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1989-07-31
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A F R I C A N S T U D I E S I N S T I T U T E

African Studies Seminar Paper
to be presented at Seminar in RW 319 at
4.00 p.m. on Monday 31 July 1989

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STATE BUREAUCRACY AND BLACK LABOUR IN SOUTH AFRICA: THE MILLING WORKERS' STRIKE OF 1944

by David Duncan

No. 257

State Bureaucracy and Black Labour in South Africa: the Milling Workers' Strike of 1944.

David Duncan

i) Introduction.

In September 1944, African milling workers on the Rand, in Pretoria and in several other centres in the Transvaal, went on strike. The stoppage lasted only a few days, but it involved over 1200 hundred labourers, more than half of whom were arrested. The strike was supported by the Council for Non-European Trade Unions (CNETU), the Trades and Labour Council (TLC), the Communist Party, the Campaign for Right and Justice (CRJ), and various religious denominations.(1) It attracted the attention of politicians at the highest level, and disrupted supplies of a basic commodity to the general public. The ending of the stoppage was confused, with compromises on both sides and appeals to official arbitration. Within four months, though, the workers were receiving a few shillings more each week in their pay packets.

This study focuses on the role of the State bureaucracy before and during the milling dispute. The Department of Labour was chiefly involved in the run up to the strike and in its settlement. During the actual stoppage, the Native Affairs Department (NAD) was much to the fore, with subsidiary parts for the South African Police, the Justice Department, and the Prime Minister's office. All five had also been involved in the coal distributors' strike three months earlier, which helped to shape the tactics adopted by officials during the milling dispute.

South African historiography has neglected the State and its internal divisions and contradictions, especially in the context of its relations with labour. The main works which have broached the topic- such as Yudelman's "The Emergence of Modern South Africa", Davies's "Capital, state and white labour", and Johnstone's "Class, Race and Gold"- have tended to treat the State in an overly unified manner, seeing it either as an instrument of capital (or fractions thereof), or as possessing interests of its own which are subscribed to by all its constituent parts.(2) In particular, the position of the bureaucracy has been ignored. Little attempt has been made to plot the divisions which existed between different branches of the civil service, or to explain the role of the bureaucracy in formulating and implementing the policies of successive governments.

This is all the more remarkable given the recognition of the bureaucracy as an important factor in the literature on social theory. Max Weber regarded the development of bureaucratised state apparatus, with its pyramidal hierarchy of authority and salaried, full-time staff, as a condition for the spread of capitalism.(3) For him, the formation of a formal, codified law, and its administration by the bureaucracy, promoted the centralisation of power in the hands of a minority. In the context of South African labour history, this is certainly true of the period 1910-1948. From the Native Labour Regulation Act of 1911 to the Native Laws Commission of 1946-8, the State elaborated its powers of control

over African workers; it also created and expanded the civil service needed to implement the legislation and to stabilise and regularise the rapidly growing set of laws.(4)

More recently, the English sociologist, Anthony Giddens, has criticised Weber's pessimistic view of bureaucratic organisation. He sees a constant process of "active struggle, in which those in subordinate positions are by no means always the losers".(5) Again, aspects of Giddens' theories are evident in the course of this strike, even though the strikers had no formal rights in the political structure. Those in subordinate positions refused to be mere 'passive recipients' of bureaucratic domination, and instead, generated a minor degree of change through the collective withdrawal of labour.

Theoretical literature from the field of public administration also sheds some light on the bureaucracy's role in this dispute. The discipline originated in the USA around 1900, and was only slowly accepted in South Africa by academics and administrators.(6) By the 1930s, however, the Government, the bureaucracy and employers had all been imbued with the principles of scientific management. For the labour market, this encouraged a drive towards the more efficient 'use' of different categories of labour and their regulation by rationalised systems of control.(7) For the civil service itself, the "scientific management approach" placed a premium on highly-trained specialists, with clearly defined functions within the bureaucracy.(8) Both of these features are to be seen at work during the milling workers' strike: the stoppage was partly caused by the over-specialisation of the Labour and Native Affairs Departments; and yet the responses of officials were dictated partly by their outrage at the violation of their technical procedures for controlling labour relations.

