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Title: African Trade Unions and the South African State, 1937-47: The Recognition Debate Reassessed.

by: Peter Alexander

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AFRICAN TRADE UNIONS AND THE SOUTH AFRICAN STATE, 1937-47: THE RECOGNITION DEBATE REASSESSED

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In April 1942, the Prime Minister, General Smuts, decided that African trade unions should be granted full legal recognition under the Industrial Conciliation Act. The Act - which had been introduced, in 1924, by the first Smuts administration - used a definition of 'employee' which excluded all pass-bearing Africans (ie. most African men). Under the Act, trade unions composed of 'employees' could be registered, and these registered unions were provided with access to the various institutions for conflict resolution established by the Act; African men were generally excluded from these registered trade unions. The racial division of the working class and the subordinate status of African workers were thereby reinforced and institutionalised. If, in 1942, Africans had been included within the definition of 'employee', the subsequent history of South Africa would have been very different. However, early in the December of that year, the cabinet decided not to proceed with a change to the law, and, indeed, it was not until 1979 that African unions received legal recognition. Why did Smuts agree to redefine 'employee'? And why did he change his mind? These are the principal questions which this paper seeks to address.

Hitherto, the most detailed consideration of the recognition debate was that presented recently by David Duncan.[1] However, Duncan's focus was a rather narrow one, the state bureaucracy, and he tended to exaggerate the role of senior civil servants and to downplay the significance of conflicting class interests and the pivotal position of Smuts. In an earlier paper on the subject, Dave Lewis correctly identified this weakness as a form of 'idealism'.[2] However, Lewis did not make use of archival sources and his own account now looks rather dated. Both Lewis and Duncan were influenced by a Poulantzasist view of the state which, although it has some merits, tends to underestimate the dynamic interplay between the state and wider social forces. I have sought to avoid this weakness, and hope that the resulting analysis sheds some new light on the character of the state and on the politics of different classes in this important period.

Although the main drama of the recognition debate took place in 1941 and 1944, there was an opening act, which occurred in between 1938 and 1940, and a finalé, which took place between 1945 and 1947. It will be necessary to consider both of these subsidiary episodes, but especially the former, because positions which were adopted in this earlier period helped to shape later events.

The Departments

The South African economy experienced rapid expansion in the period 1933-39, and this was particularly marked in private manufacturing, where the total employed increased by 94 percent. This process continued during the war years, when total employment in this sector increased by a further 45 percent, to reach 399,111. By the time of the 1946 census, there were more people employed in manufacturing and construction than in mining. Between 1932-3 and 1944-5, the proportion of Africans employed in private manufacturing increased from 39 to 52 percent (compared to a decline in the proportion of whites from 41 percent to 30 percent).[3] An important feature of the war years, was the expansion of semi-skilled employment, owing to mechanisation, and, although there is no accurate data on this development, it is safe to assume that an increased proportion of these positions were held by Africans.

These trends were important for two reasons. First, alongside the recovery of the economy and the increased size of the African labour force, there was a growth in the number and size of African trade unions (most of which were located in Johannesburg). Secondly, there was an increase in the level of official concern about the impact of settled African communities at the heart of South Africa's cities. This was reflected in various government commissions and in some changes to the law. From the perspective of this account, the most important change was the introduction of 1937 Wage Act, which enabled the Wage Board to make wage determinations covering unskilled workers (mostly Africans). This, in turn, provided some added scope for the development of African unions, and brought these unions into greater contact with the Department of Labour (DL), which was responsible for administering the Wage Act (as well as the Industrial Conciliation Act).

In late 1937, Tommy Freestone, a senior officer of the Department of Labour (DL), reported that there were eight unions which were known to cater mainly for African workers.[4] These unions came to be grouped into two federations: the Joint Committee of African Trade Unions, whose secretary was Max Gordon, a white Trotskyist, and the Co-ordinating Committee of Non-European Trade Unions, with Gana Makebeni, an ex-Communist Party member, as its general secretary.[5] The Joint Committee was the larger of the two, and, at the end of 1938, the DL's Johannesburg District Inspector, Col. F. L. A. Buchanan, noted that: 'Mr. Gordon had almost a monopoly of the control [of African unions]'.[6] Freestone, in his report, commented that:

> ...the officials [of the African unions] stress the danger of politics within the Unions. The whole environment, however, is already silently communistic. Communistic posters and pictures and mottoes are prominent features of these meeting places. In some instances the Secretary is a Communist, at least in words, and there is no

doubt that the "silent" propaganda will bear fruit in time.[7]

Following Freestone's report, the Registrar of Trade Unions drew up a memorandum which concluded: 'The time has arrived to consider the question of giving a measure of recognition to native "trade unions", which are springing up in the larger industrial areas, with a view to exercising a definite degree of *control* over them'.[8] The question of 'control' became more pressing as a result of the *modus operandi* developed by Gordon and the Joint Committee unions. They 'policed' wage board agreements and collected arrear wages, either via the DL or directly from employers. In order to escape prosecution, many employers preferred to deal directly with the unions (which, for the workers, was the quicker solution). This led to the District Inspector's office being by-passed and to the strengthening of the unions, and Buchanan complained bitterly about Gordon's 'interference', which he regarded as 'undesirable'.[9]

In June 1938, Ivan Walker, the Secretary for Labour, enclosed the Registrar's memorandum in a letter to Douglas Smit, his opposite number at the Department of Native Affairs (DNA).[10] Walker had roots in the trade union movement, having been General Secretary of the Typographical Union. During the war, Smuts appointed him to the powerful position of Controller of Manpower (whilst retaining him as Secretary for Labour), thereby providing Walker with direct access to the Prime Minister. Smit, who later became a United Party MP, was also highly regarded by Smuts. He was an energetic and able administrator, and, having undertaken his own enquiries, he came to a similar conclusion to that of the DL. In his opinion: 'The growth of these organisations is inevitable and it is wiser from our point of view to recognise them now rather than that we should be forced to do so later on'.[11]

The DL and the DNA, the two Departments which had direct contact with African trade unions, both favoured some form of official recognition. The DNA, however, favoured non-statutory recognition for African unions, and they felt that they, rather than the DL, should have the prime responsibility for administering the recognition procedures. This was probably more than mere 'empire building'; it was the logic of Hertzog's policy of segregation. The then Minister of Labour, Harry Lawrence, a United Party member, sympathised with this policy. In October, he told the Annual Convention of the South African Federated Chamber of Industries (SAFCI) that the government was considering some form of recognition, arguing that without 'control' there was a danger of African unions falling into the hands of 'undesirable' organisers. 'The average native', he was reported as saying, 'did not possess that high degree of responsibility which trade unionism required'. 'The salvation of the native', he concluded, 'did not lie along the lines of orthodox trade

unionism, but along lines defined for him by the Native Affairs Department in consultation with the Department of Labour'.[12]

By the end of 1938, the DL and DNA had drawn up a set of possible rules for the recognition of African unions.[13] In order to obtain recognition an organisation (the word 'union' was avoided) would have to provide the names of office bearers and officials, a copy of its constitution, and information about membership and finances. Recognition could have been withdrawn if the union had supported strike action or if it had failed to co-operate with the DL's Divisional Inspectors. This emphasis on 'co-operation' was probably included so as to deal with Gordon's activities. Finally, only one organisation would have been regarded as representative of Africans employed in a particular industry.[14]

African Opinion

A good example of the African Unions' case was the submission presented, a little later, to Smit's Interdepartmental Committee, by Daniel Koza, Secretary of the African Commercial and Distributive Workers' Union (ACDWU), the Joint Committee's biggest affiliate. Koza's starting point was the need for African workers to secure higher wages, an issue which also concerned the government. He argued that the existing industrial relations machinery had failed to improve their pay. This failure had occurred because African workers could not be directly represented on Industrial Councils, or obtain the benefits of conciliation and arbitration, or obtain legal enforcement of agreements made with individual employers. Wage levels, he said, were higher in those industries where unions existed, but, he added, because of the legal situation, it was sometimes necessary to go on strike, and when this happened workers were needlessly turned into criminals. He added: 'The fact that African workers have become industrialised, and that the severed ties with tribalism cannot now be restored goes without saying, and this new proletariat must be accorded complete industrial citizenship, so as not to suffer the economic and social depressions of a changing South Africa'.[63] Thus, Koza's was an appeal, on behalf of the 'new proletariat', which linked a widespread concern about poverty to the need for political, or at least industrial, equality.[15]

At the 1939 Conference of the South African Trades and Labour Council (SATLC), Makabeni and Gordon joined forces to move a resolution rejecting 'any attempt to place native trade unions under jurisdiction or control of the Native Affairs Department'. Makabeni said that the officials of this department 'adopted very bullying tactics' when dealing with African workers. Smit noted: 'the Unions regard the Department as an instrument of oppression used by the Government for the enforcement of oppressive laws like the Pass and Native Tax Laws'.[16] The SATLC resolution also called for 'registration on the same basis as other workers' organisations'. The great majority of the delegates was white, but the SATLC had always called for the inclusion of Africans

under the Industrial Conciliation Act, and the Conference passed the resolution without dissent.[17]

However, there was a tactical division between the two groups of African unions. In mid-August 1939, two consultation meetings were held, involving, besides officials from the two Departments, Mrs. Ballinger, one of the Africans' parliamentary representatives, Makabeni and Koza. At the second meeting Mrs. Ballinger presented a memorandum based, she said, on consultations with those she represented. It included a call for recognition under the IC Act, but accepted the idea of a 'half-way-house', based on an amended version of the rules, which, among other matters, stated that the main point of contact with the government should be, as it had been in practice, the DL's Divisional Inspectors, not the DNA.[18] It would appear that she was representing the views of the Co-ordinating Committee, but not the Joint Committee. Walker was informed that, prior to the second of the two meetings, 'Gordon's Union held a meeting and decided unanimously that they want full statutory recognition'.[19]

Following the onset of war and the fall of the Hertzog administration, Walter Madeley, the Labour Party leader, was appointed Minister of Labour, and Walker immediately redrafted the proposed rules so as to incorporate the criticisms made by Mrs. Ballinger and those she represented.[20] Smit seems to have been happy with the redraft, and, after a brief delay, his new minister, Deneys Reitz, approved the new rules.[21] At this stage Walker and Smit must have felt confident about the possibilities of pushing through their proposals for administrative recognition. There was, however, one problem. ...

