions of 1933 are very different from those of 1833.

The type of modified nationalism which has led its exponents to defend the Transkeian system is also of advantage. Pure economic assimilationism might have been unable to agree to the system of Native Reserves, which in practice is the one thing which has preserved for the Bantu at least a portion of their ancient heritage. Freedom to acquire, or to dispose of land, like freedom to purchase liquor, would have been disastrous to the Bantu. Improvident as they are, most of the Reserves would have been disposed of by them to traders and moneylenders if simple assimilation had been the policy followed. Facts must be faced, and some elements of differentiation as regards the majority of Natives must enter into a wise twentieth-century Native policy.

But if nationalism has its virtues, it has also its dangers. We have already seen some of them. It has excluded the Bantu

from any real recognition in their own country, has hindered their economic progress, has caused intense bitterness among them, and has formed them into a solid block, capable of becoming virulently anti-White. It has fought against racial justice and destroyed racial peace.

In practice, as combined with the advocacy of an impossible segregation, it has left the Native no scope and has burned into the souls of some of his influential leaders the conviction that he has no future except what he can wrest from the unwilling White man by force, direct or indirect. It is dividing South Africa up into hostile and rigidly separated castes. Many races would have reacted to it in a way disastrous for themselves and their overlords. But the bulk of the Bantu have not yet arrived at the state of bitterness of some of their leaders. Like the American Negro they have learned to save their souls by laughter and a robust faith in life. Of all living peoples they are the best exponents of the Sermon on the Mount. Rightly did the Negro poet, Leslie Pinckney Hill, write :

“ We will not cease to laugh and multiply :
We slough off trouble and refuse to die.
The Indian stood, unyielding, stark and grim.
We saw him perish, and we learned from him
To mix a grain of philosophic mirth
With all the crass injustices of earth.”

In the remarkable address which he delivered at the opening of the Fort Hare Conference, Mr. J. H. Hofmeyr, M.P., put before the European and Bantu students there assembled the ideal of “ Diversity in Unity.” I do not need to apologise for putting before you, in the form of an extensive quotation from his address, conclusions which are essentially my own better expressed :

“ Unity in diversity is the goal of our endeavour. We must start with the plain fact of present differences in this country. There is room for difference in the family of God. These differences add to the fulness and variety of life. Their existence widens conception of the grace and fatherhood of God. If we ignore these differences, we are merely deceiving ourselves.

The better way is to direct our thought along the line by which we may deal with these differences.

“ Shall we do so by suggesting that one is a menace to another, that the gain of the one can be secured only at the cost of the other's loss ? Surely not. The effort to find unity in diversity is one of the most fruitful ideals that is before the world to-day. I want to suggest that in this country there are three lines of approach to it.

“ We may, for instance, in the first place find unity in interdependence. In the past the White man has done much for the Black man in South Africa, not only in the missionary and educational fields, and the Black man has also done a great deal for the White man. Industries have been built up on the labour of the Black man, and as an instance we need only ask ourselves what the position of the great gold-mining industry would be if it were not for the resources of Bantu labour. The White man and the Black man are still indispensable to each other, and a recognition of this fact will go a long way towards solving the problem of their living together in peace and harmony for the future.

“ Another line of approach is that of unity in service. South Africa is the home of the White man as well as of the Black man, and it makes a common call upon the service and loyalty of both. The more we obey that call, the less we shall hear of racial hostility, because the dark menace of race hostility will be transcended by loyalty to a common purpose. The Economic Commission of 1925 has made clear that the advance of the European in South Africa is very largely dependent upon the contribution of the Bantu, and that the advance of the Bantu is not at the cost of the European, but for the benefit of the European.

“ And finally there is the idea of community of worship. The deepest bond of union among men is worship of a common Father. Men must worship together if they are to learn to live together and work together. Let me remind you of the motto of the World's Student Christian Federation, ‘ That they all may be one.’ There is one Central Figure, and as we are drawn nearer to Him we shall find that we ourselves are drawn nearer to each other. Under Divine guidance men can learn to live together and work together in peace and harmony.”

Bearing in mind these profoundly wise words of advice, we shall do well to go forward seeking to fasten on every possibility of contact rather than of differentiation. "If we aim at unity" as has been well said "we get diversity—if we aim at diversity we get chaos."

The great work of nationalism in South Africa has been done. It has preserved us from a rather cheap anglicisation by snobbery and force—the tendency of the period 1902-1907. It has prevented us from insincerity, from pretending to be what we are not. Against such insincerity, such cultural snobbery, Bantu South Africa also needs protection, and to this limited extent a moderate and inclusive nationalism could still do good. But to carry on exclusive and intolerant nationalism in the spirit of a crusade in 1933 is to misread the signs of the times. Let us aim rather at the higher ideal of patriotism, and let us turn away from the conception of "nation" with all its limitations to the plain and much more important conceptions of the State and the individual. Let us make all South Africa the goal of our endeavours. And let us realise that South Africa can only be great if the individual members of the community, be they Black, White or Brown, are great. Let us treat individuals as individuals, as persons, entitled to respect, and to recognition on their merits, not merely as members of artificially defined and limited groups.

For the co-operation between European, Coloured, Indian and Bantu is not merely in the production of wealth. Our inevitable unity is more than an economic one. Physical disease knows no colour bar and neither does mental or spiritual disease.

As Shaw says in the Preface to *Major Barbara*: "What does this 'Let Him Be Poor' mean? It means, let him be weak. Let him be ignorant. Let him become a nucleus of disease. Let him be a standing exhibition and example of ugliness and dirt. Let him have rickety children. Let him be cheap and let him drag his fellows down to his price by selling himself to do their work. Let his habitations turn our cities into poisonous congeries of slums. Let his daughters infect our young men with the diseases of the streets and his sons revenge him by turning the nation's manhood into scrofula, cowardice, cruelty,

hypocrisy, political imbecility, and all the other fruits of oppression and malnutrition. Let the undeserving become still less deserving, and let the deserving lay up for himself not treasures in heaven, but horrors in hell upon earth. This being so, is it really wise to ' let him be poor ? ' "

The minute we admit the existence of an indissoluble economic partnership, we are carried further. The partnership which we must accept in the end, as Burke has said, " is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature," but " a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection."

CHAPTER III.

SEGREGATION.

IN one of his most beautiful poems, perhaps after " Lycidas " the greatest pastoral in the English language, Matthew Arnold depicts for us a magnificent dreamer, one who left the common ways of men for a severely practical reason but who became in the end so happy in his roaming life that he could never be brought back to the world of normal activity again. Infinitely elusive, the " Scholar Gipsy " has seemed to me an earlier counterpart of the South African segregationist,

" Still nursing the unconquerable hope,
Still clutching the inviolable shade "

Of him, as of the lost Oxonian, it is true that

" Most, I know, thou lov'st retired ground."

And we must join eagerly in Matthew Arnold's advice, so apt in twentieth century South Africa :

" But fly our paths, our feverish contact fly !
For strong the infection of our mental strife
Which, though it gives no bliss, yet spoils for rest : "

For the segregation fallacy is one of the most widespread and deeply-rooted in South Africa. The process of time has made it a vague dream, a Utopia " laid up in the heavens." Every year it becomes more and more impracticable, and, because its faithful adherents persist in treating it as practicable, more and more dangerous. Reluctant though one is to attack others, yet to expose segregation for what it is, for what history shows it to be, for what thinking men who know the facts recognise it to be, is no act of partisanship, but a necessary work of scholarship and research, a clearing of the ground which alone can make studies of the problems of race contact honest and possible. Its continued presence in our midst is a striking illustration of the pathetic way in which men cling to what in their heart of hearts they know is not true because they cannot bring themselves to admit that it is untrue. In the course of time it is producing in South Africans what a recent writer has called the phenomenon

of "the lie in the soul." Mid-way between repression and assimilation, it seems so desirable a *via media* as to make one annoyed if it is proved impossible for traffic. It enables the repressionist to mask his policies in fine phrases, and assists all South Africa to evade for the time being the unpleasant issues which form South Africa's practical life.

What a confusion of thought there is about it all !

There is, for example, the fallacy which I like to term the "fallacy of the next Magisterial District." Everyone is in favour of segregation—somewhere else. So while all favour it, no one finds the ground for it. Natal is full of fervent speakers who advocate segregation, but when the Native Affairs Commissioners visited Natal in connection with the Hertzog Land legislation they were told by the farmers : " Not another acre of land for Natives in Natal."

A Free State Farmers' Association is said to have passed two concurrent resolutions at one of its meetings, the one calling on the Government to prosecute a more vigorous segregation policy and the other complaining of the scarcity of farm labour. *Si non e vero, e molto ben trovato*. Ineradicably fixed in the minds of many South Africans is the fallacy which is so absurd that it would be wrong to give it the show of respectful impartiality, that segregation which makes a real difference in our social and political life can take place without any real sacrifice of either land or labour. There is, of course, a type of so-called " segregation " which is merely a diversion of Native labour from the detribalised, European areas of the towns to the detribalised European areas of the farms, from relatively high-wage to relatively low-wage occupations. Such a policy may have much to recommend it, but it is certainly not the type of " segregation " which is going to prevent political, administrative or social complications.

To many of these points we shall recur later. But in the meantime let us turn to the facts of history during the last twenty years, during all of which time a majority, differently made up and representative of various parties, has been professedly in favour of segregation in the South African Parliament. Although we are confining ourselves to the Native policy of the

Union, let us not forget that segregation had been the ideal (*mirabile dictu!*) of the early missionaries and of Lord Glenelg, that with the characteristic and very important modification of retaining a prescribed minimum of farm labourers in the European area it had been the policy of the Voortrekkers, that it had been recommended in a watered-down form by the Milner Commission of 1903-5, on which the Union Natives' Land Act of 1913 was based, and that it had been advocated by Shepstone. On every occasion the opportunity was let slip, and each time, as though the history of the Sibylline books were destined to reproduce itself in modern South Africa, the diminished opportunity was offered with no diminution of the price. Thus the Union began its career with a heritage at least eighty years old of belief in segregation as solving all things, a completely ineffectual belief, with the saving frontiers constantly receding as the White man followed South Africa's two most precious possessions—water and gold. Such was the historical background of the Union's first piece of segregationist legislation—the Natives' Land Act of 1913.

This celebrated Act introduced certain important restrictions on the Native, and recognised, though it did not itself supply, the necessity of giving him a *quid pro quo*. Very broadly speaking the object of the Act was to prevent the Native from acquiring more rights to land in European areas, while arranging that he should be provided with new areas of his own. The history of the past twenty years has been one of ever-increasing restrictions, coupled with a complete failure to provide the promised compensation so that the Native is (with trifling exceptions) no better off as regards land provision than he was when his rights of free purchase were interfered with in 1913. There has, in short, been a definite breach of faith.

It will repay the trouble to study, if we look somewhat carefully at the restrictions and then at the suggested lines of compensation.

The restrictive part of the Act by no means introduces complete segregation. It limits purchase outside Native scheduled areas (almost entirely consisting of Reserves and entirely in Native hands already when the Act was passed) to cases where the land is already in Native hands, i.e. where seller and pur-

chaser are both Natives, or to cases where the Governor-General may grant special permission for the transaction.

In the Cape Province, this limitation remained largely inoperative, owing to a saving clause which protected the rights of voters, actual or potential. As ownership of land is a franchise qualification, the Court held in *Thompson and Stilwell v. Kama* (1913) that an adult male Native might not, under the Act, be prevented from buying land freely. A woman or a minor would still be breaking the law by doing so. General Hertzog's Representation of Natives in Parliament Bill, in its 1926 form, would have gradually introduced the restriction into the Cape Province, as in place of an individual direct franchise based on ownership of land, it set up a system of nominated electoral colleges with no prescribed land qualifications.

In Natal and the Transvaal the Act took away a right definitely existing in the first case since the British occupation and in the second case since the Supreme Court decision in *Tsewu v. Registrar of Deeds* (1905).

In the Orange Free State, very considerable restriction already existed, and as regards purchase the Act only introduced one new restriction in the exceptional Thaba 'Nchu District, which was removed by the Moroka Ward Land Relief Act in 1924. The Governor-General is precluded from granting dispensations in this Province.

Similar remarks apply to the—in practice—much more important question of hiring land. The object of the Natives Land Act was to transform all Natives in White areas into either labour tenants or labourers, and to eliminate the various types of tenants who, whether paying in cash or in kind, did not actually work for the European farmer. These tenants, generally known as "squatters" were to die out gradually. In the Cape Province the same legal argument preserved the rights of the majority. In the Transvaal and Natal, no new contracts could be entered into, but existing contracts might continue and be renewed between the same Native and the same European on the same farm, provided *both* parties agreed. In the Orange Free State, little change was introduced in the actual law, but practice which had been very lax was brought into line with the

law. The Governor-General's special dispensation might be granted, as in the case of purchase, but this safeguard was not applied in the Orange Free State.

There are two ways of looking at these restrictions. In the first place, it will be admitted by all fair-minded men as it was admitted by the Union Parliament in 1913, that they do constitute a genuine loss to the Native, which calls for some definite compensation.

On the other hand, does the sum total carry us very far in the direction of segregation? The great argument for segregation is the way in which it is claimed to preserve White civilisation against Native demands for the franchise, economic competition or social admixture. Can it be fairly claimed that the Natives' Land Act of 1913 helps appreciably in that direction? It leaves the bulk of the Natives still resident in European areas. In the Cape Province, it not only introduces no appreciable change, but is a living sermon to the Bantu voter on the economic value of his vote. Its only effect as regards redistribution of population seems to have been a slight encouragement of the drift to the towns. The political situation remained so entirely untouched by it as to make it necessary for General Hertzog to introduce his Representation of Natives in Parliament Bill in 1926, the economic situation after thirteen years was thought to call for a Colour Bar Act, and the social problems were so little eased by 1927 as to make an Immorality Act necessary. No one would claim that the "Native problem" is easier of solution to-day than it was in 1913.

We pass to the *quid pro quo*. Section 1 of the Act imposes its restrictions "until Parliament, acting upon the report of the Commission appointed under this Act, shall have made other provision." Section 2 provides for the appointment of this Commission. It was to report within two years of the commencement of the Act on

- "(a) What areas should be set apart as areas within which Natives shall not be permitted to acquire or hire land or interest in land;
- (b) What areas should be set apart as areas within which persons other than Natives shall not be permitted to acquire or hire land or interests in land."

After various delays, and a statutory extension of its time limit, the Commission, popularly known as the Beaumont Commission, reported in 1916, recommending a set of areas thenceforth known as "Beaumont Areas," which are embodied in the Schedule to the Native Affairs Administration Bill of 1917.

The history of this Bill is most interesting and instructive. It proposed to make Natives preferential purchasers in the Beaumont Areas. This compensation for the 1913 restrictions was generally acknowledged to be not excessive, yet nothing like it has ever been offered since. The House of Assembly adopted the Second Reading, embodying the principle of segregation, without a division. But on the Schedule agreement was impossible. The Bill was referred to a Select Committee, and the Select Committee could not agree upon a Report during the Parliamentary session. Ultimately the Schedule was referred to five Local Committees, of which we shall hear more later.

Never was a more striking illustration of what the South African attitude on segregation really means. Lip-service to the principle was accompanied by a total unreadiness to face the sacrifice of detail involved. Many a man is elected as a segregationist, who would be rejected with contumely did he fight the election on the plank of more land for Natives in his own constituency.

With the land provisions of the Bill went also certain administrative provisions which were based on the division of land. For example the Native Affairs Commission, as proposed by the Bill, was to report on all matters affecting "Native Areas." It is significant that the Native Affairs Act of 1920—which represents what could be saved from the wreck of the 1917 Bill, as influenced by certain liberal ideas of the post-War period—creates the Native Affairs Commission as a body to investigate matters affecting "Natives," not merely "Native Areas."

There is another point which might be mentioned here. The Act of 1913 and the Bill of 1917 represent the first Union attempts to drive a wedge between the Coloured and the Bantu communities, and to place the Coloured on the European side of the dividing line, contrary to the old Republican practice.

The Local Committees reported in 1918, recommending a new set of areas which are generally known as "Committee

Areas." It may be noticed that these were very much less in total content than the "Beaumont Areas." So much had been permanently lost to the segregation policy within two years. Even so, they were not brought into existence. Three successive Ministries did not venture to face Parliament for the necessary statutory sanction; and when General Hertzog introduced his Natives Land Act Amendment Bill in 1926, thirteen years after the passing of the original Act, the compensation was still not made.

What the Legislature failed to do, the Administration tried to accomplish. In the two Provinces where the Governor-General's dispensation was applicable, the Department of Native Affairs decided to advise His Excellency in general to dispense with the restrictions in areas common both to the Beaumont and to the Committee Reports. It will be noticed that the area in which Natives could acquire land was still further reduced by this decision, and in those areas they could buy only by competing with Europeans in the open market—a right which they already possessed in the two Provinces concerned before the passing of the 1913 Act.

It is this last consideration which renders unimportant the apparent concessions in General Hertzog's Natives Land Act Amendment Bill of 1926. The Bill proposed to create "released areas" in all four Provinces, where Natives could buy land in competition with Europeans. In the Transvaal and Natal, it was merely a putting into statutory form of existing administrative practice. In the Orange Free State, it did indeed relax the rigidity of the existing system, but in a pitifully small area. In the Cape Province it replaced a system of freedom to buy anywhere with one of freedom to buy in certain specified areas only: its effect there was thus purely restrictive.

The compensation here offered for the 1913 restrictions was obviously inadequate. The total area to be "released" under the Bill was less than either the Beaumont or the Committee recommendations, and the Native was not made a preferential purchaser. And while the compensation was so inadequate, there were new restrictions imposed. A fine or fee of £3 per head per annum was to be levied on every squatter, the obvious

object being to tax the squatting system out of existence not only in the Transvaal and Natal where it was of a transitional character, but also in the Cape where it had hitherto remained intact. The revenue derived from the Squatters' Fee was to form the nucleus of a Native Land Purchase Fund.

Yet even the small concessions in limited areas, clogged as they were by impossible conditions, were made dependent upon the passing of the Representation of Natives in Parliament Bill. The result is that the Natives Land Act Amendment Bill has never become law, and the meagre concessions made by the Department remain the only attempt to honour the promises of 1913.

In the meantime Parliament has not scrupled to impose yet further restrictions. In the very year 1926 it passed the Masters and Servants Law (Transvaal and Natal) Amendment Act, by which labour tenants became for disciplinary purposes ordinary labourers. When we realise that the 1913 Act has forced the gradual substitution of labour tenancy for squatting, it means that Union legislation has introduced a system which can only be called indirect forced labour. And this all in the sacred name of segregation, though a greater proportion of Natives live in European areas now than in 1913.

From 1930 to 1932, things have gone from bad to worse. First of all, a quiet administrative ruling which only leaked out some time later, deprived Natives of the right to acquire Crown Lands in "released areas." We may well fling out an indignant "Why?" What has happened to the policy of segregation if even Crown Lands and those in the minimum areas recommended for Native settlement are held back from Native occupation. Is it partiality in face of facts like these to denounce the policy of segregation presented as a "solution" to the "Native problem" as a sham and a snare?

In 1932, after three years' struggle and delay, Parliament passed the Native Service Contract Act which *inter alia* allows of the application to each District by Proclamation of a system of Squatters' Fees resembling that proposed in 1926 except for the increase of the Fee from £3 to £5. Here for the first time, all pretence of carrying out the 1913 policy was dropped, and

no concessions of further land, however illusory, were made in the Act. All was lost, even hypocrisy.

It is a melancholy narrative, this story of twenty years' legislation. Does it not throw some light on segregation as a practical policy? Does it not throw some light on the effectiveness of the belief in segregation professed by a majority in six successive Parliaments?

While the Union has been talking about segregation, its neighbour-state, the Colony of Southern Rhodesia has actually brought into being in the Land Apportionment Act of 1930 a policy of practical segregation, going probably as far as any African State could expect to go which had a numerous and increasing White population to bear in mind.

It must be remembered that Southern Rhodesia is much more favourably placed than the Union for the carrying out of a scheme of separate areas. Not only has she learned from the Union's mistakes: she has also tackled the land question before it is too late. The absence of one single, huge industrial area like the Witwatersrand, the fact that some 98 per cent of the Rhodesian Natives still live under rural conditions, the existence of extensive areas of unallotted land have all played a part in making the path of Southern Rhodesia smooth. Yet, even in Southern Rhodesia, as will be shown later, the policy of segregation has many exceptions of vital importance, and few people share the Union heresy that it will prevent political, economic or social problems arising as between Black and White. That the difference between the two countries is due more to favourable circumstances in Rhodesia than to a more generous public opinion is probably true; but, if true, it is decisive. Mere education of public opinion will not alter the pressing economic circumstances which make the application of the Rhodesian provisions to the Union impossible. Burke rightly taught that the fundamental argument in the American War of Independence was three thousand miles of water: we must teach our fellow-citizens that the fundamental arguments as regards segregation are no fine-spun theories, but the existence of the Witwatersrand and non-existence of unallotted rural areas.

Under the Land Apportionment Act of 1930, in addition to the 22,000,000 acres already set aside for Native Reserves, provision

is made for Native Purchase areas amounting roughly to 7,500,000 acres. These areas are reserved solely for indigenous Natives. Individual Natives may apply to the Native Land Board, set up under the Act, for land which is sold in freehold, free of quit-rent, but subject to certain restrictions as to beneficial occupation, freedom of hypothecation, etc. The plots given out are large enough to allow of progressive farming, being often fifteen times the size of the average Transkeian plot under the Glen Grey Act.

Native Areas—reserves and purchase areas together—amount thus to some 29,500,000 acres. European areas total approximately 48,000,000 acres but they are, as we shall see later, charged with a good many servitudes in favour of Native occupants. As to the rest of the land, we have to notice in the first place the "unassigned area" of nearly 18,000,000 acres, as its name implies not yet assigned either to White or Black. Portions of it may be so assigned from time to time to either race, by the Governor-General-in-Council, with the approval of the High Commissioner. Once assigned, the land becomes definitely European or Native as the case may be. Until it is assigned, it may not be alienated. Natives may occupy it, as in point of fact they do occupy large areas; and Europeans may lease it, subject to the provisions that no lease may exceed a period of forty-nine years, nor cover an area larger than 10,000 acres. All leases have to be submitted to the Chief Native Commissioner for his report, and a return of leases granted accompanied by the Chief Native Commissioner's Report upon them must be laid annually before the Legislative Assembly and the High Commissioner. It is probable that the bulk of this unassigned area will, from climatic conditions, become definitely Native area.

An "undetermined" or "semi-neutral" area of 88,540 is of the preferential purchase, or Beaumont, type.

All land already owned by Natives in this area is to be treated as Native purchase area. Other land may be disposed of to Europeans or Natives freely, but once disposed of to a Native, it becomes Native purchase area and must remain in Native hands.

There is a Forest area of 590,500 acres, in which no rights may be acquired by either race other than those of occupation.

It will be noted that the Native purchase areas are not really comparable with the Glen Grey quit-rent areas of the Union. They are of a size such as to make progressive agriculture possible and they represent a provision for advanced Natives desirous of coming out of the more backward community rather than for the population as a whole.

In the large European area—about half the Colony—the general principle is that the Native shall have no rights either of occupation or of ownership of land, but to this principle there are several exceptions. Vested rights of ownership existing at the date of promulgation of the Act are preserved, subject to a right of expropriation. Squatting rights continue at the latest until 1936, but a special and permanent exception is made of one District—Melsetter. Natives may occupy unalienated Crown lands in the European area on such terms and conditions as the Governor-General may prescribe. Occupation of land on European farms on labour tenancy conditions is permitted under the strict control of the Chief Native Commissioner. The rights of missionary bodies in relation to their mission stations, schools and institutions are preserved. Mission land in the European area not required for missionary purposes may be let to Natives on terms and conditions approved by the Native Land Board.

It must be evident from a perusal of these exceptional provisions that segregation even on the basis of rights to land must be very far from complete. And this notwithstanding the circumstances of Southern Rhodesia so much more favourable to a segregation policy than those of the Union. But an actual residential separation is not even contemplated. All parties in Rhodesia assume that the farms and the mines will continue to be worked by Native labour, that Natives will continue to do the domestic service of the Colony, and that commerce and industry will employ a large number of Natives even if not so large as in the past. The extensive segregation scheme of Southern Rhodesia has made little difference to the problems of economic contact, and a few Europeans are already raising the petty problems of whether Natives should be allowed to work in garages or drive cars which have so long enlivened politics in

the unsegregated Union. A franchise similar in principle to that of the Cape, though at present affecting a very small number of Natives, remains unaffected by and independent of the land policy. The social problems which arise in Union urban areas arise in just the same way in Rhodesia.

This is not to argue that the Rhodesian land policy is bad. On the whole, it is good, informed with a spirit of equity, a real wish to be fair. But segregation, as seen from a study of the Rhodesian policy, is a sober agrarian policy capable of defence in certain circumstances or at certain stages of development, in so far as it turns out to be practicable. It is not a magic formula for the removing of all the difficulties of race contact. We must envisage segregation policies in the Union bearing these facts in mind. The good that segregation can do is real, but it is so limited in scope and size as not to be of first-rate importance.

One of the most important provisions of the Rhodesian legislation is the provision for the creation of Native villages, in close proximity to the towns, where settled Native families, living under comparatively natural conditions, will supply the labour force of the towns. Urban areas legislation is obviously closely connected with segregation policies. The Rhodesian plan has much to recommend it. Urbanisation has many advantages for the Native, especially in raising his cash income and his standard of living; but from a social point of view the presence in the towns of a large "floating" population of Natives working for short terms has evil effects. Family life is broken up in the Reserves, and among young people in the towns demoralisation and disease are common. The Union Native Economic Commission has recommended a smaller, better-paid and more permanent urban Native population as an ideal to be aimed at. The Rhodesian Native Village plan is admirably calculated to achieve this aim, and the Union will do well to mark how it works.

The original draft of the Union Natives (Urban Areas) Act contemplated the setting up of Native villages in the Union, where Natives might acquire the ownership of land. As passed in 1923, the Act omitted the reference to ownership, retaining the term "Native Village." Orlando Township at Johannesburg is an attempt to create a village of this kind.

The question has often been raised as to whether the Compound system which grew up during South Africa's industrial revolution in the nineteenth century is the best social instrument that can be found to meet the conditions of the present day. In 1932 a Commission of the International Missionary Council, under the Chairmanship of Mr. J. Merle Davis, visited Northern Rhodesia and the Belgian Congo with a view to ascertaining how Missions could best meet the new situation caused by the industrialisation of the Native. Such an inquiry brought the whole Compound system under review. Whilst it would be merely academic to suggest the entire abolition of the Compound system at present existing on the Witwatersrand, it may be urged with reason that a thorough inquiry in which both the social and the economic aspects should receive consideration should be made by experienced investigators before any extension of the Compound system is allowed to take place. The extension of the Native Village system could do much to ease economic pressure on the Reserves, and to ameliorate social conditions in urban areas.

Urban Areas legislation—to return finally to the Union—is closely connected with segregation. The Acts of 1923 and 1930 have each the same two objects—the segregation of Natives *from* the towns, and the segregation of Natives *in* the towns. The objects differ considerably and must be dealt with separately.

First, then, let us consider the policy of restricting the number of Natives living in the towns. Much specious, and some genuine, argument can be brought forward to justify this policy ; but let us remember that the influx of Natives into the towns was one of the results of the Natives Land Act of 1913 and that the Urban Areas Acts represent yet a further stage in “ putting the screw ” on the Natives without giving them the promised compensation. Driven from the country into the towns and from the towns into the country, they are in an unhappy case.

Even though we may be prepared to admit that there are too many Natives in the towns, we must remember that mere restriction of entry is unsatisfactory. The problem has to be tackled at the source. In the wise words of the Native Economic Commission :—

“ Without some degree of permanence in the labour force, no high degree of efficiency can be expected, and the Native urban labour is notoriously lacking in permanence. State policy should therefore be directed to the object of giving more permanence, more stability, to the various classes of labour, and of reducing in so far as possible its casual nature. The chief way in which this can be done is the development of the Reserves. . . . This will have the effect of stemming the flow of labour to the towns, and of reducing the town labour problem to manageable proportions. As soon as the number engaged in urban occupations declines it will become both possible and profitable to train them in methods of efficiency and this will inevitably be followed by higher wages. Once a class of more efficient Natives has been created, the towns will lose a great deal of their attraction for the labourers from the Reserves, a certain number of whom will always go out to look for work, in the same way as peasants have to do all over Europe.” (Paragraphs 557-8).

And again :—

“ A permanent cure for an economic evil must not run counter to economic forces, but must utilize economic forces to achieve its purpose. The permanent cure for the urban wage problem must be looked for in the Reserves. By cutting off the flow of casual labour which now drifts to the towns, it must create conditions for efficiency and consequent high wages in the towns. By development of the wealth-producing capacity of the Reserves they should absorb the surplus Natives who now make a tom-tiddlers ground of the towns at the cost of efficiency, to the detriment of their brethren who want to make the towns their homes, and at the risk of creating a large slum population. In order to encompass this it is essential that no time shall be lost both in developing the Reserves and also in reducing the present pressure on land, by making available more areas for Native occupation. While present conditions last, the flow to the towns will continue, the pressure on the urbanized Native will increase, and the problem of Native wages in towns will become worse. State policy should be directed to reducing this pressure, in the interest of the welfare of a class of Natives who have made considerable progress in civilization, and with whose

aspirations for conditions in which better living is possible, one cannot but have the fullest sympathy." (Paragraphs 560-1).

Could words be clearer as to the solution lying in a positive policy of development in Native areas, rather than a negative policy of mere exclusion from urban areas? Yet the Acts of 1923 and 1930 are restrictive Acts; and, while little is being done to carry out the forward policy for the Reserves which the Commission so strongly recommends, there is talk of further restrictive legislation. Is the work of the Native Economic Commission carried out so thoroughly and for such a length of time to count for nothing, as in the case of the Native Service Contract Act? Well indeed does the Native have no confidence in fine speeches about segregation when over and over again he experiences its disadvantages without the corresponding advantages. The Commission has pointed out in solemn words that the Reserves, without which even the smallest scheme of segregation must fall to pieces, are going back rapidly to desert conditions, and that a development policy involving great expenditure is urgent. Yet segregationists seem to be doing little to press this expenditure on Parliament and Government, whilst continually urging restrictive measures in spite of the Commission's view that these cannot really solve the problem.

The fact of the matter is that many so-called segregationists do not want to segregate the Native in his own areas to develop "on his own lines." They want cheap farm labour, and segregation only as incidental to that. The question may be raised as to what right the farmer has to be specially protected as against his urban fellow-citizen who pays the bulk of the taxes of the country. The question may further be raised as to whether the farmer will in reality benefit in the long run from a policy of artificially-secured cheap labour of an inefficient type. And finally we may ask whether the scattering of Native families all over the countryside in conditions which make tribalism impossible is, in any sense at all of that much-abused term, "segregation."

With the second object of the Urban Areas Act—segregation of Natives within the urban area—we can have little quarrel, given existing conditions. The Acts provide a list of exceptions

and therefore escape the criticism of trying to treat all Natives of whatever stage of development as an artificial unity. Undoubtedly they have had measurable results in checking the growth of slum conditions and ameliorating the lot of the Native in the towns. Yet we cannot surely claim them as any real form of segregation. In every large town, there are still more Natives outside the Location than in it. Domestic servants almost invariably reside on their employers' premises and there are other important exceptions. Economic rivalry, social difficulties, political questions still exist. The segregation achieved under the Act has not removed them. Why should it do so in the larger sphere of the State ?

Segregationist theories have influenced not only Urban Areas legislation, but other great fields of the State's activity ; and time and time again they have stood in the path of reform. Because one day a magic sword will cut the knot, men think that there is no need to begin unravelling it. Perhaps this is most easily and strikingly seen in the case of Municipalities. Housing schemes have often to be forced through against strong opposition, because there is always the question whether in ten years' time, after segregation has taken place, the houses will be needed or not. Transport facilities wait, year after year, for the same reason. Attempts to make the towns attractive are countered by objections that if they are too attractive they will induce too many Natives to come in and so fight against the policy of segregation. Because of the remote possibility that in some distant future all Natives will be living in their own areas and therefore that skilled Native workmen will one day live there, no attempt is made to find a place in our present system for the skilled Native workman and to adjust the complicated conditions of economic life as they are to-day.

In one of the largest Union municipalities, an urgent and generally admitted need existed for the setting aside of a Native Recreation Ground. The matter was referred to a series of public meetings at which the Ratepayers' Associations of the various Wards were represented. The ratepayers of the north agreed that ground was necessary and suggested that it might be laid out in the south, east or west. The ratepayers of the

south suggested east, west or north. The ratepayers of the east suggested north, south or west ; and the ratepayers of the west suggested south, east or north. In the event no Recreation Ground was granted. Could a better picture of segregation and its meaning be asked for ? That Municipality represented the Union in miniature. To quote once more the Report of the Native Economic Commission :—“ It is perfectly clear that a considerable number of Natives have become permanent town-dwellers. No good purpose is served by disregarding this fact, or by acting on the assumption that it is not a fact. . . . To continue employing Natives in urban areas, but to treat them as if they should not be there, is both illogical and short-sighted.” (Paragraph 500).

Bills such as the Representation of Natives in Parliament Bill proceed from, and can only be justified by, the assumption that an increasing number of Natives will live a life apart in separate areas. But if in point of fact this is not happening and will not happen if the majority of Natives are going to live outside Native areas, if constant economic contact is going to continue, how will it be possible to maintain a political system based on the belief that Bantu and European interests are separable ?

It is the belief in the possibility of segregation, and that belief alone, which has made it conceivable that honest and logically-minded men could support Bills of this type, and of the type of certain parts of the Native Administration Act. Belief in the “ one, far-off, divine event ” of segregation, so widely held has been the under-lying explanation of nearly all the more important Union Acts affecting Natives passed since 1913.

We have arrived now at the stage when we may proceed to an analysis of the segregation policy on the basis of the historical facts of the past twenty years.

Our first conclusion must be the obvious one that complete segregation is impossible. No one seriously suggests it, not even those who claim to be out-and-out segregationists. And if they did, and their policy were fully grasped and understood, not a single constituency in the country would send to Parliament members prepared to support the policy. “ Eliminate the Natives from the mines ” was once the cry. The tendency of

the past few years is to stress the mines as a Native field of employment in order to make up for the dismissal of Natives from secondary industries. And no one has ever tried to persuade the farmers that they should eliminate all Natives from the farms. Even if we were all prepared to do without Native labour, the question would remain as to how sufficient land could be obtained for accommodating adequately all the Natives now in European areas. No doubt land could be found, at the point of the bayonet, but not with the consent of the European farmers who would have to be expropriated. In the long run, the farmer would feel the remedy to be worse than the disease.

It must also be remembered that a great deal of the power behind segregationist theory comes from nationalism. Those who are fighting desperately for safeguarding the culture and the identity of Afrikaans-speaking South Africa, and who see the growing education and advancement of the Native as something hostile to their ideals, may well pause at the thought of the immigrant population which will have to replace the Black man. For the Poor White group cannot hope to do all the work now done by Natives on the land, in the mines, in domestic service and in industry. Would it not be a wonderful opportunity for helping the millions of unemployed in England by letting them come in to take the vacant jobs? Or should we rather lift our ban on peasant immigration from southern and eastern Europe? It is not difficult to imagine the enthusiastic way in which nationalism, with the experience of the 1890's before it, would react to either of these alternatives!

We may go a step further. Not only is complete segregation impossible: *any scheme of segregation considerable enough to affect vitally South Africa's political, economic and social life is impossible.*

The significance of this statement is unmistakable. Segregation on any scale at all calls for economic sacrifices and a dislocation of normal economic development. We must at least be sure that it is worth while. The advantages claimed for it are that it would relieve the European of all anxiety as to his political and economic supremacy and his cultural identity.

But is this really so? The transfer of a few thousand Natives from urban areas to enlarged reserves would only raise the wage-rate and standard of living of those who remained, and make it more difficult than before to refuse their just claims to some political rights. Even dishonest politicians would find it difficult to argue that Natives should only have political rights in Native areas when they knew that the Native areas, as drawn by the White man, could not possibly accommodate all Natives. Economically speaking, Natives would still remain the basis of those primary industries by which the country stands or falls. And, as to secondary industries, unless the segregationist revolution were followed by that very incompatible sequel a socialistic revolution, there would be the difficulty that capital would seek the cheapest area of production by setting up factories in Native areas. Legislation would no doubt be enacted against the establishment of European-owned factories in the Native territory, but there are ways and means of evading such legislation, especially where powerful monied interests are concerned, as the Union's experience of anti-Indian legislation has shown. Could we face with equanimity a system of very scattered internal customs frontiers *as the only way for protecting White industry?*

As for cultural identity, will the danger (if any) to that be lessened appreciably by any policy which still leaves hundreds of thousands of Natives permanently in European areas?