Within the State, the bureaucracy played a crucial role in dealing with the strike. Although Cabinet Ministers carried the ultimate responsibilty for their departments, and despite the Prime Minister's personal interest, it was left up to senior civil servants to carry out the routine functions of their departments. Moreover, in the NAD, the rapid turnover of ministers and the personal contact between the Secretary for Native Affairs (SNA), Douglas Smit, and General Smuts, gave the officials extra influence in determining the State's strategy in the strike. The Minister of Labour, Walter Madeley, had even less of a guiding hand over his department's officials; decisions were taken at the Divisional Inspector level, with only the most important ones being referred to the Secretary for Labour, Ivan Walker. Rarely, in any department, was a policy finalised without the advice of senior civil servants.

ii) The coal distributors' strike.

Two months before the milling strike, the Native Commissioner for Johannesburg, JM Brink, contacted the SNA about an article in "The Guardian" on a recent labour dispute.(9) He reminded him of their recent dinner with the Minister of Native Affairs, at which Brink and the Director of Native Labour (DNL) had stressed the need for "firm action" against African strikers. "It would be disastrous", he wrote, "if the wrong impression... gained ground; but we can only counteract it by all concerned acting together firmly in connection with future strikes and not departing from any decisions when once made".(10)

The article in question referred to the coal distributors' strike of June 1944. The outcome of that dispute had an important effect on the policies of the Police and the Departments of Native Affairs, Labour and Justice during the milling workers' strike three months later.(11) A brief outline of that conflict is therefore necessary in this context.

Labour problems first hit the coal distributing business in 1941, when the strike was connected with the Council for Non-European Trade Unions' demands for official recognition. On that occasion, 370 strikers were arrested, and replacement workers taken on.(12) Wages and conditions were fixed in a Wage Board Determination which came into operation on 18 May, 1942.(13) It was this settlement which the African Commercial and Distributive Workers Union (ACDWU) desired to have altered when they wrote to coal merchants on the Reef in May 1944. At that time, labourers were paid 26s per week plus a 1s/2d dirt allowance; the union demanded a minimum L3 p.w. plus a 44 hour week, time-and-a-half for overtime, and full pay for three weeks annual leave and public holidays. Evidently, this was merely an initial bargaining position, probably intended to highlight the real needs of urban-dwelling Africans.(14) In the event, the coal merchants refused to negotiate. The strike began on 5 June before any contact had been made between the employers or the government departments and the union.

In a pattern which was to be repeated in the milling dispute, the Department of Labour failed to anticipate the stoppage. The Divisional Inspector of Labour also neglected to inform the DNL's office that the strike was underway.(15) More significantly, the Minister of Labour, Walter Madeley, only appointed an arbitrator after the dispute was shown to be a serious threat, and even then he excluded mule drivers and farriers, who were mentioned in the original demands.(16) The lack of coordination clearly irritated the DNL, who was responsible for the NAD officers who went to address the strikers.

At the local level, though, the NAD's Inspectors of Native Labour (INL) and Native Commissioners (NC), and the Department of Labour's Inspectors combined quite effectively to deal with separate groups

of labourers. In Brakpan, labourers in three coal companies struck work. Du Preez of the Department of Labour and the Benoni NC visited them together to warn them that their actions were illegal. The Labour Department official promised to investigate certain specific grievances himself, and informed them that the question of wages would have to be referred to higher authority. About eighty-seven strikers promised to return to work the same afternoon. At Boksburg and Springs, the workers told government officials that they had come out at the instigation of union representatives; the Police later took sworn statements for use in incitement charges.(17)

Only in Randfontein did the normal cooperation between the two departments break down. Here, strikers rejected the Inspector of Native Labour's plea to return to work. The INL asked the Police to arrest them, but the Police, under instructions from their Divisional Commander, refused to become involved at this stage.(18) The DNL later warned the Inspector that NAD officials should not look to the Police for large scale arrests, and should work in close contact with his office and with the Labour Department.(19)