Mining Interests

In August 1939, the Chamber of Mines had entered the fray with a blunt but powerful letter to the Director of Native Labour. They opposed the proposed rules, even though they excluded the mines. They were concerned that recognition would stimulate the growth of African unions generally, and that the mines would eventually be affected. They also argued that, 'the Native is not yet sufficiently advanced to control and manage ... a labour union', and that, therefore, such unions 'would inevitably fall into the hands of the European communistic movement'. Their alternative was simple:

> The Mining Industry has had experience of Native trade unions through the activities of the Industrial Commercial Workers' Union ... The aims of this organisation were extreme, with a marked tendency towards strikes, which, in the Native mind, connote "war" and are therefore nearly always accompanied by violence and bloodshed. The policy adopted by the Mining Industry towards the I.C.U. was non-recognition and determined opposition. In a year or two the large membership of this formidable body dwindled to negligible

> proportions, and the Unions ceased to be an influence amongst Native mine workers.[22]

As a result of this intervention, Hertzog's cabinet had decided not to proceed with the proposed rules. Then, in 1940, when the new Smuts administration came to reconsider the matter, they were met with forceful opposition from the Department of Mines. In a letter to Walker, the Secretary for Mines enclosed a restatement of the Chamber's position, and he added a further argument of his own:

> The Witwatersrand is a low grade goldfield, and in order to ensure the continuance of operations for the longer period, it is in the interest of the State that mining costs should be kept as low as possible. In the event of the native labour employed by the mining industry becoming organised on Trade Union lines, a probable result would be a substantial increase in wages, which would ... shorten the period during which mining could economically be continued.[23]

The DL and the DNA had co-operated in producing moderate proposals for the recognition and control of African unions. They had secured the support of some of the African unions and the Africans' parliamentary representatives, and also the SATLC. But they were blocked by the power of mining capital. Smit was quite definite about this: 'As a result of objections raised by the Chamber of Mines, nothing was done'.[24]

The Upsurge

Between mid-1940 and mid-1941, there was a lull in the debate. This probably reflected a lull in the level of African trade union activity. Although the cabinet had rejected official recognition, unofficially the DL and the DNA recognised African unions by considering their complaints and responding to their correspondence, and this continued to be the case.

In May 1941, Africans employed at five Johannesburg coal yards had struck work. Despite the arrest of the strikers (all 366 of them) and despite the use of convicts as scab labour, the strikers and their union, the ACDWU, won their demand for a wage increase.[25] As a result of the strike, Mrs. Ballinger and others, who had been involved in bringing about a settlement, secured a special meeting with Walker and Smit. This meeting, which was held on 6 June, considered the wider implications of the dispute, and it resulted in a number of important decisions, including an agreement that Walker would raise again the matter of African trade union recognition. This was the origin of renewed interest in the matter within government circles.[26]

The circumstances under which the issue was reconsidered, in 1941 and particularly in 1942, were very different to those

prevailing in 1938-40. To start with, in the years 1938, 1939 and 1940 there had been a low level of strike action, but in 1941 and, particularly, in 1942 there was a marked increase in the level of militancy.[27] Associated with this rising level of struggle, there was a rapid growth in the number and membership of black trade unions. In November 1941, the Joint Committee and the Co-ordinating Committee merged to form the Council of Non-European Trade Unions (CNETU). The new body was launched at a conference attended by 93 delegates from 32 African and 'coloured' unions. It passed a number of resolutions, including a 'strong request' that the government immediately amend the definition of the term 'employee'.[28] David Gosani, who had replaced Gordon as Secretary of the Joint Committee, was elected as Secretary of the new body, and Makabeni was elected as its President; Koza became an Executive Committee member. An official of the DNA reported that these three men, 'are able and intelligent persons and I should say the leading lights in the Native Trade Union movement'.[29]

Running parallel to these advances in African trade unionism, there was a modest, but significant, shift to the left in the ANC. This shift can be dated back to December 1940, when Dr. A. B. Xuma took over as the ANC's President-General.[30] Baruch Hirson is very probably correct to argue that the leadership of the ANC 'had little sympathy with direct working-class action',[31] but Xuma and CNETU did co-operate with each other, and the ANC did take up the recognition question. In March 1942, when the Deputy Prime Minister received an ANC initiated deputation, recognition was on the agenda, and Gosani, representing CNETU, was a member of the deputation.[32] Then, in July, Xuma informed Madeley that 'all Africans are opposed to any 'halfway house' recognition ... that is, anything short of recognition under the Industrial Conciliation Act'.[33]

During this period, the ANC developed a closer relationship with the Natives Representative Council (NRC). Four members of the NRC joined the March deputation, and Xuma told Smit: 'We are together. Our case is one. I am their national leader'.[34] Following the 1942 NRC elections, at least seven of the 16 NRC members identified with the ANC; they included Z. K. Matthews, who began to function as leader of the NRC caucus.[35] In December 1942, the NRC backed a resolution calling for IC Act recognition for all African unions, including the African Mine Workers'.[36] This continued to be the position of the NRC, and when, in 1946, the NRC refused to assemble, as a protest against being treated like a 'toy telephone', their most urgent demand was for the recognition of African unions.[37]

This process of radicalisation was summarised in a long letter which Smit received from his subordinate, Mr. Lowe, the Director of Native Labour, in August 1941. The letter provides a good description of the mood then prevailing among Africans, particularly on the Rand:

> The old reverence of the European has long gone by

> the board. It has been replaced by a Bantu nationalism, founded in a determination to secure by and for themselves, what they feel European Authorities have refused to the Natives. ...
>
> It is, however, in the industrial and labour world that Native activities are becoming so pronounced and impressive. Native leaders have learnt the power of organisation and of organised labour. Native labourers are rapidly being taught and learning the same thing. The Government's refusal to give recognition to Native Trade Unions means nothing. ... A position is created where, willy nilly, employers have to recognise the Unions as the only practicable way of preventing serious stoppage of work. ...
>
> The wholly unsatisfactory economic position of the Native wage earner in towns, the stress of hunger and of malnutrition ... these are the very conditions to encourage the organisation of labour ...[38]

The 'Great Change'

It is unlikely that Smit would have been surprised or annoyed by Lowe's remarks. One week earlier he had been appointed, by the Prime Minister, to chair the Interdepartmental Committee on Social, Health and Economic Conditions of Urban Natives.[39] Two weeks before this event, Smuts had confided that wage increases for 'non-Europeans and unskilled Europeans are fully justified', and he had added: 'I am anxious to keep our workers in good temper'.[40] It was probably an initiative from Smit, with the authority and experience he had gained from the Interdepartmental Committee, that very nearly led to the full recognition of African trade unions.

The final Smit Report, which appeared at the end of 1942, recommended, as an *'interim measure'*, the immediate administrative recognition of African trade unions in accordance with the rules which had already been agreed.[41] However, prior to this, in January 1942, he produced a memorandum for ministerial discussion which must have taken the argument a good deal further,[42] because, on 10 April, he informed Walker that:

> *the Government has undertaken to introduce during the next Session of Parliament an amendment of the Industrial Conciliation Act, no. 36 of 1937, deleting those words in the definition of an "Employee" which have the effect of excluding ordinary Native workers from the definition.*

The decision had been taken by Smuts, together with Madeley and Reitz. We cannot be certain about their reasons, but we can surmise a number of factors: concern about poverty among Africans and a feeling that the growth of African unions was inevitable (these were both mentioned in the Smit Report), coupled with a

desire to exert some control over African unions so as to discourage 'undesirable' behaviour, such as striking (as evidenced by departmental memoranda and the minutes of the post-coal strike meeting). The Mines and Railways and Harbours were to be excluded from the amendment. Furthermore, according to Smit, 'The question whether Native Employees are to be represented on Industrial Councils by natives if they so desire, or whether it would be more expedient for them to be represented by Europeans, on the the analogy of their representation in Parliament, remains open for the present, but should be kept in view when amendments of the law are under consideration'.[43] Nevertheless, the government had made a definite decision to introduce recognition under the IC Act.[44]

Reitz wrote to Madeley informing him that, on behalf of the government, he had given an assurance to the Africans' parliamentary representatives, that the government had undertaken to introduce, in the next session of parliament, an amendment to the IC Act, so as to include Africans within the definition of 'employees'.[45] The letter was signed by Reitz, but it would appear that it was never sent. However, Madeley announced the government's intention to the press, and this was reported on 28 May. Prior to this, on 12 May, at a meeting of the SATLC National Executive Committee, he had provided a similar undertaking to that given by Reitz. According to one report, Madeley said that:

> He had been able to show the Cabinet that the organising spirit among unskilled workers has become very great, particularly among Africans, and it is a matter for gratification that the Government would now recognise the trade unions catering for natives. In effect, it would give all workers the same rights to collective bargaining under the Act.[46]

However, on 22 July, Madeley's private secretary informed Gosani: 'the question of the recognition of African Trade Unions is under consideration of the Cabinet'.[47] On 23 October, Madeley's private secretary told Mike Muller, Secretary of the Pretoria Joint Council of Non-European Trade Unions that: 'in present circumstances it is very unlikely that such amendment [to the IC Act] will be found possible during the next Session of Parliament'.[48] On 28 November, when Madeley opened the first annual conference of CNETU (which was claiming 25 affiliated unions representing 37,000 members), he asked delegates to be 'patient'. 'Many difficulties stood in the way' of recognition, he said, but he was 'reasonably certain that fruition would result'.[49] In early December, Madeley announced that the Government would not be proceeding with an amendment in the next session, as previously announced.[50]

On 19 December, the government announced the promulgation of War Measure 145, which introduced new penalties for Africans who went on strike. Some writers have argued that this War Measure

had an important positive aspect: that it allowed for arbitration linked to consultation with African unions.[51] However, the measure did not provide the unions with a *right* to arbitration, and during 1943 and 1944, the DL only referred six disputes to the arbitrators. Principally, War Measure 145 was a punitive and discriminatory measure, which is why, at the time, it was widely condemned. Some established trade unionists even described it as 'fascist'.[52] In December 1942, African trade union leaders had hoped for recognition, but the government had responded with renewed repression.

