# I.—THE GREAT REFUSAL

## By PROFESSOR EDGAR H. BROOKES.

Author of "The History of N ative Policy in South Africa"

More than four years have elapsed since we first heard of the proposals for the solution of the so-called native question which have had the name of General Hertzog attached to them. For ever three years the Bills drafted by him to embody his views have been before Parliament and the public. Other important matters — in particular, women's suffrage—have been held up, pending a decision on them.

We shall in due course have before us

# II,-THE LAND CONFIDENCE TRICK

## By PROFESSOR EDGAR H. BROOKES,

Anthor of "The History of Native Policy in South Africa"

Fifteen years ago, Parliament passed the Native Land Act, which has never been repealed or withdrawn. The wording of this Act, which, as is well known, imposed severe restrictions on the purchase or lease of land by natives in three of the four Provinces, is sig-

in three of the four Provinces, is significant
Section 1 begins: "From and after the commencement of this Act, land outside the scheduled native areas shall, until Parliament, acting upon the report of the Commission appointed under this Act, shall have made other provision, be subject to the following provision."

Section 2, after detailing the terms of reference of the Commission, goes on to say: "The Commission shall proceed with and complete its enquiry and present its reports and recommendations to the Minister within two years after the Commencement of this Act."

The commencing date of the Act was June 19, 1913

By resolution in terms of the further provisions of Section 2, the period set to the Commission's labours was extended during the 1915 Session, and in 1917 the Commission's report came before Parliament.

CUTTING DOWN THE AREAS

## CUTTING DOWN THE AREAS

Its recommendations were embodied in the Native Affairs Administration Bill of 1917 The schedule to that Bill contained the detailed proposals for new native areas. Almost without exception, members raised objections to the creation of new areas for natives in their own constituencies. The land provisions of the Bill, after occupying the time of a Select Committee during the whole session of 1917, were referred to five local Committees, which duly reported, cutting down the total amount of new native area and introducing certain changes of detail, in 1918 No action was taken as a result of those reports.

Nearly seven years later came General Hertzog's Land Bill, the effect of which is to give the native concurrent, instead of sole, right to purchase in areas generally corresponding to these smaller 1918 areas.

For three years that Bill has been before Parliament and the public, and now at last comes the reiterated rumour that, as part of the compromise between the Party leaders, it is to be dropped.

A SCOUNDREL AND A CAD

A SCOUNDREL AND A CAD

I wish in this article to put a plain and disagreeable question—namely, whether anyone who acted in private life as we have acted in public life on this question of land would not be called a scoundrel and a cad?

Friends of the natives in Parliament in 1913 were given the most solemn assurances that the Land Act was a purely temporary measure, and that new areas would shortly be demarcated. These assurances weakened their opposition, the Bill went through and now the confidence trick is complete.

The safety-valve of the Bill is the power granted to the vovernor-General-in-Council (i.e., in practice, the Native Affairs Department) to dispense with its terms. That power, though it has prevented utter disaster, has not availed to hinder Europeans from getting control in the meantime of large sections of destined native area, where the pressure of vested interests was sufficiently powerful.

pressure of vested interests was sufficiently powerful.

I ask if there is any honourable course open, if General Hertzog's Land Bill is dropped, but to repeal the Natives' Land Act, or at the very least, to carry through an Act suspending its operation until further land provision has been made? Such an Act should also suspend the Colour Bar Act, in regard to which the Land Bill was most distinctly and repeatedly cited by those in authority as being in the nature of a quid pro quo. Unless this is done, every man who values either white prestize or fair dealing must set his face like a flint against the withdrawal of that part of the Land Bill which releases areas for native purchase.