However, at the centre of the strike in Johannesburg, the DNL himself, CP Alport, decided that a mass arrest was his only possible resort. One thousand workers struck at Newtown on 5 June, several hundred of whom gathered outside the works. A Department of Labour Inspector addressed them, warning that the stoppage was illegal under emergency wartime regulations, and that they should submit their complaints to his department for investigation.(20) The strikers were apparently unwilling to take any action in the absence of their Secretary, Daniel Koza. The Labour Department once again failed to pass on important news to the DNL, in this case that Koza was trying to get in touch with him by telephone. The official who had spoken to the strikers wanted the Police to arrest them all on the spot in strict accordance with the law. The Public Prosecutor vetoed this, and instead had the two union leaders, Abner Mtau and Daniel Koza, detained in the hope that with the 'agitators' out of the way, the rest would return quietly to work.(21)

The Police were surprised to find some seven hundred strikers on their doorstep at headquarters the next morning. They demanded the immediate release of Koza and Mtau, or their own arrest. At this point, Alport spoke to the gathering, promising to name the day when they could meet Labour Department officials concerning their grievances. He was appalled to find them adamant in their demand for Koza's release, and duly stood by while the Police arrested 722 strikers. Despite this impressive show of solidarity (the women workers appeared "disappointed" that they would not be detained too), and despite the fact that the union leaders were already in gaol, the only explanation Alport could think of was that they had been "led astray by the Union Officials".(22)

The Departments of Labour and Native Affairs had thus permitted a highly unsatisfactory situation to develop. They had been unaware of the prospects of a strike until it had actually begun, and had made no attempt to prevent it. Their subsequent efforts to bypass the union leaders and negotiate direct with the workers ended in the Magistrate's cells being burdened with hundreds of mouths to feed, and the employers being deprived of their labour force at a time of shortage. White householders, too, were upset, with much panic-buying of coal in anticipation of a long strike.(23) The bulk of the blame for this belonged to the Department of Labour. As we shall see in the milling dispute, that department's lack of sensitivity to the needs of black workers in industry tended to hamper official efforts to reach an early settlement. The Government's policy was to grant 'de facto' recognition to African unions by allowing them to make representations under the Wage and Industrial Conciliation Acts as well as the wartime arbitration machinery; but in practice, the Labour Department had little dealings with these unions.(24) Consequently, when a crisis arose, the State was unable to provide the sort of forum which might have brought about an immediate settlement between the workers and their employers.

The rest of the action in the coal distributors' strike revolved around the Wage Board and the Johannesburg Magistrate's Court. The Wage Board Chairman, JH Botha, was appointed as arbitrator, and held hearings at the end of June.(25) A police spy was sent to attend the ACDWU meeting which selected representatives for the arbitration proceedings, though in the end Koza was allowed to speak on the workers' behalf. The Chairman criticised the employers for not negotiating with the African union. He dismissed their claims that the ACDWU had been discourteous, arguing that since the Dept. of Labour dealt with black unions, the employers should do so too. Koza and Senator Basner (one of the representatives of Africans in Parliament and an attorney in the case against the strikers) toned down the union's original demands to L1.15 p.w. plus a 44 hour week; the employers held out for no increase at all, with wages remaining at 26s p.w. plus a 1s/2d dirt allowance. The final settlement was closer to the union's figure, at L1.12.6 for adult labourers, and L1.15.0 for security guards.(26)

In the judicial arena, there were, in effect, two cases- that of Koza and Mtau for incitement, and the charge against the strikers for stopping work illegally. Both charges were ultimately withdrawn. As the case against the strikers dragged on with repeated postponements, the defence lawyers protested the loss of pay for each court appearance; the coal merchants complained about the loss of labour; and the court officials grew anxious about the cost of the whole thing.(27) Charges were dropped without reason on 27 June.(28) The case against Koza was closed when he agreed to address striking milling workers in September.(29)

"The Guardian" regarded the coal distributors' strike as a clear victory for the workers. Hundreds of labourers had been prepared to go to gaol unless their union leaders were released; thirty lawyers had offered their services to defend them; and the Prosecution had accepted that it could not implement the War Measure which made strikes by pass-bearing Africans illegal. "The Guardian" hoped that the Government would not try to implement this "iniquitous law" in the future.(30)