Explanations

Why had the government moved from a position, in April, of supporting full recognition in the next session, via a period of vacillation, to a new position, by early December, of opposing such recognition? Initially, there was some delay because Reitz, who was supposed to communicate the April decision to Col. Stallard, the Minister for Mines, failed to make contact with him (perhaps because he, Reitz, was unwell). This explains why Reitz's letter to Madeley, which had been signed, was never sent.[53] Probably, when Stallard heard of the decision he insisted on a cabinet discussion. However, at this stage, the arguments against recognition would have been the old ones put forward, in particular, by mining interests (in February 1942, the Chamber had written another letter opposing recognition).[54] It is unlikely that these arguments were decisive. ...

The second half of 1942 witnessed a wave of strike action. In Durban, these strikes included a major stoppage of African dock workers and, from 8 December, a strike at the Dunlop factory, which united African and Indian workers. In September, African miners at the Northfield colliery in Natal set fire to the company's buildings. In Johannesburg, during September and October, there was a month long strike in the sweet industry which involved black and white workers, mainly women. In December, there were a series of strikes on the Witwatersrand, mostly associated with a wage determination for unskilled workers; these included particularly militant strikes involving dairy and meat workers. Then, on December 28, in Pretoria, there was a demonstration of municipal workers which was attacked by troops, and ended with the deaths of 16 Africans and one white.[54a]

The shift in policy was almost certainly connected with these strikes. When, on 13 January 1943, Smuts met a deputation from the Christian Council (which included the Archbishop of Cape Town), his response to their question about recognition began with the words: 'Things are inconvenient now; there is a wave of unrest in this country'.[55] Similarly, in March 1943, Madeley told the Senate: 'the ... increase in native strikes, has created an unfavourable atmosphere for consideration of the recognition of native trade unions'.[56] When, on 25 January, Madeley met a deputation of Africans' parliamentary representatives, he said that he was particularly worried about 'the position in Durban',

where, he said, 'the Indians and the natives are working together, and the prejudice against this combination is growing'. At the same meeting, Major van der Byl (who had replaced Reitz as Minister of Native Affairs) said that he 'feared ... that if the European Trades Unions want something and they have control of the Natives in their Trades Unions, they might use the whole force of Native labour to create a strike to gain their [the Europeans] interests'.[57] It seems most likely that the government was opposed to conceding recognition at a time when workers, particularly African workers, were on the offensive. It would have looked as if they were giving into pressure, and they would have been worried that this might encourage further militancy. It is also possible that they were disturbed by the spectre of workers of different 'races' uniting in action, which might have become more likely if 'employee' had been redefined.

In March 1943, Sen. Hyman Basner, one of the Africans' parliamentary representatives, presented three reasons why 'a great change' had come over Madeley. First, 'the unfortunate experiences on the Rand ... a number of strikes'. Secondly, and most importantly, 'the European trade unions are beginning to look on the recognition of the Native trade unions as a threat'. This was an important suggestion, to which I shall return at some length. However, between April and December, none of the mainly-white trade union bodies amended their policies of support for recognition, and it would seem unlikely that it was a key element in the 'great change'. Thirdly, 'the Communist elements have entered into the trade unions to ... an undesirable extent'.[58] Here, Basner was echoing remarks made the Prime Minister. At his meeting with the Christian Council, Smuts had continued his statement with: 'Communistic influence is at work in our land on a fairly large scale'. Smuts may have thought that the anti-Communist argument would have been particularly appealing to Christian leaders, but if so he was wrong. Soon after, the Council, on the Archbishop's recommendation, carried a resolution calling for recognition of African unions by an immediate change in the law.[59]

Whilst the Communist Party did support strikes once they occurred, they tended to use their influence to discourage such action. For instance, in December 1942, Michael Harmel, Secretary of the Party's Johannesburg District Committee, told readers of *The Star*: 'My party is strongly in favour of a policy of avoiding stoppages of work ... as being prejudicial both to the workers' just demands for higher wages and to the higher aim of securing victory in the war ...'.[60] There was a growth in support for the Party amongst African workers, but this was a product of the new mood of assertiveness, not its cause. It is likely, however, that Smuts was working with a broader definition of 'communist' implied by the term 'communistic', and closely associated with 'undesirable'. If so, according to Smuts, anyone identified with supporting strike action should be regarded as a 'communist', and the unrest was, by definition, 'communistic'; but then we are left with the first explanation as the main cause of the change in direction. Consciously or unconsciously, Smuts

used a fear of communism to justify the new, repressive policy; but it was a justification rather than an explanation.

Dunbar Moodie has pointed to the importance of the ideology of anti-Communism in the suppression of the 1946 miners' strike (with implications for subsequent repression under the Nationalists). He identified this ideology with the influence of the Chamber of Mines, and traces it back to 1943[61] (in September 1943 the Chamber had complained to the Minister of Native Affairs about Communist activity)[62]. Whilst I agree with Moodie that anti-communism strengthened the Chamber's case against African unions, the origin of the anti-communist campaign is to be found elsewhere and at an earlier date. As we have seen, state officials were complaining of 'communistic' influence amongst Africans at least as far back as 1937, but it was Smuts, in early 1943 who provided the real boost to the movement.

P. Walshe has argued that: 'industrial unrest and the impending general election had led to a change in atmosphere'.[63] Whilst he may be correct about the impending general election, he does not produce any evidence and I am not aware that there is any. If winning elections was Smuts' prime concern, then surely, in April 1942, he would have been aware that the introduction of the amendment would occur immediately before a 1943 election. It might be argued that Smuts was responding to the electorate's heightened awareness of 'native problems' brought about by the unrest.[64] If so, it is even clearer that it was, principally, the 'unrest' that led to the 'change in atmosphere'.

Another argument for the 'great change' is that advanced by Eddie Roux and expanded by Baruch Hirson. The Roux-Hirson thesis is that, to quote Hirson: 'Only at the end of 1942, when the tide of war had turned, and the government regained its confidence, were measures taken to curb the unions'.[65] I am uneasy about this argument because it smacks of conspiracy theory (which, however, can never be ruled out) and because, once again, there is no evidence to demonstrate its validity.

In reading through Smuts' weekly diary-letters to Margaret and Arthur Gillett, his friends in Britain, one can detect a degree of correlation between his feelings on the war and the 'change': for most of the year he was fairly gloomy, but from late November, he was more optimistic. But correlation should never be taken to imply a causal relationship. His most important letter, in this regard, is that dated 13 January 1943. He mentions that there will probably be a general election later in the year and that he is waiting to see how the war goes, but he is still lacking confidence, because he adds: 'who knows what may happen in 6 months' time?' Elsewhere in the same letter he says: 'We are having a very difficult time with the Natives who are getting infected with the virus of change and unrest, and have moreover fallen into the hands of our communists'. However, he makes no connection between this passage and the previous one. Unrest is linked to communists, but not to the war (or the pending election).[66]

We are left with a paradox: it was, in particular, industrial unrest that encouraged the government to reconsider the recognition question and it was mainly industrial unrest that led them to reject recognition, at least temporarily. However, this apparent contradiction reflected a contradiction in reality: between, on the one hand, capital's long term interest in the development of a mutually beneficial relationship with African union leaders and, on the other hand, a short term concern not to appear to be backing down in the face of an increasingly confident working class (as a correspondent to *The Star* put it: 'To give a big present is a sign of fear').[67] This short term concern combined with the conservative pressure applied by the Chamber of Mines, to ensure the defeat of the recognition proposal.

Madeley's Conference

When the cabinet decided not to proceed with the amendment they were reacting to events and they did not have a clear alternative for dealing with African unions. The only conclusion which had been reached was a negative one, which probably emanated from Smuts himself, that, in relation to industrial relations legislation, Africans and non-Africans should be treated differently.[68] In March, this reinforcement of the divisions within the working class was justified by Madeley as follows.

> Such action [the redefinition of 'employee'] would ... endanger our industrial council system, as in some industries where native trade unions are well organized, these bodies, consisting entirely of unskilled workers, would become the sole or principal representatives of the employees, to the exclusion of some of the existing artisans' trade unions. Whatever views individuals may hold as to the rights or wrongs of such a state of affairs, no one can doubt that it would break up the industrial councils concerned and lead to industrial chaos.[69]

The cabinet wanted to delay consideration of what had become a very thorny problem, but they could not entirely remove it from their agenda. As Madeley put it: 'Native trade unions continue to multiply, and it is feared that many of them are of mushroom growth'.[70] This created two secondary problems for the government. First, the African unions had developed a number of important allies: the ANC and NRC, the Africans' parliamentary representatives, the Institute of Race Relations and the Friends of Africa, and the SATLC. The government could not afford to lose the confidence of this weighty informal alliance, certainly not in the middle of a war which had been condemned by the Nationalists. At the end of March, Madeley announced that he would be convening a conference of interested parties to 'try to hammer out something' with regard to African trade unions.[71] The conference, which was eventually held in October 1943, was probably a concession to, in particular, the parliamentary

representatives, but it was also a useful delaying tactic for a government facing an election and uncertain of its position.