We claim, and we have the right to claim, that any thorough-going segregation policy is impossible. Perhaps it ought to take place—we may reserve that point—but it never will. It was already harder in 1913 than in the Shepstone days sixty years before, harder in 1917 than 1913, harder in 1926 than in 1917, harder in 1933 than 1926; and in 1943 it will be harder still. Every year sees the area of unalienated Crown Land reduced and the area to which expropriation would have to be applied increased. Every year sees further improvements made on European land in remote areas—the kind of areas which would have to be allotted to Natives under a segregation policy. Every year sees an increase in the number of Europeans who refuse to regard the Native as a menace and are not prepared

to see the whole economic life of South Africa turned upside down in order to segregate him. Every year sees a growth in the total of Natives who are permanent town-dwellers, or who are educated and progressive enough to resist being thrust back into tribalism. Every year sees a deeper economic interdependence of White and Black.

The years 1924 to 1929 saw the passing of the last chance. At the head of a Parliamentary majority, nominally pledged to segregation, General Hertzog was able only to produce a scheme for "released areas" in which Natives, without any adequate assistance, might compete for land with Europeans. All the "released areas" put together, if they all became ultimately Native, could not have accommodated the Native population at present in European areas. It was neither desired nor expected that they should. Even this piece of legislation has not been carried, and the tide has so far turned that Natives are being encouraged to work as miners in the most detribalised and detribalising area of South Africa, while the policy underlying the Native Service Contract Act is one of more, not less, Native farm labour.

These are incontrovertible facts, no mere rhetorical phrases or academic speculations. It is unlikely that ever again in the history of South Africa public opinion will express itself so decisively in favour of "segregation" as it did in 1924, unlikely that for a long time to come any Government will be as free to initiate policy in that direction. The people of South Africa are a little more disillusioned than they were. They are beginning to ask what "segregation" really means, instead of just liking the sound of the word. The tide has turned, which

" taken at the flood leads on to fortune "

and which—from the segregationist's point of view—

" Omitted, all the voyage of our lives
Is bound in shallows and in miseries."

We have a right, as has been said earlier in this chapter, to demand that those who continue to advocate segregation and who, in so doing turn men's minds away from the work of solv-

ing one by one the detailed problems of contact, should at least tell us exactly what they mean by segregation. Where is the land to be found? Exactly where is it on the map? What is its total area? What Native population can it accommodate? From what source will they who are to occupy it be drawn? How many farms will require to be expropriated, and at what cost? Who will find the money? Will the advantages in reducing points of contact be commensurate with the economic disadvantages of the scheme?

These are the questions to which we can never get an answer. May I turn to a pamphlet published in 1925, in defence of segregation? The writer says that the supreme question which his treatise attempts to solve is whether the White Race can be saved—surely a very important issue. "The danger in which we live," he says, "is real and urgent." "It is contact," he continues, "that makes the preponderating Native population a real and ever-present menace to the security of the White. It is contact that gives a suicidal flavour to every step taken by the White race for the mental and moral improvement of the Black. Continued contact means the utter and irretrievable ruin of the White races of South Africa."

So he passes to solution. "We can afford to be generous," he exclaims. "The area of the Union of South Africa is 473,096 square miles. The White population is one and a half million and the Native population five and a half million souls. There is ample room for both races to develop on their separate lines." And then at last on page 12 we reach the climax for which we have been waiting with bated breath: "It is not the purpose of this essay to indicate in detail how the land of the Union is to be divided between the two races."

And this is all. Beyond a perfunctory reference to one of the five Local Committee Reports of 1918, no further guidance is given us. It is now fifteen years since those Reports laid down for us areas which have not yet obtained the approval of the Legislature.

Writers such as Arthur Shirley Cripps in *An Africa for Africans* or Peter Nielsen in *The Black Man's Place in South Africa* have defended segregation as a *pis-aller*. In segregated

areas, the Native will get his opportunity, untrammelled in his development by unwise White interference. Such is the ethical basis frequently laid down for a segregation policy. Let us turn back to Mr. Stubbs' *Tightening Coils*—for it is from the pamphlet of a man who knows and has worked for the Natives from which I have been quoting : most advocates of segregation would be less sympathetic.

“ Segregation does not involve the creation, even after a considerable lapse of time, of an independent Black State within the borders of the Union. On the contrary, the Native population, as a separate political entity, must continue to be kept in a state of subjection, and we are to conceive of it as ‘ growing up ’ and fitting itself gradually for a place in the polity of the Union ; but subject always to the paramount political interests of the European.”

As in this study we have tried not to forget the Coloured man and the Indian in our analysis of Native policy it may be well to insert here Mr. Stubbs' view of the future of the Coloured man :

“ The tragedy of the Eurafrians is the eternal tragedy of colour prejudice. Excellent citizens and artisans, fitted in every way to play a useful, even a distinguished part, it is their colour and their colour only, which is stunting their development. Of the lighter-coloured among them it is safe to say that they will, in course of time, be absorbed in the White population. It is the almost-black for whom there is no escape from a position of hopeless inferiority, unless indeed, they are drawn to seek within a Native area such opportunities as may be afforded them there for the exercise of their undoubted gifts of citizenship and skill.

“ Nor is this a contingency lightly to be dismissed. ‘ In the country of the Blind the one-eyed man is King ; ’ the Coloured man might well find in a Native area an ample consolation for the abandonment of his aspirations towards equality with the European.”

Such a quotation with its emphasis on colour and even shade of colour as a test, leads one to go further than merely questioning the practicability of segregation and to face the issue whether it is desirable.

An idealistic justification of segregation must base itself on a theory of nationalism, such as has been discussed in the preceding chapter. It must involve the building up of two, or possibly three or four, separate nations in South Africa. In opposing it we have not completed our task by demonstrating that it would be psychologically impossible and economically disastrous. We have to meet ideal with ideal, and to claim that the ideal of unity in diversity, of friendly co-operation, of the happiness of every individual on his merits within a composite state, is a higher ideal than that of nationalism. But if nationalism in itself were to attract us, we must still say that it is only justice which "exalteth a nation" and that the kind of segregation which alone would have any chance of securing popular support would be so flagrantly unjust as to work havoc in the life and character of the nation responsible for it. White South Africa would, in order to preserve life, be compelled to surrender what made life worth living. Such is the unhappy dilemma with which South African nationalism is faced.

Those who have favoured segregation because, perhaps a little naively, they have assumed that under segregation the Native would have a better chance, may rest satisfied that those whose votes are needed for a segregation policy would never consent to any measures which would give the Native a real political independence in his own area, or the means of waging a successful economic war against the European competitor over the frontier. If that had to be done, it would hardly be worth the trouble and expense of carrying out a policy of segregation! So this particular idealistic basis of segregation is also unsatisfactory.

The fact that we know individual segregationists who are patriots and honest men, who know and care for the Native, and who are honestly persuaded that their cause is right must not deter us from exposing the danger of their outlook. For, though they will never actually carry out a real segregation, they can, by steadily preaching it, hinder reform after reform based on the true pre-supposition of the continued intercourse of White and Black. They can arouse bitterness and resentment among the leading Natives. They can help the young South

African to evade the fundamental choice which he yet must make—the choice between a definitely repressive or a definitely liberal Native policy.

There is a segregation which is, in a measure, practicable. But it can make no claim to be a fundamental point of policy, far less a philosophy of life. It is sober contribution of a minor type to agrarian problems. As such it may be of use. It will not appreciably diminish difficult contacts in the mass, but it may help a few individuals.

The Native Economic Commission rightly deplors the presence of an unduly large floating population of Natives in the towns. It recommends the improvement of agriculture in the Reserves and the provision of more land as the best means of reducing this floating population. With these views most men of liberal opinions will agree.

A first step would be the throwing open of all Crown Lands within "released areas" as areas where Natives would have an exclusive right of purchase or lease under favourable conditions. Settlement schemes, financed out of loan funds, and linked up with competent agricultural training, should help to fill these—very limited—areas with the right type of Native farmer.

Secondly, a great reversal of policy is needed with regard to leasehold rights in European areas. The taxing of the "squatter" out of existence is unjustifiable and in many ways inexpedient. It is true that the "squattling" system makes it easy for a few farmers and absentee landowners to live on the rents received from Native tenants instead of developing the country; but it is equally true that the system of indirect forced labour contemplated by the Native Service Contract Act tends to deprive the progressive, humane and well-paying farmer of the economic advantage which he would otherwise enjoy over the backward, dishonest and badly-paying employer. A recognised, regulated system of tenancy other than labour tenancy would ease life tremendously for the Native and would be welcomed by a surprisingly large number of farmers.

Should there, in the third place, be preferential purchase areas for Natives other than Crown lands—i.e. areas involving European farmers being expropriated?

It seems so unlikely that Parliament would be brought to agree to this that one is driven back on the "released areas." If the Cape Province were left alone, and a genuine forward policy of Crown land settlements and agricultural development embarked upon, together with freedom of tenancy, it is possible that the present administrative practice as it prevails in the Transvaal and Natal might temporarily meet the case as regards purchase. It must, however, be remembered that the Act of 1913 took away a right of free purchase, that the compensating segregation legislation has never been introduced, and that in view of the failure of the twenty years' experiment, there is something to be said for the simple repeal of the Act. There is a natural segregation at work—the kind of segregation which has produced Harlem, the Negro quarter of New York, in spite of the absence of any restricting legislation. Can we not trust to the same forces to ensure segregation in our rural areas?

Lastly, the Rhodesian plan of Native Villages in the vicinity of the towns should receive very full consideration.

For some time to come, the existing Native Reserves must, in the interests of the community generally be ear-marked for the Natives. Absolute freedom of economic competition, though the goal in a State based on capitalism, is not yet desirable. The type of segregation advocated here, with its minimum of restrictions, would be of some value.

But it would not "solve" South Africa's problems of human relationships, and it has little in common with the type of "segregation" which has had, unfortunately, so great an influence on South African thought.

CHAPTER IV.

LIBERALISM.

There was a time when liberalism played a great part in the history of South Africa. Both in its Benthamite and its "philanthropic" form it influenced British public opinion and, through that opinion, Colonial Secretaries and Governors who were responsible for the nineteenth-century development of the Cape Colony. It left to the Union three legacies—the Cape Native franchise, the principles of Civil liberty which we understand as the "Rule of Law," and formal equality before the law of all British subjects, Black, Brown or White.

As a formal principle, the last of these three still exists. Whether the existence of the jury system and the operation of certain discriminating statutes leaves anything more than the mere formal principle may well be doubted. But it is not the purpose of this chapter to go further into that point.

Both of the remaining legacies of British nineteenth-century liberalism have been hotly attacked. The Cape Native Franchise still maintains a precarious existence. The application of the principle of the Rule of Law has virtually been abrogated since 1927 so far as the Natives are concerned. It is easy to see that liberalism, as such, has lost ground in South African Native policy. Yet, as we shall endeavour to show later, some of the loss has been made good by the growth of the Johannesburg school of liberalism, with its greater reliance on economic facts in the place of sentiment and tradition; and, though liberalism has received a set-back, it is by no means dead.

Modern liberalism traces its origin to the French Revolution and its creed cannot be more admirably summed up than in the revolutionary motto, "Liberty, equality, fraternity."

Liberty, constitutional and civil, British rule, more especially in the Cape Colony, did endeavour to give the South African Natives. Equality before the law it strove to secure also. But a real equality it never achieved. Equality as interpreted by Napoleon—the heir and defender of the Revolution—in the sense of "*carrière ouverte aux talents*" neither the Native nor

the Coloured man has ever known. While one of the greatest achievements of liberalism since the French Revolution in European countries has been the removal of restrictions, and the abolition of privilege, South Africa abounds in legal and extra-legal limitations. For a period, the Cape Colony did succeed in avoiding legislation which discriminated against the non-European as such; but it never gave him real opportunity. Rhodes might preach "equal rights for all civilized men," but no Native, no Coloured man, sat behind him in Parliament to second his views. And on the other side of the Vaal boomed the deep under-tone of the more conservative elements of Voortrekker tradition: *Het volk wil geene gelijkstelling van gekleurd en met blanke ingezetenen toestaan noch in Kerk noch in Staat.*

As for fraternity, that was something, surely, to be left to the more sentimental type of missionary. The moral fervour which could lead to Christian charity, to a real love for the African, was rare—rarer than it has since become.

Thus in South Africa, perhaps alone of all the countries of the world, the term "philanthropist"—one who loves his fellow-men—has become a term of reproach. To insult a South African, it is only necessary to call him a "*kaffervriend*"—a friend of the Native. To reach the heights of contumely, you may call him a "*kafferboetie*"—a brother of the Native. If you desire to abuse him in the more academic terms employed by English you may refer to him as a "negrophile" or a "negrophilist"—one who loves the Native. If fraternity is a political virtue, South Africa has not recognized it as such.

The religion professed by the majority of Europeans in South Africa bids them regard God as the universal Father and therefore all men as brothers. It commands them to love their neighbours as themselves and gives an unmistakeably uncomfortable answer to the question: "Who is my neighbour?" It describes its Founder as the "first-born among many brethren" and proclaims that in Him there is neither bond nor free. It tells us that He loves all men. To Jesus Christ, as seen in the New Testament and in Christian theology, all the objectionable terms—philanthropist, negrophilist, *kaffervriend*, *kafferboetie*—can be literally applied. Small wonder that a people whose religious

tradition is strongly and definitely Christian should have experienced, and should still experience, moments of acute discomfort at the unfraternal basis of South African life. If the religion of South Africans has been inadequate to ensure justice, it has had enough grip to make it forever impossible for the unjust man to be happy. Small wonder, in these circumstances, that the movement towards fraternity should have been less one of arid intellectual liberalism than one of Christian emotional experience—a movement which we must discuss later. Liberalism, as such, has done little to realise its ideal of “fraternity.”

The liberal creed stands inevitably for individualism, for the recognition of the rights of the individual as such. It is hardly necessary to labour the point that much South African legislation is group legislation, and that the individual is treated rather according to his membership of an arbitrarily defined class than according to his own merits. Yet Cape legislation did try, on certain points, to meet the special case of the civilised Native—its system of “Certificates of Citizenship” is worthy of consideration even to-day—and the Shepstone policy in Natal, in spite of its insistence on tribalism, left the way open for securing Letters of Exemption.

As one looks back over the history of liberalism in South Africa, one finds it represented almost solely up to the end of the nineteenth century in the Cape Colony. Exceptional individuals were to be found elsewhere, such as Bishop Colenso in Natal; but only in the Cape was liberalism a power for good, a power that had to be reckoned with, in the Legislature.

It is to be remembered that Cape nineteenth century liberalism was no mere exotic plant introduced from Downing Street and never acclimatised. Liberal policies were upheld by men indubitably South Africans and often opposed to Imperial intervention—men such as John X. Merriman and J. H. Hofmeyr. Some cynics have argued that if there had been no Native franchise there would have been less liberalism. In a measure this may be true, but no one who knows the life history of the Cape leaders can doubt the sincerity of conviction which lay behind the liberal utterances of many of them. The tradition of Saul Solomon, of W. P. Schreiner, of Sir James Rose-Innes

is a sound and sincere liberal tradition and unquestioningly a genuine South African one. And even if we take the instance of a man whose liberalism verged in its prudence and moderation on conservatism, Lord de Villiers' attitude with regard to Native and Coloured rights was far in advance of the average views put forward in the Union Parliament.

How comes it that Cape liberalism counts for so much less than it did? For, with no desire to be critical, it is hard for us to deny the change. The giants whom we have mentioned have not left spiritual successors of a like stature. And, to speak frankly, one does not look to the Cape to-day to take the lead in the struggle against repressive legislation.

Is this inevitable? Are the men not to be found to-day? May we not look for a revival of Cape liberalism?

Of course we may. But the fact remains that at present the Cape seems to have abdicated her position of leadership. This is probably very largely the result of a tendency for the Cape liberal outlook to become a sentimental tradition. In short, it is possible for men whose general point of view is conservative to hold the old Cape liberal tradition as something sanctified by age and hallowed by past memories and associations. With this tendency to make liberal policy part of a conservative attitude has gone a certain provincialism, a certain tendency on the part of the Cape to thank God that she is not as other parts of South Africa are, and to leave it at that. So what should have been a flaming sword carried by the young men of the Cape in battle order north and east throughout the Union has become merely a pious memory cherished by a few veterans of the old regime, and occasionally accorded lip-service by public speakers.

There never was a worse or a more misleading motto than the motto that discretion is the better part of valour. It reverses the real truth. Valour is the better part of discretion. When the young men of the Cape decide to act on the true principle, to re-think their liberalism individually, and to take the part which they should and could take in the public life of the Union, the twentieth century may be in a position to acclaim its own Schreiners and Merrimans, and to win its own laurels in the arena where the "immortal race is to be run, not without dust and heat."

There may be another explanation for the decline of Cape liberalism. The world at large has agreed to be sceptical about liberal theories. Young men busy themselves about dictatorships, Fascist or Bolshevik. They refuse to be enthusiastic about equality or fraternity. They point to the break-down of democratic institutions, the bankruptcy of modern Parliamentaryism. The great Cape liberals of the nineteenth century lived in a different atmosphere. They belonged to the age of faith. We, on the contrary, live in a time when the best that one of our greatest liberal thinkers can say for liberal institutions is: "Democracy will never perish till after Hope has expired." (Lord Bryce: "*Modern Democracies*," Vol. II).

Perhaps the supine way in which the Cape, like every other part of South Africa, has accepted legislation like the Native Administration Act is really due to a deep scepticism as to the value of the rule of law. Magna Charta has become merely a mediaeval document. While English South Africans can threaten civil war over the question of the flag, they are apparently ready to sacrifice some of the greatest things in English political tradition with equanimity. And that can only be because the modern passion for regulating lives by a central sovereign State is stronger than the passion for individual freedom against arbitrary interference, which is of the very essence of English liberalism. Liberal thought in South Africa has remained unorganised in this regard. Two streams of liberal belief do exist—the one bound up with economic theories, generally of a socialistic type, the other with religious faith. But liberalism is ancillary to these schools of thought. Where a really distinctively liberal issue arises, tinged neither with economic nor with religious interests, there is little enthusiasm. So it has been with the Cape Native franchise issue. So it has been with the destruction of civil liberty wrought by the Native Administration Act of 1927.

Is the twilight of liberalism permanent? I suggest that it is only a phase. Political thought has its fashions. Much that is purely fortuitous in nineteenth century liberalism, much that is purely mechanical in the organization of Liberal Parties may have been irretrievably lost. But the liberal philosophy of life

stands. Its belief in honest persuasion rather than dictatorial force will again grip the later twentieth century. For some of us its claims are irresistible. And we should answer the question: "Why am I a Liberal?" as Browning answered it:—

" 'Why?' Because all I haply can and do,
 All that I am now, all I hope to be,
 Whence comes it save from fortune setting free
 Body and soul the purpose to pursue
 God set for both? If fetters, not a few,
 Of prejudice, convention, fall from me,
 These shall I bid men—each in his degree
 Also God-guided—bear, and gaily too?"

" But little do or can the best of us :
 That little is achieved through Liberty.
 Who then dares hold—emancipated thus—
 His fellow shall continue bound? Not I,
 Who live, love, labour freely, nor discuss
 A brother's right to freedom. That is 'why.' "

The best that there is in our traditions—whether of far-off England or our own Cape—must be enlisted in the service of liberalism. Yet it must be more than a tradition: it must be a shining and invincible conviction. That is, perhaps, why the centre of gravity of South African liberalism has shifted from Cape Town to Johannesburg, why the most effective institutional witness for liberalism in South Africa is that of the University of the Witwatersrand. One recalls the story of the Bishop who was giving an address on moral courage, and who instanced the familiar case of the little boy who knelt down in the dormitory and said his prayers, in spite of a shower of oaths and boots. Then he asked whether anyone could give him a better illustration of moral courage. One grubby little hand shot up. "Well my lad?" asked the speaker. "Please sir, a Bishop in a dormitory full of Bishops who got into bed *without* saying his prayers!" Perhaps the Cape has had too much the atmosphere of a dormitory full of Bishops: it required courage to advocate a repressive Native policy. All that is valiant and perhaps something that is cantankerous and pugnacious in youth has been challenged by

Transvaal conditions and Transvaal opinion. To stand for Native rights there has been unpopular. What more could youth ask for ?

With these preliminary remarks, we may now proceed to a study of the two subjects already mentioned which affect pure liberalism, as not necessarily influenced by economic or religious considerations—first, the democratic principle ; and second, the rule of law.

It is not easy to add very much that is new to the Cape Native Franchise controversy, so soon after the valuable papers recently published by Sir James Rose-Innes and others. But there are five points which we may, perhaps, ask students of the subject to bear in mind.

In the first place, we must get rid of the idea that the franchise when introduced was thrust by the Imperial Government on an unwilling and protesting Colony. As regards Bantu voters, there was nothing to protest about ! The Cape Colony of 1852 had no Ciskei, no Transkei, no Bechuanaland.

Hence, secondly, the franchise, so far as its extension to non-Europeans was deliberate, affected the Coloured community rather than the Natives. In so far as the Coloured community is concerned, no politician, no political party, proposes any substantial change to-day.

Thirdly, the franchise was in 1887 deliberately extended by the Cape Parliament itself to the Transkei, *under no Imperial compulsion whatever*, and that by the Afrikaans-speaking Bond under the leadership of Jan Hendrik Hofmeyer, after thirty-five years' experience of a non-European franchise and fifteen of responsible government. At that time the Native vote in the Ciskei, swayed by Tengo Jabavu, was going to the Bond.

Fourthly, when the franchise was restricted on the proposal of Cecil Rhodes in 1892, the restrictions applied to White, Coloured and Black alike. In view of this and the preceding points, it is clear that the Native (as against the Coloured) franchise is not the mere creation of the Imperial Government, but the deliberate legacy to Union of the self-governing Cape Colony, acting with its eyes open—a legacy made by both parties and both White races, as the Native vote was divided and both parties and both races hoped to capture it.

Fifthly, the first serious criticism of the Native franchise was made by the South African Native Affairs Commission of 1903-5, after it had been in existence for just over half a century. That criticism made a deep impression on South Africa. Mature reflection has, however, suggested to students of the subject certain considerations which must affect the value of the Commission's views, however authoritative its membership. It adduced no evidence (nor has anyone else) that the Natives used their votes less intelligently or less uprightly than the Coloured Community, with whose rights it did not propose to interfere. The Commission, too, was *swayed by the desire to arrive at a compromise policy for all South Africa* in pursuance of Lord Milner's plan of "federation from above," and the three members who had had experience of the Cape franchise were out-voted and outgeneralled by the seven who had not. Most significant of all, the Cape election of 1903 had just put the Jameson Progressive Ministry in office by a solid Black vote with thousands of White "rebel" voters disqualified. Thus a situation had been created reminiscent of the reconstruction period in the Southern States of America after the Civil War and, as there so here, the reaction was extreme.

Since 1905, both of the influences just referred to have been intensified. The Cape is now actually bound up in a permanent political union with the voteless Transvaal and Orange Free State, and the all but voteless Natal. The Native voters repeated their exploit of 1903 seventeen years later—again with White "rebel" voters temporarily disfranchised. Indeed, ever since Union, Native voters have steadily supported one side. Their loyalty to the memory of Queen Victoria and to the Union Jack has been steadily exploited by candidates. A good Nationalist, seeing the Natives voting solidly Unionist or South African Party for six successive elections, must be more or less than human if he does not think that the Natives are unable to use their franchise intelligently. That his Party will gain by the disfranchisement of the Native is hardly an argument against action. In other words, the Native in the Union's political situation is in almost exactly the same position as the Negro in the majority of the Southern States. Abraham

Lincoln and the Republican Party have played the same rôle there as Queen Victoria and the South African Party in the Union. Gratitude has impelled two generations of Negroes to vote Republican in a hostile Democratic South—that is where force and fraud do not prevent them from voting at all. A somewhat Machiavellian policy is leading Southern Negroes of the third generation to divide their vote, with results already perceptible. In Texas, for instance, Democratic newspapers have recently been saying that the increase in the Negro vote no longer matters so much, as the Negro is beginning to use his vote so much more intelligently! At some moments one is tempted to commend this piece of worldly wisdom to Bantu voters in South Africa.

The attack on the Cape franchise since 1926 has rallied the forces of liberalism in the Union, but it would be idle to pretend that they were more than a scattered minority. Even many well-wishers to the Bantu have been prepared to accept the principle of separate representation, incompatible though it is with the fundamental tenets of liberalism. The economists have tended rather to depreciate the importance of so purely political an issue. The Christian thinkers have in many cases felt that the franchise was, after all, a minor issue, too intense a struggle on which might imperil other more important things. On the whole the Cape franchise issue has not aroused the same widespread reprobation as, for example, the Colour-bar issue.

Thus weakened, the liberals have put up a good fight. They have not converted a very great number of the public, but they have used the constitutional and party machinery of the Union with great skill. Eight years have passed and the Cape franchise, like Dryden's milk-white hind, seems to have been

“Doomed to death, though fated not to die.”

In the course of the long controversy, liberalism has been able to bring forward some arguments of considerable force in support of the maintenance of a common voters' roll.

The most important of these arguments is that of the community of interests existing between White, Coloured and Black. General Hertzog's first franchise bill broke down against the obvious force of this argument. He is no longer attempting to

divide the subject-matter of legislation into two hands, under one of which representatives of the Natives may vote and under the other of which they may not, if a question of confidence is involved. But this admission has in reality left the proposal for separate constituencies and voters' rolls without any logical foundation.

The typical liberal point of view has been admirably put in an essay on "The Franchise" by Messrs. O. D. Schreiner and W. H. Ramsbottom published in the compilation "*Coming of Age*":

"Fundamentally all members of the State have the one great common interest, that it should prosper and progress. In comparison with this basic unity of interest, conflicts, real or apparent, between sectional interests are neither permanent nor important. It is the function of Governments to reconcile such conflicts and remove their causes, to the end that they may cease to hinder the advancement of the common good. In modern times these aims are sought to be achieved through the medium of legislative bodies elected by the suffrages of the people. It is conceivable that in the distant future humanity may devise a more efficient instrument; but for the present we are safe in assuming the persistence in South Africa of the ordinary forms of democratic government. In any such system it is axiomatic that the member of a legislative body is the representative of all the citizens without distinction. He is sent to Parliament, not as an advocate of one group against another, but to legislate for the benefit of all. Any system in which this responsibility to the community as a whole is obscured is defective, and a serious danger arises that Parliament, instead of being the mouthpiece of the people may become an instrument of oppression."

"It is difficult," they continue, "to eradicate from the minds of even intelligent persons the belief that there is an unavoidable conflict of interest between the Europeans of South Africa and the several other races of the sub-continent. Save in the sense that there may be clashes of interest upon occasion between groups of capitalists and groups of labourers, this belief appears to be without foundation. Essentially our real interests are one. A sound system of representation will seek the reconciliation of such conflicts as may appear, and not their per-

petuation and intensification. To believe in the inevitability of conflict is to despair of our country's future."

On a lower and more practical plane, liberals have been able to do a little to allay the fear aroused in the minds of South Africans by the quotation of inaccurate statistics as to the relative numbers of White and Black. Liberals have been able to remind people of the simple fact that the proportion of Natives to Europeans is a little over three to one, not five or six to one as quoted by some leading politicians who, no doubt, in the excitement of election time, tend to see double. They have been able to show that in the only decennial period since Union for which we have adequate figures the Native rate of increase has been smaller than the White rate. They have been able to demonstrate that the number of Native voters has declined absolutely as well as relatively, and that since the introduction of women's franchise they form less than two per cent of the electoral body of the Union.

Less effective has been the perfectly sound and valid but rather academic argument that what we are considering is really the Native aspect of the franchise question rather than the franchise aspect of the Native question. The general public has not been gripped by this contention. Yet no man with a tidy mind—the kind of mind that would have pleased Bentham—can remain satisfied with the anomalies of our present electoral system. Its illogical differentiations between European, Coloured and Native have been discussed in an earlier chapter. More to the point in the present discussion is the unfairness of the electoral system. That system gives virtually no representation to diffused minorities, of which one of the most important is the considerable European minority which is disposed to take a liberal attitude on problems of colour. It gives a preference, up to a maximum of thirty per cent, to rural voters; for in dividing the Union into single-member constituencies the Delimitation Commission may depart from the quota to the extent of fifteen per cent below or above on several grounds, of which one of the most important is "sparsity or density of population," and this power is largely used. It is a commonplace that liberalism is always stronger in the towns than in the

countryside, and this is especially the case in South Africa.

Liberals have, during the past seven years of controversy, been prepared to admit that the present qualification may be too low. But they claim that if this is true, it is true of Coloured and "Poor White" no less than of Native voters. Many of them would be prepared to follow the Rhodes precedent of 1892 and raise the qualifications all round. On the contrary, during the last few years the already low qualification for European voters has been removed, and adult suffrage become the rule. Liberal thinkers have, not without the expenditure of some ingenuity, been put into a very difficult position. On principle they ought to approve of adult suffrage, yet they know that the effect of recent legislation has been to diminish the electoral power of the Native and the Coloured man, whilst giving votes to the most ignorant and backward, and therefore the most prejudiced, strata of the European community.

The tacit assumption behind many of the attacks on the Cape Native franchise is that the Native is thirsting for power—power to rule Europeans. It is an utterly false picture. The African is striving not for power, but for dignity and recognition. He wishes his children, if duly qualified, to have some claim to citizenship in the land of their birth. He wishes to be consulted with courtesy, but he is not aiming at getting his own way, or imposing his will upon others. This is a point which liberal theorists might perhaps have made more frequently than has been the case.

But even the faintest criticism of the liberal presentation seems ungenerous as one thinks of the magnificent rearguard action which liberalism has fought during the past few years on the franchise question. At times

" Even the ranks of Tuscany
Could scarce forbear to cheer."

And yet it has been a pathetic fight, because contrary to all military precedent the men past fighting age have borne the brunt of the battle. From the Cape Peninsula have rung out eloquent speeches and impassioned protests, but how many of those who have made them have been under fifty? What is the future of liberalism if it no longer attracts young men?

Although the Native franchise has been hotly attacked, the great liberal principle of consultation has won some victories since Union in forms other than the franchise. The only piece of post-Union Native legislation which can be described as definitely liberal, though cautious to the point of timidity, was the Native Affairs Act of 1920, and this Act constitutes an attempt to provide methods of consultation suitable to the circumstances of South Africa.

Three such methods are contemplated. In all three cases there has been regression from the standard set up in the Act.

The first is the Native Affairs Commission, which may be regarded as an attempt to produce the collegiate equivalent of a non-party Minister of Native Affairs. The powers of the Commission, though in some respects more limited than in the Bill of 1917, are sufficiently extensive to make it a power for good. But the history of its activity since 1920 may be summed up in a single musical term—*diminuendo*. In its earlier years, the Commission did good work. The crisis of 1926, when new policies of a far-reaching character were—no doubt inevitably—introduced apart from the Commission, sapped its vitality. Its long intermission of activity whilst all its members served on the Native Economic Commission (1930-2) was another cause of decline. And, after a praiseworthy attempt at impartiality, the Government has turned the Commission finally into a party body, appointments being clearly the result of acquiescence in the Native policy of the Government rather than an effort to find the best men. To compare the later volumes of the Commission's "Annual" Reports, usually containing the work of several years dealt with in sketchy fashion, with the able first Report of 1921 is to realise the extent to which the Commission has gone backward. Nevertheless, in its weakness, it is a means of first-hand consultation with the Natives which did not exist before.

The second reform introduced by the Act was the creation of Native Councils. The relevant Sections are permissive only in form but they give a considerable measure of power to any new Councils that might be called into existence. It is noteworthy that not a single new Council was formed until the amending

legislation of 1926 had been passed which very considerably restricted the status of the Councils as detailed in the earlier Act. Under the amended provisions nearly a score of local Councils have been formed, and cautious measures have been taken resulting in the constitution of a Ciskeian General Council. Here, then, there has been real progress, although the Council system is after all only a form of local government and not a substitute for the franchise.

The third provision of the Act of 1920 had to do with Native Conferences. The wording of the relevant Section is very vague, but by 1924 a system of Annual Conferences had developed, representative of the whole Union. This was a great gain for the principle of consultation. The earlier Conferences were successful, and the delegates displayed, with but few exceptions, ability, debating power and tact. Unfortunately they had speedily to face, in the atmosphere created by the Colour Bar controversy, the necessity for approving or disapproving the—at that time interdependent—land and franchise Bills. They could do nothing but disapprove them; but their decision, though inevitable, was fatal to themselves. Between 1927 and 1933 the “annual” Conference has only been summoned twice. At the last meeting the Minister was at pains to explain that, in spite of his predecessor’s promises, he was not bound to summon the Conference annually; and there has been talk of the substitution of a number of regional Conferences for a Union Conference.

This is all the more surprising in view of the fact that General Hertzog’s legislative programme of 1926 included a Union Native Council Bill. Had this measure become law, the Annual Conference would have become a statutory body. And not only so, but it would have been given certain legislative powers subject to the veto of Parliament. The legislative powers were it is true, of the most meagre kind, and hedged round with all sorts of reservations and exceptions; but still they were there. It seems strange that the Annual *advisory* Conference should be allowed to fall into disuse, in the face of proposals for an Annual *legislative* Conference.

During recent years, there is no doubt that the principle of

consultation has lost ground. Liberal opinion demands that Native leaders should at the very least be consulted about legislation affecting them and their people. Ordinary commonsense tells us that, if we are to avoid revolutionary agitation and direct action, constitutional channels must be provided for the expression of Bantu opinion, and the Natives must be shown by timely concessions that constitutional representations, properly made, do produce some result. One of the difficulties of the present situation is that Natives are becoming increasingly drawn to the advocates of direct action, and increasingly scornful of the preaching of patience, loyalty, respect for authority and reverence for law, all of which are no doubt excellent qualities but which never seem to "deliver the goods."

We pass to the consideration of the Rule of Law, and its application to Natives.

The principle of the Rule of Law, a fundamental principle of South African no less than English Law implies, as Professor Dicey's classical treatment reminds us, firstly, that the State and its officials *as such* enjoy no special status in the eyes of the law, nor do they possess any special powers and immunities. Any special rights which they may at the moment hold are conferred by the express provisions of Statutes and do not arise from any inherent official status. Secondly, the principle means that law is more concerned with the individual and his security in the exercise of his rights than with the State and the vindication of its authority.

The history of Continental liberalism shows us that it is possible to combine theories otherwise liberal with a belief in the inherent legal immunity of the State and its officials. English liberalism, always of a strongly individualistic type, feels otherwise. The great constitutional struggles of the seventeenth century, from which English liberalism springs, were struggles to put the arbitrary power of the Crown and its servants under strong legal restraints; and they had, from the days of Coke onwards, a decidedly legal atmosphere. It is possible to go further and to claim that the "servant State" which exists to minister to individuals and groups and to be the residuary legatee of society and its activities, is much more com-

patible with the principles of liberalism than the "sovereign State" whose essence is not service, but power.

Whatever our theories may be, it is impossible to deny that in practice any system which deprives individuals of legal redress against arbitrary action on the part of the State produces an atmosphere alien to that of liberalism. Thus even Frenchmen, who would defend the position of officials as it exists under the Third Republic, would not wish to go back to the days of Napoleon III.

The Rule of Law is an accepted part of the unwritten law of South Africa. Its principles may be modified by Statute and have been thus modified in England and in South Africa. Still they remain true, in substance as well as in form, for Englishmen, and for Europeans in South Africa.

Not so as regards Natives. As far as they are concerned, although the common law principle still represents the rule and statutory modifications the exceptions, the exceptions have become so numerous as virtually to destroy the rule. The object of this study is to analyze the process by which the majority of the population of a country still professing adherence to the Rule of Law is governed under a system of *droit administratif* no less rigorous than that of the Second Empire. The ease with which this transformation has been brought about is a measure of the weakness of political (as apart from economic or religious) liberalism in South Africa.

It must be admitted at once that to govern hundreds of thousands of tribal Natives without any modification of the legal principles evolved by Englishmen during centuries of individualistic struggle is impossible. Some departure from the strict principles of the Rule of Law, some class legislation, some legal differentiations, there must be. The trouble is that methods introduced at a certain time to meet specific conditions are too often assumed, with the uncritical outlook of bureaucracy, to be valid for all times and all conditions and in all places.

This is most strikingly illustrated by the history of the Shepstone experiments in Natal, and their later application to the Transvaal. The conception of Supreme Chieftainship evolved from the purely local and temporary Natal experience

of military monarchs like Tshaka and Dingaan, and enunciated solely as a practical method of overcoming the quibbles of Mr. Recorder Cloete in the Natal of 1849, was formally adopted by the Transvaal in 1885, and by Union legislation for all Provinces except the Cape in 1927. How untrue to the normal conceptions of the Bantu Law is the type of Supreme Chieftainship now existing under Statute, will be shown later.