FAIRNESS NOT SHARP PRACTICE

## FAIRNESS NOT SHARP PRACTICE

We want to build up in South Africa a white civilisation. It can only be founded on the white man's prestige as a just and fair ruler, never on sharp practice. For the withdrawal of the land concessions, while the Land Act of 1913 and the Colour Bar Act remain on the Statute Book will be sharp practice however well-intentioned a compromise it may be, however w

Even if the Land Bill is passed, how ever, we shall only be beginning to tackle the land question. If we wish scheck the influx of natives into the towns, and to build up out of the wrecks what we can of a policy of differential development, if we wish to create new native areas similar to if smaller than the Transkei there are three things we shall have to do, viz.—

Have a policy of native land settle ment, and someone responsible for carrying it out; Develop native agriculture; Endeavour to find a solution of the problem of the native farm tenant.

### LESS THAN USELESS

LESS THAN USELESS

(1) Simply to say that natives may buy land in certain areas is less than use less. There must be machinery for letting progressive natives know just where land is available, and for aiding them to buy on easy terms. Crown lands in the released areas must be sold to natives alone, on easy payments or on a system of quit-rent. A good man must be put in charge either of a native section of the Lands Department or of a land settlement section of the Native Affairs Department

(2) The need for the development of agriculture in native areas is urgent, and the very little that is being done outside the Transkei and Cliskei is being done outside the Transkei and Cliskei is being done with intolerable slowness. The example of the Transkei shows that it pays to develop native agriculture. The trader is the first to reap the benefit of such progress so little are white interests in this field in conflict with lack. The native as consumer has received so little of our attention, yet who is a better market for the products of our secondary industries than he? As his wealth grows, ours will grow. As he can make a living on his small holding among his own folk, his pressure on the town and on white industries will increase. For every £250 extra of native agricultural production, one more white man can be taken on in industries. It is little short of criminal that so little has been done to develop native agriculture and domestic handicrafts in this province and Natal.

THE FALSE PATRIOT

The only objection that can come to a

## THE FALSE PATRIOT

The only objection that can come to a policy of native agricultural development must come from the type of man in prefers to be poor, provided he can seep the native poor, than to be rich, at the cost of making the native rich. And, to speak frankly, this type of man as hindered our peace and progress long enough. Prejudice, ignorance and race hatred have been given a consideran which staggers one by its patience and generosity.

It is time that common sense and economic science had their turn. We must

It is time that common sense and economic science had their turn. We must for the future—it is the greatest lesson of the past four years—brush out of our way the false patriot whose service to south Africa consists in shouting, and in fanning race prejudice; and make room for the new patriots, the true patriots, whose service consists in dispassionate and honest work for the economic betterment of the land they love, it is time that we declared ourselves ready to serve South Africa at all costs—even at the cost of being called negrophilists."

(3) Lastly, we have

even at the cost of being called negrophilists."

(3) Lastly, we have to face the problem of the native farm tenant. Like it or not, we have to face the fact that he will remain with us. It would be much sounder to give him a status recognised and protected by law, than to leave him in his present economically deplorable position. Exactly the same argument applies to the white bywoner. A Commission ought to be appointed to investigate conditions of labour and land tenure—black and white—on farms, and to make recom-

labour and land tenure—black and white—on farms, and to make recommendations for improving the present unsatisfactory position. We can never be grateful enough to Professor Macmillan for the persistent work of years which has made this situation clear to every student of South African economic development.

Let us bear these points in mind. By a vigorous policy of development, such as is here indicated, we can still save South Africa, white and black alike However chastened our optimism, we can be optimists still—but only if we are prepared to act and to act resolutely, instead of folding our hands and crying, "Peace, peace," where there is no peace.

(To be continued.)