It was this leader which prompted the Johannesburg Native Commissioner to call for greater cooperation and a less compromising stance within the bureaucracy against further African strike action. His department did indeed learn some lessons from the dispute which it applied during the milling workers' strike. The NAD made a greater attempt to keep in contact with the Transvaal African Milling Workers Union (TAMWU) and CNETU than it had with the ACDWU. The Native Affairs and Labour Departments also looked to the Police for immediate coercive action to give effect to the State's extensive powers of repression. In general, the two departments coordinated their actions and pooled information to eliminate some of the problems which arose during the coal dispute.

On the other hand, the Department of Labour remained inflexible in its dealings with African workers. Both departments placed undue trust in mass arrests, ignoring the failure of this tactic in the coal dispute. And worst of all from the point of view of the bureaucracy, they over-estimated the degree of cooperation which they could expect from employers. When the coal strike was settled, the merchants agreed to take back the workers without any victimisation. At least two employers reneged on their word when they saw the court case running on interminably; in order to serve the short term interests of their businesses, they threatened to break the settlement by discharging the former strikers and re-engaging the replacements. This conflicted with the aims of the state bureaucracy, which intended to protect the long term interests of capital, in this instance by securing a peaceful return to work through a negotiated settlement. Essentially the same problem of short term versus long term interests was to arise in the milling workers' strike, though this time in rather a different form.

iii) The run up to the milling workers' strike.

At one level, the milling industry dispute was caused by the appallingly low wages and poor conditions endured by the workers. Yet the conflict would never have erupted if the various government departments involved had been less preoccupied with internal administrative procedures, and with their own well-being and prestige in the public eye. The positions adopted by the departments within the State varied considerably, and affected the course of the strike at every stage.

The development of the State's regulation and control of black workers since 1910 had left the work divided primarily between the Native Affairs and the Labour Departments. The NAD traditionally administered all walks of African life; this was doubly so in districts proclaimed under the Native Labour Regulation Act of 1911. In these 'labour areas', the Government Native Labour Bureau (GNLB) controlled passes, recruiting, and the conditions of employment of African workers.(31) Local Native Commissioners within labour districts were responsible to the Director of Native Labour for all functions relating to labour, as were the GNLB's own local Inspectors of Native Labour.

The INL's duties sometimes overlapped with those of the Department of Labour, which was responsible for the Industrial Conciliation and Wage Acts, and whose Inspectors enforced the Factories Act (concerning conditions on the shop floor).(32) Founded in 1924, this department was concerned initially only with white workers; but as more blacks sought employment within the industrial economy in the 1930s, it became necessary to incorporate them within the forms of regulation created for whites.

Two features of its history played significant parts in the Department of Labour's handling of the milling workers' strike. The first of these was its officials' obvious preference for dealing with white workers and their representatives. The department's Ministers and some of its top civil servants, including the then Secretary for Labour, Ivan Walker, were themselves former trade unionists who had thrown in their lot with the State during the period of the Pact Government. Their attitude towards white trade unions, as shown in their relations with the National Milling Workers Industrial Union (NMWIU) in this dispute, remained paternalistic; their treatment of the nascent African unions was at best off-hand and on occasion openly hostile.(33)

The second notable feature of the Labour Department's development was the proliferation of ways in which its officers could mediate or arbitrate in labour disputes.(34) The Industrial Conciliation Act of 1924 provided for industrial councils and conciliation boards of registered unions and employers' associations. If this failed to produce harmony, a board's members could select an arbitrator to settle their differences. And if one or other of the

parties could not afford the services of an arbitrator (as happened in this case), the Minister of Labour was empowered to appoint a civil servant to do the job. Further forms of arbitration supported by increasing degrees of coercion were established under the Wage Act of 1925 (plus amendments), and War Measures 9 and 145 of 1942.(35) These laws were introduced by successive governments to deal with new situations, and were not always fully understood by the Department of Labour itself, let alone by the union organisers. This was especially clear in the milling workers' dispute, where the settlement machinery operated by the Department of Labour often created more problems than it solved.