Shepstone employed what it is to-day the fashion to call "indirect rule," and even artificially reconstructed the tribal system where it had been broken down. The available evidence strongly suggests that Shepstone, who believed in the Magisterial system, only accepted indirect rule *faute de mieux*, in the absence of officials, police and money. The Native Administration Act of 1927 recurs to what its framers conceived the Shepstone policy to be, under conditions so different that Shepstone would in all probability not even have considered indirect rule had he been working under them.

Shepstone fused in the Lieutenant-Governor (virtually in himself) executive and judicial functions. This arrangement, eminently satisfactory for tribal Natives in 1850, when the holder of these vast powers was one who knew and loved the Bantu, is not necessarily a wise plan for dealing with detribalised Natives eighty years later, when the holder of the power may be quite conceivably a Minister elected on the cry of the "Native menace."

Those who support the application of the principle of the Rule of Law to Natives are sometimes accused of insularity. The Rule of Law is an English tradition. As a principle it has commended itself through generations to the English people, but it has not been adopted by the Portuguese or the Italians. Why then should it be the best system of ruling the Pondos or the Bapedi? It may be, as in the opinion of some the Cabinet System is, a device rather Anglo-Saxon than universal.

There is an element of truth in this view, although we may rejoin that two such conflicting principles as the Rule of Law and *droit administratif* can hardly be combined under one Government. The Rule of Law is not opposed to Bantu political experience or the genius of Bantu institutions. The Chief

was not normally a despot. In any case it is not he who wields power to-day. Those who believe in despotic methods of Native administration believe also as a rule, in a White man using them. But the Native Commissioner is not subject to the checks which normally operated on the Chief. He feels comparatively little the silent pressure of tribal opinion. The circle of relatives in high position, who could offer the Chief frank and unpalatable advice, means nothing to him. The fear of deposition, which affected at any rate some Chiefs, is also meaningless so far as he is concerned. If executive and judicial power are fused in his hands and if he is allowed to become arbitrary, he is administering a tradition alien not only to himself but also to those whom he governs. Unless his actions are subject to review by the Courts, there is grave danger of tyranny.

Unhappily, however, appeal to the Supreme Court has often led to grave inconvenience and even to substantial injustice, owing to the divorce of the formal legal correctness of the Court from the facts of Bantu life. Hence many officials who have the best of intentions and cherish undoubted good-will towards the Natives have opposed this right of reference to the Courts and advocated in its place a benevolent bureaucracy. They feel that an appeal from a competent Native Commissioner to the Supreme Court, on a question of Native custom, is an appeal from Caesar well-informed to Caesar ill-informed. Views such as this have been ably expressed by Mr. E. H. R. Garthorne, formerly Union Under-Secretary for Native Affairs, in his pamphlet *The Application of Native Law in the Transvaal*, widely quoted in Mr. G. B. Whitfield's *Native Law and Custom*. Mr. Garthorne cites particularly certain amazing Transvaal decisions. Thus in *Rex v. Mboke* (445 T.S.C. 1910) the Court held that the children of Native customary unions were illegitimate. In *Kaba v. Ntela* (964 T.P.D. 1910) it was ruled that a Native father had no rights of guardianship over his own children, and that a Native husband could not sue for the return of the *lobola* cattle. In *Meesadoosa v. Links* (357 T.P.D. 1915) the Court refused to recognise the Native customary law regarding the status of women. Even in the Cape Province, Native customary unions have been ruled to be "not immoral but illicit." (In

Ngqobela v. Sihele, 1892 and even in the purely Native District of Glen Grey in *Nqeti v. Mnete*, 1909).

Small wonder that capable and sympathetic administrators have rebelled against such judgments. The Native Administration Act of 1927—that amazingly mixed document—has swept them all away, and made provision for special Native Civil Courts and for the recognition of Native private law. But this, desirable though it unquestionably is, need not mean the deprivation of the Native's rights in public law—a further and far less satisfactory result of the Native Administration Act.

For, in spite of all objections, the application of the principle of the Rule of Law to Natives has overwhelming arguments to support it. It is in line with, and not below, the best tradition of the governing classes. In practice it has frequently defended Native rights against bureaucratic stupidity, thoughtlessness and oppression. Notwithstanding all the disconcerting decisions of the Superior Courts in the sphere of Native custom, the Native has confidence in them more than in the Civil Service Departments. And, finally, there should certainly be some independent check on the government of classes virtually unrepresented in Parliament.

These arguments—liberal opinion being as weak as it has been—have not availed to keep those in authority true to the principle of the Rule of Law. Of all the rights which that principle is designed to protect, none is more precious than that of personal freedom. The miscellaneous group of Statutes which we call the "pass laws" constitute a tremendous invasion of personal freedom. In recent years about 40,000 Natives have been arrested for offences against the "pass laws," nine-tenths of whom were in the Transvaal. Incidentally it is more than common-sense can accept to assume that the Transvaal really needs nine times as much activity to check vagrancy as the other three Provinces put together. Breach of contract of service is a criminal offence so far as Natives are concerned, and gives rise to a criminal prosecution. There is a growing tendency to make matters which give rise to a civil action against Europeans criminal offences as regards Natives, sometimes to confer a power of summary arrest in such matters. The most

striking illustration of this tendency is the provision of the Native Taxation and Development Act, which makes non-payment of taxes, or rather failure to produce the official tax-receipt on demand, ground for a criminal prosecution.

The recent Native Administration Act is a *locus classicus* in this respect. Let us, for instance, examine Section 5 in some detail. The relevant paragraphs read as follows:—

“ 5 (1) (b) The Governor-General may, whenever he deems it expedient in the public interest, order the removal of any tribe or portion thereof or any Native from any place to any other place within the Union upon such conditions as he may determine: Provided that, in the case of a tribe objecting to such removal, no such order shall be given unless a resolution approving of the removal has been adopted by both Houses of Parliament.

“ 5 (2) Any Native who neglects or refuses to comply with any order issued under paragraph (b) of sub-section (1), or with any conditions thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds, or to imprisonment for any period not exceeding three months.”

Stripping the legal verbiage away, could anything be more classic in its simplicity than the main principle of the Section:— “ The Governor-General may order the removal of any Native from any place to any other place within the Union.” And the phrase “ whenever he deems expedient in the public interest ” is pure *droit administratif*. Maupas or Mornay could hardly have asked for more.

The amending Act (No. 9 of 1929) added after the words “ to any other place ” the words “ or to any province or district.” The reason for this is curious and interesting. A Native deported from his tribal home to “ any other district in the Transvaal ” appealed to the Courts. The Courts, loath to accept the heterodox legal principles of the Act and construing its terms as narrowly as possible, held that “ any other district ” was not a “ place ” as provided. Immediately the amending Act was enriched with a clause that left the Courts no discretion and often legislators are unaware as to the why and wherefore of obscure “ legislation-by-reference ” Bills, such as Act 9 of 1929.

Thus, without undue exaggeration, one cannot almost say that Natives no longer enjoy a *right* of personal freedom. In its place they have a *privilege* of personal freedom held until "the Governor-General deems it inexpedient in the public interest," in other words held at official discretion.

Such substitutions of privileges for legal rights are very common in the Native Administration Act. Let us take a further example. We find it in the provisions relating to exemption. Exemption is the only way out for the detribalised and educated Native from the stringent provisions of the Act, based as it is on the tribal and ignorant Native as the normal unit. The importance of exemption being a legal right, clear and unambiguous in its terms, is so obvious as not to call for argument. Such exemption was granted to Native voters in the Cape Colony by the Hofmeyr Act of 1887. It was clear both as to its prerequisites and as to its effects, and it was a right enforceable at law. Let us look at the system of exemption under the Native Administration Act (Section 31). The italicised portion gives the essential principles of the Clause :—

" 31 (1). *In any case in which he may deem it expedient, the Governor-General may grant to any Native a letter of exemption, exempting the recipient from such laws specially affecting Natives or so much of such laws as may be specified in such letter : Provided that no such exemption shall be granted under this Section from any provision of law, regulating the ownership or occupation of land, or imposing taxation, or controlling the sale, supply or possession of intoxicating liquor.*

" (2). *Any such exemption may be made subject to any condition imposed by the Governor-General and specified in such letter.*

" (3) Any letter of exemption issued under any law included in the Schedule to this Act shall be deemed to have been granted under Sub-Section (1).

" (4) *Any letter of exemption, granted under sub-section (1) or referred to in sub-section (3), may at any time be cancelled by the Governor-General without assigning any reason."*

Comment on the main principles is unnecessary ; but some attention should be directed to the effects of sub-sections (3) and (4). These provisions bring the old Cape and Natal exemptions

under the new rules. In doing so, they provide us with an amazing instance of breach of contractual rights, especially as Sub-section (4) is so ingeniously worded as to enable the Governor-General, or in other words the Native Affairs Department, to cancel these existing exemptions without assigning any reason for the action taken. There is need for an amendment limiting the right of cancellation to Letters of Exemption issued after the coming into force of the Act, and then only for well-defined causes cognizable by the Courts.

Practice has made the bad law even worse. Six years have elapsed, and still the Native Affairs Department has no exemption policy and no permanent exemption regulations. The old law has gone, and nothing has taken its place.

Provisions such as Section 31 of the Native Administration Act represent slipshod legislation at its worst. The Native Affairs Department has sought to find "short cuts" for its officials. In so doing it has furnished bad precedents for general, and not merely for specifically Native, legislation.

Nowhere is this point of the interrelation of Native and general administration more clearly illustrated than in the grave question of arrest without warrant. The effect of the South African Criminal Procedure and Evidence Act (No 31 of 1917) in this regard is well illustrated in the remarks from the Bench in the case of *Macdonald v. Kumalo*.

"A peace officer"—so runs the judgment—"may arrest without warrant every person who commits any offence in his presence, and every person whom he *finds attempting* to commit an offence or *clearly manifesting an intention* to do so. These subsections apply to all offences, *but a peace officer is not entitled to arrest without warrant on the grounds of reasonable suspicion*, unless the person arrested is reasonably suspected of having committed one of the grave offences referred to in the first Schedule to the Act."

The spirit of the law is clearly against any arrest of a Native on the ground that the peace officer effecting the arrest reasonably suspects him of not having his pass or of not having paid his tax. But subsequent statutory enactment has departed from this principle by making it an offence for a Native to fail to

produce his pass or tax receipt when called upon to do so. A peace officer who "reasonably suspects" non-payment of taxes evades Act 31 of 1917 by calling on the Native to produce his tax receipt. Should he fail to do so he has, technically, "committed an offence in the presence of a peace officer" and can be arrested forthwith, although he may have paid his taxes and may have his receipt at home. The letter of the law prevails over the spirit. To Europeans the strict letter of the law is usually not applied. Compare "Pass Raid" Day with Motor Car Licence—"Seen—Gesien" Day! To apply "Pass Raid" methods, even within the letter of the law, to Europeans, would cause riot or revolution.

If the police keep within the letter of the law, the Courts can do nothing to help. But, wide as their powers are, they sometimes exceed them, and then a remedy can be found.

The most striking case in this field is *Macdonald v. Kumalo*, already touched upon. The facts of the case, as appearing in the Law Reports, are briefly as follows: Macdonald, Head Constable of Kokstad, gave orders that all Natives found in the streets of Kokstad after 9.0 p.m. without a pass should be arrested. Plaintiff, Kumalo, a registered voter, and as such exempt from the curfew regulations, was in the streets of Kokstad after 9.0 p.m. He was stopped by a constable, who demanded his pass, and on plaintiff stating that he was a registered voter and therefore had no pass, the constable instructed a Native constable to take him to the charge office, where Macdonald gave instructions for him to be charged. Bail was tendered and refused, on the grounds *inter alia* that it was not the practice to accept bail after 5.0 p.m. at Kokstad. Plaintiff was charged, sent to gaol, and made to suffer certain indignities before he was admitted to bail. He brought an action for damages for unlawful imprisonment. The Magistrate awarded him £10 damages. The defendant appealed to the Eastern Districts Local Division of the Supreme Court, and that Court confirmed the Magistrate's decision, expressing mild surprise that the damages should have been of so modest a character.

"An innocent man," said the Judge President, "was arrested for a paltry offence, imprisoned, subjected to indignities, an

offer of bail avoided by paltry excuses and a charge persisted in at a time when the police must have known that the accused was innocent of any offence. It is not surprising that the plaintiff took action."

"In the present case," he went on, "the plaintiff happens to be a Native. But if a Native can be arrested and imprisoned because a peace officer is not satisfied with his claim for exemption, so could a European under similar laws and regulations. Every owner of a dog who fails to pay the licence required by law within a specified time commits an offence. Various other taxes unpaid by certain specified dates involve the defaulting persons in fines and penalties. It would indeed be a grave infringement on the liberties of the subject if persons who has not defaulted, but had paid such licences and taxes, were liable to be summarily arrested because they were unable to produce documentary evidence necessary to prove payment at the moment they were arrested by a peace officer."

In this case the Courts appear—and their role will not seem strange to those who remember the history of the reign of James I—as the guardians of liberal principles. That is why the Natives still have confidence in them, despite their disconcerting decisions on matters of Native family law referred to earlier in this Chapter. The list of decisions there given could be paralleled by another list where Native rights have been scrupulously safeguarded. Thus (to take a few examples) in *Rex v. Mantu* (1927 E.D.L. 38) the principle is laid down that an accused person is entitled to know the cause of his arrest. If this is not given, a prosecution against him for resisting arrest will fail. According to the judgment in the case of *Rex v. Jackelson and Others* (1926 T.P.D. 625)—a judgment very significant in the case of "pass raids" on Locations—a policeman may not enter upon private premises to effect an arrest without first demanding permission and notifying his purpose, even if the entrance to the premises is open. In *Rene v. Carr* (1921 E.D.L. 239) the Court laid down the sound doctrine that the real object of arrest was to secure the attendance of the accused in Court, and not to inflict a preliminary punishment for an offence of which the accused has not yet been found guilty.

Hence arrest should not be resorted to, for minor offences at any rate, in the absence of grounds for believing that the accused will not answer to a summons.

Other illustrations of the interference with the principle of the Rule of Law must be dealt with more summarily. Freedom of speech, of public meeting, and of the press are also turned from legal rights into administrative privileges by the combined operation of Section 29 of this Act and of the Riotous Assemblies Act Amendment Act of 1930. Special provision is made for the deportation of British subjects born outside South Africa. In most cases, absolute discretion explicitly ousting the jurisdiction of the courts, is accorded to the Minister of Justice. By a special insolence of bureaucracy, the restriction of the fundamental right of public meeting in Native areas has become a matter not of Statute, but of Regulation under Section 27 (1) (c) of the Native Administration Act.

In brief, the only difference between our present system of ruling Natives and the system of martial law would appear to be that the Executive cannot extend its own powers. Even this, however, is not true for the Provinces of Natal, the Transvaal and the Orange Free State. The Native Administration Act actually gives the bureaucracy the power to legislate extending its own powers and immunities. Such is the effect of the provisions relating to the powers of the Supreme Chief, which, at the risk of wearying the reader, we must now examine in some detail.

Section 1 of the Native Administration Act reads as follows :

“The Governor-General shall be the Supreme Chief of all Natives in the Provinces of Natal, Transvaal and the Orange Free State, and shall in any part of the said Provinces be vested with all such powers and authorities in respect of all Natives as are, at the commencement of this Act vested in him in respect of Natives in the Province of Natal.”

Section 1 of the amending Act (No. 9 of 1929) introduces some very significant amendments. After “vested with all such” it inserts the words “rights, immunities.” After “at the commencement of this Act” it adds “or may be from time to time.”

The significance of this latter provision is illustrated by

reference to Section 24 (1) of the Act, which dovetails most ingeniously into the amendment. It reads as follows :—

“ The Governor-General may, from time to time, by proclamation in the Gazette, amend the provisions of the Natal Code of Native Law.”

Now, the definition of the powers of Supreme Chief in the Province of Natal is contained in this very Code, which can today be amended by Proclamation. Any new powers can be added by Proclamation. Under Section 1 as I understand it, such a Proclamation, though only specifying Natal, will apply automatically to the Transvaal and Orange Free State. The system is ingenious, but hardly ingenuous.

To the powers of the Supreme Chief, there is really no limit. We are not dealing with “ the powers of the Supreme Chief, as such existed in the Native Law ” but such powers “ as existed at the commencement of the Act in the Province of Natal ” *plus* such as “ may from time to time be added.” Put more bluntly, the powers of the Supreme Chief are such powers as the Supreme Chief by Proclamation allocates to himself. It is legalised despotism.

But enough of vague statements and hypothetical cases. Let us see what has actually been done.

Proclamation 168 of the 17th September, 1932, repeals the Natal Code of Native Law and substitutes a new one. Chapter II of the new Code, comprising Sections 2 to 10, deals with “ The Supreme Chief and the Supreme Chief’s Orders.” I quote a few Sections from the Chapter to illustrate how utterly and completely the safeguards of the Rule of Law have been removed from the Natives of three Provinces, at the same time that exemption has become a matter of official discretion.

Section 5. “ (1) The Supreme Chief, the Minister of Native Affairs, the Chief Native Commissioner, and Native Commissioners, may command the attendance of chiefs and Natives for any purpose of public interest, public utility, or for the purpose of carrying out the administration of any law, at any reasonable time and under reasonable circumstances, and in pursuance of any such purpose may require them to render obedience, assistance and active co-operation in the execution of any reasonable order.

“(2) Disregard or defiance of any order made under the provisions of sub-section (1) shall be deemed to be disregard or defiance of an order of the Supreme Chief and any Native guilty thereof or showing disrespect to any officer referred to in sub-section (1) shall be guilty of an offence.

“(3) When any such offence as is in sub-section (2) referred to is committed under circumstances rendering prompt action necessary, any such officer as is specified in sub-section (1) may order the immediate arrest of the offender and call upon him to show cause why he should not be punished. Should he fail to furnish a satisfactory explanation such officer may summarily punish the offender by a fine not exceeding ten pounds or by imprisonment for a period not exceeding two months.

“(4) Any action taken as in sub-section (3) provided by a Native Commissioner shall be reported immediately to the Chief Native Commissioner who may confirm, reduce or disallow the punishment.

“(5) Any punishment imposed under the provisions of sub-section (3) shall, subject to the provisions of sub-section (4), on a certificate under the hand of the officer who imposed it, have effect and be acted upon by the Native Commissioner of the district as if it were a sentence passed by him in the exercise of the criminal jurisdiction duly conferred upon him under section *nine* of the Act.

“(6) A Native summarily punished as in sub-section (3) provided shall not, unless the punishment be disallowed by the Chief Native Commissioner, be prosecuted in any court of law for the same offence.”

Section 8. “Whenever the Supreme Chief is satisfied that any Native is dangerous to the public peace, if left at large, he may by proclamation authorise the summary arrest and detention of such Native in such place and subject to such conditions as he may determine; provided that any Native so arrested and detained may after the lapse of three months from the date of his arrest apply to the Supreme Court for his release, which shall thereupon be granted by the said Court unless such person shall then be detained under lawful warrant other than such proclamation.

Section 10. “(1) Neither the Supreme Court nor any other Court of law shall have jurisdiction to question or pronounce upon the validity or legality of any act done, direction or order given or punishment inflicted by the Supreme Chief in the exercise of his powers, authorities, functions, rights, immunities and privileges.

“(2) No interdict or other legal process shall issue for the stay of any administrative act or order of any officer acting as the representative or deputy of the Supreme Chief, or requiring any such officer to answer any suit or proceedings in respect of any such act or order unless the court be satisfied that *prima facie* the Act or order is without lawful authority.”

Has all this any counterpart in Native Law, as the use of the term “Supreme Chief” would suggest?

We can answer this question best by inquiring where the conception of Supreme Chieftainship originated. It came into our Statute Book by way of the Shepstone regime in Natal eighty years ago. When Shepstone, for special and local reasons, conceived the idea of proclaiming the Lieutenant-Governor of Natal “Supreme Chief of the Native population” he had under his eyes the despotism of Tshaka and Dingaan. Neither Shepstone himself nor any other person who has closely studied Bantu polity, imagined that the Zulu military autocracy was a normal form of government. By adopting it as such in the Act of 1927, we have acted as ludicrously as a conquering Bantu oligarchy would do, were it to assume that Fascism was the ordinary and general polity of the tribes of Europe.

In an exceedingly able protest, dated at Bloemfontein, 6th April, 1928, a Convention of Paramount Chiefs and Chiefs of the Union has stated: “Tshaka’s government was a form of government contrary to Bantu system.” With an unerring eye, they proceed to place their finger on a vital point of criticism. “The policy of Shepstone,” they continue, “differs from that of the present Government in that it recognized Native progress. The Natives, as soon as they acquired civilised habits of living were to be exempted from coming under the direct rule of the Supreme Chief. . . . But under the Administration Act of 1927, Native progress is not sufficiently recognized. *Both the*

civilised and the uncivilised Natives, the professional man and the ordinary Native living in his primitive state, are subject to the autocratic rule of the Supreme Chief."

"If it is the policy of the Government," the chiefs go on, "that the Bantu people should be governed by means of their own law and customs, we feel it our duty, as guardians of our people, to point out that this should be in accordance with Native Law, and not with the wishes of the White race. It is our firm conviction that the policy underlying the Native Administration Act is a violation of the Bantu system of government."

In short, the licensed and irresponsible despotism of the Supreme Chief (or, in practice, of officialdom generally) is not only contrary to every principle, rule and instinct of our own constitutional law, but also, according to the Convention of Chiefs who must be supposed to know something about it, contrary to Native Law. To apply it at all is probably unjust and unwise. But to apply it *in the name of Bantu Law* is surely adding insult to injury.

From all that has been said in the course of this discussion, it must be clear that bureaucracy in Native administration is increasing. Few Departments can be entrusted with unlimited powers such as those now in the hands of the South African Native Affairs Department without being tempted to abuse them. Bureaucracy may be defined as government by officials for officials, always with the best intentions.

No doubt in the seventeenth century, amid the origins of English liberalism, Bacon and Strafford stood for efficiency in administration, while Coke might justifiably have been regarded as a pedant and Hampden as a querulous and impracticable agitator. Yet we can have little doubt to-day as to which side of the question was most fruitful in the development of England as the mother-country of freedom. The only checks on bureaucracy are either democratic Parliamentary Government—which Natives do not possess—or (as Coke saw so plainly) control of the Administration by the Courts which the Native Administration Act and other Statutes are so unwisely and unfairly removing.

As we look back to seventeenth-century England we see a majestic and sorrowful figure—a figure in spite of many faults of head and heart remaining impressive after three centuries. We see Charles I, before Cromwell's illegal High Court of Justice, telling his weeping hearers that he was fighting their cause as well as his own.

So it is with those who are often accused of being in their "negrophilism" traitors to White South Africa. They are fighting the White man's cause as well as that of the Natives. The six years since the passing of the Native Administration Act, have seen an enormous growth of unchecked official power of which the Riotous Assemblies Act Amendment Act is the most striking example. The fatal precedent was set in what seemed the safe field of Native administration. The instinct of South African liberal thinkers has been right. It is in that field that the battle of public freedom in South Africa will be fought and won—or perhaps, through the carelessness of the young men of South Africa, lost.

CHAPTER V.

THE ECONOMIC APPROACH, ITS VALUE AND ITS DANGER.

THE study of economics in South Africa, and its application to grave local questions is comparatively recent. Especially with regard to the complicated series of problems which we sometimes call the "Native question," almost every aspect seems to have been considered before our scientists embarked on a study of the economic issues concerned. Before 1910, little of importance was written. Thereafter, while able studies such as Maurice Evans' *Black and White in South-East Africa*, Dr. C. T. Loram's *Education of the South African Native* or (later) Peter Nielsen's *The Black Man's Place in South Africa* helped to direct attention towards the scientific study of race relations in South Africa, little of a purely economic nature appeared.

The pioneer worker in this direction has undoubtedly been Professor W. M. Macmillan, whose trilogy *The Cape Colour Question*, *Bantu, Boer and Briton* and *Complex South Africa* ought to be well known to every student of South African life. Professor Macmillan has done great service to his country, and we all owe him thanks for his courage, accurate research and stimulating suggestions. He began rightly, in earlier studies published in pamphlet form, by stressing the similarity of the economic causes producing "Poor Whites" and "Poor Blacks." He reminded us, in *The Cape Colour Question* that the study of economic relations between European and Bantu is bound up with the conflict between European and Coloured aspirations which began a century and a half earlier, and has been settled by means other than restrictive legislation. In *Complex South Africa* he has given us a survey, of the highest value and interest, of South Africa's general economic problems of to-day.

If one could, in one's ingratitude, go on to criticise so able and unselfish a piece of work for South Africa, the criticism would be in effect this. Professor Macmillan has given us economic conclusions in the main sound, but without making clear enough his awareness of the "imponderables" of South

African life—the social and political ideals which do in practice sometimes outweigh economic considerations. The scant sympathy felt for, and the lack of understanding of the pioneer White communities of South Africa, Dutch and British, which seem to detract from the value of such a book as *Bantu, Boer and Briton*, bear some analogy to the artificial “economic-man” outlook of the earlier economists. There are moments when one feels anxious to remind Professor Macmillan that even farmers have souls to be saved!

The minute one offers such a criticism, one is struck with doubts as to its complete fairness. Yet there is an element of truth in it which is independent of any judgment of particular persons. The realism of what we may call the “economic school” of writers on Native policy, their very honesty and accuracy, their laudable passion for statistics and their relentless clarity of vision, tend to make them a little inappreciative of the ideals and sentiments, wise or foolish, noble or perverted, which are sometimes so powerful among the masses of South Africa as to lead them to approve of policies directly and demonstrably contrary to their own economic interests.

These remarks represent a very imperfect generalisation which must not be taken as a reflection on the work of any and every member of what I have ventured to call the “economic school.” For Professor Macmillan has not stood alone in this work of economic research. One thinks, for example, of Miss Hodgson’s and Mr. W. G. Ballinger’s able brochures on the Imperial Protectorates, and of the work of Professor S. H. Frankel. One remembers the persistent, sound and steady labours of men like Mr. J. D. Rheinallt Jones.

Here are men who would differ very considerably on details, but who represent in general a similar attitude—a scientific basis of study, a sound belief in “measurement and publicity,” a certain realism. The critics of the “economic school” would probably fasten on two points. They would say, in the first place, that all its leading writers live in Johannesburg, and that the Witwatersrand is not South Africa. Secondly, they would point to the fact that the general tendency of student opinion under the inspiration of the economic theorists, is to go further

than the theorists themselves, and that the strongest student groups of this type are communistic or semi-communistic.

But if the Witwatersrand is not the whole of South Africa, it is nevertheless an important, even a decisive factor in South African life. If the rural Native is overwhelmingly in the majority, the towns are the real storm-centre of race contact. If students occasionally seem to speak the language of Johannesburg with the accent of Moscow, it is right to remind ourselves that an indiscreet zeal for revolution is a higher quality than a mere ignoble content with things as they are in an unjust and inefficient society. The type of thought which the "economic school" has called into being will remain, and will become increasingly significant. If it has not yet moulded South African Native policy, it has become a force to be reckoned with by those who do. And it has been responsible for much of the contents of the Report of the Native Economic Commission of 1930-32.

This Report is a most interesting document and will repay careful study. In analysing it, we shall do well to bear in mind the composition of the Commission. Both political parties were represented. Four members were Afrikaans-speaking and three English-speaking. Four of the members—not the same four—were farmers. Only two could in any sense be described as expert economists. Only one had done specialised administrative work with Natives, whilst one other had knowledge of and had written on tribal Native conditions. Probably only a single member of the Commission could be described as belonging to the "economic school" which we have been discussing. It is therefore not surprising that the Commissioners did not come out unequivocally in favour of the newer economic theories: what is surprising and significant is the length to which they went in that direction.

In their approach to the subject, the Commissioners lay down certain valuable fundamental principles. Although they have great faith in the future of a separate Bantu culture and of the tribal system, they admit frankly, at the very beginning of the Report that the Native economic system must ultimately be disintegrated completely by contact with Europeans. "The

Native economic question, " they say, " is therefore how best the Native population can be led onward step by step in an orderly march to civilization." This progressive attitude is characteristic of the Report as a whole. It is refreshing to find the Native never regarded as a " menace " but always as a part of the community, a partner in the economic life of the State. At the same time the Commissioners will not go the whole way. They spend much time, and perhaps just a little pedantry, in an anthropological study of tribal Native life. They justify up to a point the Land Act of 1913. And they can even write such a sentence as this : " It is manifestly impossible, and even if it were possible, undesirable for the European population of the Union to shoulder the material burden of raising to a civilised level a Native population outnumbering them by three to one" (Para. 97), although much later on they say : " It is not usual in treatises on public finance to consider taxation and expenditure from the point of view of any one class of persons : the expenditure which the State considers necessary, is chargeable to the whole community, and it is the task of the Government to distribute this equitably among the various classes of persons which constitute the State." (Para. 1058). Constant differentiations appear in the Commissioner's recommendations, but on the other hand the tendency of the " economic school " to ignore all non-economic factors seems equally misleading. Perhaps the truth lies somewhere between these two points of view.

The parts of the Economic Commission's Report which lie most open to objection lie really outside its terms of reference—the discussion of the tribal system in Part 1, and what I cannot but regard as the somewhat harmful and misleading majority report on Native education contained in Paras. 574-644. Within the terms of reference the most unsatisfactory feature is the handling of finance and taxation. For policies are advocated which cannot possibly be carried out unless either taxation is raised beyond the capacity of the Native to pay, or the European community, for the sake of the general advantage, bears part of the cost. This possibility is ruled out by the Commissioners themselves, as we have seen above. And, when discussing the finances of its own scheme of development, the Commission

comes to the lamest possible conclusion, viz. "Your Commission does not feel that it can advance any views on this question." (Para. 644). Finance, as has been well said, is not mere arithmetic : it is an integral part of policy, and no policy is complete unless its finance is on a sound basis. From this point of view, the Report of the Native Economic Commission is a splendid failure. It tells us in solemn and carefully-considered phrases that desert conditions are being created in the Reserves, and that it is a race for time between the enlightenment of the Native and the complete destruction of his land," with irreparable consequences to the nation, White as well as Black." (Para. 349). It seems incredible that, having gone so far, the Commissioners should not have made a clear and strong recommendation as to the financing of a development policy ; but it is so. Obsessed with the idea that the Natives must be regarded as a separate community for governmental purposes, the majority of the Commission struggle between enlightened economic theory and nationalism of the type discussed in Chapter II. And yet, although finance is beyond their terms of reference, they include in their report paragraphs on "ancestor worship," "parental authority," "aims of Native education," "repatriation of criminals" and "infantile mortality."

Any words of praise with regard to the Commission's work must be uttered subject to this fundamental criticism. And yet there is so much to praise in Part I of the Report, which deals with the Reserves. The exposure of the present state of affairs is startling and effective. The remedies suggested are twofold—the provision of more land, and education in the widest sense of the word, including widespread agricultural demonstration. Rightly are we told that the heart even of the urban problem lies here, and that no restrictive laws will exclude from towns Natives whom a progressive policy of development in the Reserves would hold naturally in their ancestral homes. The Commissioners claim that the threat of under-developed Reserves to the European community is very serious, that the White man who remains indifferent to Native agricultural needs does not know his own interest. "The proper synthesis of our wealth-producing factors," they assert, "lies in a wise, courage-

ous, forward policy of development of the Reserves " (Para. 96). The question of overstocking is very carefully considered, and recommendations of a progressive character made with regard to afforestation, erosion prevention, agricultural credit, etc.

When we pass from Part 1 to Part 2, dealing with Natives on European farms, we experience a sense of acute disappointment. The Commission has patently shirked this part of its work, and the really important facts on the subject are found not in the Main Report but in the special Addendum put forward by Mr. F. A. W. Lucas. There is something in the contention that a writer like Professor Macmillan shows scant sympathy with farmers, but surely the Commission has failed to be incisive enough. Could anything be more fatuous than Paragraph 352? :-

" There was much complaint on the part of Native witnesses heard by the Commission throughout the Union of the terms under which labour tenants work and are remunerated on farms. Very few of these witnesses, however, were themselves labour tenants. The evidence of individual farmers and representatives of Farmers' Associations, heard by your Commission, on the other hand, was practically unanimous to the effect that farm labour was on the whole reasonably well-paid, fed and treated."

What are these good wages of which the majority of the Commission speaks? Let us turn in this respect to Mr. Lucas' Addendum. We find quoted there a very valuable article written by Drs. C. H. Neveling and J. C. Neethling, and published in *Farming in South Africa* for September 1930, in which a survey of Native wages on over a hundred maize farms is made. Cash equivalents are given for land, grazing and rations, so that the vague statement that " on the best farms, the privileges are worth more to him than the wages which he would normally receive in town " contained in Para. 370 of the main report, is met by statistics. These statistics shew that the total wages (which are from three to five times as high as the cash wages) vary from £15 10s. to £26 2s. *per annum*. On the other hand, a statement of Native wages on the Witwatersrand, published in Annexure 24-II to the Report, and compiled by the Director of

Native Labour, shews that very few Natives in that area were drawing less than 2s. per working day (£31 6s. per annum) plus rations and quarters, and that many were even better remunerated; while even small towns like Potchefstroom, Kroonstad and Parys, record wages for male Natives considerably higher in most cases than the figures of Drs. Neethling and Neveling. The Kroonstad average as given by the Superintendent of Locations is £31 10s. per annum. Even allowing for the higher cost of living in towns, it is clear that there are very unsatisfactory economic conditions prevailing on many of the farms; and that the recommendations of the main Report of the Commission, though good as far as they go, are vitiated by the inadequate recognition of this fact.

But Part 3 is the most able and sympathetic section of the Report and it is a matter for congratulation that the Commission, evidently predisposed to plead the cause of the Tribal Native, should have taken so broad a view of the needs of the less popular urban communities. The Report recognises the inevitability of an urban Native population. "It is perfectly clear that a considerable number of Natives have become permanent town dwellers. No good purpose is served by disregarding this fact, or by acting on the assumption that it is not a fact. *In the interest of the efficiency of urban industries it is better to have a fixed urban Native population to the extent to which such population is necessary, than the present casual drifting population.*" (Para. 500.)

The last sentence is significant. The Commissioners realise the unsatisfactory nature of the present system whereby in every town there are thousands of casual Native employees, mainly young men and women, but also mature men separated from their families. The social evils resulting from this system are obvious and very serious. But the Commissioners lay very special stress on the economic results of this mass of casual labour. By the fact that the workers have homes in the Reserves—and this is, of course, specially true of married men—they are in effect "subsidised." Hence they are in a position to accept wages far lower than should justly be offered to a bread-winner who has no resource other than his wages. Not only is this low wage-rate a menace to the "poor White" and to the Coloured

worker: it is also a menace to the decent permanent urban Native. No doubt wage regulation can do something to combat this menace, but the more fundamental problem is to reduce the number of casual Native workers in the towns. The Commissioners, in short, aim at a smaller, better-paid and more efficient urban Native population. They realise—and it is part of their wisdom that they do realise it—that nothing of permanent value can be done by mere restriction. Attempts to regulate the entrance of Natives into urban areas cannot be a final or a satisfactory solution. The evils “ must be attacked in the Reserves ” (Para. 558). Only if more land is allocated to Natives, and better methods of farming used by them, will the egress of Natives from the Reserves be effectively checked.

Inside the towns, wise and tactful administration, the provision of suitable recreation and better liquor laws, will make the lot of the Native worker an easier one.

Should the recommendations suggested in Part 1 of the Report—i.e. the improvement and extension of the Reserves—not be accepted, the outlook must be black indeed. In the meantime it is surely unwise as well as unjust, if the Commission's Report is to be accepted on this point, where it speaks with unanimity, to introduce further urban areas legislation of a restricting kind until a vigorous forward policy in the Reserves has been given a fair trial.

Part 4 of the Report deals with a number of miscellaneous, though important, subjects. After a discussion on education, a question on which the Commissioners were sharply divided, the topics of direct taxation, race relations, the development of race consciousness, *lobolo*, the pass laws, exemption, liquor, crime and infantile mortality are dealt with in the order stated. The Report devotes considerable attention to mining, and wages and certain allied questions are also handled. On the wage question the main Report should be read with Mr. Lucas' addendum.

The most striking reference in this part of the Report is that of the “ Colour Bar ” on the mines, which the majority timidly justify, and Dr. Roberts and Mr. Lucas hotly contest. The five members who form the majority say that the colour bar cannot safely be removed “ at the present juncture.” It is interesting

to see how even defenders of economic segregation are coming to justify it as a temporary measure only.