Secondly, government officials, particularly the District Inspectors, and employers (to whom I shall return) still had to deal with the practical problems created by African unions. The Acting District Inspector for Johannesburg expressed himself thus:

> These unions by virtue of the fact that their members comprise persons who are excluded from the definition of employee in the Industrial Conciliation Act are not subject to the control which this Act provides for European trade unions.
> ... I have been asked by employers in several instances recently whether ... [they] should grant the union facilities to organise. I have also been asked which of two apparently overlapping unions should be recognised.[72]

The initial proposal was for a conference on African trade unions which would have been overwhelmingly white. However, Smit asked that four members of the NRC (one from each province) be invited, and this was accepted; subsequently the ANC were also asked to send a delegate. After protests from CNETU, the Institute of Race Relations and Basner, CNETU was invited to send two delegates. This encouraged further protests on the grounds that CNETU was not a national organisation of African unions. The DL consequently invited the Cape Federation of Labour and Durban Trades Council to nominate two African delegates each, both Port Elizabeth and East London Trades Councils to nominate one, the Pretoria Joint Council of Non-European Trade Unions to nominate two, and CNETU to nominate another two. Thus, the conference became a much larger and 'blacker' affair.[73] It reflected the growth of trade unionism among Africans, which, by 1943, had spread well beyond the Southern Transvaal.

In the course of 1943, African unions and the left, inspired by the CPSA, organised two kinds of events in support of the campaign for IC Act recognition. The first were general mobilising activities, aimed at demonstrating that African workers backed the demand for recognition under the IC Act. According to reports in the *Guardian*: 800 Africans marched through the centre of Pretoria, Port Elizabeth CNETU held a mass rally attended by over 2,500 people, 1,200 workers went to a mass meeting called by the Durban Communist Party, and 2,000 attended a CNETU rally in Johannesburg. Today, these protests may seem rather small, but the Port Elizabeth gathering was said to be the largest political meeting in the City's history.[74]

Secondly, in October, two conferences, one in Johannesburg and one in Durban, backed well written memoranda spelling out their arguments.[75] They were especially concerned to deal with the issue which Madeley had raised in parliament: the practical implications of recognition for the industrial councils. The

Durban memorandum stated: 'We regard this as a question for the Trade Unions to solve on their own, to the mutual satisfaction of European and African workers, without any official interference'. According to the Johannesburg document, the African unions supported the principle of, to quote a COSATU slogan, 'one industry one union', and by extension, to quote the document, 'complete unity between African and European workers'. However, if negotiations between an existing registered union and an African union were unsatisfactory, the African union should still be registered. Industrial Council representation would then be a 'matter for agreement between it and the European Unions on the one hand and the employers on the other'. If necessary, continued the Johannesburg submission, provision could be made for 'a separate Industrial Council to be established on which the employers and the African workers will sit'.

And so, to the conference. Overwhelmingly, the delegates spoke the language of democracy. They spoke with different accents, but the message was the same.[76] Every black person that spoke, and most of the whites, argued in favour of IC Act recognition. C. K. Sakwe of the NRC said that he came from a rural area, from the Transkei, and there, he said, 'the demand for such recognition is fully supported'. Prof. Matthews argued that there had been a 'vast change' since the Act was first passed, and warned that there was no chance of industrial peace if Africans were excluded from the Act.

There were, however, three dissenters: the white delegates from the SATLC. The General Secretary, Willie De Vries, told the conference that the SATLC backed the request to amend the definition of 'employer', but, he added: 'it was doubtful whether natives were sufficiently developed to take a full share of responsibility in the administration of Industrial Councils and agreements'. The SATLC President, A. J. Downes, who, like De Vries, had once worked with Walker in the Government Printing Works,[77] added that:

> Although the Trades and Labour Council has on several occasions passed resolutions for the removal of the restrictions imposed by the Act he did not think that the implications were appreciated ... Whether it is accepted or not there is a race and colour prejudice in this country. ... The European Trade Union movement agrees that the African workers should have the right to organise and express their views, but this should be done through European representatives if there is likely to be any difficulty as a result of direct representation.

Makabeni protested that the argument about 'insufficient development' was 'without foundation'. 'Africans', he said, 'have proved their capability to organise workers and conduct trade unions', and he added that, 'European trade union leaders have not organised employees under similar circumstances'. Lucas

Philips, one of the delegates whose level of development had been called into question, commented, tongue in cheek: 'it is curious to learn from the Council's delegates that the implications ... were not appreciated'. He added that, 'the African representatives ask for an amendment with a full understanding of all the implications'. Then, he dealt with the possibility, which Smit had raised in the meeting, of whites being 'ousted from industrial councils':

> There are unions in the Cape which consist predominantly of Africans but they serve under Europeans and there has been no complaint of unfair domination. There are also unions consisting chiefly of Coloureds but with Africans as secretaries and here also there has been no complaint ... The Brick and Tile Workers' Union consists mainly of Africans, with some coloureds and only a few Europeans. The question arises whether the few Europeans could form their own union and influence the employers. In his opinion the answer is negative. The Africans have acted on behalf of the Europeans in connection with representations to the Wage Board. There exists no racial division.
>
> The Europeans and Africans are all *workers*. They have a common struggle against the employers who are not concerned with race distinctions but are influenced by cheap labour.

No matter how well the majority expressed themselves, they could not alter the speeches made by the SATLC leadership. Forty-nine years later, Ray Alexander, who was a delegate from CFL, recalled how 'disgusted' she felt. She said that in the course of the conference she went up to one of the SATLC delegates and said: 'You are traitors. You are traitors not only to the present generation, but to future generations of workers.'[78] But, was the intervention of the 'gang of three' the 'decisive' blow against the campaign for IC Act recognition, as suggested by Simons and Simons?[77]

In a DL memorandum, drawn up after the conference, there was no mention of the position adopted by the SATLC delegates. Rather, it was stated that: 'It was made very clear during discussions that the natives, supported by the majority of the trade union representatives, would be satisfied with nothing less than the complete recognition of Native trade unions under the Industrial Conciliation Act'.[80] The memorandum continued: 'The question whether this demand - and it is now generally put forward by its protagonists in the shape of a 'demand' - should be acceded to *is a matter of Government policy*'. That is, the government had, prior to Madeley's conference, already rejected the possibility of simply amending the definition of 'employee'. Thus, Madeley had allowed the delegates to proceed under a misapprehension. Perhaps he had hoped that there would be greater support for a 'half-way-house' solution; probably he was

just carrying out his promise to parliament. So, at least in immediate terms, Simons and Simons were mistaken. The archival evidence indicates that the decisive blow had occurred in the latter half of 1942.

After the conference, Madeley established a small committee to consider the form of recognition which should be extended to African trade unions. The committee consisted of Walker, Smit and the Secretary for Mines (who was opposed to any form of recognition). This committee produced a memorandum which concluded that, two years earlier statutory recognition 'might have been acceptable to the natives', but this was no longer the case. It proposed an amendment to the IC Act which would allow for the registration of African unions, but prohibit Africans from joining non-African unions. Also, in opposition to Walker, the majority argued that these provisions should not apply to the mines.[61] It was intended that these proposals should be considered by the cabinet, but this never happened. The memorandum was dated 8 January 1944, and on 6 January the cabinet decided not to introduce any legislation aimed at recognising African trade unions.[62] It is not clear how or why Madeley's preparation for a cabinet discusion was pre-empted, but it would seem that he was out-manoeuvred by the Minister of Mines. In effect, it was decided to bury the issue until after the war.

The African Unions had made it clear that they would reject minor concessions which stopped short of equality under the IC Act. At the same time, nothing had shifted the government from its determination to reinforce the division between African and non-African workers. Indeed, probably as a result of pressure from mining interests, the government had, for the time being at least, decided against any form of recognition other than the *de facto* recognition which already existed.

The SATLC and White Workers

Should the behaviour of Downes and co. be interpreted as the white working class deserting their African brothers and sisters? I think not. First, it is worth recalling that, at the conference, the CFL delegates rejected the arguments of the SATLC delegates, and the CFL subsequently backed a CPSA initiated campaign for IC Act recognition.[63] One of the CFL delegates was Raymound Budd, an office bearer in the Amalgamated Engineering Union (AEU).[64] He argued that, as far as the Cape was concerned, 'the race prejudice issue is practically a dead letter'. 'Race prejudice' was certainly more of an issue in the Transvaal, but even there many white trade unionists were willing to accept the proposal to redefine 'employee'. For example, on 29 October, nine leading white trade unionists from Pretoria signed a memorandum which contained arguments similar to those in the Johannesburg memorandum. The nine included: the Branch Secretary of the Iron Moulders Society, the Secretary of the Trades and Labour Committee, the General Secretary of the Mint Employees Union and the Branch Chair of the Tailoring Workers' Union.[65]

Thus, to the extent that the white working class had an opinion on the matter, it was divided.

The reality, however, was more complex than a simple regional or political polarisation. For example, the SATLC National Executive, dominated by the right wing, elected Koza as its fourth delegate to Madeley's conference; he was the first (and probably the last) African to represent the SATLC. A discussion at the 1941 SATLC provides a clue to the dichotomy. That year, Koza and Alexander moved a motion which called for the IC Act to be amended so that 'all non-European workers can be represented directly by members of their own unions on the various industrial councils'. This motion was rejected by the conference (28 votes to 34). Thus, the SATLC held contradictory positions: for regarding Africans as equal before the law, but against regarding them as equal before the industrial councils. In part, this reflected a contradiction between an identification with broad class interests and an identification with narrower sectional concerns.