# III-THE POLITICAL ASPECT

## By PROFESSOR EDGAR H. BROOKES,

Author of "The History of N ative Policy in South Africa"

So far we have been considering the conomic aspect of the native problem. There remains to be faced the very derious political side of this great question, namely, the part which the non-curopean population is henceforth to ake in the parliamentary life of South the content of the content o

It would, probably, be the best way of handling the question to sum up first of all those points on which the great majority of responsible men are agreed, and then to concentrate our attention on the much smaller field of their differences

their differences

Following this method, we may say first of all that general agreement has been reached on the point that some form of political recognition must be granted to the native population of the northern provinces. This principle remains General Hertzog's greatest positive contribution to the solution of the native, problem, and its general acceptance by responsible men is a tribute to the courage which impelled him to proclaim it, and the dogged persistence with which he has held true to it. The time is ripe for this great reform, and take place it must in the very near future

## CAPE NATIVE FRANCHISE

There are, naturally, many thousands of European voters who will not see what all responsible leaders see; and whose consent to the recognition of this vast principle can only be bought—apparently—by a change in the Cape native franchise. This significant fact must be borne in mind by both supporters and opponents of the Hertzog posals

proposals.

Secondly, the recognition above referred to cannot to-day take the form of the extension of the Cape franchise, as it stands, to the other provinces. Whatever may be the strength of the arguments for this extension in abstract theory, there will be a general consensus of opinion that it is not practical politics.

Thirdly, no important section of opinion has favoured the solution, originally suggested by the present writer, of the gradual development of a separate hative legislature—a solution dependent on at least a partial application of that principle of segregation which has been so completely abandoned. It might be, of course, that the present writer wascorrect in his judgment and the great mass of opinion, white and black, wrong; but he has common-sense enough to see that the probabilities lie in the other direction. In any case, the solution of a separate native legislature has ceased to be practical politics; and it is as certain as it can well be that, even if the Union Native Council Bill is proceeded with, the clauses conferring limited legislative powers on the Council will be dropped.

MATTERS THAT MUST GO

## MATTERS THAT MUST GO

Fourthly, the method of indirect voting and the proposed limitations on the powers of native representatives will have to go if there are to be special native representatives. It has become quite clear that representatives so to go if there are to be special e representatives. It has become clear that representatives so red would never be a real equivalent he loss of the Cape franchise, and they would be no strength to Par-

Fifthly, no sound reason can be put forward in favour of a nindefinite differ-ence of policy between the Cape Pro-vince and the rest of the country. The

contention of General Smuts's brilliant memorandum on the question that the Transvaal native is less civilised than the Cape native cannot be taken very seriously by those who know something of the educated native leadership of this

province.

Sixthly, it may be taken as certain, in the light of the previous conclusions, that the party leaders and the great majority of their followers are in agreement that some change in the Cape franchise is inevitable, as part of the settlement which is to confer some sort of franchise on all the four provinces.

In the succeeding article an attempt will be made to contrast the relative merits of the only two policies which the six considerations above have left in the field. Before doing this, there are one or two points which we could well dispose of here.

THE POLICY OF LAISSEZ-FAIRE

THE POLICY OF LAISSEZ-FAIRE

There remains the policy, supported by many natives and a few very able whites, of simple laissez-faire. If the Cape franchise is left alone for another lifty years, its Parliamentary strength will be such that the much more tolerant and educated South Africa of that day will be prepared to extend the vote on similar lines to natives in the other three provinces. It will thus be possible to avoid formal differentiation between natives and Europeans. The supporters of this view back it up, rather inconsistently, with figures designed to show that the rate of increase of the Cape native electorate is such as to make it a rather negligible factor.

The laissez-faire policy ignores rather too completely the actual state of white feeling on the subject of the present Cape franchise. It may be deplorable, it may be illogical, but it exists. They ignore, too, the fact that if South Africa is (as we all hope it will be) so much more tolerant and educated in fifty years' time, any settlement adopted now will be equally susceptible of improvement; and indeed he would be a simpleton who thought that any settlement arrived at to-day would, either in general outline or in details, be the final word.

The more important practical question is what general franchise we propose to replace the Cape franchise with, if—as seems certain—the party leaders are in agreement that it must go as part of a general settlement.

COLOURED PERSONS AND INDIANS THE POLICY OF LAISSEZ-FAIRE

## COLOURED PERSONS AND INDIANS

COLOURED PERSONS AND INDIANS

It is necessary, finally, to bear in mind the repercussions of any changes that may be made in the franchise on the coloured and Indian populations. The interests of the small coloured population of the northern provinces must, in merest justice, not be overlooked in the settlement, whatever be the fate of some of the provisions of the Coloured Persons Rights Bill.