Part 4 concludes with brief references to certain social questions and Part 5 shews a further difference of opinion on the subject of Wage Regulation. Four Commissioners (Drs. Fourie and Holloway, Mr. Mostert and Senator le Roux van Niekerk) oppose wage regulation for Natives, on the grounds that the resultant higher wages would cause increased urbanisation, and that higher wages mean more unemployment. The minority (Dr. Roberts and Messrs. Lucas and Anderson) contest these points *inter alia* on the grounds that the low wages of the Native militate against White employment. Their able Report and the remarks of Mr. Lucas in his addendum should be read.

In Part 6—the last section of the Report—the Commissioners have been set an impossible task. They were asked to report on the following questions: “What proportion of the public revenue is contributed by the Native population directly and indirectly? What proportion of the public expenditure may be regarded as necessitated by the presence of, and reasonably chargeable to, the Native population?”

As the Commissioners themselves point out (Para. 1058) the point of view implicit in these questions is one which no sound authority on public finance could accept. “In dealing with this term of reference,” they go on to say, “your Commission has taken the view that what is required is an analysis of the existing state of affairs, rather than an investigation of the question as to what taxes the Natives ought to pay, which question we do not regard as falling within this Term of Reference.” “We wish to stress,” they say later in Para. 1060, “that in making the calculations required for this term of Reference, we were faced in many instances with an entire absence of information. The final result can be regarded only as a very rough approximation.” In these circumstances the statement that the expenditure on Natives slightly exceeds the revenue derived from them is of doubtful truth and even if true is irrelevant. By similar methods it could be proved that too much is spent on Coloureds, on Indians, on “Poor Whites” or on farmers.

What is our final impression of the Report as a whole? We

may probably claim it as a partial victory for the point of view of the "economic school," tempered by a strong reluctance on the part of nationalist thinkers, even though they had abandoned segregation as a solution of the problem of contact, to admit that all economic colour-bars must go. It is important to realise that even these thinkers appear to envisage the ultimate disappearance of economic differentiation, and are careful to qualify their statements by such phrases as "for the present."

This last point is of interest when we come to consider the Report of the Commission of Investigation on the Poor White Problem appointed under the auspices of the Carnegie Corporation, which appeared in 1932. We find in this Report a closer approximation to the theory of economic unity and identity of economic interests. But here, too, we find justification of certain differentiations as temporary palliatives.

The members of the Commission were Professors J. F. W. Grosskopf and R. W. Willcocks of Stellenbosch, Dr. E. G. Malherbe of the National Bureau of Education, Dr. W. A. Murray, Assistant Medical Officer of Health for the Union, Rev. J. R. Albertyn, Rev. T. F. Cronje, Rev. A. D. Luckhoff and Mrs. M. E. Rothmann. Unhampered by party and political considerations, this Commission has managed to produce a Report more liberal in its references to Natives than that of the Native Economic Commission. The essential points in the Commissioners' views are contained in Paragraphs 68 and 69 of the joint findings, which may well be quoted *in extenso* :

"68. It is insufficient if the State merely provides the European with employment without at the same time taking measures to ensure that those who are assisted in this way are spurred on to greater personal efforts and to improving their efficiency. A policy according to which the unskilled or poorly skilled Poor White is protected by reservation of work against non-European competitors in certain spheres, makes such competition all the more severe in other parts of the labour market where the "colour bar" is not applied.

Besides, a policy of protection by reservation of work to the European should be treated as merely a measure of transition for a period during which the Poor White is given the opportunity to adapt him-

self to new conditions in South Africa. It will be disastrous for the Poor White himself if any protection given him is of such a nature that it results finally in impairing his ability to compete with the non-European on the labour market. *With a view to the welfare of the Poor White the period of protection should be made one during which they are trained to greater efficiency than they often have now, and during which their children are trained to become good, and as far as possible, skilled workers.*

“ 69. *If protection takes the form of reserving unskilled or semi-skilled work to the European it is necessary either that (1) wages be paid on a piece-work basis, or that (2) steps be taken to ensure sufficient competition between Europeans themselves, and that continued employment be made dependent on good performance.*

“ *If the unskilled or semi-skilled European and non-European labourer compete with each other, such competition ought, as far as possible, to take place at minimum wages fixed for both on the basis of a reasonable ‘ White ’ wage. In so doing the result will depend on how they compare with each other in performances, and not on differences of standard of living. The latter makes the position practically untenable for the European from the very beginning.*

“ *This second form of protection would not only serve to raise the standard of living of the non-European, but is, in our opinion, much more likely to remain in force, and is thus calculated to serve the interests of the Poor White best in the long run.”*

We have now very briefly examined the points of view of the “ economic school ” of thinkers and of two very representative and important Commissions. To what extent are they in agreement ?

Surely they all agree—and it is a significant fact—that there is no room for a *permanent* division on race or colour lines in the economic development of South Africa. There are certain differences which no wise man can at the present wholly ignore, but with one’s eye on the distant future, one must agree that it is of no real permanent advantage to the “ Poor White ” to be protected artificially by laws which discriminate against the Native as such.

It is symptomatic of South African thought that so little attention is paid to the interrelation of the Coloured and Indian with both the unskilled European and the Native worker. The

Native Economic Commission does, indeed, consider the competitive effect of Coloured urban wages of a floating "subsidised" Native labour force. Perhaps it might be interesting to let our thoughts carry us further. When we are told, as we sometimes are, that cultural considerations must in certain circumstances prevail over economic considerations, it is interesting to compare the quintuple organisation of our schools with our economic construction of society. No one ever dreams of suggesting, for example, that special economic barriers must be created between Afrikaans-speaking and English-speaking South Africans, to correspond with separate Schools and Universities. And so far we have been spared the suggestion of three wage levels, European, Coloured and Native each to be differentiated from the other.

Followers of Karl Marx with their overwhelming economic bias in the interpretation of history, would feel that the admission that there can be no ultimate or fundamental race or colour bars in the economic field is decisive as to the questions of political and social identity. If they are right, an enormous revolution has been wrought in South African thought by the teaching of the "economic school" on the identity of economic interests.

Less radical thinkers, and thinkers whose bias is less economic, must at least be impressed by the fact that it so predominantly the Native against whom economic barriers are raised. For if the real issue were one of cultural self-protection, why should economics not follow the precedent of education? It is strange indeed that in the so-called sordid calculations of the marketplace barriers against men on the ground of physical characteristics which they cannot change should count for less than among the idealistic humanists who direct twentieth century education. In South Africa it is truer of the gold-mines than of the Universities that *homo sum ; humani nihil a me alienum puto*.

The "economic school" would differ from the conclusions of the Poor White Commission in certain respects, but perhaps rather as to the extent and length of time of the temporary protection accorded to the "Poor White" than on any fundamental principle. With the Native Economic Commission their differences would be more acute.

The nature of those differences may be best studied by comparing the reservations of Mr. F. A. W. Lucas in the body of the Report and the substance of his Addendum with the majority conclusions of the main Report. Some of the "economic school" might go further than Mr. Lucas, a few would differ *toto caelo* from his views on wage regulation and a very few might tend to link up with the Communists standing on their left wing, but in the main Mr. Lucas' point of view may be regarded as reasonably representative of the school.

It will be recollected that one of the most striking divergences between Mr. Lucas' views and those of the majority has to do with the farm Native. The Commission as a whole has obviously shirked this part of its work. Economically speaking, the Native "squatter" and the European "bywoner" belong essentially to the same category. That labour and tenancy conditions should be improved for both is an urgent need, as Professor Macmillan has been pressing upon us for years. They are not necessarily the best friends of the "Poor White" who busy themselves in protecting him by discriminatory legislation against the Native. Is not the positive way of improving "Poor White" living conditions the better, even if one should commit the solecism of suggesting that his needs are the same as those of the Native? The neglected farm Native is a figure which Professor Macmillan, notwithstanding his pre-occupation with Witwatersrand conditions, has never left out of his picture. But it is characteristic of the views of the more anthropologically-minded to concentrate on the tribal Native in the Reserves and to proceed upon the assumption that he is the normal Native. This is, in a measure, what the Native Economic Commission has done. It is an attractive fallacy, but a fallacy none the less. The European landowner has vested interests, political as well as economic, of no small magnitude; and it is difficult to criticise him or to lead him to believe that the present system of tenancy, European or Native, is capable of improvement without danger to himself. So much of the Native Land problem is a problem of secure tenancy rather than of ownership—a point which many of us failed to recognise adequately, until Professor Macmillan's work made it a common-place of educated thought.

The Commission has parted company with the "economic school" on other important points, such as the temporary maintenance of a colour-bar in certain urban types of industry, and the principle of fiscal segregation. It is doubtful how far some other thinkers of the school would support Mr. Lucas in his views on wage regulation. But in general terms he represents their standpoint, and what he was to the Commission they are to the nation—a minority, able to influence the majority on many points, and where influence fails, ready to produce a vigorous, effective and competent Minority Report!

Some points there are on which almost every type of thinker cited in this chapter could arrive at agreement. One of these is the importance of the Native as a consumer—a very obvious fact, but one strangely neglected before Professor Macmillan began to stress it.

Research in the books of traders in Native areas, such as has been conducted by Dr. I. Schapera, shows the growth in variety as well as in quantity of the normal requirements of Native customers. An excellent test is the increasing readiness of advertisers to spend much more on catering for the Native trade. The recently held Bantu Trade Exhibition in Johannesburg was very significant from this point of view.

It must be clear, to any thoughtful man, that the only hope for the expansion of the Union's secondary industries lies in the cultivation of the Native market, within and beyond the borders of the Union. The White community is small in numbers and has already been exploited to a very large extent. South Africa's remoteness from the great purchasing centres of the world, and her late start in the industrial race, prevent her from competing in the markets of Europe, Asia and America. But the millions of Bantu in the Union, the Protectorates and the two Rhodesias represent a purchasing community, the resources of which have scarcely been tapped. On the prosperity and advancement of these millions depends absolutely the industrial future of the Union. The tendency since 1924 has been at one and the same time to encourage the development of secondary industries and to retard the earning capacity of the Native—a policy confused, inconsistent, and hardly capable of bringing

permanent help to the poorer type of European, for whom the intention has been to reserve as much factory employment as possible. Whether the policy should be to abandon the industrial "colour-bar" and trust to the normal expansion of trade and the operation of the laws of economics to supply the needs of the Poor White population, as the economic school would hold, or whether it should be, while retaining some colour-bars, to strain every nerve to develop the productivity of the Reserves as the majority of the Native Economic Commission suggests, it is clear that the increased consuming capacity of the Native is a *sine qua non* for the progress of the whole community.

In the second place, there can be no real *permanent* economic colour-bar. If there is one sphere of South African life where the continued maintainance of barriers based on race is impossible, it is in the economic sphere. Barriers may be inevitable; but they ought to be temporary in character, and accompanied by a policy of such a nature as to make it unnecessary to retain them. Whenever possible the barrier should be based on some principle other than colour—the fixing of minimum wage-rates for unskilled labour, etc. Anything approaching geographical segregation is, as we have seen, impossible; and with that goes economic segregation. Men who live side by side may be able to keep up social barriers, even political barriers, but hardly economic barriers.

Thirdly, the artificial protection hitherto accorded to the "Poor White" is a mere palliative. If it becomes a substitute for a real policy instead of a desperate temporary expedient, to keep the "Poor White" from despair whilst a policy is being worked out, it may in time become a curse and not a blessing to the very class it is designed to protect. The White man, taught to rely on a protection quite unrelated to his merits, will become more and more shiftless, lazy and incompetent. The Black man, trained in the rudest of schools, will emerge as an active and able worker. Once again the White man will learn the hard lesson that a policy based on mere self-protection is of all policies the most suicidal. The paradox "Whosoever will save his life, the same shall lose it" is no mere flower of religious rhetoric, but in sober truth a fundamental social law.

It follows, in the fourth place, that it is impossible so to regulate the life of a country like South Africa as to keep the lowest White man for all time in a more favoured position than the highest Black man. Repugnant as it undoubtedly still is to the majority of South Africans to think of a Black man as holding in a joint White-Black society a higher position than a White man, yet thoughtful men would be unanimous in holding that this has already happened in some cases and is likely to happen much more frequently in the future. It is inevitable. In a thorough-going "segregation" such a situation could not arise, but we have already seen that a thorough-going segregation will never take place. No doubt the laws of economics cannot be left to work themselves out with absolutely no reference to psychological factors. As it is possible to be below colour prejudice as well as above it, we want to spare our "Poor Whites," already a depressed class, a class of men who have lost faith in themselves, what they would consider the degradation of working under a Black man. But we cannot indefinitely hold the vanguard of the Black behind the rearguard of the White, and it is not in White interests that we should do so.

Thus, fifthly, economic segregation is impossible. The mutual interpenetration of White and Black life is so great and so increasing that no Statutes can materially alter the situation. The choice—to come to our sixth point—is not between White prosperity based on Black poverty or Black prosperity based on White poverty, but merely between prosperity and poverty for the nation as a whole. In the long run, the White man, even the "Poor White," cannot really benefit by a reduction in the purchasing power of the Union's five million Natives. Nor can the Black man profit by the degradation of the "Poor White," with consequent wholesale lowering of standards, imponderable no less than ponderable. There is no way out, but the way of being *positive*—the way of helping all depressed classes in the South African State, be they Brown, Black or White. If half the energy put into the task of combating the "Native menace" by speech and pen were devoted to personal social work for the advancement of the "Poor White," the relative positions of the two classes would be the same, but the country as a whole would

be better off. Still more for the advantage of South Africa would be a bold campaign for general education and productive progress, for all races and colours.

The analogy with health is very instructive on this point. No one would claim that Native disease is a *sine qua non* of European health, or that European areas may be freed from plague or malaria by ostentatiously allowing these scourges to ravage the Native Reserves. Poverty, as Bernard Shaw has told us, is a disease and the mother of diseases. Its implications are intellectual and spiritual, no less than physical and in all these fields it is highly infectious. Voluntary poverty, undertaken cheerfully for a great end, may be the highest of virtues. The world could ill spare its St. Francises. But involuntary poverty, inescapable poverty, breaks men's spirits instead of building them up. If it is not a vice, it breeds vices. If on the portals of our economic domain we inscribe the words "Europeans only," we are really setting up for the Black man a different and yet more famous inscription :

" All hope abandon, ye who enter here "

and we shall do well to remember that that inscription is for all time sacred in human literature to the gates of hell.

On such points as these, opinion is agreed. The uneducated masses, exploited by crafty or excited politicians, will take another fifteen or twenty years to reach this measure of agreement which conservative and radical thinkers have already reached ; but with the capture of the thinkers the real work has been done. It remains only to add a seventh and last point—namely, that the objections to the programme of the " economic school " are not economic objections. By the joint confession of friends and enemies, the " economic school " have won the battle in their own sphere isolated from the social sciences in general. The objections to abolishing economic restrictions are psychological, political and social. The strength of the " economic school " lies in its relentlessly logical analysis of its own economic facts. Its weakness lies in an imperfect sympathy with, an incomplete knowledge and a serious under-estimation of the strength of the non-economic arguments in

South Africa. Yet, when all these differences of outlook and stress are allowed for, there remains so great a field of agreement that we might expect to find it reflected in the mirror of legislation.

On the contrary we find that our record of legislation since 1913 stands in strong contrast to the agreed programme of the "economic school" and its conservative critics.

The series of Statutes and projected Statutes regarding land is an illustration of the persistence of the old, outworn theories. The public opinion of which Parliament is representative will soon reach the agreed opinion of the experts, that no final solution will be reached by the way of segregation, but it has not yet arrived at this point. Hence the constant attempt to restrict freedom of movement and contact which has culminated in the Native Service Contract Act.

Still more striking is the series of statutes regulating industry. The "Colour Bar" Act cannot be justified in its present form by any of the accepted economic theories. The labour policy of the past few years shews no sign of diminishing. Still in Parliaments, Provincial Councils and some Municipal Councils the first reaction to a time of depression is: "Dismiss more Natives." The limitations set by the Native Labour Regulation Act, are based on the assumption of an indefinitely prolonged exclusion of Natives from the Trade Union system, and their protection, no less than their repression, by administrative machinery specially designed for them. In other fields the same attitude is revealed by the Native Taxation and Development Act and the Native (Urban Areas) Acts.

It is when we contemplate this somewhat unhappy record of legislation that we realise with a shock the danger of the argument of temporary repression. We find ourselves wondering whether, given sufficient elasticity of mind, economists could not justify the Colour Bar Act itself as a "temporary expedient." When will the time limit expire? Is there not, members of the "Economic School" might well inquire, something in the outburst in Bentham's *Book of Fallacies* on the fallacy that "the time is not yet ripe:" "Which is the properest day to do good? —which is the properest day to remove a nuisance? Answer:

The very first day a man can be found to propose the removal of it ; and whosoever opposes the removal of it on that day will, if he dare, oppose the removal on every other."

It seems that the least that can be asked for is a *moratorium on restrictive legislation*. At least, let South Africa go no further along the road of statutory regulation of economic life on the non-economic basis of colour. There can be no question but that we have gone far enough.

In the second place, we must ask for a definite time-limit on existing colour restrictions where such a time-limit is possible. Thus, special tariff protection based on the employment of a minimum proportion of Native labour might well be withdrawn after a named period of years. The system of subsidising Municipal relief works, on the ground of employment of Europeans only, is clearly a palliative which could only be justified (if at all) by the urgent claims of a period of acute depression, and should also be terminated as speedily as possible.

Thirdly, we must demand the immediate working out of a scientific policy which, while taking account of the facts of the unequal standards of living in South Africa, shall use economic means to attain economic ends, leaving the biological factor of colour to its own sphere. The Poor White Commission has itself made valuable suggestions in this direction in the extract from its Report already quoted. The gradual application of the minimum wage principle to semi-skilled and unskilled occupations, the encouragement of industry among "Poor White" employees by the payment of wages on the piece-work basis, and the stimulation of competition among Europeans themselves with a view to the continued retention in specially reserved employment only of those who work well, are among the Commission's recommendations.

Fourthly we must insist that while any colour bars continue to exist, the Native must be given commensurate special protection. As the Native Economic Commission has pointed out, if Native bricklayers are prevented from working for Europeans in urban areas, at least let the Native artisan get the preference for any bricklaying in a Municipal Housing Scheme within the town location. If the Native is debarred from work on the rail-

ways or in factories, let money be spent immediately, adequately, and without reference to the source from which it comes, on a plan of agricultural development which will speedily absorb the dispossessed Native workers.

It is hardly necessary, in concluding this study to expatiate at any great length on the value and the dangers of the economic approach.

It has proved itself valuable because, dealing as it does with ascertainable and measurable facts, it imports into the discussion of race relations a scientific accuracy and a respect for facts too often alien to such controversies ; because it has drawn our attention to the points of unity of interests between White and Black in the field where these are most easily seen ; because it has shewn us the limitations of colour as a barrier and a dividing force ; because it has concentrated attention on those sections of the Native population which need it most ; and because it has given South Africa a set of incontrovertible arguments for Native progress which are exempt from all taint of sentimentality.

In short, it is strong where all radical thought is strong—strong in logical analysis, strong in making clear the ideals to be aimed at for the future. After all economics is the typical radical science, as psychology is the distinctive science of conservatism. It is the inexcusable failure to study the psychological basis of colour differentiation which constitutes the main weakness of the "economic school" in South Africa. There are social and cultural differences of some moment, and in spite of Karl Marx men are sometimes swayed more by non-economic than by economic motives. The whole history of the "Poor White" both in the Union of South Africa and in the Southern States of America is illustrative of this argument. The economists have the essential truth, though even this statement must be made subject to many reservations, but they lack the grace to present it in a way which would make it acceptable. Their assumptions are based on an artificial system of society, where men are not only self-regarding, but also uniformly rational. Such a society is unknown to history. That is why the mere presentation of economic facts is not enough. The errors and dangers of a purely economic approach are to be corrected partly

by the idealistic attitude of religious thought, and partly by a careful study of social anthropology, with its emphasis on culture and law, and its tendency to bring out such differences as really do exist. These complementary approaches to the subject will be dealt with in the two succeeding chapters.

CHAPTER VI.

THE ANTHROPOLOGICAL APPROACH: ITS VALUE AND ITS DANGERS.

ONE of the most striking developments of recent years in South Africa has been the growth of systematic research and teaching about the Native. Since the University of Cape Town, a pioneer in many fields, founded its School of African Life and Languages in 1918, South Africa has awakened to a consciousness of the importance of what are generally termed "Bantu Studies." Each of the four teaching Universities has a Bantu Studies Department. More than one of the Colleges of the University of South Africa would like to possess similar facilities. In a number of University institutions there is a "Bantu Studies Circle" formed under the aegis of "Nusas" (the National Union of South African Students). And in spite of the withdrawal of the special Government Research Grants, research work of a high order continues to be done.

This is a development for which we must all be grateful. From the educational standpoint, it is a striking illustration of the new realism which has entered our Universities since the date of Union, and which, in spite of many exaggerations and perversions, has rendered us a great service in linking up education with life more effectively than ever before. Thirty years ago, it is scarcely an exaggeration to say that our Universities might as well have been situated in Scotland as in South Africa, so far as systematic study of the Bantu was concerned. And to acquire the scientific outlook on the race problems of South Africa, to substitute interest for contempt in the face of differences of social organisation, must obviously do good.

"Bantu Studies," as hitherto understood by the South African Universities, have been confined mainly to languages and social anthropology. In both these fields work of enduring value has been done. While many of the most brilliant linguists and anthropologists have been—and still are—missionaries scattered in out-of-the-way corners of the Union and Rhodesia, yet the conditions of University life naturally lend themselves to a

greater systematisation of research. During the period under review (1910-33) the South African Universities have done excellent research work, especially with regard to Zulu, the Transvaal form of Sotho and certain Rhodesian languages ; and have published an exhaustive bibliography of works in and on the various Bantu languages of the Union. On the teaching side, they have sent out many students better-equipped for work among the Native population, and have managed so to interest the general public,—and the educational authorities,—as to get a Bantu language introduced into the curriculum of some of the European schools.

From the practical standpoint of race relations, it may be said that the study of Bantu languages has a distinct value in attracting sections of the public who have shown indifference or even hostility to the economic or political approach. One of the attractive features of our Bantu Studies Departments at the Universities is their incontestably South African character : there is nothing exotic about them, and no taint of Bolshevism impinges on their academic odour of sanctity. When there are so many divisive forces, one is grateful to find something which unites people. The study of the Bantu languages is such a unifying factor.

The case is similar with social anthropology. It, too, has been the means of attracting into the citadel of racial co-operation men and women who would have entered by few other gates. The Universities have, by teaching no less than by research, done good service to South Africa in this field. Especially is this the case with the long-neglected Transvaal tribes.

No less significant than the work done by the Bantu Study Departments is the work which they have left undone. The Universities have paid some systematic attention to Native administration ; but the economic and social aspects of race contact have received very little *systematic* study. To be sure, work of first-rate value has been done, diffused through various University Departments, perhaps more effectively than if it had been labelled ; and one can well understand that Professors of " Bantu Studies " are afraid lest their subject become formless

and unwieldy. Yet it remains significant that no ordinary Bantu Studies Diploma or Degree Course lays anything like the stress on what we may term "contact" subjects which it lays on languages and anthropology. That these, properly handled, may themselves be "contact" subjects is perfectly true, as we shall see later; but they tend, in the wrong hands, to isolate the Native unduly as a subject of study.

It may further be remarked that there has been no development of Coloured or Indian studies at all comparable with the striking advance in the Bantu field. Sociologically speaking, there is an urgent call to a more systematic study of race problems from the angle of Coloured-European contact. Race prejudice, in all its ugliness, has to be combated in this field no less than in that of the Native, and, deprived of specious rationalisations based on differences of languages and social organisation, it can be tackled in a direct and effective manner. When will our Universities take up the systematic study of Coloured and Indian problems? Their omission from our curricula, no less than the limited nature of "Bantu Studies" as hitherto interpreted, is a sign that the spirit of realism has not yet gone far enough.

In fastening upon the special point of anthropological study we may perhaps begin by raising certain questions as to the exact nature of social anthropology. The somewhat confused way in which this term itself and the term "sociology" are used is in itself significant. In so far as social anthropology can be separated from the general study of human society, it rests upon the basis of a division of mankind into "civilised" and "primitive" peoples, and a concentration upon the study of the latter. Much as many social anthropologists, even of the old school, would demur to the crudeness of this analysis, it can hardly be denied that the division substantially as given here is implicit in nearly all the classical texts of social anthropology. To apply the methods which tend to make the Native something of a museum specimen to our own social group would have much the same humorous effect as is produced by Señor de Madariaga's brilliant and strangely neglected book *The Sacred Giraffe*. It is true that the younger social anthropologists, as we shall see later, are taking a new line. Probably every teacher

of social anthropology in our South African Universities to-day would identify himself with the new tendency to study the Native as he is, "primitive," "civilised," "semi-civilised" or whatever he may be, and thus to make of social anthropology a "contact" study. Without any doubt this is a right and salutary development, but, whatever its effect upon "Bantu Studies," its logical result seems to be to destroy *general* social anthropology as a separate and specialised subject, or alternatively to widen its scope until it becomes the greatest of all subjects, the general study of man as a social being.

One of the difficulties of human life is the tendency of the man in the street to accept with child-like faith the tenets which science discarded twenty years before. We find that difficulty in biology, in political philosophy, perhaps most of all in theology; for nothing is more common than to hear vitriolic denunciations of positions which scientific theologians have abandoned years ago. This tendency towards "science without tears," which has the advantage of giving the pseudo-scientist a marked superiority complex, one of the most comfortable of feelings, has made itself very strongly felt in the field of social anthropology. Most of the heresies of the "anthropological school" have been already abandoned by the anthropologists themselves. They are none the less dangerous for that, and, as we shall try to show later, they have had a marked influence on the South African Native policy during recent years.

The subject of what I have ventured to call the "pseudo-scientific" attitude is one which will repay study; for it has affected the thought, and hence the institutions, of the modern world in almost every sphere of life. Perversely and persistently, man craves for infallibility. His attitude towards science is essentially "religious" in the bad sense of that word—shall we say "dogmatic?" And science fails as badly as religion when it moves away from the dynamic experience of changing life to a static and intolerant formulation of beliefs. That this should be done is bad enough, but that it should be done in the name of "science" is intolerable.

If the "pseudo-scientific" attitude were confined to the man in the street, it would be bad enough. Sometimes, how-

ever, it is found among the scientists, and then it becomes a tragedy, for "if the light that is in you be darkness, how great is that darkness!" More especially is this the case when the scientist assumes as ultimate truth the assumptions and hypotheses which he has accepted for convenience sake as basis for his researches. The scientist turned metaphysician is a melancholy and not uncommon object. In his turning he is apt to acquire a pontifical tone which is lacking in his own field of professional knowledge.

The social anthropologist (happily in most cases *outside* South Africa) runs the risk of falling into this same error. His professional feeling is strong. He has a contempt, perhaps not quite so sovereign as the biologist's, for the amateur. But he is apt to be almost pontifical on questions of missionary policy, education, or economic development, which lie outside his particular and necessarily circumscribed field. Social anthropology is a valuable guide to the solution of the problems of race contact, but it is not enough.

Worse still is the case when the scientist falls into the hopelessly unscientific error of attempting to fit the facts into his theories, instead of being willing to re-shape his theories from time to time, even at the cost of apparent inconsistency, to fit the facts.

Perhaps a preliminary illustration may be taken from the field of linguistics. We are all learning to take the true scientific attitude with regard to Afrikaans. Changes in Nederlands spelling, pronunciation, syntax or idiom, which pedantic souls at first censured as inexcusable departures from the correct standards, are now carefully taught as part of the Afrikaans language in its standardised form. Thirty years back linguists of an orthodox turn of mind condemned Afrikaans as slipshod, degenerate and ugly. No one who has heard good Afrikaans spoken could to-day hold such a view; yet one of our early Afrikaans writers has recorded his pleasure in first hearing the words "suiwer Afrikaans" (pure Afrikaans) used. Even to-day the old attitude persists in some who reject words and phrases in daily use as "anglicisms," as if the object of the language were to fit in with their ideas instead of their duty being to record the language.

So it is with the classics. One could weep sometimes at the unintelligent tradition of the Renaissance which has arbitrarily fixed a standard of "correct" Latin and insisted on condemning the much greater volume of Latin literature which is "incorrect;" so that thousands of boys and girls read the Odes of Horace for one who reads "*Dies irae, dies illa*" or "*Jesu, dulcis memoria*" in the original.

"*Jesu, dulcis memoria*," in its "incorrect" mediaeval Latin, is said to have been Livingstone's favourite hymn, and thus by a circuitous route we have now arrived back at the heart of Africa, to express our joy at the way in which linguists are abandoning the old, ferocious attitude of fighting for the "purity" of the Bantu languages, for a new objective, scientific attitude of intense interest in Afrikaans and English influences on Bantu speech. Such research work as has been done by Professor Lestrade and Dr. van Warmelo illustrates my point.

The unscientific attitude dies harder in the field of anthropology, but it is dying in South Africa. The old attitude is illustrated by the pained contempt, sometimes amounting almost to personal resentment, of the social anthropologist for the African who did not conform to the type which laborious scientific synthesis had built up. Such a Native is sometimes accused of "aping" the White man; but that very "aping" is in the eyes of the true scientist a most interesting phenomenon recurring again and again in the history of racial contact, and deserving the most careful, detached and objective study. The social anthropologist can be, indeed has been, of quite incalculable benefit to missionaries and administrators in explaining the real nature of the *lobola* contract, in following out all its ramifications, in setting it in the background of comparative study. But for the social anthropologist *as such* to take sides on the subject, to sneer at such Natives as have under missionary influence renounced *lobola* and all its works, is as unscientific as for a great entomologist who has just completed a classification of butterflies, to anathematise a new specimen, caught the day after the classification has been published. Or perhaps it may not be unfair to suggest points of contact with the inebriated gentleman in "*Punch*," looking hard at the fish which has just been

landed and remarking "Fellow who caught that fish, dam' liar."

It is no doubt of intense interest and scientific value to study the details of marriage under Native Law and Custom. It is not without interest to study marriage ceremonies which purport to be a mere "aping" of European customs. I remember one at which, while the bride and bridegroom, frock-coat, orange-blossom wreath, veil and all, were signing the Register in the Vestry, the Choir sang "Oh! who will o'er the downs with me." Scientifically, the choice of this particular song strikes me as an interesting phenomenon, perhaps quite as interesting as, e.g., the symbolical belt described in Dr. Junod's *Life of a South Africa Tribe*. Ever since the Women's Enfranchisement Act was passed, the Native woman though not enfranchised by that Statute, has been attending public meetings of a type previously confined to men. I regard this phenomenon of contact as being just as valuable to social anthropology as the fact that, in "primitive" Native society, women take no part in the proceedings of the tribal *lekgotla*.

This view is substantially shared by most, if not all, of our social anthropologists in South Africa. But the influence of the old school, which regarded the tribal Native as the only phenomenon of study, has been great. To those chiefly responsible for legislation and administration, it appears as the orthodox school, with the right to monopolise the term "scientific." And the more recondite its terminology, the greater its appeal to the non-professional man, who loves (quite unconsciously) to think of himself as a great scientist.

The glorification of tribalism and of all the old customs, precisely because they are old, a kind of twentieth-century adaptation of the "noble savage" theory, has had direct effects upon Union Native policy; for here what I have called the "anthropological school" comes into immediate contact with life. It stands behind many of the provisions of the Native Administration Act of 1927, by which the Chief has been made an important part of the administrative machinery. One of the chief complaints made against that Act has been that it tends to assimilate all Natives to the position of tribal Natives in the Reserves. Others may exist, they may even form the majority,

but they are embarrassing phenomena. They do not live as the social anthropologists think that they ought to live. They do not think on the lines which the Department considers suitable for Natives. They obstinately refuse to develop "on their own lines." No matter! In the sacred name of science they must conform to the theories which science has just begun to abandon. So the law operates for all, and there is no hurry to introduce the system of exemption timidly mentioned in the Act.

Happily the strong common-sense of men who were not under these illusions, and who took a saner view of the responsibilities of office, has greatly moderated this tendency. Native law is—as it ought to be—recognised, but Courts are, by Section 2 of the Act, given the opportunity of working out their own case-law as to whether European or Native law should apply in a particular instance. In practice, the detribalised Native is generally met, but it is probably no exaggeration to say that he is often met in a spirit of grudging toleration, which owes its existence very largely to his inability to fall within the anthropologists' scheme of things.

The situation has already improved when we reach the Report of the Native Economic Commission in 1932. Here we see signs of a more genuinely scientific attitude, struggling, it is true, with the older outlook. Deficiencies in the old tribal system are recognised frankly. We are told that "the system was often cruel" (Para. 60), that "anything out of the ordinary was a thing to be feared" (Para. 60), that "it was a dangerous thing for a commoner to become ostentatiously rich" (Para. 38), that "the system is opposed to progress, is reactionary, stagnant" (Para. 61) and that "the majority of Chiefs are uneducated, and therefore reactionary and a brake on progress" (Para. 217). Nevertheless, though with many hesitations and limitations, the majority of the Commissioners come down on the side of extending the Chiefs' legal powers. But they do so in a way that marks the difference between 1927 and 1932. The successful Transkeian system of "direct dule" is not to be interfered with (Para. 209). In parts of the Ciskei, where the Grey policy of administrative assimilation has been in force for eighty years, the wishes of the Natives themselves not to revert to tribalism

are to be respected. And with great wisdom the Commissioners say (Para. 211) "Your Commission is strongly convinced that it would be a mistake to expect uniformity. There are very considerable differences between Natives in different parts of the Union and standardisation of their institutions could only be achieved at the cost of a portion of their vital force."

If the Commission's recommendations are carried out, the development of Councils in the Transvaal and Natal will be on tribal lines. It is admitted in the Report that "in the Transkeian Territories a system has been evolved which, while based on European institutions"—notice the unscientific implications of the "while"—"has contributed materially to the advancement of that area."

The Transvaal contains very inadequate tribal areas, and its tribal life is being disintegrated by contact with the farms and mines. It is doubtful from experience since 1926 whether small tribal councils will in these circumstances be as successful as Councils of the Transkeian type, under strong magisterial influence of the best kind.

Another illustration of the same tendency is to be found in the schedule to General Hertzog's Natives Land Act Amendment Bill of 1926, which reserves every "released area" but one to some special tribal (or perhaps, rather, linguistic) group. The reluctance to convene the Annual Native Conference, and to permit the mixing of Chiefs and detribalised Native leaders in it, may also be partially explained in this way.

Of course, good has been done as well; for there are real differences which the purely economic approach tends to ignore. The general recognition of Native Law by the Native Administration Act of 1927, is a fair and wise step. The use of Chiefs where the tribal system is alive and the Chief is competent and respected, could surely only be opposed by a very pedantically logical supporter of "direct rule." Many of the Native Economic Commission's recommendations on administration are incontestably sound. It is only when legislation appears to move away from that attitude of reverence for facts which is the glory of science that it must be criticised. To argue as if the detribalised Native were the normal unit, and that legislation

should take account of him alone, would be foolish indeed. Newer teaching has borne fruit already in the wise and temperate Report of the Native Economic Commission. Perhaps in the course of a few years, the detribalised Native will receive from the State the same wise, balanced, unprejudiced handling, without contempt and without irritation, which characterises the newer generation of social anthropologists.

It is remarkable that the reverence for tribal law and custom is much less marked when it comes to the very practical question of taxation. The main Native tax is a poll tax on every male Native of the apparent age of eighteen, and none of the respect for parental authority or the acceptance of the family instead of the individual as the unit of Bantu life which is so strongly recommended in general terms, is to be found here. Nor does the Native Economic Commission, which is so perturbed at the effects of too Europeanised a system of education, make any protest at the Europeanisation of the taxation system.

It is in the field of education, indeed, that the older anthropological theories have recently been exerting most influence. Certain features of the anthropological "*Quicumque vult*," which we shall attempt to analyse later, have lent themselves to an attack on the existing educational system. That system is, indeed, bad. It suffers from unimaginative officials, overworked superintendents, incompetent teachers, as do all educational systems. In addition it suffers from the lamentable inadequacy of the financial support accorded by the State. More money, leading up to better equipment and better-paid, more contented and more efficient teachers, would do more to remedy the situation than any change of curriculum. The emphasis laid by the "anthropological school" on faults of curriculum is unfortunate in that it transfers the discussion from the more important and urgent to the less important part of the subject. In the face of the bitter poverty of Native education, it is almost irrelevant, certainly academic. Taken on their merits, the suggestions made for changes in educational curriculum have much to recommend them, although they contain some element of danger. At least they move in the direction of facing the facts of Bantu life in the areas where most of the schools are

situated, and that is an advance on the unintelligent imitation of the less imaginative forms of European education which are too often the practical alternative to them. Were their sponsors to carry realism and reverence for facts a little further, were they to give greater weight to environment and less to supposed racial characteristics, were they to acknowledge and frankly provide for the urban Native child, with no suggestion of annoyance with him for being what he is, they would find few opponents among thoughtful men of good-will. Diffused through Part IV of the Report of the Native Economic Commission, which deals with Native education, can be found traces of the influence of the "anthropological school" though there is so much common-sense mixed up with certain retrograde tendencies of the Report that one finds it hard to apportion praise and blame.