In the course of the 1941 discussion, Downes argued: 'Given time ... the native would be given a member to represent his union directly, but for the time [being] the European had to hold the trusteeship of the native worker in industry'.[66] If anybody in South Africa could be described as a 'labour aristocrat' it was Downes, the representative of the Typographical Union (SATU). His argument not only reflected the immediate interests of his members, it also reflected the immediate reality of their industry, where there was a huge cultural gap between the highly skilled artisans, who were nearly all white, and the labourers, who were mostly African. This was appreciated by Koza when, at Madeley's conference, he argued that: 'The real difficulty is that most [registered] unions are craft unions which are hostile towards the unskilled and semi-skilled groups which include Europeans'. He added, 'The objection is, therefore, not directed against employees of a certain race but a certain class of worker'.

There was also evidence of racism among less skilled whites, and where it occurred, as amongst the Garment Workers, it was usually more virulent in character than the paternalism of Downes. However, among the less skilled there were also common interests between black and white workers, and sometimes common action. The best examples involved white women workers, where the skill/'race' divide was generally less marked. For example, at the end of 1943, there was a national shop workers' strike which, at least in Johannesburg, united members of the National Union of Distributive Workers (NUDW) and members of the ACDWU. Significantly, the one registered union which, in this period, sent a pro-recognition resolution to Madeley, was the Johannesburg branch of the NUDW.[67]

At the 1944 SATLC Conference Koza moved a motion which called for 'the deletion of the restrictive provisions of the definition "employee"'. The resolution was lost on a card vote

(17,198 to 14,859). The card vote was recorded, and it makes interesting reading. The organisations voting with Koza amounted to 44 industrial unions (mostly small, but including the Garment Workers' and the NUDW) and only three artisan/supervisory/clerical unions (including the Building Workers'). Among the bodies voting against the resolution were eleven artisan/supervisory/clerical unions, including the three largest unions (the Mine Workers', the AEU and the Municipal Employees), but only seven industrial unions (all small).[88] Skill was not the only factor at work - the politics of the leadership was another - but skill-level was certainly important in shaping workers' attitudes.

One way of handling the contradiction between class interests and sectional concerns, between what you think you ought to do and what you feel is advantageous, was to try to ignore the problem. This was probably widespread. Its not that that the white unions were racist, more that they did not care. For instance, during the six years of the war, the AEU's *Monthly Report* carried only one article about racism or Africans.[89] However, these issues could not be ignored for ever. The July 1944 edition contained a complaint from Budd, who was a delegate to the SATLC Conference, that the AEU delegation had voted contrary to their union's constitution (which, in that it provided for an open membership, was unusual for an artisan union,).[90] Significantly, the AEU had voted with Koza in 1941, but against him in 1944.[91]

Jon Lewis has demonstrated that the shift in racial thinking within 'white' unions, which occurred during the war years, was related to changes in the labour process, and, in particular, to the development of mechanisation in engineering.[92] With the increased proportion of Africans in industry, and, in particular, with some Africans beginning to be employed in semi-skilled positions, there was a growing unease among many of the whites. It was one thing to agree to equality under he IC Act when Africans were the minority and disorganised; it was altogether different if Africans were the majority and well organised. Most white workers, certainly the artisans, were, in relation to most African workers, well off. They were caught between, on the one hand, wanting to look-after the 'under-privileged', and on the other hand, feeling threatened by them. This attitude was not dissimilar to the paternalism of Smuts (who was, however, much closer to the Chamber, and sometimes hostile to the artisans). The conclusion seems to have been: help the Africans when they are weak (but not too much), back-off when they start organising. There was, as Basner had noted, a shift in attitudes sometime around 1942.

One further point should be made. Madeley was a Labour leader and a member and a member of the cabinet; he had ties to the right-wing of the SATLC, most of whom were Labour Party members, and he had ties to Smuts. Who better than Madeley to convince the SATLC of the need for a new approach. He not only knew what to justify, but, given the uneasiness of many white

workers, how to justify it. In February 1944, the caucus of Labour MPs and Senators voted not to support the CFL's campaign for IC Act recognition (which had been Labour Party policy), and they thereby firmed-up the shift in attitude within the dominant right-wing of the white labour movement.[93]

Although the shift in attitude among white workers was not the cause of the change in government policy, it made it easier to sustain that change. Moreover the behaviour of the 'gang of three', which underlined that shift, probably damaged the morale of those African trade unionists who had been campaigning to change the law. Thus, although, in the short term, the actions of the SATLC leadership was not decisive, taking a longer view, it was an important factor undermining the possibility of securing equality for African workers.

Industrial Employers

The South African Federated Chamber of Industries (SAFCI) was the most representative voice of manufacturing capital, and in 1944 it claimed to be backed by approximately 89 percent of the country's secondary industry.[94] However, although some individual engineering companies were affiliated, the South African Federation of Engineering and Metallurgic Associations (SEIFSA's predecessor), along with the associations of some other industries (including building), remained outside the 'ambit of the Chambers activities'.[95] Furthermore, the SAFCI was dominated by the bigger capitalists, although domestic and foreign capital were both represented on its Executive Council.[96]

Although, from 1943, the contribution which manufacturing made to the national economy outstripped that of mining, the SAFCI was much less influential than the Chamber of Mines. Indeed, during the war years, it is probable that the government placed greater weight on the opinions of the SATLC than those of the SAFCI. For instance, the SATLC had provided an advisory committee for the Prime Minister from mid-1942, but a similar employers' advisory committee was not established until after mid-1944.[97] The greater influence of the Chamber was mainly a product of economic factors (particularly the mining industry's contribution to government and export revenue), but arose partly from the organisational weakness of the SAFCI. The SAFCI was brought into being, in 1917, through the federation of seven regional Chambers of Industries, and these Chambers, and the affiliated organisations representing particular industries, retained considerable authority.

On the issue of African union recognition, the SAFCI moved slowly and uncertainly. During 1939, the General Secretary informed the Executive Council that the government was 'instituting an inquiry into the desirability of natives forming themselves into trade unions', but the Council resolved: 'that no further action be taken unless the Chamber received a direct request from the Government for an expression of opinion'.[98] In 1942, the Transvaal Chamber of Industries (TCI) made a submission

to the Smit Committee, but the SAFCI limited itself to asking its constituent organisations for their opinions; the only one that responded was the Natal Chamber (NCI), which supported the TCI.[99]

The TCI's submission to the Smit Committee was, however, of some interest. According to Dave Lewis, they argued that the growth of unions among Africans was 'inevitable', and that, 'it would be unjust to refuse recognition to workers of one race when those of all other races have been statutorily recognised'.[100] However, the Executive Council of the TCI added that: 'this chamber is in favour of the establishment of native trade unions provided that they, and more particularly their secretariat, are under the guidance and control of the Native Affairs Department'.[101] That is, the TCI's position was far from progressive: they desired a form of recognition which had already been firmly rejected by black organisations, established trade unions, and the DL and DNA. This is rather different from the impression provided by Lewis.

The 1942 unrest left its mark on the SAFCI. In January 1943, its Executive Council debated 'Labour Disputes and Agitators'. Mr. A. G. Tainton, of Pretoria Portland Cement, argued that: 'industrialists were up against a national crisis as concerned the labour question ...'. Mr. A. H. Burmeister, of the Soap and Candle Manufacturers' Association, said that: 'This question of labour was one that had developed seriously within the past three or four months.'[102] At this meeting the NCI, proposed the creation of an 'Employers' Confederation' separate from the SAFCI. They wanted a new national organisation (with local sections) which, because it would be purely concerned with labour questions, could secure a broader base of members. They further proposed that: 'All labour disputes would be referred to this body and there would be no piece-meal settlement with individual firms'. They also recommended summary action against labour agitators.[103] Natal's proposal for an 'Employers' Confederation' was rejected by the SAFCI, but, on 1 April 1943, the NCI went ahead and established the desired body, calling it the Industrial Employers' Association (Natal Section) (IEA).[104]

At the end of 1943, the SAFCI's Executive Council agreed that: 'if possible, propaganda be made for the acceptance by the Government of the recommendation of the Interdepartmental [Smit] Committee'.[105] Meanwhile, the IEA was developing its own policy. Like the SAFCI, the IEA represented the bigger capitalists, both domestic and foreign; indeed, some companies that were represented on the SAFCI's Executive Council were also represented on the IEA's much smaller General Council.[106] It is not surprising, therefore, that the IEA adopted a position similar to that of the SAFCI. In November 1943, the IEA informed the Secretary for Native Affairs that they 'in no way opposed' to the recognition of African unions as recommended in the Smit Report.[107] So, neither the SAFCI nor the IEA were willing to recommend anything more than the Smit Committee's proposal for 'administrative recognition', which Smit himself had by then rejected (because it would not be accepted by Africans).[108]

However, there was a 'harder' edge to the IEA's policy, perhaps reflecting the different experiences of industrialists in Natal. Thus Windsor added: 'the appointment of Officials of such Unions should be subject to the approval of some Government Authority, with a view to the exclusion of persons of the labour agitator class'. However, in February 1945, following a meeting with the Durban Local Committee of the SATLC and others (including a representative of the DL), the IEA modified its position slightly. They now envisaged some change in the law. They proposed: 'that a board of Authority be set up by the Government to supervise and guide the activities of all African Trade Unions and to approve all applications by such Unions for recognition and/or registration'. However, they also argued: 'once recognition and/or registration of a union has been granted ... it shall be the duty of every Industrial Council, Employers' Organisation or Association and every employer in the Trade or Industry concerned to recognise and negotiate wit such union'.[109]

The new resolution was forwarded to the government with the support of the IEA, the NCI and the Natal Chamber of Commerce, but, in April 1945, the SAFCI, at its half-yearly meeting, agreed to give its backing to the policy.[110] For the first time, manufacturing capital was fully united in its response to the recognition question. They desired the registration of African trade unions, but under strict controls, and certainly not on the basis of equality with other trade unions.