The NAD and the Labour Department maintained a common commitment to preventing the disruption of a key industry at a time when South Africa was still heavily involved in the war in Europe. This apparent unity, which was shared by the Coalition Government and the wartime bureaucracy, was strengthened by the direct intervention of the Prime Minister himself.(36) However, it would be wrong to conclude that this was the sole or, on occasion, even the main priority for the NAD, which on some issues differed significantly from the Department of Labour.

In every sphere of its activities, the NAD was hampered by having to deal with a double 'constituency'. The Director of Native Labour and his colleagues presented themselves as the protectors of black workers in the dangerous, hostile environment of the industrial areas. At the same time, the NAD was constantly under pressure from a government elected entirely by whites to produce an obedient and inexpensive class of black labourers. This forced the department to be intensely jealous of its authoritative image in the eyes of the African population. In the course of the strike, it became more important for the NAD to avoid loss of face before the black proletariat than to put the mills back to work.(37)

The other departments which dealt with the strike were the South African Police (SAP) and the Justice Department. Representing between them the overtly coercive arm of the State, there is little evidence that either developed as coherent a view of events as did Labour and Native Affairs. In the early stages, the Police were in fact the best informed branch of the State, as they sent spies to union meetings, and compiled factual reports which were sent round without comment to the other departments.(38) At the height of the strike, it was, of course, the Police who had to do the dirty work of arresting picketers, though they appear to have done so only after receiving the go-ahead from Labour and NAD officials. In general, the SAP and the Justice Department could afford to be less concerned about the course and final outcome of the dispute, as they would not be the first to be held responsible by the Government and the white public if things went wrong.

The stoppage of work on 11 September 1944 came as a shock to

Department of Labour officials. Two years earlier, the Department of Labour had successfully arranged a Conciliation Board for the milling industry, comprising the employers and the National Milling Workers Industrial Union, the officially recognised organisation for skilled and some semi-skilled workers. The NMWIU at that point had been in a deplorable state, with inexpert, part-time leaders, and the bulk its paultry membership in arrears with their union dues.(39) The Department of Labour overcame these difficulties to establish what it regarded as an acceptable arena in which to work out an agreement.

The Conciliation Board met in April 1942. The NMWIU had a mandate from the Transvaal African Milling Workers Union to represent its members, as pass-bearing Africans were prevented under the Industrial Conciliation Act from putting their own case.(40) This placed the NMWIU in a highly ambiguous position, as one of its contentions was that the industry was unfairly using cheap black and coloured labour to the detriment of white workers. The union further showed its inability to represent all parties equally by calling for higher wages for coloureds and Asiatics in Durban, on the spurious grounds that they were more efficient than blacks.(41)

On the positive side, the NMWIU argued for a 20% increase for unskilled labourers, and a 10% raise for skilled workers. Predictably, though, the final settlement was much more favourable to those directly represented at the meeting than to Africans. Skilled labour won their 10%, with a subsequent 2.5% increase tied to each 25 point rise in the retail price index.(42) Labourers' wages were brought into line with those in Wage Determination 70, which covered the commercial and distributive industries, but this applied only in the larger milling centres. Hours of work, overtime payments and holidays were brought under the Factories Act for all workers.

The impatience shown in 1944 by African labourers in the Transvaal can in part be traced to the lack of satisfaction accorded them in this settlement. When it was first enforced, it was the African Flour Milling Workers' Union in Natal which protested most loudly, and in a manner that was to have important repercussions two years later.(43) The Natal union insisted that the agreement should never have been extended to Africans at all. It claimed that the white union had no right to speak for Africans; and warned that its members in Durban were threatening to strike against the 'scandalously' low wage of 23s per week. The Labour Department replied simply that the settlement (which was binding on blacks to prevent employers from taking on Africans to replace whites) could not be cancelled under the Industrial Conciliation Act.(44)