It is this constantly renewed criticism of the present educational curriculum and methods which is, in practice, the greatest danger to Native education. Unable to secure acceptance for their own point of view, its upholders succeed only with providing the Government with a pretext for not spending more money on financing the present system. Thus the "anthropological school" is influencing Native education, but principally in a negative way, although some of its tenets are gradually winning acceptance and in a few cases producing improvements.

The negative result of preventing reforms is, indeed, the most important influence exercised in practice by the "anthropological school" on policy. This is particularly the case in urban areas. All the influence of the older social anthropology has been thrown in the direction of regarding the urban Native as an annoying intruder, who has no business to live where he lives or to be what he is. Combined with the segregationist school, the anthropological school has created on the public mind the impression that nothing need be done or ought to be done for the urban Native beyond forming vague plans for some day sending him back to "his own area"—the segregationist Utopia—where he will develop "on his own lines"—the anthropological Utopia.

From these practical illustrations it will be seen that the influence of the older anthropological school on development has

been far from negligible. Let us now attempt to analyse a little further the tendencies of this school, if only to illustrate how far the modern social anthropologists have departed from the earlier outlook.

There is, in the first place, the somewhat arbitrary tendency to divide mankind into "civilised" and "primitive" peoples. There is much talk of the "primitive" mind. As interpreted in practice by the pseudo-scientists, this means that all the Bantu are "primitive" people, possessing "primitive" minds. The whole conception of the division is open to criticism, for experience shews us more and more that such differences as exist are of degree rather than of kind and depend very greatly on environment. There is probably no part of the world where environment has changed so completely as in Africa during the past half-century. But if the bisection of human intellects assumed by the older social anthropologists is a sound one, it is necessary to recollect, with Dr. Raoul Allier, that the mind of the "savage" is sometimes discoverable in Portugal or in Sicily, in France or even (incredible as this may sound) in Scotland, or that "civilised" mentality may reveal itself in Basutoland or Barotseland, Polynesia or the Red Indian Reserves of the United States. This is a direct challenge to such theories as those of M. Levy-Bruhl which have been fastened upon with such avidity as representing the truly "scientific" viewpoint.

Connected with this tendency is a wholly uncritical application to human history of what is thought to be the biological doctrine of evolution. In defiance of the plain facts of history and in utter disregard of the daily truths of human experience, it is assumed that the history of mankind represents a gentle and beautiful movement of unbroken progress. There is no room in this philosophy of history for either revolution or degeneration. Happily the newer generation have Dean Inge "*On the Idea of Progress*" to save them from this deplorable heresy.

The common phrase heard in South Africa that the "Native will need two thousand years to reach where we are" is based entirely on this unscientific assumption, with another unscientific factor added—the two thousand years. No one has ever yet given me an answer as to why this particular period has been

selected for the development of the Bantu. I can only assume that it is intended to coincide with the beginning of the Christian era, at which period our own ancestors were savages. Between the first elements of real civilisation among the Anglo-Saxons and the advent of Shakespeare, less than a thousand years elapsed. Are we really so much more advanced than Shakespeare ?

The phenomenon of degeneration, which Dean Inge as a good Platonist must take into account, is not uncommon in human history. Who knows but that the Bantu may have gone backward, cut off from culture contacts, as they moved from North to South ! If Zimbabwe is really entirely Bantu, as Miss Caton-Thompson's researches would suggest, it must be so.

And what of the phenomenon of revolution ? Could any impact be more revolutionary than that of the Witwatersrand gold mines, and all that goes with them, on the tribal Bantu ? Yet these are the circumstances to which man, using the awful name of Science in vain, wish to link a picture of unhurried progress down the unhurried ages. It is as though we were to apply to such a country as Russia, Tennyson's admirable description of English history as :

" Freedom slowly broadening down
From precedent to precedent."

Among the characteristics of the " primitive " mind as dogmatically depicted by the older social anthropologists was the absence of differentiated individual judgment. The " group mind," the " group conscience " and the like were characteristic of " primitive " peoples. But Professor Radin has shown irrefutably in his "*Primitive Man as Philosopher*" that savage races had their sceptics, their cynics and their philosophic reasoners. And, if his authority should not be enough, we have one of the greatest modern social anthropologists, Professor Malinowski, coming down heavily on the same side. His "*Crime and Custom in Savage Society*" has made it impossible for the theory of the " group mind " ever to be accepted again in social anthropology without very considerable modification.

The older school of social anthropology tended to the vices of professionalism and conservatism. The secrets of the " primi-

tive mind" were the *arcana sacra imperii*. Anthropologists especially those who knew least, developed a far-away look, which warned the dabbler in economics or administration that this was a soul which had indeed, been like the Ancient Mariner's
"alone on a wide, wide sea."

They deceived others, and it is not improbable that they deceived themselves. They have bequeathed their tradition to the South African pseudo-scientist who "knows the Native mind" and who speaks as from the chair of St. Peter to people like you and me.

And the social anthropologist has tended to be, if one more Latin tag may be pardoned, the *laudator temporis acti*. At his worst, he has resented the presence in the midst of European society of Natives who were simply and annoyingly human beings—persons whom any one could understand—and turned towards the backward groups of which he only was a competent interpreter. At his best, he has acquired a love for the people among whom his best years have been spent, and whose ways are dear to him from old association. In this tendency he is supported by the artists, whose natural love for the picturesque leads them to prefer the smoky but aesthetically satisfying beehive hut to the terrifying ugliness of the galvanised iron cottage which represents the inevitable next step on the road of hygienic housing; and who feel much more enthusiasm for the sketchy costume of the Reserves than for the mere imitations of European clothing worn in the towns. It is impossible for any one with a feeling for art not to sympathise with this point of view; but it is clear that, had it been allowed to dominate the history of the last century, we should still be living in the era of the stage coach and the ox-wagon.

The anthropological approach is as naturally inclined to lay stress on the differences between White and Black as the economic approach to insist on points of identity. Usually, though not always, a strongly "differentiationist" policy argues a lack of economic training; and similarly the assimilationist standpoint is often due to a lack of appreciation for the real achievements of social anthropology. In so far as Union legislation during the period under review (1910-33) has stressed

points of difference, and insisted on treating the Natives as a separate group within the State, it has rested largely upon the support of the older "anthropological" school, which has supplied the segregationists with a badly-needed philosophy, and which has lent a misleadingly scientific appearance to some of the theories of nationalism.

Yet the anthropological approach has done much good. Even in the hands of its earlier exponents, it has at least succeeded in keeping before the eyes of enthusiastic assimilationists certain inescapable facts of difference. The older school has rightly insisted on these, and indeed our only hope of arriving at a sane and balanced policy is to learn to synthesise the anthropological and the economic standpoints. Either alone is misleading.

The "anthropological school" has taught us the importance of knowing the Native, the dangers of attempting to interfere with his way of life if we are ignorant or scornful of his past. It has waged, even in its older form, and still wages to-day, a war against ignorance. Assuredly it can only be a good thing for us to know more of Native life and thought, to appreciate better the traditions which form the background of Bantu life, to acknowledge frankly the differences between Bantu and European life no less than the points of contact.

That has been the contribution of the older school of social anthropologists to the Union. The practical effect of their work is seen in such a provision as that of Section 11 of the Native Administration Act of 1927: "Provided that it shall not be lawful for any Court to declare that the custom of *lobola* or *bogadi* or other similar custom is repugnant to such principles of public policy or natural justice." That provision may be contrasted with Sir Harry Smith's terms of peace in 1848, the ninth of which binds the conquered tribes "to abolish the sin of buying wives." No doubt there are dangers and abuses attendant on the *lobola* custom, especially in modern times, but surely we must be glad that our Courts in the Ciskei and the Transvaal no longer refuse to hear cases between Native and Native, arising out of one of the most fundamental principles of Native Law.

In recent years anthropology has undergone profoundly

important changes which, while conserving what is worthy of regard in the older attitude, have broadened the scope of the subject and freed it from the conservative principles with which it has often been associated.

An illustration of the change may be found in studying the subject of marriage, the accompanying contract of which—*lobola*—we have just been discussing.

What the older school of anthropologists had to fight against were the tendencies to ignore or to treat with contempt any form of sexual union other than marriage as understood by Europeans, and the perverse misunderstanding of the marriage customs of Bantu society. They, therefore, gave us accurate and scholarly accounts of the whole procedure of Bantu espousal and marriage, and of the Bantu family. They unravelled, with ever-increasing accuracy, the tangled web of the complex *lobola* contract. They have led us up to the point where those in authority—whether missionaries or administrators—understand Native marriage, and the system of rights and obligations springing from it. In their love for the customs which they have studied, some of them would have committed us to the position that these ought not to be altered. Here, however, we leave the field of science and enter that of moral philosophy where the anthropologist has no special claim to be an expert. Whether or not Native marriage and *lobola* ought to be preserved must be decided on other lines ; but, if we are led to advocate change, the anthropologists have brought us to the point where we know what we are doing, and can, if we will, do it tactfully, intelligently and—it is not at all too strong a word—reverently.

But the newer school of social anthropology has awakened to the fact that there are other phenomena to be studied beside the old tribal marriage with cattle. Between it and the highest forms of Christian monogamy, there are many gradations of sex relationship. The newer social anthropology is led to study the fact that, technically speaking, just as in the West Indies, a great number, probably the majority, of sex unions in our urban locations are marriages neither in the Bantu nor in the European sense, that an almost alarmingly high proportion of the births in such locations are—again technically speaking—illegi-

timate, and that even where the intention is to create an absolutely permanent union new and strange ways of doing so are creeping in. Our Native Appeal Courts do not confine their activities to settling matters of tribal law in the back blocks of Zululand or Vendaland. A great deal of their time is occupied in settling those border-line cases, which an older generation of teachers ignored, and which to-day are the despair of Professors of Native Law or of Social Anthropology.

A simple illustration will make the point clear. I quote the official summary of the case of *John Mazuzi v. Lea Zondi*, heard by the Native Appeal Court at Pretoria in 1931. The parties to the case lived in Germiston (urban) Location:—

“ In 1929 Appellant (John) and Respondent's (Lea's) Mother entered into a contract in which it was arranged that respondent and appellant should marry according to Christian rites, and that appellant should pay the mother the *lobola* in respect of this marriage. In accordance with this agreement, Appellant paid Respondent's Mother the sum of £22 7s. 6d. The Civil Marriage was not contracted, but, notwithstanding this, the parties lived together as man and wife for a considerable time. Two children were born of the union. On account of alleged ill-treatment Respondent left Appellant, whereupon Appellant instituted an action against Respondent for the return of £22 7s. 6d., being damages for breach of promise of marriage, or alternatively performance of the marriage.”

The judgment need not detain us. The Native Commissioner elected to try the case under Native Law, under which John had no claim, and the Appeal Court upheld this judgment. But my special point is to illustrate the curious mixing of European and Native ideas in this far from unique case. In pure European Law, the payment of *lobola* would have no meaning. In pure Native Law it would have been paid to the father, brother or other male guardian of the bride, and not to the mother. According to the Native custom, the *lobola* would have been paid in cattle: it was actually paid in cash. Neither the European nor the Bantu ceremonies of marriage were complied with, yet the parties evidently desired to enter into a permanent union. In pure European law, an action could not lie against the woman, with-

out any proof of her promise to marry, and merely on the basis of a pecuniary transaction with her mother. In pure Native Law, a case could not be brought against the woman at all, but only her guardian. Is not the point clear that the modern social anthropologist has a vast and almost untouched field to cover, which the older school rejected or despised ?

So it is in fields other than marriage. The idea of property is moving from communism to individualism, but it has not gone all the way : hence apparent cases of dishonesty in handing trust money, surprising to those who know how exceptionally honest the Bantu are with all money which they clearly understand is in no way their own (e.g. their employer's). The older attitudes towards the Chief are being modified, but that does not mean that all respect for Chieftainship has disappeared. A major son is no longer, outside Natal, legally responsible for his father's debts ; but this does not mean that he feels no strong moral obligation to meet them.

Social anthropology is being called upon to-day to help missionaries, administrators and others in the difficult task of deciding on these border-line cases, in moving wisely through these years of transition, and it has definitely begun to rise to the consciousness of its task. At the last Vacation Course of the University of Cape Town in Bantu Studies (January, 1933) the anthropologists selected the subject of " the changing Native " for study, and much fascinating information of the effects of contact was given. The persistence of this new attitude for a few years means that the fresh ideas will filter down to the public, and it will soon be the case that the term " anthropological school " can be used without the faintest connotation of criticism.

For the newer school is not only more concerned with the field of contact, it is also more objective, more truly scientific in outlook. It is true that the new attitude tends to destroy social anthropology as a sharply defined science and to melt it into the general study of human society. But this is no matter for blame. On the contrary, it is a healthy development. In the same way modern schools of economics are allowing for factors, such as psychology, which the straiter sect of the classical

school ignored. In so doing, they are breaking down the barriers between economics and psychology, politics and ethics. But they are also breaking down the misleading fiction of the "economic man," as artificial an abstraction as the "primitive man," and leading us to the true end of our researches, the study of man as a great unity.

We end this study as we began with a reference to Bantu Studies in our Universities. On the whole, we may regard such teaching as a great force for good. There are however certain things that could be improved.

Firstly, there should be a more systematic encouragement of the study of problems of contact. It should be impossible for a student to graduate in Bantu Studies, without some knowledge of the modern problems of contact and their significance.

Secondly, more should be done to study, at those centres specially fitted for the purpose, problems of Coloured and Indian life in South Africa; and these should be related to the similar problems of the Bantu.

Thirdly, those whose groups are to be studied should themselves be students.

In facing the problem of the non-European student in South Africa, I wish to make clear the points that there exists no legal Colour-bar in any South African University institution, and that as a matter of fact a few non-European students have crept into two of our teaching Universities—Johannesburg and Cape Town—and a relatively large number write the external examinations of the University of South Africa.

I would further make it clear that in my judgment an indiscriminate mixing everywhere is neither practicable nor desirable in the concrete circumstances of South Africa to-day, and that the existence of a special non-European institution of University standing at Fort Hare is all to the good.

But, though non-European students should not be admitted *everywhere*, they should surely be admitted *somewhere*—and this in no spirit of grudging tolerance, but with the hearty and unequivocal welcome of staff and students alike. I believe that, here once again, valour is the better part of discretion; and that a firm and manly stand for principles and an appeal to what is

best in the modern student, with his outlook so much more radical than that of the average South African, would be crowned with complete success. I should regard the University which succeeded in carrying through such a policy and at the same time keeping the loyalty of its European students of both races, as the first complete University institution in South Africa, destined to lead University education for years to come. Although at present the only two Universities which have been at all favourable are English-medium Universities, I believe that the policy of barriers will react very unfavourably on those institutions which maintain them, and I could wish that it were possible for one Afrikaans-medium institution to give a lead in the same direction. Certainly whichever University aspires to this position of leadership should make it a cardinal point of policy to attract and carry with it in its policy a considerable number of European students of both races. All sides of the South African triangle of Bantu, Boer and Briton, must be grasped if we are to uphold South African life as a whole.

Short of the breaking down of the Colour-bar, there are other ways and means of bringing European and non-European students into contact. In at least one centre in the Union, there are conditions making possible a federated University made up of parallel European and non-European Colleges. And the Fort Hare Conference of 1930, convoked expressly to bring European and non-European students together, should be followed up by periodical meetings of a similar nature. We should not be terrified by adverse criticism. Familiarity breeds contempt. The second Fort Hare Conference will be less shocking than the first, and the third than the second.

The point of pressing for some more regular association between European and non-European students is that the whole field of Bantu Studies may be humanised by this direct contact, and an irresistible force set in motion against the tendency to ignore all other non-Europeans and to treat the Bantu as a museum specimen, as different as conceivable from the European.

For, lastly, Bantu Students must avoid the danger of becoming merely "academic" in the worst sense of the word. The field

work which is so essential a part of the study of social anthropology ought to take its place, within the measure of possibility, in the curriculum of every student ; and should not be confined to the advanced research worker. If to social anthropology is given that wider meaning which we have been discussing, then no student, at any South African University, is more than a few miles away from the opportunities of field work. We have had excellent monographs on Swaziland and Bavendaland, on the Bechuana and the Bapedi. Is it not time that University students, as part of their ordinary course, told us something about housing conditions in their local locations, the relation between wages and slums, the exact nature of marriage among detribalised Natives in their towns, the persistence of Bantu custom in the Separatist Native Churches, the reaction of urban Natives to the visits of Chiefs demanding a levy from their scattered tribesmen and the like ? It is not enough to tell us what should be the ideal curriculum for a tribal school in Pondoland or the Zoutpansberg. We want to know how many pupils every teacher has to handle in our town schools, why their attendance is irregular, whether their wretched seats and desks (if any) are producing spinal curvature or not, and what percentage of them are suffering from malnutrition. It is not enough to tell us of the praise songs of the Zulus or the Tembus : we want to know what type of gramophone record is being sold to our own town Natives and why. And while we should rejoice to know the best kind of primitive Bantu art to use as a basis for our teaching of design, we should also like to know how many of our urban schools have any artistic inspiration other than cheap lithographs of St. Paul before Festus or Queen Victoria and the Prince Consort.

The work of our Universities is, very clearly, of the utmost importance for the solution of the colour problems of South Africa. If, to the excellent work already accomplished, could be added new spheres of research, and a new outlook, so that the Bantu became less and less a race apart and Bantu Studies less and less a sacred mystery, it would be all to the good. Nothing need be undone ; but much more could be done. The rapid development of social anthropology in the direction of a fuller

survey of all the Bantu, tribal or non-tribal, will certainly affect Union Native policy, and that in the very near future. For, though the University teacher may never have the opportunity of introducing a single law into Parliament, his work, well and faithfully done, will be the basis of the legislation of to-morrow.

CHAPTER VII.

CHRISTIANITY AND COLOUR.

IT is impossible to make a satisfactory survey of the theories underlying South African Native policy without paying special attention to the influence exercised by the Christian religion. For, in the first place, Christian missions have represented the greatest conscious force for change operating upon Bantu life, have deeply affected Bantu thought and practice, and to-day very largely control Bantu education. And, in the second place, White Africa South professes to be Christian and has in fact a greater loyalty to Christian institutions than is usually found among twentieth century communities. No doubt much South African Christianity is a travesty of the teaching of Christ and of the "Way" as practised by Christian saints in all ages; but it is equally true that much of it is sincere and effective, and that for many South Africans the approach of Christianity and the challenge of its implications is more important than any merely political, economic or anthropological approach to the "Native problem."

Because Christianity is in practice the only important influence of a directly religious character bearing upon both White and Black in the Union of South Africa, our study must be concentrated on the Christian approach in particular rather than upon the religious approach in general. This involves no intolerance and no condemnation of other beliefs. What Christianity means a convinced Christian can expound, and he ought to expound it without any ostentatious or insincere profession of indifference as to a subject which lies so near his heart. What Islam or Judaism or Buddhism may mean he must leave to those who within the forms of those faiths have had the Great Experience. Speech on that subject for him would be impertinent, but silence must not be taken to be either indifference or intolerance. If he should think his own religion the best, he will not advance his cause by attacking others. Should a positive putting forward of his own case fail to convince, no negative methods of criticising others will be of avail. Indeed any

religious discussion might well begin with Kipling's famous verse:

“ My brother prays (so saith Kabir)
To stone and brass in heathen wise,
But in my brother's prayer I hear
My own unanswered agonies ;
His gods are as his fates assign :
His prayer is all the world's—and mine.”

It is in that spirit neither of indifference nor of intolerance, that this study is offered.

The study of the influence of Christianity upon the Colour problems of South Africa, falls naturally into two divisions. There is, firstly, the work of Christian missions and their effect upon Bantu society, with all the changing attitudes of mind underlying missionary history. Secondly, we have to deal with European Christianity and its relation to race prejudice. Both studies affect the Bantu, the second less directly, but assuredly not less profoundly, than the first.

When missionary activity began in what is now the Union of South Africa, it had certain clearly-defined characteristics. Under the influence of the Evangelical Revival in England, these characteristics were strengthened, and they may be fairly described as general among the missionary bodies at work in South Africa a century ago. There were schools of Christian thought where they were less at home than elsewhere, but, subject to the inevitable limitations of generalisation, we may describe them as constituting the differentiating factors of the first period of missionary work among the Bantu.

In the first place, then, there was an intense pre-occupation with the work of individual salvation. This was not only regarded as the primary object of missionary activity, but was so interpreted as almost to crowd out the secondary objects. And “salvation” was—perhaps somewhat narrowly—understood in a purely spiritual sense. It is true that schools, and later hospitals, were provided for the care of mind and body, and that in every phase of missionary history there have been great men who saw the whole picture. The generalisation is difficult to make without unfairness, but no one who knows the history of

missions can ignore the difference of stress between the earlier and the later school. A more vivid belief in the pains of hell, and a general conviction of the ending of the chances of salvation with the termination of earthly life, pressed upon the earlier missionaries with an urgency which may have had its dangers but without which the great missionary revival of the early nineteenth century might, perhaps, never have taken place.

If there were dangers in this preoccupation with individual salvation, there were also advantages. In the last resort a Christian mission must be taken to have failed if it cannot produce individuals living changed lives, whatever else it may have done. The whole case of Christianity as a living religion is given away with the loss of passion for individual souls. And, as always in history, it is so hard to combine breadth and depth that sometimes it seems inevitable that culture and humanity, the spirit of "sweetness and light" have to be sacrificed to effectiveness and enthusiasm, the spirit of "blood and fire." We can never give up the hope of, or the strife for, the synthesis uniting these ideals which are not ultimately antitheses, but we must understand and be tolerant of those who have not achieved it.

But the intense individualism, which if partly simply Christian of all schools and ages was also partly Protestant and early Victorian, of the age of radicalism and *laissez-faire*, was bound to come into conflict with the Bantu social organisation, based on the conception of the group, the tribe. No doubt this fact strengthened the tendency, all too common in the first stages of modern missionary enterprise, as in the first centuries of the Church, to treat with sentiments almost of hatred and contempt the religion and customs of the "heathen." Missionary history is full of it, in India no less than in Africa. No doubt it was a tendency more marked in Protestantism than in Catholicism, but the majority of missionaries working in South Africa were Protestants.

Leaders of modern Protestant missions would no doubt subscribe to much if not all of the famous passage in Newman's "*Essay on Development*."

"The phenomenon admitted on all hands is this: That a

great portion of what is generally received as Christian truth is, in its rudiments or in its separate parts, to be found in heathen philosophies and religions. For instance the doctrine of a Trinity is found both in the East and in the West ; so is the ceremony of washing ; so is the rite of sacrifice. The doctrine of the Divine Word is Platonic ; the doctrine of Incarnation is Indian ; of a Divine Kingdom is Judaic ; of Angels and demons is Magian ; the connection of sin with the body is Gnostic ; celibacy is known to Bonze and Talapoin ; a sacerdotal order is Egyptian ; the idea of a new birth is Chinese and Eleusinian ; belief in sacramental virtue is Pythagorean ; and honours to the dead are a polytheism."

There are those who argue :

" ' These things are in heathenism, therefore they are not Christian.' A Catholic would prefer to say, ' These things are in Christianity, therefore they are not heathen.' These things are but broken lights of the truth, but such as they are, they too are from God. So far then from the Church's creed ' being of doubtful credit because it resembles foreign theologies,' we even hold that one special way in which Providence has imparted divine knowledge to us has been by enabling her to draw and collect it together out of the world, and, in this sense, as in others, to ' suck the milk of the Gentiles and to suck the breast of Kings.' "

But in the earlier stages of missionary history there was a tendency to destroy rather than to fulfil, which did a certain amount of avoidable harm. It is true that the adoption of real Christianity must inevitably involve the sacrifice of many things which, while not bad in themselves, have cast upon them by the new light the shadow of the second-best. It is true that much in pagan Bantu life had to go, and even that the discipline of renouncing old loyalties might form a necessary test of the faith and sincerity of young converts. It is true that in spite of Newman's splendid apologia for the genius of Catholicism in the mission field, it was a Catholic Bishop who said : "*Mite pone collem, Sigamber. Adora quod incendisti ; incende quod adorasti.*" All that we can insist upon is that there was a greater tendency then to condemn the old Bantu customs than exists now, and that it probably went too far.

The stigma of "other-worldliness" in the worst sense of that term, has been sometimes fastened upon the earlier missionary enterprise. It seems the last term that one would use to describe the activities of a great missionary politician like Dr. Philip; but there is an element of truth in the accusation. According to the views of the later missionary school, inadequate attention was given, speaking in very general terms, to the material and intellectual progress of the people, and their general happiness and well-being in this world. The escape from harsh reality to dreams of a heavenly future where "all God's chillun got shoes" was characteristic not only of Negro but—though to a lesser extent—of Bantu Christianity. And yet, as one surveys the history of missionary work in South Africa one cannot fairly apply the Marxian tag of religion being "an opiate for the masses." Even in its most "other-worldly" days, it did something for education, for housing and for health.

Lastly, the early missionary movement was strongly denominational. So deep and sincere was this feeling that missionary societies did not hesitate to introduce among the Bantu divisions which were unintelligible to men and women who had not made a full study of ecclesiastical history, and the Bantu have, in the forming of their three hundred and more separatist Churches, shewn that they have imbibed the lesson only too well.

Very broadly speaking then, and admitting at once that many reservations and exceptions must be made to the main statement, we may say that the first missionary phase in South Africa had tendencies to an exclusive preoccupation with individual salvation, to "other-worldliness," to contempt for Bantu custom, and to denominationalism, which in the view of the newer missionary philosophy of the twentieth century were exaggerated.

The newer missionary movement has been characterised by four interests.

Firstly it has laid much greater stress on anthropological study. It is true that the pendulum has swung too far, and that sometimes, in place of an attitude of scientific impartiality, the missionary anthropologist has almost become an apologist for

the old customs. At least he has moved away from the tendency to regard them with horror and disapproval. He has tried to use them where possible, and to conserve the value to be found in them. He understands them ; and that, even if his aim is to destroy them, is an advantage ; for it enables him to act with intelligence, sympathy and reverence.

There has been, in the second place, much preaching of what the Americans have called the " social gospel." The development of medical missions is an early illustration of this tendency but missionary activities are now understood to comprise the organisation of games and recreation, agricultural and industrial training, child welfare work, the encouragement of concerts and debates and even of dramatic performances. So far has this movement gone that there are missionaries to-day, whose work is entirely " social " and not in any direct way " evangelistic " as that term has been used in the past. The *reductio ad absurdum* is to be found in Julian Huxley's proposal for a Secularist Missionary Society in East Africa, as suggested in " *Africa View*."

In itself this social activity has been good. As part of the whole scheme it is essential. Much has been lost through its omission in earlier days, and much is being lost even to-day, for there are scores of missionaries in the Union who still make very little of the newer anthropological and social interests.

Thirdly, the newer missionary school has been gravely perturbed at the denominational divisions which disgrace African Christianity, and indeed Christianity generally, and earnest efforts have been made towards organic unity. Subdivisions of the same denomination (e.g. in Methodism) have succeeded in coming together, and in South India the movement has gone further and is moving towards a reunion of all Christians except those bearing allegiance to the Roman See.

Fourthly and lastly, the newer missionary school has begun to devolve authority upon the Native leaders and to build up indigenous Christian communities.

But while all this great activity in the fields of anthropological study, social work, organic unity and the building up of the indigenous Church, has been going on, it is claimed by many

penetrating critics that the heart of the whole missionary effort—the zeal for individual conversions—has somehow escaped, that with all its faults the older movement had a passion for souls which has become a gentle sentiment among the newer missionaries rather than a consuming fire. Such a generalisation is as unfair as the generalisations so often made about the older missionary school. But in each case there is something in it. On the whole there *has* been a loss of force and enthusiasm, a stay of the evangelical advance.

And this has been so in Christianity generally, for missionary policy inevitably reflects the thought and experience of the Home Church. This being the case, we may expect to find almost at once reflected in the mission field the remarkable movement away from mere social and humanitarian religion to a vivid belief in a personally intervening God and a programme of personal evangelisation, of which the foremost theologian has been Karl Barth, and the most popular practical reflection the work of what we have come to call the "Oxford Group."

Karl Barth has described his contribution as being rather in the nature of a marginal note to all systems than a new system. There is a profound truth in that. No doubt there are, and will be, Barthians who systematise their master's teaching and turn him into a partisan, but essentially he is a man who has seen a vision of the transcendent majesty of God and the littleness of man without God. His doctrine of God as the "totally other," if pushed to its logical conclusion, is incompatible with the incarnation, the sacramental life, and all that is especially distinctive of the catholicity of Christendom; but we may assume that Barth does not intend to be so understood. His somewhat unhappy phrase is a groping for words to express the majesty of the Vision which he has seen, not a logical formula.

It would be quite unfair to attribute all the theories of Karl Barth to the Oxford Group, or all the implications behind the activities of the Oxford Group to Karl Barth, but though neither can claim to have given direction to the other, both are responses, and not dissimilar responses, to the needs of the age. And both are exerting a wide and increasing influence. Hoyle says (*"The Teaching of Karl Barth"* pp. 40-1):—"All the Protest-

ant Churches on the Continent are feeling the impact of this teaching, and Dr. Adolf Keller, who has recently been visiting the Evangelical Churches in Sweden, Finland, Esthonia, Latvia, and Poland, Churches chiefly of the Luthern type, declares that they are all 'undergoing a kind of revival, which may be due, not only to the hardship of the time but also to the deepening influence of the theology of Karl Barth, which is sweeping all over the countries.'" The Group movement is establishing itself and expanding in America, Great Britain, Canada, Holland, Switzerland and elsewhere, as well as in South Africa which has played a prominent role in its destinies, giving it its present name and assisting in modifying and clarifying its implicit philosophy and theology. It is the most significant religious phenomenon of our day.

That the Group movement has done great good, and will do great good, is a statement which only a thoroughly prejudiced critic would deny. Will it turn out to be a drastic "swing of the pendulum" back to the old belief in personal evangelisation, abandoning all the gain in other fields of recent years, a flaming protest of the prophetic in Christianity against the priestly and the kingly? If so it will still be necessary, valuable, salutary, but, I venture to suggest that it will not attain its highest. That highest would be to achieve, without loss of its intensity of enthusiasm and its spiritual vision, the synthesis in one great flame of action, of the Protestant and Catholic elements of Christianity, so long and so deplorably divided, the synthesis of individual evangelisation, intellectual rectitude and social activity, until it finally merged itself, its work done, in one great Church, Holy, Catholic, Apostolic and *Living*.

This excursus into the realms of Christian theology might well be justified even to thoughtful non-Christians who realise the magnitude of the role of Christianity in the world in general and Africa in particular. But it is in any case forced upon anyone who will make a study of missionary history in the Union. The point at issue now is that missionary effort must recapture the earlier spirit of personal evangelism, and if possible without sacrificing the newer elements of anthropological research, respect for the Bantu background, social activity and aspirations

towards unity. If all these must be sacrificed for the great end, it must be so, but how deplorable a necessity! The victory would be all but a defeat. The soldier must, in other words, fix bayonets and charge, but he must not fling away his accoutrements and ammunition, and find himself unable to defend and consolidate what he has won.

What the fundamental factor of missionary work is, is brought out as well as anywhere in Dr. Raoul Allier's "*La Psychologie de la Conversion chez les peuples non-civilisés.*" It is not the reformation of a society, nor even the building up of a church, valuable as these may be. *It is the changing of individual lives, the putting of individuals into direct communion with God.* If this is done, the rest will be done, although perhaps not so well as it might be. But if this is not done, the rest will be absolutely meaningless. You will have a body without a heart.

Before passing to the subject of European attitudes towards the race problem, it would be right to examine briefly the influence of Christian missions on Native education. For more than nine-tenths of Native schools and institutions remain under missionary control, and we may expect that, in spite of tendencies towards more direct State control, the greater part of Native education will long be in missionary hands.

Against missionary influence, however, certain important factors are operating. One is the growing distrust and suspicion on the part of the Natives themselves, of the missions and the missionaries. The Separatist Church movement is the symbol of this unhappy attitude. To be a missionary in South Africa, as in many other parts of the world, is no easy task. One is often between the fire of the unsympathetic White man and cross fire of the Black. It is hard to avoid bitterness at what seems to be ingratitude, and yet the real trouble lies in the transitional character of Bantu Christianity and the local circumstances rather than in anything unamiable in the Bantu character. The practical colour-bar within the Church makes the Bantu Christian, in effect, a member of a parallel institution; hence the question of self-government is bound to arise, and it is natural that the Bantu Christians, forced back upon them-

selves, should resent their own part of the Church being under White control. The desire for self-government is natural, but it is none the less premature. Missionaries, especially those with natural tendencies towards command, are in an acutely difficult position. It is hard to avoid the conclusion that at least one contributory cause of their embarrassment is the metaphorical sign "Europeans only" which South African Christianity has affixed to many of its institutions.

A second force militating against missionary control of education is the excessive denominationalism which has produced, especially in urban locations, numbers of small, inefficient and competing schools, and the natural desire of the Government to amalgamate these. Missionary bodies would be well-advised to take the initiative and endeavour to work out schemes of amalgamation among themselves, rather than wait for the authorities of the State to intervene and take over the schools. For, although in the Free State a satisfactory *modus vivendii* has been found for the giving of religious instruction in amalgamated Government Schools, from the standpoint of the missionary no State School can hope to have the same direct religious influence which a missionary school (in theory at any rate) possesses.

Is this missionary standpoint correct? Ought we not to move towards the secularisation of Native education?

Certainly, Government control would have the advantage of compelling the State to take its full financial responsibility, a responsibility which to-day is shirked. Native education is to-day rather tolerated than encouraged by White South Africa. The moral effect of the State's assumption of the burden of Native education as a public duty, would be great.

But, on the other hand, there is a visible reaction in the minds of men against secularism, and against *étatisme* in education. Some of the finest and most useful schools for European children in South Africa are Church Schools. The fact that men of different schools of thought and varying tradition and training bear the direct responsibility for Native education in South Africa fights against the type of unintelligent uniformity against which even the best of Education Departments have to

struggle. And as regards the Bantu there are especially important arguments for the maintenance of the religious school. Midway between two moral codes, between two ways of life, they are in more than ordinary need of guidance and help. The mission school at its best can give it to them.

Too often alas! the mission school is not at its best. The overworked missionary superintendent sees little of it. The principal, if a sincere Christian, may exert a great influence, but is there anything in the mere fact that the school is under missionary control to ensure that the Principal will be a sincere Christian? If we are to defend a system of religious education is it too trite to say that it must be really religious?

The trend of missionary thought and policy in the twentieth century, especially as mirrored in the Reports and Resolutions of the Le Zoute and Jerusalem Conferences, has been in the direction of respecting, and where possible using, the past of the Bantu people, of studying with greater thoroughness and sympathy the child's natural physical and spiritual environment. The twentieth century missionary has been able to say with more frequency and deeper conviction than the nineteenth century missionary: "I come not to destroy but to fulfil." It has already been suggested that, where this advance has been purchased by a lessening of zeal and a relaxation from personal evangelisation, the price paid has been too high. But it by no means follows that such a price need be paid or has always been paid. One has only to read such a book—to quote one out of many—as Miss Mabel Shaw's *God's Candlelights* to realise how the old zeal and the new learning can be fused in one flame of service. Where that has been done, the newer missionary direction must surely be, on the whole, a matter for congratulation. Educationally, it can only be good that a better study of the child's background should be made, and that the teacher should proceed from the known to the unknown, whether the "known" be the home language, the tribal behaviour patterns, or the ancestral beliefs. It may be claimed without fear of contradiction that, from this standpoint, missionary education has made great strides during the period of our study, in the Union as in other parts of Africa. Once again we have seen

how changing currents of thought—theological or pedagogical—influence the daily life of the Bantu people, and are led to realise the fundamental importance of the world of ideas, so impotent in the view of impatient men who look upon the State as force, so irresistible to those of us who see in the organised community the sacramental expression of thought and prayer.