Subsequently the SAFCI appointed a high-powered committee on industrial legislation. The majority, including former Wage Board Chairman, Frank McGregor, recommended full recognition under the Act, but the IEA's General Secretary, W. H. Windsor, submitted a minority report. The difference between them is instructive. The majority saw their proposal as the only practical form of recognition, since they doubted whether any other would be acceptable to the 'Natives'. Windsor rejected this on the grounds that: 'Industries in Natal are in a very similar position to the Mines as the greater part of the Native Labour employed is comprised of Tribal Natives from the Reserves'.[111] There may have been other reasons for not backing the majority position. Thus, at a 1945 SAFCI Executive Council, Louis Marks (TCI) mentioned the concerns of the mining industry, and Mr. Begley (NCI) added that 'secondary industry could not afford to antagonise' the mining industry.[112] The SAFCI 1946 Convention refused to make a decision on the report, and McGregor resigned from the committee 'due to pressure of work'.[113] It is not clear what happened next, but, by 1951, 'the call from industry for recognition had become less urgent, and concentrated on the need for regulatory machinery'.[114]

'These Things are Insoluble'

Early in 1945, Smuts, referring 'to our Native problem', told a small lunch party: 'these things are insoluble'. Recognition of African unions was probably the Government's most pressing

'Native problem', it was certainly their most difficult, and it did indeed prove to be 'insoluble'.[115]

In the course of 1945, the DL began to draft legislation which eventually acquired the title Industrial Conciliation (Native) Bill. The main features of this bill were five fold. First, a ban on Africans being members of any unions other than those registered under the proposed Act. Secondly, strict criteria to be applied before an African union could be recognised. Thirdly, disputes to be resolved by a 'Central Mediation Board', which would have the power to enforce its decisions; this board would consist of a chairman appointed by the Governor-General, a parliamentary representative of Africans, and one person appointed by each of the Ministers of Labour, Native Affairs and Commerce. Fourthly, a ban on strikes. Fifthly, African mine workers were excluded from the provisions.[116]

The guiding principle of the Bill was that there should be separate legislation for African and non-African workers. It was Smuts who insisted that this should be the case, and later, in 1947, he told Parliament that African unions should be recognised 'on a basis of apartheid so that unnecessary difficulties will not arise'.[117] This was an attempt to appease potential opposition from the Chamber of Mines, the South African Agricultural Union and the Nationalists. However, these powerful forces continued to stand by their position of opposing any recognition of African union.[118]

In October 1945, before the Bill had been completed, Ivan Walker let it be known that the Government was intending to introduce legislation which would not provide Africans with equal rights under the IC Act. This brought forth a barrage of protests from African unions and their usual supporters.[119] The SATLC was, in some measure, divided. Downes informed the government's Advisory Council of Labour that: 'inclusion of Natives in [the] present [IC] Act would create uproar in the unions'.[120] However, on behalf of the SATLC, De Vries wrote: 'We contend *all* workers, irrespective of sex, race or colour should be governed by the same legislation and the activities of all workers' organisations should be the concern of only one State Department, viz Department of Labour.'[121] However, the SATLC united in opposing the Bill, partly because it prevented the registered unions from recruiting Africans (some of the older unions, such as SATU, had been persuaded of the value of organising parallel unions for Africans).[122]

The Government, having failed to secure 'sufficient consensus' for the Bill, announced that they would not be proceeding with it in the 1946 session. Although, it was subsequently published, later, following the 1948 election, it was withdrawn by the Nationalists, who then appointed an Industrial Legislation Commission of Inquiry (the Botha Commission). The new government eventually passed the Native

Labour Act of 1953, but until then War Measure 145 remained in force.

Conclusion

Merle Lipton has presented the following contrast between the attitudes of white labour and white business:

> Only the Cape Federation supported the 1943 proposal to recognise African unions (as the FCI and Assocom urged). The TLC argued that Africans had 'not yet reached a stage of mental and cultural development in which they can be entrusted with the rights and duties involved in recognition of their unions'. The 1951 Industrial Legislation Commission gave a more candid explanation, acknowledging that many African unions were well run and that many Africans were able and ambitious and, if allowed to secure parity of bargaining power, 'could not be restricted indefinitely to unskilled or even semi-skilled work, but would get an increasing hold on skilled occupations' - one of the reasons why *there was more support for African unions from white capital than from white labour.*[123]

Without doubt, Lipton is wrong. In 1943, the SATLC supported full IC Act recognition, as demanded by the African unions. By contrast, the SAFCI supported nothing more than the 'administrative recognition' that Smit appreciated was unacceptable to those unions. It is absurd to suggest that 'there was more support for African unions from white capital than from white labour'. The representatives of industrial capital considered that African trade unions were inevitable, but that they should be more adequately controlled by whites. The most powerful section of 'white capital', mining capital, was totally opposed to African unions. Whilst I have no desire to condone the SATLC, the position of white workers was more complex than Lipton suggests, and even the Industrial Legislation Commission noted that: 'some witnesses, who represented the orthodox trade-union view, stressed that all workers should have the right to be regarded as employees to ensure the solidarity of the working class'. When African workers went on strike they were generally supported by white labour, but they were always opposed by 'white capital'.[124]

The two main protagonists - both of which adopted a more or less consistent line throughout the period - were black labour (supported by the ANC and NRC) and mining capital. Neither white labour nor industrial capital were homogeneous; both were subject to contradictory pressures. However, white labour tended to identify more closely with black labour than with mining capital, whilst, for industrial capital, the reverse was true. This was reflected in use of language. The SATLC generally used the term 'Africans', a practice which was deplored by the SAFCI, who

insisted on 'Natives';[125] the SATLC usually spoke of 'recognition', whilst the SAFCI was concerned with 'control'.

The Government's main aim was to limit the militancy of the African unions. In mid-1942 they decided that in order to achieve this, they would have to recognise African unions under the IC Act. However, they were unwilling to introduce this change at a highpoint of militancy. Rather, as a result of the unrest and the increasing unity between Africans and non-Africans, the government decided to reinforce existing racial divisions among workers. Under pressure from mining capital, and without strong pressure from white labour, they searched for some means of exercising 'control' without acceding to equality, but, lacking significant support from the African unions, this was futile.

The refusal to grant recognition at a highpoint of militancy had similarities with the pattern of events in the 1920s and the 1970s. The original IC Act was introduced after the *defeat* of 1922; the extension of the Act to include Africans did not occur at the peak of militancy, in 1973, or even in 1974, but in 1979, when the level of strike action was very much lower.[126] In 1924 and in 1979, recognition was agreed as a result of class struggle and in order, in the long term, to reduce that struggle, but it was not conceded at a peak point in the struggle. Whilst there are similarities between 1924 and 1979 the circumstances were not the same, and nor was the outcome. In particular, 1979 was not followed by decades of quiescence. This was probably related to the inability of capitalism to concede significant material improvements to black workers and to its failure, at least initially, to concede equal political rights. Indeed, whilst the post-Wiehahn industrial legislation might be in the long term interests of capitalism, in the shorter term, it provided workers with greater opportunities for legal organisation, and those opportunities were grasped to secure political as well as economic improvements. It is possible, although there is no evidence for this, that one reason why Smuts was unwilling to concede IC Act equality is that it would have had inevitable further consequences: if there was industrial equality, why not political equality too?

It is not difficult to explain why Smuts should concede recognition to non-Africans in 1924 but refuse it to Africans in 1942. On both occasions, he appreciated the benefits of reinforcing racial divisions. But why was recognition conceded to African trade unions in the 1970s but not in the 1940s? Some answers could be suggested as possibilities. First, the level of strike action in 1973 was rather higher than in 1942. I recently interviewed Jaap Cilliers, who was an industrial inspector in the war years and the Director General of Manpower at the time of the Wiehahn Commission, and I asked why the Government introduced recognition in the late-70's and not in the mid-40's. He answered: 'International pressure and the militancy of the black movement'.[127] Thus, once the level of struggle had peaked, there might have been a greater underlying pressure in the 1970s. One

should add, however, that the level of trade union membership among Africans was almost certainly higher in the mid-1940s than it was in the mid-1970s.[126] Perhaps more significantly, by the mid-'70s, mining capital was divided on the issue of recognition, with Anglo-American and JCI calling for trade union rights for Africans.[127]

In all the main events of this recognition drama, Smuts played a prominent part. Although he was a powerful figure, he was incapable of reconciling the conflict between the immediate interests of mining capital and the desire for long term stability. It is only possible to understand the recognition question if we situate the state within the context of class conflict; only if we do this accurately, can we glimpse a solution.

Notes

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1. Duncan, D., '"The Mills of God": State Bureaucracy and African Labour in South Africa, 1918-1948' (PhD thesis, Queen's University, Kingston, 1990), pp 348-70.
2. Lewis, D., 'The South African State and African Trade Unions: 1947-53', *Africa Perspective 18* (1981).
3. Bureau of Census and Statistics, *Union Statistics for Fifty Years, 1910-1960* (Pretoria, 1960), G-4, G-7, G-2.
4. T. Freestone to Chief Clerk 'C', n.d. enclosed with letter dated 21/10/1937), ARB 1103 pt 3.
5. Hirson, B., *Yours for the Union* (Zed, London, 1989), p 44.
6. DL, 'Minutes of a Conference of Divisional Inspectors held ... on 14 to 16 November, 1938', ARB A181 pt 2.
7. T. Freestone to Chief Clerk 'C', n.d. (enclosed with letter dated 21/10/1937), ARB 1103 pt 3.
8. My emphasis. DL, 'Recognition of Native Workers' Organisations', n.d. (1938?), NTS 35/362/1 pt 1.
9. Chief Clerk 'C' to Secretary for Labour (hereafter SL), 23/08/1939, Industrial Manpower Papers. The Industrial Manpower Papers, which are held in the UCT Library are marked 'provenence unknown'. In my view, it is likely that these papers were collected by the historians responsible for the official civil history of the war (unpublished). Gordon's relationship with the DL was not nearly so amicable as it is sometimes portrayed, and Buchanan's complaints may have been partly responsible for Gordon's detention in June 1940; various documents in ARB C1058 including F. L. A. Buchanan to SL, confidential, 22/12/1939.
10. Walker to Smit, 21/06/38, NTS 35/362/1 pt 1.
11. DS[mit], 'Note of Interview with Mr. Martin re. Native Trade Unions', Cape Town, 05/08/38, NTS 35/362/1 pt 1.
12. *Daily News*, 10/10/1938 (SACOB archives). The SACOB archives are unsorted papers held at that organisations main office.