As to the Indian population, our agreement with India virtually means that its reduction with Indian co-operation to the smallest possible figure is hound up with the grant of the fullest possible rights to those who are left. The granting of a franchise to Indians in the northern provinces can be evaded and postponed, but it will have to come. I believe that this consideration has an important bearing on the question which of the alternative policies to be discussed in the following article we ought to choose.

(To be continued.)

(To be continued.)

# IV.—THE COLOUR BAR IN PARLIAMENT

## By PROFESSOR EDGAR H. BROOKES,

Anthor of "The History of Native Policy in South Africa"

There remain to-day, as things have developed, only two ways out of the native franchise difficulty. The one is substitute for the Cape franchise one demanding the same qualifications but exercised separately from Enropeans, in separate constituencies and on a separate voters' Roll. This is the Hertzog policy, as it appears to-

The old ideas of a complicated in-direct election, and of severe limitations on the voting power of members, have gone. The only question still to be faced is whether these members are to sit in the Assembly or in the Senate. The most recent compromise which has been suggested, and one which The most recent compromise which use been suggested, and one which may probably be approved, is that the five representatives of the Cape should sit in the Assembly and the nive representatives of the Northern Provinces in the Senate. This is a very illustral proposal, especially as one of the motive forces behind the original introduction of the Representation Bill was the desire to secure uniformity as between sire to

of the Representation Bill was the desire to secure uniformity as between the four Provinces.

Illogical proposals may, however, have their utility — witness the Flag compromise — and one would not be surprised if the present solution of the native tranchise problem ran on the lines suggested above. No sensible man can expect such a solution to be final. If it is to win acceptance at all, the tenure of office of the five Senators must be made much more secure than the Senate Act of 1926 has left tha of the present four Senators nominated to represent native interests.

REPRESENTATION BY EUROPEANS

## REPRESENTATION BY EUROPEANS

On one point the party leaders seem be agreed — namely, that the repre-entatives, whether in Senate or As-embly, must be Europeans. This, too. sentatives, sembly, must be Europeans. This, too, cannot be accepted as final. The separation of voters throws out into strong relief the fact that this colour-bar in Parliament arises from mere prejudice. That a constituency consisting so natives may not be represented native is an untenable prop native is an untenable proposition, which cannot be maintained in efinitely. If to-day the proposed legislation were altered in this respect, it would be a deciding factor in winning native support for the Government scheme rather than the alternative to it. One of the main arguments for separate represents nain arguments for separate representa-ion is that thereby the representation of natives by natives becomes practical politics, if not now at any rate in the future,

near future.

The opponents of the principle of separate representation have made much of Mr. Sastri's criticisms of the operation of similar rules in India. Surely it is rether disingenuous to quote this and make no reference to the complete success of the same principle, tried for a much longer period of time, in New Zealand. It does not seem to the writer that the policy of separate representation must necessarily augment existing differences: the verdict of experience or this point is inconclusiave.

## SIR ABE BAILEY'S PROPOSAL

The only alternative which seems practicable to-day is Sir Abe Bailey's proposal for a Union franchise, s.m.lar in principle to the Cape franchise, but with much higher qualifications. If this were coupled with the grant of the franchise to white women it would (so it is argued) remove all anxiety concerning any possible danger to white it is argued) remove all anxiety concerning any possible danger to white supremacy, or at any rate relegate it to the far distant future, when the slow process of education and experience would have taught us that the "danger" was not a danger at all.