So we venture to hope that the missionary enterprise, far from succumbing to weariness or discouragement, will take to itself new life and power, that we shall see in this fourth decade of the twentieth century a great renaissance of missions, a bringing together of that early passionate zeal for souls and the newer spirit of patience, reverence, science, social community service, a Christianity not of the first century, nor of the fifth, nor of the sixteenth, nor of the nineteenth, a Christianity neither Catholic alone nor Protestant alone, but a synthesis of the best in all these—a “twentieth century Christian fellowship.” Perhaps that great missionary movement will have as much of a message to bring to the White races as to the Black. Perhaps, for those who have ears to hear, there are eternal verities which the Black Christians and those who have laboured among them have to bring to the White. If it is so, and if the future missionary effort is to be an all-inclusive one, it needs no further argument on my part to drive home the importance of the study of new theological teaching, new movements of thought and action, both in the mission-field and in the wider Christian community, for the development of Native policy in South Africa.



We pass to the second part of our study—European Christianity in South Africa and its relation to race attitudes.

One method of handling this subject would be to analyse the facts of the period 1910-1933 chronologically. If we did so, we should find much to encourage us, much to suggest that opinion within the Churches had improved. We should find, for example, that missionary contributions and (what is much more important) missionary vocations had increased within the South African Churches. We should find that the Churches had

taken a lead in lifting the study of race relations above the level of mere prejudice. We should be reminded of the action of the Dutch Reformed Church in initiating the series of national Bantu-European Conferences in 1923. We should recollect also the rôle played by the leaders of the English-speaking and some of the leaders of the Dutch-speaking Christian communities in the nation-wide protest in 1925 against the Colour Bar Bill. We should have very vividly in our minds the Fort Hare Conference of 1930, sponsored as it was by the Student Christian Association, and we should remember with honour the refusal of that body in the face of threats, intimidation, resignations and persecutions, to withdraw from the position which it had taken up. We should remember further the way in which the colour-bar had in some Churches been lifted from the pulpit or the lectern, helped in this case by the personality of great Indians such as the Right Hon. V. S. Srinavasa Sastri, Sir Kurma Reddi, and H. H. the Kunwar Sir Maharaj Singh, who prepared the way for men of humbler non-European stock, until recently in a fashionable Pretoria Church a large and reverent congregation listened to a sermon from a simple Bantu priest, born of pagan and illiterate parents, himself pagan and illiterate until the dawn of manhood. We should find public statements and criticisms shewing that the Negrophobe felt more and more uneasy in and resentful towards the Churches; but we should not find that a profession of Christianity necessarily meant adherence either in public or in private life to the principles of the teaching of Jesus as regards race relations, and it would be possible to adduce many instances of public statements from individual Christians and occasional instances of such statements from Christian bodies, criticising and opposing the process of change of thought to which we have just referred.

But it would perhaps be more useful, in this one aspect of the study of race relations where we turn inevitably from the world of time and space to the world of ideas, to analyse the implications of Christianity as applied to South African conditions rather than to give a mere list of dates and events. For what the study of Christianity and colour must drive home to us is

surely the fact that, fundamentally, the colour problem is a moral problem. Behind anthropological, cultural, political—yes, even behind economic—forces, there stands the world of moral values, by which in the last resort South Africa, White and Black, must inevitably be judged. And not only is the race problem itself a moral problem, but race attitudes have a direct influence upon general moral standards. It is impossible to defraud Natives and retain one's sense of honour in transactions with one's fellow-Europeans. Cruelty and injustice may begin with one's Native employees, but they will not end there. Similarly, low moral standards on the part of the Native react upon the European community amongst which he lives. Immoral conditions are no less dangerous than insanitary conditions.

Happily the relations between the races are not uniformly bad. On the contrary, as in the Old South in America, there is much that is pleasing in the traditional contacts, while the newer views as to inter-racial obligations are gaining ground. Cruel, South Africans as a whole, have never been; and the other faults common in countries where different races meet are far from universal.

And yet there are dangers against which Christian morality has to make its protest. Of these probably the most grave is what a recent scathing—and perhaps not always fair—critic of South Africa has called the “lie in the soul.”

The “lie in the soul”—the growth of a persistent dishonesty, all the more dangerous because it has become unconscious—is an undoubted phenomenon of South African life.

It takes different forms. It may, for example, reveal itself in the refusal to face unpleasant facts. Instead of boldly confronting an issue, there are many who will evade it, and evade it dishonestly. It is impossible to escape the conclusion that there is an element of this moral dishonesty—no doubt often a unconscious dishonesty—in preaching segregation as a panacea for all the ills of race contact, long after it has become clear that wholesale segregation is utterly impossible. Such an advocacy, in the face of the hard facts of South African life, is poisoning the wells of honest and truthful thinking.

But by far the greatest ally of dishonesty in this matter is timidity. Timidity, standing alone, may be described as one of the greatest moral dangers of South African life. Men know the right course, but they are afraid to take it. They know what they ought to say, but they are afraid to say it. They fear for their reputations, for their careers, for their popularity and rather than be dubbed cranks or race traitors, they condone injustice. The minister of religion panders to his Church Council, the Member of Parliament to his electors, the professional man to his clientèle. "A wonderful and horrible thing is committed in the land. The prophets prophesy falsely, and the priests bear rule by their means; and my people love to have it so: and what will ye do in the end thereof?"

Now this terror of public opinion is not only dangerous: from some points of view it is laughable. Often and often a situation arises in some or other public body which involves the question of the colour bar or some other question challenging the accepted *mores* of South African society. The matter is decided, needless to say, in favour of the old traditions, amid the embarrassed silence of the majority. One by one they will come afterwards and explain: "Of course I am a broad-minded man, and entirely agree with removing the restriction, but in view of the general state of opinion. . . ." If their words are to be taken at face value, it means that not infrequently the majority is really in favour of the change but votes against it under the assumption that the majority is opposed to it. Why not be quite simply honest, and vote according to one's convictions? Then if the majority really held to the old conventions, it would demonstrate its belief by the vote. If not, the whole argument about public opinion would fall away.

It seems incredible that men can stand silent and let others sacrifice health, prospects and popularity for a cause which they know in their heart of hearts to be a right and just one, while they live on unmolested in a dishonourable security. But it is so.

Dishonesty, that root of evil, takes yet another and more insidious form, in the unconscious injustice of taking for granted the existing customs of South African life. Such an

attitude of uncritical acceptance may be the result of sheer indifference to the serious issues of life, or of arrested mental development. Where, however, we find other issues challenged and the race issue taken for granted, the probability is that we have the most subtle of all the many forms which dishonesty can take in a society such as our own.

Dishonesty and timidity combine to produce the fault—moral and religious—of lack of faith. The grinding fear which the White man has for the future of his race is utterly incompatible with a belief in the sovereignty and love of God. It is practical atheism—the same kind of practical atheism exhibited by the man who repeats the Nicene Creed on Sunday, and worries about his finances on Monday. It is a natural human trait, but quite incompatible with any real belief in the Christian conception of God.

More subtle, perhaps, is that lack of faith in life which is the result, partly of the despair that springs from a perpetual state of fear, partly from the over-sophistication of modern society. The future of the world lies with the simpler and saner and freer elements of humanity. Whatever may be said in favour of birth control in certain circumstances—and it is no part of my plan to attack it—the society which, as a whole, fears to beget children is a doomed society. The earlier South African community, no doubt lacking in many things, did possess this simple and vigorous faith in life and in its own future. The Bantu possess it to-day, in common with the Negroes.

The Bishop of London, on a certain historic occasion, is reported to have said: "I expect nothing whatever from London indignant: I expect everything from London penitent." So it is with South Africa. We shall achieve nothing by attacking or by lecturing those whose standard of morality on the colour question seems to us deficient. We must turn the searchlight inwards. We must discover what elements of dishonesty and cowardice lurk within our own bosoms, and influence our own actions. Nothing is more ungracious than heated philippics from very imperfect prophets. And if this applies to each one of us individually it applies also to the Christian Church in all its multiplicity of groups, forms and

organisations. We Christians must put our own house in order before we can face South Africa with the majesty of moral authority. In this sphere—and it is not the only one—there is a marked disparity between the principles of Christianity and the practice of the Churches, *a fortiori* between the principles of Christianity and the practice of the average Church member.

If, for example, the principle of the colour bar is wrong, how is it that we have a *de facto* colour bar in so many of our Churches? If the Church practice is right, ought we not to be a little less self-righteous in our criticism of the State?

Is it not true that, in the most sacred of Christian services, bitter resentment would be felt by many at the intrusion of colour? Is it not true that, to obtain real fellowship, a Coloured man or woman, light enough to pass as White, would frequently have to live a lie in his Church just as much as he has to do in the world outside? Is it not the case that sometimes behind a facade of equal rights are hidden practical discriminations of great importance?

The old Voortrekkers whom no one would accuse of radical views on the colour question, had one gracious custom which has persisted in many of our country districts—the participation of the Coloured or Native house-servants in family prayers. In our towns, where family prayers still take place, the rule is “more honoured in the breach than the observance.” The Church at its best ought to be a family—does it sound faintly ironical?—and all prayers family prayers. Is this the mere madness of idealism? The Church stands for ideals and its founders were repeatedly accused of being mad. But, if common-sense and practical difficulties stand in the way of a logical carrying out of Christian principles, could not at least one large central Church of each denomination in each town be thrown open to all Christians, irrespective of colour, in practice as well as in theory? Could we not, even were it only once a year, perhaps on Christmas Day, forget our division and remember only our unity?

Perhaps it is all the harder because denominational division complicates racial division. There is much feeling among Dutch South African Christians that certain churches of Eng-

lish speech break down the colour bar and at the same time build up the denominational bar, so that a Native may be admitted to their altars, while a Dutch South African may be repelled. The reasons for this are written across the history of the passing centuries, and are not to be dismissed airily as mere narrow-mindedness or theological obscurantism ; but it points to the need of a sustained and passionate striving for Christian reunion ; for how ungraciously, again, does a heated condemnation of the colour bar fall from the lips of those who maintain, however conscientiously, bars that "unchurch" their fellow-Christians ! Many supporters of the colour bar are conscientious too !

The best test of how far South African Christianity has conformed to the ideal of its Founder is to look at what its converts have made of it—to look, for example, at the unlovely exclusiveness of the Coloured to the Bantu Christian, modelled on the equally unlovely exclusiveness of the European to the Coloured Christian ; to look, again, at the three hundred or more Bantu Separatist Churches, cut off not only from world Christianity, but from each other, many of them with a hearty and convinced intolerance which almost comes up to that of a certain type of missionary—usually, one is glad to say, of the older school. We have succeeded, in short, in building up a caste system shot through with multiple denominational divisions. What worlds we seem removed from Dante's

" citizen of that Rome whereof Christ is Roman ; "

What worlds removed even from the confession of faith which Bernard Shaw puts into the mouth of Father Keegan : " My country is not Ireland nor England, but the whole mighty realm of my Church. For me there are but two countries : heaven and hell ; but two conditions of men : salvation and damnation. Standing here between you the Englishman, so clever in your foolishness, and this Irishman, so foolish in his cleverness, I cannot in my ignorance be sure which of you is the more deeply damned ; but I should be unfaithful to my calling if I opened my heart less widely to one than to the other. "

* * * *

We speak of hostility and division. But what of that cold

indifference which, within the Christian Church, and within even circles where religion is an undoubted reality, maintains colour bars, not because it believes in them but because it takes them for granted? Here is a partial answer to those who claim (we have heard that claim before with regard to wages and unemployment: its *direct* result is the "anti-God" propaganda of Bolshevism) that the Church has nothing to do with the institutions of the "world." Well let us be clear on this point. South Africa passes itself off as a predominantly Christian State. Our society is supposed to be a Christian society, in ethic if not in dogma. The same Parliament which passed the Colour Bar Act, passed the Act which inserted in our Constitution the new clause: "The people of South Africa acknowledge the sovereignty and guidance of Almighty God." Are the people of South Africa genuinely willing to follow "the guidance of Almighty God" on the colour issue, wherever it may lead? If not what is the new Clause 1 of our Constitution but the most nauseous hypocrisy? Either our State must become entirely secularist, and Christians must accept for the time the position of a small minority of cranks—but sincere and consistent cranks—in the community, perhaps not very unlike Bolsheviks in the way the world regards them; or if our society is still to persist in calling itself a Christian society, Christians must set to work to transform not merely the Church, but the State, the Province, the Municipality, the Trade Union, the School, Society generally, in such a way as to make South Africa worthy of those principles of which Christianity is guardian. The second of these alternatives is, in my judgment, very much better than the first; but the first is better than the *status quo*.

When we look on the other side and see what the Church has done for the Non-European in South Africa, the hope and help it has given him, the utter self-sacrifice of some of its best men, the illuminated pages bright with crimson and gold, of missionary history, the urge to better things which a living Christianity brings, then indeed we may feel like the Roman Senate after the battle of Cannae that we must "not despair of the republic." But like them, too, we must pass on to a second resolution—the resolution to call up the last reserves of the Republic, arm them

against the invader, and make our motto "No surrender!"

Religion inevitably institutionalises itself; for man is a social creature. There is no cogent reason why his religion, deeply individual though it must be, should not share with his other activities in that ineradicable social urge. For centuries men have dreamed of a Church, purified, infallible, faultless. It is a noble dream, which must lead to constant reformation, revival, renewal. But at no particular moment in human history can we expect to find that perfect Church. Like Plato's perfect State it is "laid up in the heavens." Hence at one and the same time we Christians dare not despair of the Church with all its faults, any more than we dare despair of ourselves, and we dare not accept those faults without individually moving heaven and earth to expel them from the Church,—and from ourselves. Mere cheap criticism of the Church means very little; for what we are criticising is the conditions of life in human society.

There is a sense in which the future of Christianity is bound up with the handling of the Coloured races. The White man, as has been said, "farms the world." Hitherto Christianity has been predominantly the White man's religion. He has made strange things of it. Hawkins' slave-ship was named the "Jesus." The curse of Ham has been gratuitously laid on the Black races by thousands of pious Protestants—it is still to-day in South Africa. They remember "Cursed be Canaan: a servant of servants shall he be unto his brethren," and forget "I am among you as He that serveth." As for Catholicism, what it made of Central and South America, to the grief and horror of Columbus, we all know. It is true that there is the other side. The Jesuit Father in the Mississippi Valley, the Quaker in Pennsylvania, Temple Gairdner in Cairo, Livingstone in Central Africa—one could extend the list indefinitely. But the real inner circle of faithful men has not succeeded in transforming the institutions of those who, however unfaithfully, bear the name of Christian. Between the living heart of Christian truth and the non-European world, falls the shadow of "Christian" society, so-called. Unless Christianity can translate its principles of brotherhood into action, it will have failed disastrously.

And yet will it fail? We have high authority, the highest, that "the gates of hell shall not prevail against it." There is a great truth in Dryden's picture of the Church:—

"A milk-white Hind, immortal and unchanged,
Fed on the lawns, and in the forest ranged;
Yet had she oft been chased with horns and hounds,
And Scythian shafts; and many winged wounds
Aimed at her heart; was often forced to fly,
And doomed to death, though fated not to die."

If the Church follows its star, it will either convert the European nations to a real spirit of brotherhood, and in so doing transform world history, or—and this possibility must not be left out of account—Christianity may win the non-European world at the expense of the allegiance of the mass of Europeans. Itself, it will not and cannot die. As we know it to-day, it is not immortal. The substance remains: only the "accidents" may change.

"The people of South Africa acknowledge the Sovereignty and guidance of Almighty God." A tremendous phrase! What does it all imply? If South African Christianity really lived up to it, what difference would it make to the public policies of this land?

It implies no programme. We do right to formulate programmes. They must be provisional, but we must have them, to concretise our attitude.

Nor does this belief in the "Sovereignty and guidance of Almighty God" mean a set of principles. Principles we must have, and they can hardly be provisional. The Founder of Christianity Himself, though no legislator, gave us principles that will stand for all time.

But a belief in the "Sovereignty and guidance of Almighty God" goes deeper still—behind programmes, even behind principles, it means an attitude of will—a willingness to do the will of God, to go the whole way, even though the last steps be uphill and the end of the journey red with blood. That is the way of the Saints, and nothing less than that is the stupendous claim which Christianity makes on the so-called "ordinary" man or woman. In a sense, no problem, whether of class or of

colour, can be finally solved until every man or woman concerned has experienced this inner revolution of the surrender of the will. We can move in the right direction, we can make our institutions more and more what they should be. We do right to do so : evolution and revolution are not enemies, but allies in God's cause. In the end, we cannot achieve perfection unless there is this surrender of will. We cannot compel the wills of others ; but our own wills are at hand to offer, and others' to be persuaded. In the end we come back to the fundamental fact of all true religion—the relation of the individual soul to God.

So personal and of so piercing an intensity is this challenge that it cannot be persued further, except as between man and man. *Cor ad cor loquitur*.

Yet one more word could be added—the fundamental importance of a right disposition of will, which carries us on and on past the highest reaches of intellectual comprehension until we stand face to face with the Supreme Realities and yet live. For those who have ears to hear, there is a message in the last lines of the world's greatest poem which can hardly be conveyed in the more direct speech of prose :

“ Here vigour failed the towering fantasy :
But yet the will rolled onward, like a wheel
In even motion, by the Love impelled.
That moves the sun in heaven and all the stars.”

CHAPTER VIII.

CONCLUSIONS.

JUST one hundred years ago, slavery was formally abolished throughout the British Empire. It was a magnificent gesture on the part of philanthropic radicalism—a gesture which revealed the British Empire at its highest and best. We do well to remember it in this Centenary year with gratitude.

It is strange that any reference to this great event in South Africa itself must be made in an atmosphere of vague embarrassment. Our historians have given it but grudging mention, and have laid stress on the inadequacy of the compensation given and certain minor administrative errors rather than on the greatness of the reform in the history of humanity, and the generosity of the non-slave-holding Englishmen who taxed themselves lavishly to compensate the vested interests in their Colonies. In truth, the combined spirit of the French Revolution and of the Evangelical Revival which produced the emancipation and indeed the greater part of the programme of nineteenth-century British Radicalism, was never really acclimatised in South Africa. Older countries have become bored with it, simply because it dominated their thought for so long a period.

The work which was begun in 1833 has been almost, though not quite, completed in 1933. There are still some millions of slaves in the world, but the institution of slavery is doomed, even in such promising areas as Abyssinia, and international machinery has been created with a definite programme of abolishing such slavery as still exists.

The task of the nineteenth century was, in this as in other spheres, the abolition of the cruder forms of discrimination. Thus that century saw the gradual removal of religious tests, and the extension of the franchise to the unprivileged classes. Radicalism, with all its faults, did its work well in this sphere; and the old Napoleonic principle of *carriere ouverte aux talents* was probably more generally accepted at the end of the Great War than at any time since the great days of the Roman Empire.

The twentieth century has its own programme of activity.

As in the nineteenth century religious bars were lifted, as Catholics in Protestant countries, Protestants in Catholic countries and Jews everywhere were emancipated, so one of the great struggles of the twentieth century must be for the removal of the Colour Bar. National and racial intolerance have succeeded religious intolerance; and the Jews who alone are both a race and a religion, together with the Coloured races, continue to suffer though the reasons for oppression have changed. Radicalism in the twentieth century must, in other words, put up against ultra-nationalism and race and colour pride, the same fight which it put up in the nineteenth century against ecclesiastical bigotry and intolerance.

But there are other differences between 1933 and 1833. Our programmes for reform are more positive. We no longer feel it enough to remove restrictions; and we have less faith in democracy and in Acts of Parliament. We look more to better administration, and the work of non-governmental bodies than we used to. As is illustrated in the last chapter, we realise the importance of the changes in the programmes and the outlook of the Churches and Missionary Societies. We know, too, how radically a change in the attitude of the Trade Unions would modify the inter-racial situation. And a new policy on the part of the Universities would mean much.

The Century which began in 1833 has seen a great advance in the position of the Black man. He was then in chains. He is, to-day, free in as far as legal bonds are concerned. But that does not mean to say that he is wholly emancipated. He remains in economic semi-slavery in many parts of Africa. He is still less than a freeman in the sphere of opportunity of service to the State. Restrictions, some legal, some extra-legal, hem him in. He is not yet free from the wretched fears of superstition. Poverty, disease and contempt are important factors in making him what he is.

Our century, the century which we now begin, has therefore its own tasks, and it must use its own methods. What are those tasks and those methods, especially in South Africa? To answer these questions is the object of this concluding chapter.

If we are going to fix our attention more especially on the

Union of South Africa, we must first remind ourselves—to avoid any lack of a sense of proportion—that our problem is a world problem. All over the world, non-European populations are clamouring for greater rights. The choice which faces the world as a whole with regard to the surplus population of China, Japan and India—the choice between equal immigration rights or a cession of colonial areas—is essentially the choice which faces South Africa with regard to the surplus population of the Native Reserves ; and in each case an attempt is being made to evade, or at least postpone, the issue. The international institutions of the world, like the national institutions of South Africa, are controlled by White men who happen in both instances to be capitalists employing non-White labour for relatively low wages. The Christian Church in China or India is fighting the same difficult battle as in the Union of South Africa—the battle against the impression produced by nominally Christian individuals and a nominally Christian White society. In the larger sphere, as in the smaller, the older ideas as to the dominance of the White races persist. In both, there is a growing minority which is challenging the old, accepted theories, and insisting that the idea of dominance is outworn and that the conception of partnership in service must replace it.

Not only is there this resemblance with the whole world situation. There are specially significant areas of race contact where a comparison, with all due safeguards as to allowing for difference of background and present position, can help South Africans to solve their own problem. The most important of these areas is the Southern part of the United States of America, and one of the most interesting developments of recent years in South Africa has been the forging of links between the American and South African students of the problems of colour. One of the pioneer agencies for achieving this end was the Phelps-Stokes Fund of New York, under whose aegis has been established the Lectureship which has made the publication of these studies possible. From the days of Maurice Evans until now, the relative points of comparison between the two countries have been studied, and much valuable help has been given to South Africa as a result.

South African students of race relations have two pitfalls to avoid.

They must, in the first place, not become parochial in outlook. They must realise the similarity of their problem to the great world problem. They must study widely and compare carefully. They must get rid of the inferiority complex which resents "overseas" criticism. They must remember the importance of movements of thought outside South Africa in the evolution of South African policies, and the role played by Native policy in the formation of South Africa's international reputation. They must reckon with the new international institutions, the growing mass of international counsels of authority, and the increasing influence of extra-national opinion on internal affairs.

On the other hand South Africans interested in race relations must not fall into the error of becoming un-South African. They can only succeed ultimately by converting South African opinion, however much international influences may assist in that process of conversion. They must keep in touch with that opinion, understand it, and neither speak nor think scornfully of it. South Africa's practical attitude towards her Black races is not unlike that of the world as a whole. She has not been cruel, or otherwise notoriously bad in her handling of her subject-races, as compared with any other African powers. Exaggerated accusations will only defeat their own ends. There is no reason why an attitude of patriotic devotion to South Africa should not be combined with one of progressive and liberal views on questions of colour. Great harm is done by men who combine a love for the Native with hearty contempt for the traditions, hopes and aspirations, of White South Africa.

In this spirit, then, of meeting the new problems of our century with adequate solutions, in this spirit of loyalty to, and knowledge of South Africa, combined with the breadth of outlook given by an international outlook, we must face the task of devising principles and programmes of policy for South Africa.

But here we come face to face with a difficulty common to many causes and many lands—the difficulty of enunciating at one and the same time ultimately valid ideals and principles,

and practical programmes of legislation, compatible with the existing state of public opinion.

The ideal recommended to us by our religion, the practical programme to be put before Parliament—these represent different, though not necessarily incompatible, things. The greater may include the less. It is difficult in practice to hold up to the people the ultimate ideals and at the same time to present them with a concrete programme capable of acceptance within a short period of time. If the same man is to undertake these different tasks, he runs the danger of appearing something of a hypocrite. If—as generally happens—different men undertake them, a tremendous amount of time, energy and temper is wasted because the politician will persist in treating the idealist as an utterly unpractical person, and the idealist will rejoin that the politician is betraying his principles and substituting a shifty cunning for the simplicity of truth and justice.

Some influence must be exercised by the audience and the immediate objects which a man has in view. A professor, facing a class of students, with the special task of challenging complacency, stimulating thought and arousing fruitful argument, may rightly be more provocative than a statesman, formulating policy on a public occasion, ought to be. The professor ought not to be greatly influenced by public opinion: if his University allows public opinion to depress or excite it, it is failing in its duty of safeguarding truth and free inquiry. The statesman is in a different position. In his hands society has placed the weapon of force. That weapon he ought to use sparingly and reluctantly. In order to avoid abusing the might which he possesses he ought to aim at conciliating, persuading, convincing. The professor may be content with carrying some of his students all the way. The statesman has to aim rather at carrying his whole community part of the way. Government is the cult of the second-best. It must be content with compromise, general advance, slow penetration of public opinion. It must recognise facts. And, even if we believed otherwise, if we thought of modern Governments as Hobbes thought of his Leviathan, if we believed that the statesman "beareth not the

sword in vain," we should still, as friends of the Native in twentieth-century South Africa, hesitate to recommend that doctrine here. For if the appeal is made to force, numerical strength and the possession of the means of war are mainly in the hands of those opposed to or suspicious of Native progress; and they that took the sword would perish by the sword.

Bitterly indeed should we resent the use of the material strength of the State to crush Native aspirations, retard Native progress and hinder the work of those Europeans who strove for better things. No less immoral would be our position if we, as liberal thinkers, suddenly finding ourselves in the position of a small majority, should ram our ideals down the throats of those naturally opposed to them. If this is the case, it is clear that Governments must pursue policies, not necessarily capable of commanding unanimous support—that is impossible—but calculated not to outrage the deepest feelings of large sections of the community.

This is not to say that no politicians ought to have, or to express ideals. Our Parliament would be immeasurably richer if it had in it more members ready to unsheathe the sword of debate on behalf of the Bantu, the Coloured man, and the Indian. Nor ought they to conceal their principles. But between a clear and courageous enunciation of principle and a practical immediate programme of legislation and administration, there is, and ever must be, a difference. The one is an intensely personal thing—the telling to the world of the Vision which God has given us; the other is in the nature of a public trust, in which we have, not only as a counsel of practical expediency but as a moral duty, to take account of the (perhaps more limited) vision of others.

The danger of this attitude lies in the temptation to temporise, to be satisfied merely with the enunciation of our practical programme, to conceal, and therefore in time to lose, the brightness of our vision, to follow public opinion instead of leading it, finally to discover that for the sake of remaining in public life we have lost everything that induced us to enter it. If we find ourselves in such a position we remain there at the peril of our souls.

But, if the politician has his duties and his temptations, so has the priest, the poet or the teacher. His first duty is to hold his ideals high, and not to "let down" those under his charge by allowing them to rest comfortably complacent under the shadow of the second-best. He must proclaim the truth as he sees it. It is a "burden" laid on him, as on the prophets of old. If he fails in this, he fails utterly. Nevertheless, there is imposed on him the duty of not forgetting the practicabilities of the situation, just as much as the statesman is under the moral obligation not to hide his principles and ideals. The temptation of the man who can form public opinion, but has no direct responsibility for public action, is precisely what one would expect—the temptation to irresponsibility. Instead of perpetual assent one finds perpetual agitation. The "opposition complex" grows up, and with it an intellectual and spiritual intolerance. Such a man may be a prophet, but, like one of the prophets of the last century, he may be "gey ill to live with."

If the statesman must have something of the prophetic vision and the prophet something of the statesman's sanity, it may not be impossible for a man to combine the two rôles. He will then have to be careful constantly to state together his ultimate principles and his practical programme, and the connection between them, and while sometimes resting satisfied with half a loaf rather than no bread, he will at least see that his children who have asked for bread do not receive a stone.

But if philosophers may not be kings nor kings philosophers, they may at least learn patience by contemplating the special difficulties of each others' situations. If no other form of tolerance can exist, they must learn the standpoint of Bernard Shaw's anonymous correspondent who as quoted in the Preface to "Saint Joan" says:—"In your play, I see the dramatic presentation of the conflict of the Regal, Sacerdotal and Prophetic powers, in which Joan was crushed. To me it is not the victory of any one of them over the others that will bring peace and the Reign of the Saints in the Kingdom of God, but *their fruitful interaction in a costly but noble state of tension.*"

So it is in these immensely difficult problems. That a mind should aim at synthesis of the truth seems to me the highest of

ideals. But if we are driven—as we all are, some more easily and frequently than others—to become partisans, we ought to learn that lesson of true tolerance which bids us be thankful for our opponents and their point of view. The truth that is too great for one mind has been distributed. But, because we must be sincere, we must fight for the truth as we see it, manfully and vigorously. To return to the metaphor of “Saint Joan,” the rope will only be held taut if we pull hard at our end.

Whatever else we do, we must not let go of facts. And there are certain facts of importance which idealists in the field of Native policy have to remember.

One is that, the Native, on the average, is not yet the equal of the White man in intellectual attainment, or the ability to handle the civilisation of the machine age in which we live. Some Natives are very much better in both respects than some Europeans; but the average of the Native is clearly below the average of the European.

A second fact to remember is that 56% of the European population have been classed by the Carnegie Poor White Commission as “poor” or “very poor;” and that a variety of arguments (the true interest of the Native among them) drive us to look for policies which shall help to raise them.

As we think of the Native, we do not want to concentrate our mental gaze exclusively on the student in the sane, happy, stimulating atmosphere of Fort Hare, the occasional Bantu Saint found in the Ministry, the detribalised industrial proletariat of our towns, the rising peasantry of the Transkei, or the half-naked and superstitious but smiling and attractive savage still to be found in the tribal reserves. We must keep all of them before us. No single policy will suit them all. Methods intolerable for some may be permissible for others. Behind all our idealism there must be a tremendous reverence for facts.

If from this point of view we were to set to work to devise a practical programme of action for the next ten years, what should it be? I suggest that it should embody items which could rally in one great unity of action, all these elements of South African life which were not definitely and hopelessly anti-Native, from the conservative to the advanced socialist.

One principle on which all could agree would surely be a moratorium on repressive legislation. As we have looked over the period 1910-33, we have seen how greatly the tendency to restrict Native life by legislation has increased. Even those who, through fear for the position of the White man or from other motives, have felt able to justify some of these laws, must feel that the time has come to call a halt. To continue legislating on repressive lines would still further embitter the Bantu, estrange them from the White man, and sow seeds of discord in the land, the reaping of which would prove a sorry business.

All would surely agree on the need of more effective constitutional channels of consultation. The frequent intermission of the Annual Native Conference has caused much dissatisfaction, and even if some other method of consultation should have to be found, something must be done. Further, it is urgently necessary to demonstrate to the Bantu that constitutional representations do actually produce results. The forces of lawlessness and "direct action" are growing. Few people, even few communists, really prefer blood and fire for their own sakes. But, if year after year, respectfully-worded and constitutionally presented arguments meet with no success, it becomes difficult to combat the influences that are urging the Bantu to act outside the law rather than suffer within it. Grievances, unaccompanied by the means of redressing them, or the sense of responsibility, eat into the soul of a people.

Adequate consultative machinery does not necessarily mean the franchise. Men of good-will are still divided on that issue. Whatever our personal feelings may be, we cannot therefore put the franchise in the forefront of a programme of action. Indeed on that point, we can do little better than turn to Scripture, and recollect the message of the Apocalypse: "I will put upon you none other burden, but that which ye have already, hold fast."

The one field where we ought to move, and have been unaccountably inert, is that of the Municipal franchise, and the obvious point of attack is the position of the Coloured man outside the Cape Province. In an area like Johannesburg, the European enjoys full Municipal franchise. The Native has the poor, but not entirely useless, protection of his Location Ad-

visory Boards. The Coloured man alone has nothing. There is no question of segregating him in some distant reserve. No one fears him. In the Transvaal he is not attacked as both the Bantu and the Indian have been. Here is the obvious next step in the franchise movement, and one which ought to command general support.

A further point in our programme should be the agricultural development of the Reserves. The extent to which unanimity exists on this issue is reflected in the Report of the Native Economic Commission. Reference has already been made to the urgent character of this problem, as the Commission sees it. Action must be taken at once if valuable land is not to be irremediably lost. At one and the same time, this policy would save the land, help the rural Native, reduce the pressure of poverty-stricken Natives in the towns, raise the urban wage-rate and help thus the lower-paid Coloured man and "Poor White." It will be utterly inexcusable if South Africa does nothing in this direction during the next decade.

We must also press for improvements in our town locations, for better facilities for housing and recreation, for more attention to child welfare. This is one of the most important of the functions of Joint Councils, and although opinion is by no means unanimous in accepting the inevitability of a permanent urban Native population, Municipalities are in general becoming more and more sympathetic.

There are other points on which opinion is more sharply divided, but which are not so impracticable as to be left out of a programme of action.

First among these comes a simplification of the Pass System, leading to a reduction in the scandalously high total of annual arrests. At present the prisons are crowded with Natives guilty of no real fault, and respect for law and order are being lost. Linked up with this is the problem of abuses in collecting taxes, and the need for a generally higher standard in the handling of Natives by the police, especially the Native police.

Secondly, we are compelled to press immediately for better financial support of Native education. Although electoral opinion is divided on this, the need is too urgent to allow us to wait.

Schools are miserably equipped and overcrowded, teachers harrassed with impossibly large classes and wretchedly paid. Something must be done.

Thirdly, there is the question of health, and more especially the long-overdue need for the training of Bantu medical men in their own country. Social prejudices, resentful of the intrusion of the Bantu in our Universities, have been fighting against this very necessary development; but we must continue to press for it. The capital funds are available—offered by the Rockefeller foundation; the University facilities are available and have been offered; only a small annual Government grant is needed. Ought it not to be made available at an early date?*

Lastly—and here of course immense opposition is to be expected—must not at least the first steps be taken towards giving Natives adequate leasehold tenure on farms? It is but common justice, if the promise of more land made in 1913 is not to be implemented, to provide this safety-valve. As it involves the repeal to the Native Service Contract Act of 1932 it cannot be expected at once; but surely public opinion must be prepared gradually for it. The “squatter” and the “byowner” must give place to tenants possessing some security and some inducements to make improvements on their lands.

We are here on the border-line between a practical “ten-year plan” and our hopes and ideals for the future, of which such a plan would form a first instalment. What are those ultimate ideals? What picture do we form of the South Africa of the distant future?

It may at first seem like arrant cowardice to reply: “We do not know.” But it is so. There are certain points on which we may be reasonably sure. Some things at least we can predict will not happen. Perhaps in the end we may be driven to Dean Swift's famous epigram: “What they do in heaven we know not; what they do not do we are expressly told: they neither marry nor are given in marriage.”

Most South Africans would feel immensely relieved if they

* Since these lines were written the Government has adopted a scheme for the training of Native “medical aids,” assisted by the generosity of the Chamber of Mines.

could be assured that this prediction was equally applicable to the racial future of their country. The fear of intermarriage across the colour line is deeply rooted, and explains much in the way of the sanctioning of injustice which would otherwise be inexplicable. That intermarriage would be biologically unsound has not been proved. That it would be repugnant to the sentiments of the overwhelming majority of South Africans is certain. So long as those sentiments (which are perfectly compatible with a liberal Native policy) persist, intermarriage will never take place on a large scale. If they ever change, intermarriage will probably result. It does not seem that any policy short of total segregation in its most extreme form will remove the possibility.

As we cannot well control the sentiments of our remote posterity, it would appear that the fear of intermarriage is an irrelevant one. It need not greatly affect our policy one way or the other. "We can be brothers in Christ without being brothers-in-law."

The ideal for South Africa would appear to be a policy by which every racial group would have full and free opportunity to develop. South Africa would then be considered as a State, a political unit, composed of individuals of different ancestry and tradition, whose outlook on life must in each case be respected, and who are all free to serve South Africa.

It does not lie within our power to make South Africa an exclusive preserve for the White man, nor even to maintain indefinitely the Colour Bar in its various forms. To predict the very gradual disappearance of the Colour Bar is to predict a certainty. To keep it would mean in a century's time such a state of tension as to bring the whole civilisation of the sub-continent to a state of chaos and civil war.

What we can do is to direct the change in such a way that it does not come prematurely, nor begin among the least desirable elements.

By lowering the immense difference between rich and poor in South Africa, by giving the most favourable treatment to our paying industries, by raising the status and hence the efficiency of our "Poor Whites," and by improving the lot of the

Native in his Reserves, on the farms and in the towns, we can make South Africa a relatively prosperous country. It is beyond our power to postpone for ever, though we may postpone until a more favourable time, Black and White working side by side—as they do without intermarriage in New York or Chicago—but we can see that they help each other up rather than, as at present, drag each other down. They will, unhappily perhaps, have to be together; but we have the limited choice as to whether they will be together in the ditch or together out of the ditch.

We can also, if we will, ensure that South Africa is a healthy, civilised and educated country. We may not always be able to maintain all the existing bars, but we can at least see that the lower strata of both groups are helped in body and mind. At present they meet in the slums of Johannesburg; but they meet inevitably, in spite of all that we do. Are there no better places in which to meet?