13. DL, 'Minutes of a Conference of Divisional Inspectors held ... on 14 to 16 November, 1938', ARB A181 pt 2.
14. DL, *Annual Report, 1939* (UG 36-1940), pp 34, 44.
15. 'Memorandum submitted by the Joint Committee of African Trade Unions, to the Committee of Inquiry on the Economic, Social, Health and Educational Conditions of Natives', October 1941, ABX 411031b.
16. Smit to Minister of Native Affairs, 02/11/1939, NTS 35/362/1 pt 1.
17. SATLC, 'Minutes of the Ninth Annual Conference, 10 to 14 April, 1939', TUCSA Da1.9.
18. DNA, 'Minutes of Meeting Held to Discuss Recognition of Native Workers', 09/08/1939, and 'Minutes of Meeting Held to Discuss Recognition of Native Workers', 17/08/1939, NTS 35/362/1 pt 1. Dunbar Moodie is mistaken when he asserts: 'there were no black unionists involved in the negotiations at this stage'; Moodie, T. D., 'The South African State and Industrial Conflict in the 1940s', *International Journal of Historical Studies 21:1* (1988), p 23.
19. Chief Clerk 'C' to SL, 23/08/1939, Industrial Manpower Papers. At the 1940 SATLC Conference, when Koza moved that, 'the only form of recognition which can be accepted is ... the legal right of negotiating directly with employers', he was backed by Bill Andrews, Chairman of the CPSA, but not by Makabeni; SATLC, 'Minutes of the Tenth Annual Conference, 25 to 29 March, 1940', TUCSA Da1.10. Duncan was mistaken in arguing, op cit, p 352, that: 'the organisations then in existence would have accepted the rules as a starting point ...'.
20. Amended set of rules suggested by the SL, 26/09/1939, NTS 35/362/1 pt 1.
21. Smit to SL, 06/07/1940, NTS 35/362/1 pt 1. In November 1939, Piet van der Byl was Acting Minister of Native Affairs. Smit presented him with the papers on recognition, but he was most unhappy with the idea; Note by Major van der Byl, 06/11/1939, NTS 35/362/1 pt 1.
22. A. J. Limebeer, Secretary, Transvaal Chamber of Mines to Director of Native Labour, 02/08/1939, NTS 35/362/1 pt 1.
23. Secretary for Mines to SL, 08/08/40, NTS 35/362/1 pt 1.
24. Smit to Minister of Native Affairs, 06/12/1941, NTS 35/362/1 pt 1.
25. Hirson, op cit, pp 95-97; *Guardian*, 21/05/1941; *Race Relations News*, June 1941.
26. Memorandum, 'Meeting with Secretary for Labour Regarding Native Coal Distributors Strike', 12/06/1941, ARB 1103 pt 3.
27. The official statistics, which understate the level of strike action, can only be regarded as approximations, but they give the following figures for numbers of black strikers: 1937 - 4,849, 1938 - 3,706, 1939 - 4,839, 1940 - 730, 1941 - 4,765, 1942 - 12,794. Bureau of Census and Statistics, *Union Statistics for Fifty Years*, op cit. The increased militancy was very probably a response to rising inflation; 'Official Union and Foreign Statistics', *South African Journal of Economics* (1943).
28. Gosani, Hon. Secretary, CNETU to Minister of Labour,

29/12/1941, ARB 1103 pt 3.

29. J. M. Brink to Mr. Lowe, 16/02/1942, NTS 35/362/1 pt 2.
30. Walshe, P., *The Rise of African Nationalism in South Africa: the ANC, 1912-52* (University of California, Berkeley, 1971), pp 264-8.
31. Hirson, op cit, p 88. Xuma's papers contain a number of appeals from trade unions which he appears to have ignored, and, with regard to a slightly later period, J. B. Marks, President of the African Mine Workers Union, said that Xuma 'didn't show any interest' in the 1946 strike. ABX 420530a, ABX 421020a, ABX 420911a, ABX 430920a; Hirson, ibid, p 187.
32. Xuma to Gosani, 17/03/1942, ABX 420217a. For Gosani's contribution to the discussion see Simons, J. and Simons, R., *Class and Colour in South Africa, 1850-1950* (IDAF, London, 1983), p 555.
33. Xuma to Madeley, 11/07/1942, ABX 420711a.
34. Roth, M., 'The Natives Representative Council, 1937-51 (PhD thesis, University of the Witwatersrand, 1987), p 224.
35. Walshe, op cit, p 271.
36. Union of South Africa, *Verbatim Report of the Proceedings of the NRC (Sixth Session) Volume 2*, p 214.
37. It was the demand mentioned most frequently by Prof. Matthews when he met Smit to discuss the NRC crisis in 1946; 'Notes of Interviews with Prof. Matthews at Alice on Tuesday 22 October, 1946', Smit Papers 34/46. See also Paul Mosaka's summary of the NRC's attitude immediately prior to its adjournment; Roth, op cit, p 459.
38. Director of Native Labour to Secretary for Native Affairs (hereafter SNA), 15/08/1941, NTS 35/362/1 pt 2.
39. *Report of the Interdepartmental Committee on the Social, Health and Economic Conditions of Urban Natives* (herafter *Smit Report*) (GPS 76272-1942), p 1. Duncan, op cit, p 354, is probably wrong when he argues that, 'Lowe was clearly out of step with his immediate superior, Douglas Smit'.
40. Smuts to M. C. Gillett, 24/07/1941, Smuts Private Papers.
41. *Smit Report*, op cit, p 3.
42. Secretary for Native Affairs to Secretary for Mines, 26/01/1942, NTS 35/362/1 pt 2.
43. My emphasis. SNA to SL, 10/04/1942, NTS 35/362/1 pt 2.
44. Thus, Dave Lewis had misread the situation when he argued, op cit, p 48, that there was clearly no intention to amend the IC Act.
45. Reitz to Minister of Labour, marked 'not to be sent', n.d. (17/04/1942?), NTS 35/362/1 pt 2. Margaret Ballinger et al later wrote to Smuts reminding him of his promise, conveyed by Reitz, to 'amend the Industrial Conciliation Act next session'; Friends of Africa to Smuts, 05/01/1943, Smuts Private Papers. This promiss was not denied in the reply which followed.
46. Chief Clerk 'C' to SL, ARB 1103 pt 3; see also SATLC NEC Minutes, 12/05/42, TUCSA Da 2.12.
47. Minister of Labour's Private Secretary to Secretary, CNETU, 22/07/1942, ABX 420724.
48. Minister of Labour's Private Secretary to Secretary, Pretoria Joint Council of Non-European Trade Unions,

23/10/1942, ARB 1103 pt 3. This letter was in response to a resolution which was also sent to the Minister of Native Affairs. Smit sent the DNA's copy of the resolution to Walker, together with a note which said: 'In view of the peremptory tone of the resolution ... I have not sent any acknowledegment'. Smit was no 'softy', and this response was characteristic of the man.

49. Lewin, J., 'Recognition of African Trade Unions', *Race Relations 9:2* (1942), p 112; *Guardian*, 03/12/1942; *Rand Daily Mail*, 30/11/1942; Simons and Simons, op cit, p 556. Hirson, op cit, p 105, criticises this latter account for mistaking the date of Madeley's speech (it was made a year earlier according to Hirson); on this point, however, Simons and Simons are correct.
50. Referred to in Ballinger and Molteno to Minister of Native Affairs, telegram, 09/12/1942, Molteno Papers B4.54.
51. Lewis, op cit, p 48; Lewis, J., *Industrialisation and Trade Union Organisation in South Africa, 1924-55* (CUP, Cambridge, 1984), p 160. This was Madeley's justification for the War Measure; *Senate Debates*, 18/03/1943, columns 616-7.
52. Margaret Ballinger and Molteno to Reitz, 22/12/1942, NTS 35/362/1 pt 2; Smuts to Madeley, 24/12/1942, Smuts Private Papers; SATLC, *Report of the Thirteenth Annual Conference held on 27 to 30 April, 1943*, pp 84-85, TUCSA Da 1.13; Guardian, 31/12/1942 . Simons and Simons are wrong when they assert, op cit, p 557, that the SATLC 'withheld its protest in the interests of national unity'.
53. Smit to Under Secretary, DNA, 17/04/1942, NTS 35/362/1 pt 2.
54. Limebeer to SNA, 24/02/1942, NTS 35/362/1 pt 2.
54a. Walshe, op cit, pp 270, 279, suggests, without citing any evidence, that the Northfield dispute was particularly important in shifting government opinion. My impression is that they were particularly disturbed by the meat and dairy workers' strikes; Smit to Sen. Brookes, 23/12/1942, ARB 1183/12; DL, 'Recognition of Native Trade Unions, n.d. (before 19/09/1945), ARB 1060/23 pt 1. Probably they were effected, to some degree, by all these major disputes.
55. *South African Outlook*, 01/02/1943.
56. *Senate Debates*, 18/03/1943, column 617.
57. Unsigned (probably Smit), 'Native Trade Unions', 26/01/1943, NTS 35/362/1 pt 2.
58. *Senate Debates*, 18/03/1943, column 641.
59. *The Cape Argus*, 01/03/1942.
60. *The Star*, 19/12/1942 (letters page).
61. Moodie, op cit, pp 56-61.
62. Transvaal Chamber of Mines to Minister of Native Affairs, 18/10/1943, NTS 35/262/1 pt 3.
63. Walshe, op cit, p 310.
64. There may have been some heightened awareness but it should not be exaggerated: between 1 and 19 December, *The Star* only carried two letters complaing about 'native strikes'.
65. Hirson, op cit, p 96; Roux, E., *Time Longer than Rope* (University of Wisconsin Press, Madison, 1964), p 331.
66. Smuts' correspondence to M. C. and A. Gillett, 17/01/1942 to 27/02/1943, Smuts Private Papers.