There is much to be said for this proposal. It would emphasise a very real fact—the economic identity of interest of white and black. It would satisfy native sentiment much more than the

ntiment much more than franchise, for although we natives less actual po sentiment separate separate franchise, for although it would give natives less actual power in the body politic, it would give them what they would consider more of a status of equality and of full recognition of citizenship. At the same time, it ought to be pointed out that those who oppose the separate franchise on grounds of principle, as being against all differentiation on lines of

race or colour, are equally bound by their principles to oppose Sir Abe Bailey's suggestion, for his plan involves marked differentiation between the races as regards property, educational and sex qualifications for the franchise. THE SEPARATE FRANCHISE

THE SEPARATE FRANCHISE

The policy which would give more power to the native is that of the separate franchise. If it led, as it must do in time, to natives becoming parliamentary representatives of their people, it would give them more dignity too. From the standpoint of the white man who sees the white and black races as being permanently in conflict—a standpoint which I do not share—Str Abe Bailey's proposal would suit the interests of the white races better.

Neither solution will be a final one. It is idle for us to imagine that the number of native representatives can remain fixed for ever at five in each House, or at any other arbitrary selected figure. It is idle to imagine that the natives of the Northern Provinces will be permanently content with Senate representation. It is equally idle to imagine that the next generation will not be faced with a cry for the removal of the specially high qualifications which Sir Abe Bailey proposes to demand from the native voter.

We can make up our minds to it that natives will gradually all acquire the

the native voter.

We can make up our minds to it that natives will gradually all acquire the vote. What we can do is so to direct the process that, while the civilised native has his due place in the body politic, the electorate is not at any given moment swamped by a large number of only semi-civilised voters. That double moment swamped by a large number of only semi-civilised voters. That double end, in our generation, can be attained by either of the alternative policies discussed in this argument.

## AN IMPORTANT FACTOR

here is one rather important factor which a farseeing student of the prob-'em will bear in mind—namely, the re-lation of whatever decision we now make to the question of an Indian franchise. However gradually, however discreetly, that question is bound to be raised by India and its local representatives as Scoon as the old principle of the porthern that question is bound to be raised by India and its local representatives as soon as the old principle of the northern provinces that no non-European may ever get the vote has gone by the board. When one considers the numbers and wealth of the Indian population in some parts of Natal, one realises that the reaction of Europeans to an application of Sir Abe Bailey's policy to Indians would be very unfavourable; yet Indians could hardly be less favourably treated than natives, if the spirit of the agreement is to be observed. On the other hand, objections to a community franchise would be much less vigorous.

We must, of course, realise that the granting of the franchise to natives means that it cannot be withheld from indians much longer.

REPRESENTATIONS OF TRIBAL

### REPRESENTATIONS OF TRIBAL NATIVES

One is somewhat perturbed at the fact that neither of the alternative policies discussed here makes any provision for the representation of the tribal native. With all its many faults, the first draft of General Hertzog's Bills did try to do that. If—as seems only too probable—the Union Native Council Bill is to be dropped, care must be taken that the four Senatorships representing native interests, instead of being must be taken the ships representing instead of being

the four Senatorships representing abolished, be retained as a representation of tribal natives. The system has not indeed worked well, but it is better than nothing.

It will be seen from this article that the writer is not entirely at one with the memorandum of the Johannesburg Joint Council relative to the franchise. He cannot conclude, however, without a tribute to the splendid work which Mr. Howard Pim, Mr. Rheinallt-Jones and the other members of this body have done in clarifying our thought, showing as our errors and putting before us a clear and consistent policy, during the bast four years. While one feels per sonally that their criticisms have been too destructive to be as they stand the last word on native policy, yet without those criticisms we should have been led into many served South Africa. They ted into many serious mistakes. The have served South Africa well at a very critical period of her history. led into

(To be concluded.)

## V.—THE RIGHT SPIRIT

## By PROFESSOR EDGAR H. BROOKES

A thor of "The History of Native Policy in South Africa"

The granting of a franchise, of what ever kind, will not in itself solve what we are pleased to call the "native problem." There are many other urgent needs, and among the most urgent is that of the proper administration of justice—an administration such as to visit the terror of the law on evil-doers, and at the same time protect to the fullest extent the liberty and rights of the law-abiding native

the law-abiding native.