That we should definitely aim at breaking down the colour bar in any and every situation, as a matter of principle, would surely be a grave error. Now and for many years to come, some at least of its manifestations will be necessary and salutary as a general rule. But even to-day there are exceptions which ought to be treated on exceptional lines, and these will undoubtedly become more numerous as the years roll by.

Our aim ought to be to create in our land a Christian civilisation in which men can live without fear of poverty, social ostracism, or insult on account of what they cannot alter—the colour of their skin: that is all.

It may well be that the separate communities will persist as such. If that can happen without the loss of the ideal which we have set before us, so much the better. There is more than a possibility that, as far as we can see into the future, in spite of political and economic fusion, ethnical distinctions will remain.

But these excursions into the realm of the remote future, though we are bound to make them, are not of very much help. The immediate need is to have the facts, and the right frame of mind in which to handle them.

Our task is thus a double one—mental and moral. In the first place, if we may make the Fabian motto our own, we aim

at "measurement and publicity." We desire to work out the facts of South African life in a scientific spirit, and without prejudice. In the second place, we need a change of heart and will. We need the removal of fear, our greatest enemy, and with it dishonesty and injustice. We need to learn how to approach the whole situation with faith in God, faith in life, and faith that to deal justly will not produce and cannot produce evil results.

These two aims are at the basis of the work of the South African Institute of Race Relations, the most comprehensive body in the Union for the co-ordination of inter-racial studies and practical activities. Brought into existence in 1929 as a natural development of work already done by South Africans through the Joint Council movement, the Universities and other organisations, it has been from the beginning a piece of national service rendered by South Africans to South Africa. The Institute is largely modelled upon the successful Inter-Racial Commission in America, but is an entirely independent body. It concerns itself not only with European-Bantu relations, but also with the position of Coloured and Indian groups in South Africa, and with the relations between the different European racial groups.

The principle objects of the Institute, as laid down in its Constitution are :—

"(a) To work for peace, goodwill and practical co-operation between the various sections of the population of South Africa.

"(b) To initiate, support, assist and encourage investigation that may lead to greater knowledge and understanding of the racial groups and of the relations that subsist or should subsist between them."

True to its avowed aim of initiating and inspiring work rather than trying to do everything itself, the Institute has called into being new bodies such as a special Health Committee of the most representative kind, dealing with matters such as Native medical services, the training and employment of non-European nurses, etc.

In addition, the Institute has conducted special investigations on subjects such as Liquor, Trading, Unemployment, Marriage Laws and Conditions of Child Life.

It has organised, or assisted in organising, certain important national and regional inter-racial conferences, thus carrying on the great work initiated by the Dutch Reformed Church in 1923 ; it also convened the Conferences of governmental, municipal and other representatives on non-European Health Services, held at Bloemfontein in 1932.

As an information centre and an informal secretariat, it serves the thirty or more European-Bantu Joint Councils and Native Welfare Societies, as well as the more recently formed and very important Joint Councils of Europeans and Coloured and Europeans and Indians.

It co-operates also with numerous other bodies, such as Missionary organisations, non-European societies of various kinds, Native Education Advisory Boards, the National Council for Child Welfare, and the Red Cross Society.

A number of organisations in Europe and America have obtained the Institute's active help with special investigations on African problems. In some cases the Institute's offices have served as headquarters for the investigators.

The Institute is the Secretariat for the Inter-University Committee for African Studies, which represents all the five South African Universities, and has on it representatives of Southern Rhodesia and the Imperial Protectorates, as well as the Union. It is thus a natural centre for research and from its office the Journal *Bantu Studies* is published, in which the results of scientific investigations appear.

But this is only a portion of the task which the Institute has set itself. It is anxious to organise a central library of African Studies and Race Relations, and an adequate Bureau of Information in both official languages. And, in close co-operation with the Universities and the Inter-University Committee, it wants to develop pure research, teaching and training of research workers, extension work and Inter-University co-operation.

The Institute has enormous potentialities as a force for good in South Africa and the neighbouring states and territories. It stands for the spirit of friendliness, reconciliation and co-operation. It stands no less for the scientific outlook of reverence for facts. Directly through its own work, and indirectly by

stimulating all other forces that make for good-will in the mutual dealings of the races, it is in a position to do untold good to the whole of Southern Africa.

Important as the Institute is, it cannot however be more than an inspiring, advising and co-ordinating body, leaving other agencies for better inter-racial relations free to do their own work on their own lines. And in the nature of things the greater part of the practical work must be done by these other bodies. Such a statement is self-evident if we think of the Churches, but they though the largest and most important, are not the only agency for helping the non-Europeans. Of all the many that might be detailed here, we shall fix our attention on two only—the Schools and the Universities.

The rôle of the Schools in improving race relationships has been seriously underestimated. It could hardly be overestimated. Schools where subjects such as history are taught with a right perspective, where interest in the Bantu is stimulated, where social work is done, where visits and expeditions reinforce through the eye the lessons received through the ear, can become powerful forces for good in the Union. There is a growing number of such Schools. As might be expected, the non-Governmental High Schools are the most fruitful field at present, but there are many High Schools under Government control doing similar work and doing it excellently.

That the Universities have a very special responsibility in this matter has already been suggested and is indeed self-evident.

It is important that particular views on colour problems should not come to be associated particularly with any one racial or linguistic group among the European population. There are three sides to South African life—Bantu, Boer and Briton—and against all temptations to the contrary we must grasp firmly all three if South Africa is to be well served. That is one of the many reasons why we should fight the growing tendency to linguistic segregation in our Schools and Universities. Philanthropy, interest, open-mindedness have not been confined to any one section of the European population. They do the whole of South Africa an injustice who try to claim a monopoly of libera-

lism, or indeed of conservatism, for one racial group. It is as unwise as unjust to teach that a particular attitude towards the Native is an essential part of one or other of the national traditions. What we want in South Africa is neither traditional liberalism, nor traditional conservatism, but personal policies based on personal conviction.

As it becomes important, therefore, to carry considerable support from *both* European racial groups in any programme of Native policy, we begin to see how much patience, humility and good-will are necessary for the fulfilment of our task. Every effort has to be made to prevent undue identification of a particular outlook on colour problems with one race, one political party, one linguistic group. The successful worker for better race-relations must be many-sided. He must have feelings of loyalty and love towards all the various traditions which influence South African life.

At times such a vocation seems almost heart-breaking. One feels baffled and frustrated. If only one could hit out, and care nothing for the danger of becoming a mere politician !

Such moods have given birth to more than one book in recent years which, in order to plead the cause of the Black man, have launched bitter attacks on White South Africa as a whole, or on one section of it. Attacks of this kind do more harm than good. They are unwise, and—what matters far more—they are unjust. The South African people, Afrikaans-or English-speaking, have a record which could bear comparison with that of almost any pioneering group in the world in their contacts with the Native races. There is no need for complacency, or for an extenuation of the many faults committed, least of all is there need for suggesting that the policies of sixty years back unchanged and unamended should be regarded as sacrosanct in the altered conditions of the present day : but, on the other hand, there is no good object to be served by painting the picture of South African history in unduly sombre colours. He who would serve Black South Africa must love White South Africa ; for nothing worth while is ever done without love.

Our aim, then, must be to carry all South Africa with us in our efforts for the advancement of the Black man. But if, year

after year, in spite of the clear presentation of fact and argument, abuses and injustices remain, the day may come when one group of White South Africans may have to move without the other for the redress of Bantu grievances. Happily we know that both of the larger White racial communities will be represented in each of these groups. When we have done our utmost to unite White South Africa in a common policy of justice, kindness and progress, if then we find we have failed, those who stand for these moral values must move forward alone. To do wrong or to delay indefinitely to do right to the Bantu, the Coloured community or the Indians would not be in the interests of White South Africa itself. Down more than seven centuries of history reverberate the words of Magna Charta, carrying with them to-day an even ampler meaning than they had on that summer day at Runnymede so long ago : " To no man will we sell, to no man will we deny *or delay* right or justice."

APPENDIX I

LIST OF NATIVE SEPARATIST CHURCHES as at 4th August, 1932.

- African Native Catholic Church.
- African Faith Mission.
- African Catholic Bantu Church.
- African Methodist Episcopal Church.
- African Methodist Church of South Africa.
- African Baptist Sinoia Church.
- African Zulu Methodist Church.
- African Zion Baptist Church.
- African Native Church.
- African Lutheran Church.
- African Mission Home Church.
- African Holy Catholic Church.
- African Holy Baptist Church of South Africa.
- African Seventh Day Adventists.
- African Christian Christ Church.
- African Seventh Church of God.
- African Pentecostal Baptist Church.
- African Pentecostal Faith Mission.
- African Catholic Church of South Africa.
- African Christian Catholic Baptist.
- African Reform Church.
- African Christian Apostolic Church. (Two churches.)
- African Mission Society.
- African Seventh Church of God Laodicean Mission.
- African Free Catholic Church.
- African Free Bapedi Church.
- African National Baptist Church Association.
- African Orthodox Apostolic Church.
- African Presbyterian Bafolisi Church.
- African Evangelistic Band.
- African Native Mission Church.
- African Native Free Church.
- African Christian Church.

- African Empumulanga Mission.
- African Congregational Church.
- African Province Church.
- African Independent Baptist Church.
- African United Church.
- African United Ethiopian Church.
- African Ethiopian National Church.
- African Bethal Mission.
- African Congress Catholic Church.
- African United Brethren Church of St. Moravian.
- African Church.
- African United Zulu Congregational Church.
- African Mission Catholic Church.
- African Christian Apostolic Church in Zion.
- African Christian Missionary Church.
- African National (Bethel) Church.
 otherwise (Baptist)
- African Baptist Mission Church.
- African United Gaza Church.
- African Pentecostal Mission.
- African Sabbath Mission Church.
- African Catholic Episcopal Church.
- African Seventh Day Zulu Chaka Church of Christ.
- African Mission Church.
- African Native Methodist Church.
- African Bakgatla National Church.
- African Native Apostolic Church.
- African Free Congregational Church.
- African Independent Mission Church.
- African Orthodox Church.
- African Congregational Methodist Church.
- African Catholic Church of Gaza.
- African Catholic Mission.
- African Holy Messenger Church of Zion.
- African Cathedral Episcopal Church.
- African Baptist Church in Zion.
- African Baptist Sinoia Apostolic Church, Beira.
- African Pentecostal Church.

- African Ethiopian Church.
African Province Ethiopian Catholic Church.
African Independent Ethiopian Church.
African Christian Baptist Church of South Africa.
African Bavenda Church.
Afrikaanse Natie Evangelie Kerk.
Allmount Mount of Olives Baptist Church.
American Ethiopian Church.
American Christian Church.
Ama Yoyopiya.
Amakushe.
Assemblies of God Church.
Afro-Athlican Constructive Gaathly.
Apostle Church of the Full Bible of South Africa.
Apostle Church in Zion.
Apostles and Christian Brethren Church.
Abyssinian Baptist Church.
Algemene Volks Kerk.
Apostolic Church Messenger in Zion.
Apostolic Faith Church.
Apostolic Faith Assembly.
Apostolic Heaven Church in Zion.
Apostolic South African Zulu Church.
Apostolic Baptist Church in Zion.
Apostolic Zion Church.
Apostolic Church in Zion.
Apostolic Church of Zion in South Africa.
Apostolic Association of South Africa.
Apostles Brethren Church.
Apostolic Holy Messenger Church in Zion.
Apostolic Holy Zion Mission in South Africa.
Apostolic Assembly Faith Church of South Africa.
Apostolic Church in Zion of the New Jerusalem Mission in Basutoland.
Apostolic Messenger Light World Church in Zion.
Apostolic Jerusalem Church in Sabbath.
Apostolic Church in Zion Amen.
Apostolic United African Church of South Africa.

- Bethal Church.
Brethren Mission Church.
Bechuana Methodist Church.
Bechuana Methodist Church in Zion.
Bethal Apostolic Baptist Church.
Bethesda Zion Apostolic Church of Africa.
Basuto Redemption Episcopal.
Berean Bible Readers Society.
Bantu Ngqika-Ntsikana Church.
Bantu Baptist Church.
Bantu Presbyterian Church of South Africa.
Baptist Church of the 7th Day Adventists of Africa.
Baptist of the Seventh Day Adventists.
Bible Standard Church of America.
Catholic African Union.
Christian Apostolic Heaven Church in Zion.
Christian Catholic Apostolic Church in Zion.
Christian Bavenda Church of South Africa.
Christian Brethren.
Christian Evangelical Mission Church.
Christian United Church.
Christian Catholic Church in Zion.
Christian Catholic Apostolic Holy Spirit Church in Zion.
Christian Congregational Baptist Mission.
Christian Apostolic Church of South Africa.
Christian Apostolic Church in Zion.
Christian Bethlehem Church.
Christian Church.
Christian Church Mission of South Africa.
Christian Church of South Africa.
Christian Apostolic Zulu Church of Zion.
Chaka Zulu Church.
Church of God and Saints of Christ.
Church of Christ.
Church of the Holy Kingdom of Christ the Saviour.
Church of Africa Mission Homes.
Church of Christ for the Union of the Bantu.
Church of Christ South Africa.

- Church of Israel.
 Church of God.
 Church of the Nazarenes.
 Church of the Prophets.
 Church of the Christian Evangelist.
 Mission Church of Israel.
 Church of the Holy Ghost.
 Congregational Union African Church.
 Congregational Church of Christ.
 Congregational Gaza Church.
 Die Namakwa Independent Kerk van Zuid Afrika.
 Ethiopia Church Lamentation of South Africa.
 Ethiopian Catholic Church in Zion.
 Ethiopian African Church of Zion in South Africa.
 Ethiopian Church.
 Ethiopian Catholic Church of South Africa.
 Ethiopian Baptist Church of South Africa.
 Ethiopian Mission of South Africa.
 Ethiopian Church of Basutoland.
 Ethiopian Methodist Church of Africa.
 Ethiopian Church of God the Society of Paradise.
 Ethiopian Orthodox Catholic Church.
 Ethiopian Messenger Catholic Church in South Africa.
 Epifania African Church.
 East African Gaza Church.
 Episcopal Egraja Auzo Africana Church.
 Ethiopia Church of Abyssinia.
 East Heathlon Church.
 Evangelist Catholic Church.
 East Star Baptist Church of Portuguese East Africa.
 Empumalange Gospel Church.
 Free Methodist Episcopal Church.
 Full Gospel Church.
 Filadelfia Church of Africa.
 First Catholic Apostolic Church Jerusalem in Zion of South Africa.
 First Church of God Asia in Efese Church in South Africa.

First Native Church of Christ.
Gospel Messenger Church.
Griqua Independent Church.
Gazaland Zimbabwe Ethiopian Church.
General Convention Church of New Jerusalem.
Gaza Mission Church.
Gaza Church.
General Church of the New Jerusalem Mission of South Africa.
Heaven Apostolic Jerusalem Church in Zion.
Holy Catholic Episcopal Church.
Heaven Twelfth Apostle Church in Zion.
Holy National Church of South Africa.
Home Natives Co-operative Society.
Hephzibah Faith Mission Association.
Holy Missionary Evangelish Church.
Holy Apostolic Church.
Holy Catholic Apostolic Church in Zion.
Holy Trinity Church of God.
Holy Apostolic Church in Zion.
Holy Sabbath Church.
International Missionary Alliance.
International Holiness Church.
International Baptist Church of God.
International Foursquare Gospel.
Independent Church of South Africa.
Independent Native Presbyterian Church.
Independent and United National Church.
Independent Methodist Church of Africa.
Inter-communion Church of South Africa.
Independent Ethiopian Congress Mission.
Independent Presbyterian Church.
Independent or Congregational Church.
Jerusalem Christian Church in Zion of South Africa.
King of Salem Melchizedeck Church.
Kush Nineveh Church.
Kush Apostolic Church.
Lutheran Bapedi Church.
Lott Carey Baptist Mission of South Africa.

Magana National Church Association.
Methodist African Church.
Methodist Episcopal Church.
Metropolitan Church Association.
Mayen Church.
Modern Mission.
Mount Zion A.M.E. Church.
New Apostolic Church.
Nazarenes (or Shembites).
Native African Christian Church.
Native Congregational Church.
Native Congress Catholic Church.
Native Denomination Church of South Africa.
Native Modern Religious Society of East Africa.
Native Catholic Episcopalian Church.
Native Nation Union Church.
National Native Apostolic Church.
National Protestant Church in Zion.
National Swazi Native Apostolic Church of Africa.
National Church of Ethiopia in South Africa.
National Baptist Church of South Africa.
National Convention Church of the New Jerusalem.
National African Church of Salem.
National Church of God Apostolic in Jerusalem Church.
National Coptic Church of Africa.
New Church.
New Progressive Baptist Church.
New Jerusalem Church (or New Church of Christ)
New African Ethiopian Church.
New Church of Christ.
New Jerusalem Holy Trinity Church.
New Jerusalem Zion.
Ntsikana Memorial Church.
New Progressive Christian Church.
Native Nineveh Church.
Pentecostal Holiness Church.
Pentecostal Christian Church.
Presbyterian Church of Africa.

- Presbyterian Christian Apostolic Church of Christ in Zion.
Priest African Ethiopian Church. .
Pentecostal Sabbath Mission.
Pilgrim Holiness Church.
Presbyterian National Church of South Africa.
Regular Baptist Christian Church of South Africa.
Regular Church of Christ of South Africa.
Return Church of Africa.
Swedish Rhodesian Mission.
Swiss Pentecostal Church.
South African Native Mission.
South African Baptist Missionary Society.
South African Barolong Church.
South African Barolong Methodist Church.
South African Seventh Church of God.
South African Native Baptist Association.
South African Ethiopian Catholic Church.
South African Baptist Church Mission.
South African Gaza Mission.
Seventh Day Baptist Church.
Seventh Day Baptist Church of London.
Seventh Church of God.
St. Philip's Ethiopian Church of South Africa.
St. Peter's Apostolic Church.
Spade Reen Gemeentes van Suid Afrika.
Star Baptist Church.
Tembu Catholic Church of South Africa.
Transvaal Basuto Church.
Transvaal Basuto Lutheran Church.
The Supreme Apostolic Church of South Africa.
The True (Truth) Zion Church of God.
United African Apostolic Church.
United Bantu Lutheran Church.
United Free Independent Church.
United Ethiopian Catholic Church of Africa.
United National Catholic Church of Zion.
United National Congress Church.

- United National Church in Africa.
- United Church of the Brethren in Zion.
- United African Missionary Society.
- United Churches of Christ.
- United Independent National Church of God.
- Universal Church of Christ.
- Union Apostolic Church of South Africa.
- Uhlanga or Church of the Race.
- Ukukanye Mission.
- Universal National Christian Union.
- Unto the Church of God Apostolic Jerusalem in Zion.
- Volks Kerk van Zuid Afrika.
- Vula Zingene Yehova e-Zion.
- Watch Tower Movement.
- Zion Brethren Mission Apostolic Church in South Africa.
- Zion Gospel African Church.
- Zion Revelation Apostolic Church of South Africa.
- Zulu Congregational Church.
- Zulu or African Ethiopian Church.
- Zulu Ethiopian Church.
- Zion Apostolic Faith Mission.
- Zion Apostolic Gaza Church of South Africa.
- Zion Apostolic in Jerusalem Church.
- Zion Apostolic New Jerusalem in South Africa Church.
- Zion Christian Church.
- Zion Mission African Apostolic Church.
- Zion City Apostolic Paulus Church in South Africa.
- Zion Holy Church Nation of South Africa.

APPENDIX II

UNION LEGISLATION SPECIALLY OR DIFFERENTIALLY AFFECTING NATIVES 1910-1932.

- South Africa Act, 1909 (Sections 26, 35, 44, 147 and 151).
Act 12 of 1911 Mines and Works Act.
Act 15 of 1911 Native Labour Regulation Act.
Act 1 of 1912 Natal Native Trust and Native Administration Amendment Act.
Act 13 of 1912 South African Defence Act.
Act 12 of 1913 Maclear & Elliot Districts Further Provision Act.
Act 27 of 1913 Natives' Land Act.
Act 17 of 1915 Dipping Tanks Further Provision (Natives) Act.
Act 1 of 1916 Native Definition Amendment Act.
Act 48 of 1919 Native Reserve Locations Act (Cape of Good Hope) Further Amendment Act.
Act 23 of 1920 Native Affairs Act.
Act 24 of 1920 Native Registered Voters Relief Act 1887 (Cape) Amendment Act.
Act 9 of 1921 Natal Native High Court Act.
Act 18 of 1921 Natives Advances Regulation Act.
Act 21 of 1923 Natives (Urban Areas) Act.
Act 7 of 1924 Native Chiefs' Jurisdiction (Transvaal & British Bechuanaland) Act.
Act 11 of 1924 Industrial Conciliation Act.
Act 28 of 1924 Moroka Ward Land Relief Act.
Act 27 of 1925 Wage Act.
Act 28 of 1925 Native Lands (Natal and Transvaal) Release Act.
Act 41 of 1925 Native Taxation and Development Act.
Act 25 of 1926 Mines and Works Act 1911, Amendment Act (Colour Bar Act).
Act 26 of 1926 Masters & Servants Law (Transvaal and Natal) Amendment Act.

- Act 27 of 1926 Native Affairs Act 1920 Amendment Act.
Act 28 of 1926 Native Taxation and Development Act
Amendment Act.
Act 15 of 1927 Native Affairs Act 1920 (Further Admendment)
Act.
Act 34 of 1927 Native Lands Further Release and Acquisition
Act.
Act 38 of 1927 Native Administration Act.
Act 22 of 1928 Old Age Pensions Act.
Act 30 of 1928 Liquor Act.
Act 9 of 1929 Native Administration Act 1927 Amend-
ment Act.
Act 18 of 1930 Women's Enfranchisement Act.
Act 19 of 1930 Riotous Assemblies (Amendment) Act.
Act 25 of 1930 Natives (Urban Areas) Act 1923 Amend-
ment Act.
Act 24 of 1932 Native Service Contract Act.
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APPENDIX III

THE NATIVE ADMINISTRATION ACT (NO. 38 OF 1927) AS AMENDED BY ACT 9 OF 1929.

ACT

To provide for the better control and management of
native affairs.

(Assented to 29th July, 1927.)

(Signed by the Governor-General in Afrikaans.)

BE IT ENACTED by the King's Most Excellent Majesty,
the Senate and the House of Assembly of the Union of
South Africa, as follows :—

CHAPTER I.

ADMINISTRATION.

Powers of supreme chief.

1. The Governor-General shall be the supreme chief of all Natives in the Provinces of Natal, Transvaal and Orange Free State, and shall in any part of the said Provinces be vested with all such⁽¹⁾ rights, immunities, powers and authorities in respect of all natives as are⁽¹⁾ or may be from time to time vested in him in respect of Natives in the Province of Natal.

Appointment of native commissioners, chiefs, etc.

2. (1) The Governor-General may, subject to the law relating to the public service, appoint for any area an officer, to be styled chief native commissioner, who shall exercise such powers and perform such duties as the Minister may from time to time prescribe.

⁽¹⁾ As amended by § 2, Act 9, 1929.

(2) The Governor-General may, subject to the law relating to the public service, appoint for any area in which large numbers of Natives reside a native commissioner and so many⁽²⁾ additional native commissioners and assistant native commissioners as he may deem necessary. Such officers shall perform such duties as may be required by any law or assigned to them by the Minister, and shall, within the area for which they are appointed, have the powers of justices of the peace.

(3) Any person who at the commencement of this Act holds the position of native commissioner or sub-commissioner shall be eligible for appointment under sub-section (2). No person other than an officer in the public service who has since the 31st day of May, 1910, been on the fixed establishment of either the Department of Native Affairs or the Department of Justice shall thereafter be appointed to be a native commissioner or assistant native commissioner unless he has passed the civil service lower law examination or an examination determined by the Public Service Commission for the purposes of this section to be equivalent thereto.

(4) Every native commissioner and every assistant native commissioner in the Transvaal Province shall, within the area for which he is appointed, have the power to solemnize marriages under Law No. 3 of 1897 (Transvaal).

(5) Notwithstanding the provisions of sub-section (3), the Minister may, when circumstances require, appoint any person to act temporarily as a native commissioner,⁽¹⁾ additional native commissioner or assistant native commissioner in the place of or in addition to the ordinary incumbent of the post.

(6) The Minister may appoint superintendents to assist in the control and supervision of locations, and may prescribe their duties.

(7) The Governor-General may recognise or appoint any person as a chief or headman in charge of a tribe or of a location, and is hereby authorised to make regulations prescribing the

⁽¹⁾ As amended by § 3, Act 9, 1929.

⁽²⁾ As amended by § 3, Act 9, 1929.

duties, powers and privileges of such chiefs or headmen. The Governor-General may depose any chief or headman so recognized or appointed.

(4) (8) The Minister may appoint any person to act temporarily as a chief or headman in the place of or in addition to the ordinary incumbent of the post.

(9) Any person obstructing any officer, chief or headman in this section mentioned in the lawful execution of his duty shall be guilty of an offence.

CHAPTER II.

TRIBAL ORGANIZATION AND CONTROL.

When tribe bound for contract or obligation of chief.

3. (1) Subject to the provisions of this section, a native people or tribe shall not be responsible for the personal obligations of its chief; nor shall a tribe or the ground occupied by a tribe be bound in any way whatsoever by any contract entered into or any liability incurred by a chief unless it has been approved by the Minister after having been adopted by a majority of the adult male members of the tribe present at a public meeting convened for the purpose of considering such contract or liability.

(2) The written certificate of a native commissioner that the contract or liability referred to therein has been adopted in terms of sub-section (1) shall be conclusive evidence of that fact.

Limitation of judicial proceedings against chief or tribe in respect of land.

4. No legal proceedings in regard to the ownership, occupation or acquisition of land by a native tribe shall be instituted or maintained against the chief of such tribe or against such tribe, or both, by an individual member or members of the tribe con-

(1) As amended by § 3, Act 9, 1929.

cerned unless such member or members produce a written certificate issued by the Secretary for Native Affairs, stating that the Governor-General has approved of the institution of such proceedings.

Adjustment and constitution of native tribes, and removal of Natives.

5. (1) The Governor-General may—

(a) define the boundaries of the area of any tribe or of a location, and from time to time alter the same, and may divide existing tribes into one or more parts or amalgamate tribes or parts of tribes into one tribe, or constitute a new tribe, as necessity or the good government of the Natives may in his opinion require ;

(b) whenever he deems it expedient in the general public interest, order the removal of any tribe or portion thereof or any Native from any place to any other place⁽¹⁾ or to any province or district within the Union upon such conditions as he may determine : Provided that in the case of a tribe objecting to such removal, no such order shall be given unless a resolution approving of the removal has been adopted by both Houses of Parliament.

(2) Any Native who neglects or refuses to comply with any order issued under paragraph (b) of sub-section (1), or with any conditions thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds or to imprisonment for any period not exceeding three months.

(3) Any magistrate, native commissioner or assistant native commissioner within whose area of jurisdiction the place from which the removal is to be made is situate, may, upon such conviction, take all such steps as may be necessary to effect the removal in terms of the order.

⁽¹⁾ As amended by § 4, Act 9, 1929.

CHAPTER III.

LAND REGISTRATION AND TENURE.

Registration of titles to land by chief native commissioner.

6. (1) All the powers and duties hitherto vested in or imposed upon registrars of deeds under the law relating to the registration of deeds, in so far as may relate to immovable property owned by Natives and situate within any such area included in the Schedule to the Natives Land Act, 1913 (Act No. 27 of 1913) or any amendment thereof, as may be defined by the Governor-General by proclamation in the *Gazette* shall, upon the issue of such proclamation, devolve upon the chief native commissioner of the area within which such immovable property is situate and all documents relating to any such immovable property shall thereupon be transferred from any existing deeds registry to the custody of the chief native commissioner concerned : Provided that any registrar of deeds may instead of so transferring any document filed in his registry furnish the chief native commissioner concerned with a copy thereof certified under his hand, which copy shall thereafter be as valid for all purposes as the original document.

(2) The Governor-General may make all such regulations as he may deem expedient for giving effect to the provisions of sub-section (1), and may in such regulations prescribe the fees to be charged by chief native commissioners in the exercise of any function under the sub-section.

Substitution of new title to land in certain cases.

7. (1) The Governor-General may revoke any grant of land in a location made on individual tenure to a Native upon quit-rent conditions, and issue a substituted deed of grant in favour of the holder or of such person as may be adjudged to be entitled to be registered as the holder in conformity with the procedure prescribed in section *eight*.

(2) Such substituted grant shall be registered in the appropriate registry established under section *six*, and shall be in such

form and subject to such conditions as the Governor-General may by proclamation prescribe.

Determination of right of occupation or ownership of certain lands.

8. (1) The Governor-General may at any time appoint a commissioner for the purpose of investigating and determining the rights of occupation or ownership of Natives claiming to own land in respect of which a deed of grant or title has at any time been issued.

(2) The commissioner shall be the magistrate of the district in which the land in question is situated, or some other official selected for the purpose.

(3) The commissioner shall have all the powers conferred by law on magistrates' courts for the summoning of witnesses, their examination on oath, and to compel the production of documents.

(4) Witnesses called by the commissioner shall be subject to all the duties and liabilities, and shall be entitled to all the privileges of witnesses called to give evidence in a magistrate's court.

(5) When necessary, a surveyor may be appointed to assist the commissioner in an advisory capacity in his investigations.

(6) It shall be the duty of the commissioner after giving such notice to interested parties as shall be prescribed by regulations under this Act to enquire into the ownership of all lands in respect of which he has been appointed, and to submit to the Minister a certified list of all lots found to be actually occupied by registered holders.

(7) When land is found by the commissioner to be in the occupation of a Native who is not the registered holder, he shall enquire into and determine who is the person entitled to be registered as the holder of such land, and a certificate by the commissioner in the form prescribed by regulations made under sub-section (10) that the person named therein is the person entitled to be registered as the holder of the land specified shall, without it being necessary to pass transfer to any intermediate owner or occupier, be sufficient authority for the registration in

the appropriate registry established under section six of such person as the lawful owner, free of any transfer duty on payment of a fee of one pound :

Provided that in any case in which any mortgage bond is registered in respect of the said land the lawful owner shall take transfer subject to the said bond : Provided further that if in any case the occupier is not the person ultimately named in the certificate as the person entitled to be registered as the holder and if the commissioner is satisfied that such occupier has *bona fide* effected improvements on the property the commissioner shall assess the value of the said improvements. Until the amount so assessed shall be paid to or secured for the benefit of the occupier the registration of the person named in the certificate as the lawful holder shall not be made.

(8) Should the commissioner be unable to discover the owner of any such land he shall report accordingly to the Minister, who shall take such steps in regard to such land as may be prescribed by regulations framed under this Act.

(9) Any person deeming himself to be aggrieved by any decision of the commissioner may, in the manner and within the period prescribed by regulations, appeal in writing to a board of three persons who shall be appointed by the Governor-General from time to time as may be required, with all the powers of a commissioner under this chapter and whose decision shall be final.

(10) The Governor-General may make regulations for the effective carrying out of the provisions of this section.

CHAPTER IV.

JUDICIAL ORGANIZATION AND PROCEDURE.

Criminal jurisdiction of native commissioner.

9. The Governor-General may, by proclamation in the *Gazette*, confer criminal jurisdiction upon a native commissioner in respect of any offence, subject to the jurisdiction of a magis-

trate's court, committed by a Native within his area of jurisdiction, and thereupon such native commissioner shall, for all purposes of the Magistrates' Courts Acts, 1917 (Act No. 32 of 1917), or any amendment thereof, and of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917), or any amendment thereof, be deemed to be a magistrate's court or a magistrate in connection with any proceedings relating to any offence committed by a Native. The jurisdiction so conferred upon a native commissioner shall be concurrent with the jurisdiction of the magistrate's court and magistrate concerned under the said Acts.

Courts of native commissioner.

10. (1) The Governor-General may, by proclamation in the *Gazette*, constitute courts of native commissioners for the hearing of all civil causes and matters between Native and Native only :

Provided that a native commissioner's court shall have no jurisdiction in matters in which—

- (a) the status of a person in respect of mental capacity is sought to be affected ;
- (b) is sought a decree of perpetual silence ;
- (c) *namptissement* is sought ;
- (d) the validity or interpretation of a will or other testamentary document is in question ; or
- (e) a decree ⁽¹⁾ of nullity, divorce or separation in respect of a marriage is sought.

(2) Every such court shall be a court of law, and shall be presided over by a native commissioner or an assistant native commissioner.

(3) The Governor-General shall prescribe the local limits within which such courts shall have jurisdiction, and may, by proclamation in the *Gazette*, abolish or alter the area of jurisdiction of any such court :

(¹) As amended by § 5, Act 9, 1929.

Provided that, when the parties to any proceedings do not both reside in the same area of jurisdiction of any such court, the court of native commissioner (if any) within whose area of jurisdiction the defendant resides shall have jurisdiction in such proceedings.

(4) The Governor-General may make regulations prescribing in respect of courts of native commissioners—

- (a) the manner and form of procedure to be observed ;
- (b) the times and places of holding courts ;
- (c) the keeping of records ;
- (d) the mode of compelling the attendance of witnesses and assessors, and the allowances to be paid to them ;
- (e) the costs, fees or charges of any matter in connection with any proceedings in such courts, including costs between party and party and between attorney and client ;
- (f) the execution of process ;
- (g) the appearance of representatives on behalf of parties ; and
- (h) such other matters as the Governor-General may deem necessary for the proper carrying out of the purposes of this section.

Different regulations may be made for different classes of cases or for different areas.

(¹) (5) Whenever anything attached in execution of a judgment of a court of native commissioner is claimed as his property by a person who is not a native, such claim shall be adjudicated upon by the magistrate's court within whose area of jurisdiction such attachment was effected in the same manner as if such judgment were a judgment of such magistrate's court.

What law to be applied in native commissioner's courts.

11. (1) Notwithstanding the provisions of any other law, it shall be in the discretion of the courts of native commissioners

(¹) As amended by § 5, Act 9, 1929.

in all suits or proceedings between Natives involving questions of customs followed by Natives, to decide such questions according to the native law applying to such customs except in so far as it shall have been repealed or modified : Provided that such native law shall not be opposed to the principles of public policy or natural justice : Provided further that it shall not be lawful for any court to declare that the custom of lobola or bogadi or other similar custom is repugnant to such principles.

(2) Where the parties to a suit reside in areas where different native laws are in operation, the native law, if any, to be applied by the court shall be that prevailing in the place of residence of the defendant.

Settlement of civil disputes by native chiefs.

12. (1) The Governor-General may authorize any native chief ⁽¹⁾ or headman recognized or appointed under sub-section (7) of section *two* to hear and determine civil claims arising out of native law and custom by Natives against Natives resident within his area of jurisdiction brought before him : Provided that the Governor-General may at any time revoke such authority granted to such chief ⁽¹⁾ or headman and, provided further, that a native chief ⁽¹⁾ or headman shall not under this or any other law have power to determine any question of ⁽¹⁾ nullity divorce or separation arising out of any marriage.

(2) The judgment of such chief ⁽¹⁾ or headman shall be executed in accordance with such procedure as may be prescribed by regulation under sub-section (5).

(3) Any party dissatisfied with the judgment of a native chief ⁽¹⁾ or headman may, in the manner and within the period prescribed by regulation, notify such chief ⁽¹⁾ or headman (or his representative) of his intention to appeal to the native commissioner, and thereupon such judgment shall be suspended until the decision is given on such appeal : Provided that such appeal is prosecuted within the period prescribed by regulation.

(4) The court of native commissioner may confirm, alter or

⁽¹⁾ As amended by § 6, Act 9, 1929.

set aside the judgment after hearing such evidence (which shall be duly recorded) as may be tendered by the parties to the dispute, or may be deemed desirable by the court.

(5) The Minister may make regulations for the effective carrying out of the provisions of this section.

Native appeal court.

13. (1) The Governor-General shall, as soon as practicable after the commencement of this Act, by proclamation in the *Gazette*, constitute one or more native appeal courts for the hearing of appeals in any proceedings from courts of native commissioners. Such proclamation shall define the area in respect of which the several appeal courts shall exercise jurisdiction.

(2) A native appeal court shall consist of three members (one of whom shall be president).

(3) The president shall be appointed by the Governor-General, and if not already a member of the public service of the Union shall become a member thereof and shall receive such salary as the Governor-General may determine: Provided that if the president is unable to act as such the Minister may appoint any person to act in his stead and, unless such person is a member of the public service, he may pay him such salary, not exceeding the salary paid to the president, as he may determine.

(4) The members of the court other than the president shall be appointed, as required from time to time, by the Minister, and shall be selected from magistrates, native commissioners or other qualified persons.