67. E. Bruyns, *The Star*, 17/12/1942. He claimed that this was 'an old native saying'.
68. Correspondence between SAIRR and Walker, April 1943, ARB 1042 pt 4.
69. *Senate Debates*, 18/03/1943, column 617.
70. Ibid, column 616.
71. *House of Assembly Debates*, 31/03/1943, column 4496.
72. Acting Divisional Inspector, Johannesburg to SL, 'Control of Native Trade Unions', 08/04/1943, ARB 1103 pt 3.
73. Various documents, 15/09/1942 to 21/10/1942, ARB 1103 pt 3.
74. *Guardian*, 22/04/1943, 13/04/1943, 28/10/1943, 14/10/1943.
75. CNETU, 'Memorandum on the Result of the Conference on Recognition of African Trade Unions' (Held on October 10 1943)', ABX 431010; Representatives of 19 trade unions, 'Memorandum on the Recognition of African Trade Unions ...', adopted by a conference held in Durban on 23/10/1943, ARB 1103 pt 3. These memoranda reflected the line of the CPSA; CPSA, Johannesburg District Committee, 'Memorandum on Recognition of African Trade Unions', 05/10/1943, Molteno Papers B4.62.
76. All the quotations which follow are from DL, 'Recognition of Native Trade Unions, Conference Held in Pretoria on 27 October 1943', ARB 1103 pt 3. It would appear that, with two exceptions, the discourse was conducted in English. The exceptions were the contributions from Naboth Mokgatle, a Pretoria delegate and Lucas Philips, who were both members of the Communist Party. Ray Alexander informed me, in an interview in Cape Town on 17/06/1992, that these two had spoken in the vernacular as a result of a tactical decision. They had wanted at least one contribution in Xhosa, in order that their arguments would be understood by Sakwe from the Transkei, although as it turned out this was unnecessary. Apparently Mokgatle and Philips both spoke English very well, and Mokgatle later wrote his autobiography in the language.
77. The third white SATLC delegate was Thomas Rutherford. He was an official of SATU, and like Downes and De Vries he had been employed at the Government Printing Works, albeit after Walker had left. Walker, I. L. and Weinbren, B., *2000 Casualties* (SATUC, Johannesburg, 1961), pp 314, 309.
78. Ray Alexander, interview, Cape Town, 17/06/1992.
79. Simons and Simons, op cit, p 559.
80. DL, 'Memorandum re Receognition of Native Trade Unions', n.d. (after 27/10/1943, before 06/01/1944), ARB 1103 pt 3.
81. Walker, Muller and Smit to Minister of Labour, 'Recognition of Native Trade Unions', 08/01/1944, ARB 1103 pt 3.
82. IW[alker], note, 24/01/1944, ARB 1103 pt 3; Smit to Mears, note, 24/11/1943, NTS 35/362/1 pt 3; Piet van der Byl to SNA, note, 06/01/1944, NTS 35/362/1 pt 3;
83. CFL, *Official Organ*, 7:2 (May 1943), p 3 (Molteno Papers); CFL to Sen. Brookes, 24/02/1944, Molteno Papers C3.59; CPSA, 'Recognition of African Trade Unions', Cape Town, 18/11/1943, Molteno Papers B4.71.
84. CFL to SL, 02/10/1943, ARB 1103 pt 3.
85. Pretoria Joint Council of Non-European Trade Unions to

Minister of Labour, 29/10/1943, ARB 1103 pt 3.

86. SATLC, *Report of ... the Eleventh Annual Conference'*, op cit, pp 82-85. The Guardian's potted history of the SATLC's attitude to African union recognition presents a false impression of this conference; *Guardian*, 21/10/1943.
87. NUDW to Minister for Labour, 12/12/1943, ARB 1103 pt 3.
88. SATLC, *Report of Fourteenth Annual Conference, 10 to 14 April 1944*, pp 45-47. For definitions of industrial, artisan etc. see Lewis, J., op cit. Rather curiously SATU refused to vote.
89. *AEU Monthly Report*, February 1943, p 130.
90. *AEU Monthly Report*, July 1944, p 119. On the AEU's position see Lewis, J., op cit, p 109.
91. *AEU Monthly Report*, July 1941, p 8.
92. Lewis, J., op cit.
93. *Guardian*, 17/02/1944.
94. SAFCI, Executive Council Minutes, 25/01/1944, Minutes 1944, SACOB archive.
95. Unsigned, 'Memorandum on the Suggested Re-Organisation of Chambers of Industry in South Africa', 31/08/1942, Minutes 1942, SACOB archive.
96. In 1943-44 the Executive Council included officials from the following companies: General Motors, Cape Portland Cement, Haggie and Son, Firestone, Lewis Berger, Bakers Ltd., AECI, S. A. Slippers, Lever Bros., and Premier Milling; SAFCI, 'List of Principals and Alternatives on the Executive Council, 1943-44', Minutes 1944, SACOB archive.
97. SATLC, NEC Minutes, 14/07/1942, TUCSA Da2.12; SAFCI, Executive Council Minutes, 22/07/1944, 1944 Minutes, SACOB archive.
98. SAFCI, Executive Council Minutes, 25/08/1939, 1939 Minutes, SACOB archive.
99. SAFCI, Executive Council Minutes, 25/03/1942, 1942 Minutes, SACOB archive; NCI to SAFCI, 13/05/1942, 1942 Minutes, SACOB archive.
100. Lewis, D., op cit, p 49. Lewis cites the TCI's 1943 Annual Report (which I have not seen).
101. Letter from TCI, quoted in SAFCI, Executive Council Minutes, 1942 Minutes, 25/03/1942. SACOB archive.
102. SAFCI, Executive Council Minutes, 26/01/1943, 1943 Minutes, SACOB archives.
103. Deacon, NCI to SAFCI, n.d. (c. 13/01/1943), 1943 Minutes, SACOB archive. This letter was made available to members of the SAFCI Exceutive Council for their meeting of 26/01/1943.
104. IEA, First Annual Report of the General Council, 1943-44 (NTS 35/362/1 pt 3).
105. Burger, 'Native Trade Unions', 27/11/1943, 1943 Minutes, SACOB archive. SAFCI, Executive Council Minutes, 07/12/1943, 1943 Minutes, SACOB archive.
106. Their General Council included officials from: AECI, Coedmore Quarries, Lever Bros., Bakers Ltd., S. A. Slippers, Lewis Berger, Natal Sugar Millers Association, Durban Stevedores Association, and Dunlop; IEA, First Annual Report of the General Council, 1943-44 (NTS 35/362/1 pt 3).
107. Windsor to Secretary fo Native Labour, 24/11/1943, ARB 1103

pt 3.

108. It is not clear whether the views of the SAFCI and/or the IEA had any impact on the cabinet's decision not to proceed with a change in the law.
109. IEA, 'Minutes of a Meeting of Representatives ... on 30 January 1945 ...', ARB 1103 pt 3.
110. SAFCI to Minister of Native Affairs, 23/04/1945; NTS 35/362/1 pt 3.
111. SAFCI, 'Report of the Ad Hoc Committee on Industrial Legislation, Part Three', 05/10/1946, Molteno Papers B7.34.
112. SAFCI, Executive Council Minutes, 26/06/1945, Minutes 1945, SACOB archive.
113. SAFCI, Minutes of the Annual Convention, 1946, Minutes 1946, SACOB archive; SAFCI, Executive Council Minutes, 26/11/1946, Minutes 1946, SACOB archive.
114. Lewis, J., op cit, p 126.
115. Smit, diary entry, 03/03/1945, Smit Papers.
116. Native (Industrial) Bill, ARB 1060/23 pt 1; Hirson, op cit, p 179; Lewis, D., op cit, p 51-52.
117. Chief Clerk 'C' to SL, 11/12/1945, ARB 1060/23; Simons and Simons, op cit, p 560.
118. New Era, 24/05/1945 (NTS 35/362/1 pt 3); *Report of Industrial Legislation Commission of Enquiry* (hereafter *Botha Commission*) (UG 62-1951), p 214.
119. Various documents, ARB 1060/23 pt 1. With a few exceptions, the African unions continued to oppose the Bill; Hirson, op cit, p 191.
120. Unsigned, notes on meeting of Advisory Council of Labour, 28/02/1946 (?), ARB 1060/23 pt 1.
121. Original emphasis. De Vries to Minister of Labour's Private Secretary, 05/01/1946, ARB 1060/23 pt 1.
122. Lewis, J., op cit, p167; Lewis, D., op cit, p 51.
123. My emphasis. Lipton, M., *Capitalism and Apartheid* (Wildwood House, Aldershot, 1986), p 194.
124. *Botha Commission*, op cit, p 212. Lipton has misread Simons and Simons, p 558, who she cites as the source of the TLC's quoted position. Simons and Simons say that the statement was made by one individual, De Vries, and that he was speaking against the policy of the TLC.
125. SAFCI, 1946 Annual Convention Resolutions, Cape Chamber of Industries Papers.
126. According to official statistics, in 1973 there were 370 strikes, 98,378 strikers, and 246,071 'days lost', but for 1979 the figures were 101, 23,064 and 70,542; Central Statistical Service, *South African Statistics*.
127. E. A. Cilliers, interview, Port Elizabeth, 04/03/1992.
128. Even if one is highly sceptical about the oft quoted figure of 158,000 members of black unions in 1945, the level of membership was almost certainly higher than the 100,000 members of African unions in 1977; Lipton, ibid, p 341.
129. Lipton, ibid, p 132.