At present we may say, very broadly speaking, that neither end is attained. There is a tendency to group together all kinds of natives, law-breaking and law-abiding, and to treat all peremeterily, not only without courtesy, but also very often without respect to the letter of the law which should protect them. Unnecessary arrests, and in this respect it is common knowledge that the native police are among the greatest offenders against men of their own colour.

### VERDICTS IN MIXED CASES

There is the bigger question still of cerdicts and sentences in "mixed" cases—especially in cases where the victim of a crime of violence is a native and the accused a European. It is much to be desired that trained investigators, including legal and medical men, should go carefully into the question of verdicts of jurists in such cases and of the use and abuse of medical evidence therein. What is wanted is not any vague and general denunciations—which will not be made here—but carefully sifted facts verified by a representative committee. made here—but carefully sifted facts verified by a representative committee. The writer is in cossession of information amply showing that there is a primafacie case for the undertaking of such an investigation.

### THE PASS SYSTEM

Much avoidable discontent is caused by the Pass Laws and the manner of their administration. Some years ago the Government introduced a Natives' Registration and Protection Bill, which reduced the multiplicity of passes to Registration and Protection Bill, which reduced the multiplicity of passes to one single Identification Certificate. This Bill failed to get beyond the committee stage, because it scught to introduce the new Identification Certificate into the Cape Province which had not known passes of any kind for over half-acentury. But, if the Transvaal native can be identified by a single certificate with the concurrence of the Cape surely he can be without it?

The pass system has some very obvious advantages. But it is harassing, takes up the time of the police and other officials upperspirally, and upperspirally. police and other sarily, and creates criminals. The Cape Province manages quite well without it, and is able to control and identify natives and check vagrancy at least as well as the other Provinces.

is to much more than appears on the surface for Mr. Clements Kadalie's suggestion of the granting by the Government of a sixmonths' "Pass hotiday," and a genuine test of whether native crime or vagrancy increases in that period. No one with

to abolish the pass system if it is necessary, but is it necessary? And if it is necessary, will not the one simple Identification Certificate serve all reasonable

One needs hardly to point the moral as to the number of police set free from pass arrests, raids, etc., to do their

as to the number of police set free frompass ariests, raids, etc., to do their proper and useful work.

Apparently little things of this kind count a great deal in successful native administration. It is not so much one great injury that creates native agitators and revolutionaries as a series of annoying and avoidable pinpricks.

No doubt we shall never entirely escape these until our educational system has really done its central work—that of education in the broadest sense, the teaching of right attitudes, of kindly feeling of a sense of proportion and a true personal dignity. It is no exaggeration to say that the future of South Africa rests with the Universities and the Normal Colleges and the type of primary school teacher turned out by them. Their work is, quite literally, incalculable. incalculable.

### NO PREJUDICE, BUT JUSTICE

If every man of goodwill can bring himself to unite in a real effort for an attitude void of prejudice, a simple human kindness without foolish familiarity, and a policy of justice which does not overlook common-sense, the problem will always to be a sense of the s does not overlook common-sense, the problem will already be half solved. May this spirit increase more and more as the days go by. May we learn to serve South Africa with all our hearts in a loyalty that puts first her own true interests and long behind that the opinion of our fellows and our own reputation. May men be raised up in every generation of South Africans who will endeavour to conquer prejudice and sentimentality alike, and with dear hands and kind hearts serve their country and all its people, white and black alike.

And if this is done, then we have no fear to be pessimistic, nor to doubt that the policies which we are only dimly and gropingly trying to evolve now will be brought to a successful conclusion in the future.

(Concluded.)

(Concluded.)

**Collection Number: AD1715** 

### SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974

### **PUBLISHER:**

Collection Funder:- Atlantic Philanthropies Foundation Publisher:- Historical Papers Research Archive Location:- Johannesburg ©2013

### **LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document forms part of the archive of the South African Institute of Race Relations (SAIRR), held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.