(5) The Governor-General may from time to time make rules regulating—

- (a) the appointment and duties of the officers of the court, the records to be kept and the practice and procedure in the court;
- (b) the mode of compelling the attendance of witnesses and assessors, and the allowances to be paid to them;

- (c) the fees which may be charged by advocates and attorneys, costs as between party and party and as between attorney and client, and the taxation of costs ;
- (d) the fees and charges to be imposed and taken by officers of the court ;
- (e) the noting of appeals and the suspension of the judgment appealed against ;
- (f) the appearance of parties or of persons on their behalf in a native appeal court ;
- (g) generally, all such other matters relating to the courts as the Governor-General may deem necessary for the purposes of this section.

(6) The native appeal courts shall sit at such times and places as the Minister may, by notice in the *Gazette*, appoint.

(7) The decision of the majority of the members shall be the judgment of the court.

Settlement of conflicting decisions of native appeal courts.

14. Whenever conflicting decisions are given by a native appeal court within its area of jurisdiction the Minister may cause a special case to be prepared and to be argued before the Appellate Division of the Supreme Court of South Africa, in order to obtain its ruling thereon, and such ruling shall thereafter be deemed to be the correct decision in the matter.

Jurisdiction of native appeal court.

15. A native appeal court shall have full power to review, set aside, amend or correct any order, judgment or proceeding of a native commissioner's court within the area of its jurisdiction or to direct a case from such a court to be retried or reheard or to make any such order upon the case as the interests of justice may require : Provided that no judgment or proceeding shall, by reason of any irregularity or defect in the record or proceedings, be reversed or set aside unless it appears to the court of appeal that substantial prejudice has resulted therefrom.

Legal practitioners in native appeal courts and courts of native commissioner.

16. (1) Advocates and attorneys of the Supreme Court of South Africa shall be entitled to appear in a court of native commissioner and in a native appeal court.

(2) Every person who is entitled to practice as an agent in a magistrate's court within the area of jurisdiction of a court of native commissioner shall be entitled to appear in such court of native commissioner, but in no other court of native commissioner.

Abolition of existing courts.

17. (1) As from the date on which a native appeal court having jurisdiction in the Province of Natal is constituted under section *thirteen*, the Natal Native High Court shall cease to have jurisdiction in any civil matter, and the powers up till that date vested in the said High Court in respect of civil matters shall, in so far as they relate to matters coming within the jurisdiction of such native appeal court, vest in such court and in so far as they do not relate to such matters, shall vest in the Natal Provincial Division of the Supreme Court.

(2) As from the date on which a native appeal court having jurisdiction in the Transkeian Territories is constituted under section *thirteen*, the Native Territories Appeal Court constituted under Proclamation No. 145 of 1923 shall be abolished, and the powers up to that date vested in such court shall in so far as they relate to matters coming within the jurisdiction of such first-mentioned native appeal court, vest in such court and in so far as they do not relate to such matters shall vest in the Supreme Court.

(3) As from the date of the constitution in any area of the Province of the Transvaal of a court of native commissioner under section *ten*, the court of Native commissioner previously existing in that area under the provisions of Ordinance No. 3 of 1902 of the Transvaal shall be abolished.

(4) As from the date of the constitution in any area of a court of native commissioner under this Act, a magistrate's

court shall cease to have jurisdiction in that area in respect of any civil suit arising under section *ten* of this Act.

(5) Any case pending in any court when the jurisdiction of that court is limited or determined by any provision of this section, shall be dealt with in every respect as if this section had not been enacted.

Appeal from native commissioner's court.

18. (1) Notwithstanding anything in any law contained, no appeal shall lie from the judgment of a court of native commissioner in respect of an action or proceeding except to a native appeal court constituted under section *thirteen*, unless the native appeal court itself consents to an application for leave to appeal (upon any point stated by the said court) being made to the Appellate Division of the Supreme Court, subject in any event to the rules of the said Appellate Division.

(2) Save as is provided in section *fourteen* and in this section, the decision of a native appeal court shall be final and conclusive.

Native assessors in native appeal courts and courts of native commissioner.

19. (1) In any case in which a native appeal court or native commissioner's court deems it desirable, it shall be at liberty to call to its assistance, in an advisory capacity, such native assessors as the court may deem necessary.

(2) The opinion of such assessors shall be recorded and form part of the record.

Powers of chiefs to try certain offences.

20. (1) The Governor-General may grant to any native chief ⁽¹⁾ or headman jurisdiction over members of his own tribe resident or being upon tribal land or in a tribal location within his area in respect of offences punishable under native law and custom.

(1) As amended by § 5, Act 9, 1929.

(2) The Governor-General may at any time revoke such grant of jurisdiction.

(3) In the exercise of jurisdiction conferred upon him under sub-section (1), a chief ⁽¹⁾ or headman may impose a fine not exceeding two head of cattle or five pounds upon any person convicted by him of any such offence.

(4) The procedure at the trial of any offence under this section the manner of execution of any penalty imposed in respect of such offence, and the appropriation of fines shall, save in so far as the same may be specified by regulation which the Minister is hereby authorized to make, be in accordance with native law and custom.

(5) Any conviction under this section shall be subject to appeal to the magistrate in the manner and within the period prescribed by regulation.

Retention of chief's jurisdiction in Bechuanaland.

21. Save as laid down in the second proviso to sub-section (1) of section *twelve*, nothing in that section or in section *twenty* shall be construed as depriving any native chief in British Bechuanaland of jurisdiction in any matter, civil or criminal, in respect of which such chief exercises jurisdiction under any law in force at the commencement of this Act.

CHAPTER V.

MARRIAGE AND SUCCESSION.

Marriages of Natives : Property rights.

22. (1) No male Native shall, during the subsistence of any customary union between him and any woman, contract a marriage with any other woman unless he has first declared upon oath, before the magistrate or native commissioner of the district in which he is domiciled, the name of every such first-mentioned woman ; the name of every child of any such customary union ; the nature and amount of the movable property (if any) allotted

(1) As amended by § 5, Act 9, 1929.

by him to each such woman or house under native custom ; and such other information relating to any such union as the said official may require.

(2) Upon the official before whom such declaration is made being satisfied of the accuracy thereof, it shall be recorded by him, and such original record of the declaration, or a copy thereof certified under the hand of any magistrate or native commissioner of the district in which it was recorded, shall be admissible in evidence in any proceedings in which the facts therein declared may be relevant, and any document purporting to be such a record, or a copy thereof certified as aforesaid, shall *prima facie* be so admissible without proof of its execution.

(3) No minister of the Christian religion authorized under any law to solemnize marriages, nor any marriage officer, shall solemnize the marriage of any Native male person unless he has first taken from such a person a declaration as to whether there is subsisting at the time any customary union between such person and any woman other than the woman to whom he is to be married and, in the event of any such union subsisting, unless there is produced to him by such person a certificate under the hand of a magistrate or native commissioner that the provisions of this section hereinbefore set out have been duly complied with.

(4) Any person contravening sub-section (3) shall be guilty of an offence, and shall, upon conviction, be liable to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment for a period not exceeding three months.

(5) Any Native male person who during the subsistence of any customary union between him and any woman contracts a marriage with any other woman without having previously made a declaration referred to in sub-section (1) or sub-section (3) shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding six months ; and any Native male person who knowingly makes any false statement in any such declaration shall be guilty of an offence

and punishable in the same manner as if he had committed the crime of perjury.

(6) A marriage between Natives, contracted after the commencement of this Act, shall not produce the legal consequences of marriage in community of property between the spouses ; Provided that in the case of a marriage contracted otherwise than during the subsistence of a customary union between the husband and any woman other than the wife it shall be competent for the intending spouses at any time within one month previous to the celebration of such marriage to declare jointly before any magistrate, native commissioner or marriage officer (who is hereby authorized to attest such declaration) that it is their intention and desire that community of property and of profit and loss shall result from their marriage, and thereupon such community shall result from their marriage except as regards any land in a location held under quitrent tenure such land shall be excluded from such community.

(7) No marriage contracted after the commencement of this Act during the subsistence of any customary union between the husband and any woman other than the wife shall in any way affect the material rights of any partner of such union or any issue thereof, and the widow of any such marriage and any issue thereof shall have no greater rights in respect of the estate of the deceased spouse than she or they would have had if the said marriage had been a customary union.

(8) Nothing in this section or in section *twenty-three* shall affect any legal right which has accrued or may accrue as the result of a marriage in community of property contracted before the commencement of this Act.

Succession.

23. (1) All movable property belonging to a Native and allotted by him or accruing under native law or custom to any woman with whom he lived in a customary union, or to any house, shall upon his death devolve and be administered under native law and custom.

(2) All land in a location held in individual tenure upon quitrent conditions by a Native shall devolve upon his death upon one male person, to be determined in accordance with tables of succession to be prescribed under sub-section (10).

(3) All other property of whatsoever kind belonging to a Native shall be capable of being devised by will ⁽¹⁾.

(4) Any dispute or question which may arise out of the administration or distribution of any estate in accordance with native law shall be determined by the native commissioner, or where there is no native commissioner by the magistrate of the district in which the deceased ordinarily resided, or in respect of immovable property by the native commissioner or, where there is no native commissioner, by the magistrate of the district where such property is situate, and every decision of a native commissioner or magistrate under this section shall be subject to an appeal to the native appeal court hereinbefore referred to, and the decision of such court shall, save as is provided in sections *fourteen* and *eighteen*, be final.

(5) Any claim or dispute in regard to the administration or distribution of any estate of a deceased Native shall ⁽¹⁾ if any of the parties concerned is not a native, be decided in an ordinary court of competent jurisdiction.

(6) In connection with any such claim or dispute, the heir, or in case of minority his guardian, according to native law, ⁽¹⁾ if no executor has been appointed by a Master of the Supreme Court, shall be regarded as the executor in the estate as if he had been duly appointed as such according to the law governing the appointment of executors.

(7) Letters of administration from the Master of the Supreme Court shall not be necessary in, nor shall the Master ⁽¹⁾ or any executor appointed by the Master, have any powers in connection with, the administration and distribution of—

(1) (a) the estate of any native who has died leaving no valid will ; or

⁽¹⁾ As amended by § 7, Act 9, 1929.

(1) (b) any portion of the estate of a deceased native which falls under subsection (1) or (2).

(8) A Master of the Supreme Court may revoke letters of administration issued by him in respect of any Native estate.

(1) (9) Whenever any native has died leaving a valid will which disposes of any portion of his estate, native law and custom shall not apply to the administration or distribution of so much of his estate as does not fall under subsection (1) or (2) and such administration and distribution shall in all respects be in accordance with the administration of estates Act, 1913 (Act No. 24 of 1913).

(10) The Governor-General may make regulations not inconsistent with this Act—

- (a) prescribing the manner in which the estates of deceased Natives shall be administered and distributed ;
- (b) defining the rights of widows or surviving partners in regard to the use and occupation of the quitrent land of deceased Natives ;
- (c) dealing with the disherison of natives ;
- (d) prescribing the powers and duties of Native commissioners or magistrates in carrying out the functions assigned to them by this section ;
- (e) prescribing tables of succession in regard to natives ;
and
- (f) generally for the better carrying out of the provisions of this section.

(11) Any native estate which has, prior to the commencement of this Act, been reported to a Master of the Supreme Court shall be administered as if this Act had not been passed, and the provisions of this Act shall apply in respect of every native estate which has not been so reported.

(1) As amended by § 7 of Act 9, 1929.

CHAPTER VI.

LEGISLATION.

Operation in Natal of native code.

24. (1) Notwithstanding anything to the contrary in Natal Law No. 19 of 1891, the Governor-General may from time to time, by proclamation in the *Gazette*, amend the provisions of the Natal Code of Native Law which code or any amendments thereof shall remain of full force and effect except in so far as amended under the provisions of this section : Provided that no such proclamation shall have any force or effect until one month has elapsed from the date of its promulgation in the *Gazette*.

(2) The Governor-General may, by proclamation in the *Gazette*, extend the operations of the Code of Native Law mentioned in sub-section (1), and any amendment thereof, to Zululand in the Province of Natal.

Governor-General's power to proclaim laws for scheduled native areas.

25. (1) From and after the commencement of this Act, any law then in force or subsequently coming into force within the areas included in the Schedule to the Natives Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, or such areas as may by resolution of both Houses of Parliament be designated as native areas for the purposes of this section, may be repealed or amended, and new laws applicable to the said areas may be made, amended and repealed by the Governor-General by proclamation in the *Gazette*.

(2) Save where delay would, in the opinion of the Governor-General, be prejudicial to the public interest, no such proclamation shall be issued unless a draft of its provisions or of its principal provisions shall have been published in the *Gazette* at least one month previously ; but the omission of such publication shall not invalidate any such proclamation.

(3) Nothing in this Act contained shall affect the powers vested in the Governor-General under the Transkeian Annexation Act, 1877 (Act No. 38 of 1877), the Walfish Bay and St. John's River Territories Annexation Act, 1884 (Act No. 35 of 1884) so far as it relates to the St. John's River Territory; the Tembuland Annexation Act, 1885 (Act No. 3 of 1885), and the Transkeian Territories, Tembuland and Pondoland Laws Act, 1897 (Act No. 29 of 1897) of the Cape of Good Hope.

Proclamations to be submitted to Parliament.

26. (1) Every proclamation issued by the Governor-General under the authority of this Act shall be laid upon the Tables of both Houses of Parliament within fourteen days after its promulgation if Parliament is then in ordinary session, or if Parliament is not then in ordinary session within fourteen days after the commencement of its next ensuing ordinary session, and every such proclamation shall be in operation unless and until both Houses of Parliament have, by resolutions passed in the same session, requested the Governor-General to repeal such proclamation or to modify its operation, in which case such proclamation shall forthwith be repealed or modified as the case may be, by a further proclamation in the *Gazette*.

(2) If the Native Affairs Commission established in terms of section *one* of the Native Affairs Act, 1920 (Act No. 23 of 1920), has dissented from any provision contained in a proclamation issued under section *twenty-five*, the record of, and the reasons for, such dissent shall, when the proclamation is laid upon the Tables of both Houses of Parliament as aforesaid, simultaneously be so presented to Parliament.

CHAPTER VII.

PREVENTION OF MISCONDUCT AND DISORDERS, REGULATION OF NATIVE LIVING, AND CONTROL OF CERTAIN VILLAGES AND TOWNSHIPS.

General regulations.

27. (1) The Governor-General may make regulations with reference to all or any of the following matters :—

- (a) the exhibition of pictures of an undesirable character in any location or native compound or in any urban location or native village constituted under the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923) ;
- (b) the carrying of assegais, knives, kerries, sticks or other weapons or instruments by Natives ;
- (c) the prohibition, control or regulation of gatherings or assemblies of Natives ;
- (d) the observance by Natives of decency ; and
- (e) generally for such other purposes as he may consider necessary for the protection, control, improvement and welfare of the Natives, and in furtherance of peace, order and good government.

(2) Any such regulations may be made applicable only in any particular areas or in respect only of particular classes of persons, and different regulations may be made for different areas or in respect of different classes.

Creation of pass areas, and control of movements of Natives.

28. (1) The Governor-General may, by proclamation in the *Gazette*—

- (a) create and define pass areas within which Natives may be required to carry passes ;
- (b) prescribe regulations for the control and prohibition of the movement of Natives into, within or from any such areas ; and

- (c) repeal all or any of the laws relating to the carrying of passes by Natives ;

Provided that no area included in the Schedule to the Natives Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, shall be included within a pass area.

(2) Such regulations may provide penalties for any breach thereof not exceeding a fine of five pounds or imprisonment with or without hard labour for a period not exceeding three months.

Prevention of dissemination of certain doctrines amongst Natives.

29. (1) Any person who utters any words or does any other act or thing whatever with intent to promote any feeling of hostility between Natives and Europeans shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year or to a fine of one hundred pounds, or both.

(2) If it appears to a magistrate on information made on oath that there are reasonable grounds for suspecting that there is upon any premises within his jurisdiction—

- (a) anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of any such offence ; or
- (b) anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing any such offence ;

he may issue his warrant directing a policeman or policemen named therein or all policemen to search such premises and to seize any such thing if found and take it before a magistrate. If any magistrate before whom any such case is brought is satisfied that it is anything which may reasonably be calculated to cause or promote any feeling of hostility between Natives and Europeans he may by writing authorize the destruction thereof or its confiscation to the Crown but no such order shall be carried into effect until a period of one month has elapsed after the date

of such order and the decision of the magistrate in that behalf shall be subject to review.

(3) The Governor-General may order that, during a period specified in the order, a person convicted under sub-section (1)

(a) if he is not a Native, and if the offence was committed in any area included in the Schedule to the Natives Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, shall not enter or be in any such area ; or

(b) if he is a Native, and if the offence was committed outside any such area, shall not enter or be in any place outside any such area.

(4) Any person acting in contravention of any such order shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year and to be removed from any place where such order prohibits him from being.

(5) If any person (not being born in any part of South Africa which has been included in the Union) has been convicted of any offence under sub-section (1) of this section, the Minister may, having regard to the circumstances connected with the offence, deem such person to be an undesirable inhabitant of the Union and may, by warrant under his hand, cause him to be removed from the Union and pending removal to be arrested and detained in custody.

Control and management of certain native villages and townships.

30. The Governor-General may make regulations:—

(a) for the control and management of any village or township not falling under the operation of the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923), if not less than two-thirds of its inhabitants are Natives ; and

(b) for the imposition of rates or charges upon the owners of land or residents in any such village or township : Provided that such rates or charges which may be imposed upon the owners of any such land shall not exceed one and one-quarter per cent. of the value of such land in any one year.

CHAPTER VIII.

GENERAL.

Letters of exemption.

31. (1) In any case in which he may deem fit, the Governor-General may grant to any Native a letter of exemption exempting the recipient from such laws, specially affecting Natives, or so much of such laws as may be specified in such letter : Provided that no such exemption shall be granted under this section from any provision of law regulating the ownership or occupation of land, or imposing taxation or controlling the sale, supply or possession of intoxicating liquor.

(2) Any such exemption may be made subject to any condition imposed by the Governor-General and specified in such letter.

(3) Any letter of exemption issued under any law included in the Schedule to this Act shall be deemed to have been granted under sub-section (1).

(4) Any letter of exemption granted under sub-section (1), or referred to in sub-section (3), may at any time be cancelled by the Governor-General without assigning any reason.

(5) The Governor-General may make regulations prescribing the forms of application for letters of exemption, the particulars to be submitted therewith, the method of registration of such letters, the fees which may be imposed, the form and issue of documents certifying the fact of exemption, the requirements as to the production of such documents and the penalties for willfully false statements made in connection with any application for exemption.

Penalties for breach of proclamation, rule or regulation.

32. (1) Any proclamation, rule or regulation made under the authority of this Act may prescribe penalties for a contravention thereof, or default in complying therewith.

(1) As amended by § 8, Act 9, 1929.

(2) In the absence of any specific penalty for any offence under this Act or any proclamation, rule or regulation made thereunder, the court convicting any person of such offence may impose upon him a fine not exceeding twenty-five pounds, or in default of payment imprisonment for a period not exceeding three months.

(3) Different provisions may be made by proclamation, rule or regulation in respect of different localities.

Exemption from stamp duty.

33. Notwithstanding any thing in any other law contained, no stamp duty or fee shall be payable in respect of any declaration made under the provisions of this Act.

Extending operation of Act.

34. The Governor-General may, by proclamation in the *Gazette*, apply *mutatis mutandis* the provisions of Chapter III of this Act or of any portion thereof to any area or piece of land in the district of Namaqualand in the Province of the Cape of Good Hope, which has been granted, set apart, reserved or made available for occupation by persons commonly described as Hottentots or Bastards.

Interpretation of terms.

35. In this Act, and any proclamation, rule or regulation made thereunder, unless inconsistent with the context—

(1) "customary union" means the association of a man and a woman in a conjugal relationship according to native law and custom, where neither the man nor the woman is party to a subsisting marriage;

"house" means the family and property, rights and status, which commence with, attach to, and arise out of, the customary union of each native woman;

"location" means and includes—

(1) As amended by § 9, Act 9, 1929.

- (a) any area set apart or reserved for communal occupation by Natives ;
 - (b) any area (other than a municipal location) set apart or reserved and made available for native occupation under separate title, together with any commonage included therein ;
 - (c) land acquired by Natives for tribal occupation ;
 - (d) any area proclaimed by the Governor-General as a location for the purposes of this Act ;
- (1) " marriage " means the union of one man with one woman in accordance with any law for the time being in force in any Province governing marriages, but does not include any union contracted under native law and custom or any union recognized as a marriage in native law under the provisions of section *one hundred and forty seven* of the code of native law contained in the schedule to law 19 of 1891 (Natal) or any amendment thereof or any other law.
- " Minister " means the Minister of Native Affairs, or any other Minister of State acting in his stead ;
- " Native " shall include any person who is a member of any aboriginal race or tribe of Africa : Provided that any person residing in an area proclaimed under section *six* (1) under the same conditions as a Native shall be regarded as a Native for the purposes of this Act ;
- " native commissioner " includes (1) an additional and an assistant native commissioner ;
- " partner " means any spouse of a customary union ;
- " pass area " means an area defined by proclamation within which all Natives may be required to hold and carry passes.

Repeal of laws.

36. The laws mentioned in the Schedule to this Act, and so

(1) As amended by § 9, Act 9, 1929.

much of any other law as may be repugnant to or inconsistent with the provisions of this Act, are hereby repealed.

Short title and commencement.

37. This Act may be cited as the Native Administration Act, 1927, and shall commence upon a date to be fixed by the Governor-General by proclamation in the *Gazette*: Provided that in such proclamation the Governor-General may exclude from application any specified part or provision of this Act, which shall thereupon not apply until brought into operation by a further proclamation in the *Gazette*.

INDEX

A

- ABYSSINIA**, 175
 Acts of Parliament, *see* Legislation
 Administration, *see* Native Administration Act
 African Methodist Episcopal Church, 35
 African Native Congress, 35
 Afrikaans language movement, 25, 37, 38, 135
 Aggrey, Dr. J. E. K., 14
 Agricultural development in Native Areas, 12, 66, 76, 77, 113, 114, 184
 Allier, Dr. Raoul, 142, 161
 Anthropological approach, its values and dangers, 131, 152, 158, 159
 Anti-Semitism, 20, 176
 Arnold, Matthew, quoted, 53
 Arrest, Powers of Summary, 100-103

B

- BALLINGER**, W. G., 110
 Bantu, in general, *see* Native
 Bantu languages in Schools, 37, 38, 47
 Bantu nationalism, 31
 Bantu Separatist Church movement, *see* Separatist Church Movement
 "Bantu Studies," 131-133, 149-152
 Barth, Karl, 159-160
 "Beaumont Areas," 58-9
 Beaumont Commission, 58
 Belgian Native Policy, 45
 Bentham, quoted or referred to, 79, 89, 126-7
 Bolshevism, *see* Communism
 Boy Scouts, racial divisions in, 36
 British Native policy, 45
 Browning, Robert, quoted, 84
 Bryce, Lord, quoted, 83
 Burke, quoted, 2, 51, 61

C

- CAPE** liberal school, 79-85, 90
 Catton-Thompson, Miss, 143
 Census Report of 1924, 19

- "Certificates of Citizenship," 81
 Chiefs, Status of, 137-8
 Christianity and Colour, 153, 174
 Cloete, Henry, 95
 Colenso, Bishop, 81
 "Coloured" Community in South Africa, Status of as compared with Natives, 2-6, 32-34, 39, 58, 74, 86, 109, 119-120, 183-184
 "Coloured Studies," 133, 149
 "Colour Bar Act," 3, 9, 10, 19, 57, 116, 126, 165
 "Coming of Age," quoted, 88-89
 "Committee Areas," 59
 Communism, 29, 32, 42, 43, 111, 132, 157, 171
 Compound System, 65
 Conferences under Act 23 of 1920, *see* Native Conferences
 Conferences, National, on Race Relations, 16, 17, 18, 165
 Council System, 7, 13, 30, 91, 92, 139
 Councils, Joint, *see* Joint Councils.
 Criminal Procedure and Evidence Act, 1917, 100
 Cripps, A. S., 73

D

- DEFENCE** Act, 1912, 6
 de Villiers, Rt. Hon. Lord, 82
 Dicey, Prof. A. V., 93
Droit administratif, 94, 95, 98
 Dryden, quoted, 173
 Dutch Reformed Church, 16, 165

E

- ECONOMIC** Approach, Its values and dangers, 109-129
 Economic Commission, 1925, 49
 Education, 35, 36-42, 140-1, 161-64, 184-5
 "Ethiopianism," *see* Separatist Church movement
 Evangelical Revival, 154, 175
 Evans, Maurice, 14, 109, 177
 Exemption from Native Law, 81, 99, 100

F

- FINANCE, *see* Taxation
 Fort Hare, *see* South African Native College, Fort Hare
 Fort Hare Conference, 1930, 16-18, 22, 48, 49, 149, 165
 Fourie, Dr. H. M., 117
 Franchise, Native, Coloured and Indian, 5-6, 10, 11, 56, 60, 69, 79, 85-91, 183-4
 Frankel, Prof. S. H., 110
 French Native Policy, 44-6

G

- GANDHI, 33
 Garthorne, E. H. R., 96
 German Native Policy, 45
 Girl Guides, racial divisions in, 36
 Glenelg, Lord, 55
 Glen Grey Land System; 62, 63
 Group movement, *see* Oxford Group

H

- HERTZOG, General, the Hon. J.B.M.
 Franchise proposals, 5, 10, 11, 30, 56, 60, 69, 87, 90
 Land proposals, 10, 31, 54, 72, 139
 Hill, Leslie Pinckney, quoted, 48
 "History of Native Policy," 1
 Hobbes, 179-80
 Hodgson, Miss M. L., 110
 Hofmeyr, J. H. ("Onze Jan"), 81, 85, 99
 Hofmeyr, Hon. J. H., quoted, 48-9
 Holloway, Dr. J. E., 117
 Huxley, Julian, 158

I

- IMMORALITY Act, 1927, 11, 57
 Indians in South Africa, compared with Coloured and Natives, 2-6, 32-4
 "Indian Studies," 133, 149
 Individualism, Christian, and the Tribal system, 155
 Industrial Conciliation Act, 1924, 8
 Inge, Dean, 142, 143
 Institute of Race Relations, *see* South African Institute of Race Relations
 Intermarriage, 185-7
 Interracial Commission (U.S.A.), 188

J

- JABAVU, John Tengo, 85
 Jerusalem Missionary Conference 163
 Joint Councils, 14, 16, 184
 Jones, J. D. Rheinallt, 20, 110
 Judicial Decisions, South African:
 Ngqobela v. Sihele, 1892, 97
 Tsewu v. Registrar of Deeds, 1905, 56
 Nqeti v. Mnete, 1909, 97
 Rex v. Mboke, 1910, 96
 Kaba v. Ntela, 1910, 96
 Thompson & Stilwell v. Kama, 1913, 56
 Meesadoosa v. Links, 1915, 96
 Rene v. Carr, 1921, 102
 Rex v. Jackelson and Others, 1926, 102
 Macdonald v. Kumalo, 1927, 100-2
 Rex v. Mantu, 1927, 102
 John Mazuzi v. Lea Zondi, 1931, 147
 Junod, Dr. H. A., 137

K

- Kaba v. Ntela, 96
 Kipling, quoted, 154

L

- LABOUR, Department of, 10
 Labour Legislation, 3, 8, 9, 10, 19, 29, 69, 70, 116-119, 121, 122, 126, 127
 Land Legislation, 1, 6, 7, 10, 30, 31, 54, 55-65, 72, 77, 112, 121, 139, 185
 Land Legislation (Rhodesia), 61-64, 77
 Language of Instruction, *see* Medium of Instruction
 Legal decisions, *see* Judicial decisions
 Legislation, Rhodesian
 Land Apportionment Act, 1930, 61-64, 77
 Legislation, Union (*see* also Appendixes II and III)
 South Africa Act, 1909, 6, 165
 Native Labour Regulation Act, 1911, 8, 126
 S. A. Defence Act, 1912, 6
 Natives Land Act, 1913, 1, 6, 7, 55-60, 65, 77, 112

Legislation, Union (Contd.)

- Criminal Procedure and Evidence Act, 1917, 100
 Native Affairs Administration Bill, 1917, 7, 58, 91
 Native Affairs Act, 1920, 7, 10, 13, 58, 91-93
 Native Registration and Protection Bill, 1920, 7
 Natives (Urban Areas) Act, 1923, 8, 64, 65, 67, 126
 Moroka Ward Land Relief Act, 1924, 56
 Industrial Conciliation Act, 1924, 8
 Wage Act, 1925, 8
 Native Taxation and Development Act, 1925, 8, 9, 40, 98, 126
 Native Affairs Act Amendment Act, 1926, 7, 13, 92
 Mines and Works Amendment Act ("Colour Bar Act"), 1926, 3, 9, 57, 126, 165
 Masters and Servants Law (Transvaal and Natal) Amendment Act, 1926, 9, 60
 Representation of Natives in Parliament Bill, 1926, 10, 30, 56, 57, 60, 69, 87
 Natives Land Act, 1913, Amendment Bill, 1926, 10, 30, 31, 54, 59, 72, 139
 Union Native Council Bill, 1926, 10, 30, 92
 Native Administration Act, 1927, 1, 3, 10, 11, 39, 40, 69, 83, 98-107, 137-8, 145 (see also Appendix III)
 Immorality Act, 1927, 11
 Liquor Act, 1928, 11
 Old Age Pensions Act, 1928, 11
 Native Administration Act Amendment Act, 1929, 98 (see also Appendix III)
 Riotous Assemblies (Amendment) Act, 1930, 11, 12, 43, 103
 Women's Enfranchisement Act, 1930, 5, 11, 137
 Natives (Urban Areas) Amendment Act, 1930, 12, 65, 67, 126
 Native Service Contract Act, 1932, 12, 60, 61, 72, 185
 Natal Native Code, 1932, 104-6
 Lestrade, Professor G. P., 136
 Lévy-Brühl, L., 142
 Le Zoute Missionary Conference, 163
 Liberalism, 79-108

- Liquor Act, 1928, 11
 Livingstone, 136, 172
 Lobola custom, 145-9
 Loram, Dr. C. T., 14, 109
 Lucas, F. A. W., 114, 116, 117, 121, 122

M

- Macdonald v. Kumalo*, 100-2
 Macmillan, Professor W. M., 15, 109, 110, 114, 121, 122
 Madariaga, Senor de, 133
 Malinowski, Professor B., 143
 Marriage, Bantu, 146-8
 Marx, Karl, 120, 128, 157
 Master and Servant Legislation, 9, 12, 60
Mazuzi, John v. Lea Zondi, 147
 Medium of instruction in South Africa, 36-8
Meesadoosa v. Links, 96
 Merle Davis Commission, 65
 Merriman, John X., 81
 Milner Commission on Native Affairs, 1903-5, 55, 86
 Milner régime, 19, 20
 Mines and Works Amendment Act, 1926, 3, 9, 10, 19, 57, 116, 126, 165
 Missionary problems, 153-64

N

- NATIONALISM, 21, 25-51, 70, 75
 National Union of South African Students, 15, 18, 131
 Native Administration Act, 1927, 1, 3, 10, 11, 39, 40, 69, 82, 98-107, 137-8, 145 (see also Appendix III)
 Native Administration Act Amendment Act, 1929, 98 (see also Appendix III)
 Native Affairs Act, 1920, 7, 10, 13, 58, 91-93
 Native Affairs Administration Bill, 1917, 7, 58, 91
 Native Affairs Act Amendment Act, 1926, 7, 13, 92
 Native Affairs Commission, 7, 40, 42, 54, 58, 91
 Native Appeal Courts, 39, 147-8
 Native Conferences, 7, 10, 11, 92, 183
 Native Congress see African Native Congress
 "Native Development," 8, 9, 38-41

- Native Economic Commission, 1930-1932, 64, 65-7, 69, 76, 111-118, 120-123, 127, 138-41, 184
- Native Labour Regulation Act, 1911, 8, 126
- Native Land Purchase Fund, 60
- Native Law, 12, 39, 137, 138
- Natives Land Act, 1913, 1, 6, 7, 55-60, 65, 77, 112
- Natives Land Act, 1913 Amendment Bill, 1926, 10, 30, 31, 54, 59, 72, 139
- Native Service Contract Act, 1932, 12, 60, 61, 72, 185
- Natives (Urban Areas) Act, 1923, 8, 64, 65, 67, 126
- Natives (Urban Areas) Amendment Act, 1930, 12, 65, 67, 126
- Native Taxation and Development Act, 1925, 8, 9, 41, 98, 126
- Native Welfare Societies, 14
- Neethling, Dr. J. C., 114-115
- Neveling, Dr. C. H., 114-5
- Newman, Cardinal, quoted, 155-6
- Ngqobela v. Sihle*, 97
- Nielsen, Peter, 73, 108
- Nqeti v. Mnete*, 97
- Northern Rhodesia, *see* Rhodesia, Northern
- O
- OLD Age Pensions Act, 1928, 11
- Oxford Group, 159-160
- P
- PAN-AFRICANISM, 30, 32, 41
- Pass System, 3, 33, 97
- Phelps-Stokes Educational Commission, 14
- Phelps-Stokes Fund, 177
- Pondoland, 13
- Poor White (Carnegie) Commission, 118-20, 127, 182
- "Poor Whites," 10, 28, 29, 31, 43, 70, 109, 118-24, 127, 128
- Portuguese Native Policy, 44, 45
- "Primitive" peoples and the "primitive" mind, 133, 134, 142-3
- Provincial system and education, 40
- R
- RACE Relations, *see* South African Institute of Race Relations
- Radin, Professor, 143
- Ramsbottom, W. H., quoted, 88-89
- Reddi, Sir Kurma, 165
- "Released Areas," 59, 60, 72, 76, 77
- Rene v. Carr*, 102
- Rex v. Jackelson and others*, 102
- Rex v. Mantu*, 102
- Rex v. Mboke*, 96
- Rhodes, Cecil, 80, 85, 90
- Rhodesia, Northern, 65
- Rhodesia, Southern, 30, 41, 61-64, 77
- Riotous Assemblies (Amendment) Act, 1930, 11, 12, 43, 103
- Roberts, Dr. A. W., 116, 117
- Rose-Innes, Rt. Hon. Sir James, 81, 85
- "Rule of Law," 79, 83, 93-108
- S
- SASTRI, Rt. Hon. V. S. S., 165
- Schapera, Dr. I., 122
- Schools racial divisions in, 35, 36
- Schools and race relations, 190
- Schreiner, O. D., quoted, 88-9
- Schreiner, Rt. Hon. W. P., 81
- Segregation, 27, 28, 43, 53-77, 124, 126, 166
- Separatist Church Movement, 34, 35, 161-62, 170 (*see also* Appendix II)
- Shaw, George Bernard, quoted, 50, 51, 125, 170, 181
- Shaw, Miss Mabel, 163
- Shepstone, Sir Theophilus, and the "Shepstone policy," 55, 81, 94, 95, 106
- Singh, Kunwar Sir Maharaj, 165
- Slavery, Abolition of, 175-6
- "Social Gospel," 158
- Solomon, Saul, 81
- South Africa Act, 6, 171
- South African Institute of Race Relations, 14, 188-90
- South African Native College, Fort Hare, 12, 16, 17, 18, 22, 33, 149, 182
- Southern Rhodesia, *see* Rhodesia
- "Squatting" system, 56, 57, 59, 60, 61, 76, 185
- Stubbs, E., quoted, 73, 74
- Student Christian Association of South Africa, 16, 18, 165
- "Supreme Chief," powers of, 39, 94, 95, 103-7
- Swift, Dean, quoted, 185

T

- TAXATION, 8, 9, 38, 39, 112, 117-8, 140
Thompson and Stilwell v. Kama, 56,
 Trade Unions, 29
 Transkeian Territories, 7, 13, 47, 62, 85, 138, 139
Tsewu v. Registrar of Deeds, 56

U

- UNION Native Council Bill, 10, 30, 92
 Universities, South African, 6, 13, 14-23, 84, 131-34, 148-52, 190
 Urban Areas legislation, 8, 12, 64-69, 126
 Urban Areas, wages and employment in, 114-7

V

- VAN WARMELO, Dr. N. J., 136
 Voortrekkers, 47, 55, 80, 169

W

- WAGE legislation, 8, 118, 119, 121, 122
 Wages on farms and in towns, comparative, 114-7
 Walker, Professor Eric, 15
 West Indies, marriage in, 146
 Whitfield, G. B. 96
 Witwatersrand and its influence, 47, 61, 110-11, 114-5
 Women's Enfranchisement Act, 5, 11, 137

Z

- ZIMBABWE, 143

CONTENTS

	PAGE
Introduction	1
Central and Provincial Revenues	7
Central and Provincial Expenditure	35
Provincial Tables	58
Some Features of Provincial Budgets of 1937-38	102
Conclusion	106