This agreement expired on May 24, 1944. Lulled into a false sense of security by the fact that the previous agreement had run its course without incident, Department of Labour officials confidently

expected to be able to arrange a new settlement between the NMWIU and the employers. Negotiations began on 3 July 1944, when the Divisional Inspector submitted the NMWIU's request for a Conciliation Board; they were still going on when African employees in the Transvaal struck work on September 11.(45)

Divisions within each of the parties- the State, the unions and the employers- all hindered the preparation of a new agreement. The white union was at first unwilling to represent unskilled workers at all. Its leaders claimed that the African union had refused to be bound by any of the findings of a Conciliation Board, and that the Africans were pursuing their own redress through arbitration. It is possible that the NMWIU was confusing the position of the Natal union mentioned above with those of the Transvaal unions.(46) The NMWIU does not seem to have appreciated the differences of opinion between the Transvaal African Milling Workers Union (based in Johannesburg, and operating mainly on the Rand), the African Milling Workers Union (which had its headquarters in Pretoria), and the African Flour Milling Workers Union in Natal. When the Department of Labour later informed the NMWIU that it would have to represent unskilled interests on the Conciliation Board, its Secretary, F. Bumby, replied that he had been in close touch with TAMWU from the outset; but he certainly did not understand the sense of urgency and despair which drove black workers to take matters into their own hands.(47)

The NMWIU was further hampered by the lack of organisation which prevailed in the union throughout the early 1940s. The white union could not provide the necessary evidence of its membership, and had to call in the Department of Labour's Inspectors to have its books certified.(48) It was not until early August that the Secretary for Labour was satisfied that the NMWIU was sufficiently representative of skilled workers to take its place on a Conciliation Board.(49)

The employers, too, helped to delay the final settlement. The Department of Labour's favourite scenario was that the unions should meet the employers informally and settle their differences amongst themselves.(50) However, as in 1942, the milling industry took every opportunity to offset any increase in wages.(51) The trump card for the industry was that the Conciliation Board's lack of representativeness prevented its findings being made retrospective, so any postonement of the final accord meant a real saving on wages for employers. The SA Maize Millers' and the Transvaal Flour Millers' Associations were careful to reject initial overtures from the NMWIU. Thereafter they deflected the African unions with vague promises of incorporation under the Conciliation Board.(52) The employers also kept the Department of Labour well informed about TAMWU's warnings about industrial action, with a view to securing the State's support in the event of an illegal stoppage.

It is unclear whether the milling companies deliberately avoided forming a single, united body in order to make the application of national wage agreements more difficult. The NMWIU openly accused the Cape Province employers of using this ploy at the time of the previous Conciliation Board.(53) At any rate, the fact that in 1944, only Port Elizabeth had an umbrella body, with another fifty-three companies being represented individually, did not make things any easier.

One very real division within the ranks of the employers was over the issue of compounds and rations. The Pretoria companies, which provided both, demanded increases in the deductions they were allowed to make from their workers' pay for food and quarters.(54) They argued that their employees were sheltered from the rise in the cost of living, and that the value of these services had gone up. The Pretoria mills paid L4.6.8 plus food and quarters worth L1.16.0; Johannesburg mills paid only L6. No answer was received from the Department of Labour, and the arbitrator later followed TAMWU in condemning the compounds as serving no useful purpose.(55)

To turn once again to the departments of state, one might expect to find evidence of greater unity and strength of purpose, but this was far from the case. If anything, the State's actions were less certain and more contradictory than those of either the employers or the unions. The Department of Labour was aware of the intensity of feeling among black milling workers, but took no action beyond informing the African unions that preparations for a Conciliation Board were underway, and warning them not to strike.(56) Labour Department officials were at first uncertain whether to accede to calls from supporters of the black workers for an arbitrator under War Meaure 9 or 145;(57) they only decided on a Conciliation Board to cover all workers after a lengthy internal debate.(58) Despite frequent reminders of the urgency of the situation from, among others, the Council for Non-European Trade Unions, the Trades and Labour Council, and Senator Hyman Basner, the Department of Labour completely lost sight of the prospect of a strike. Instead, its officials busied themselves with the intricate procedures involved in administering a Board under the Industrial Conciliation Act.

The NAD's Director of Native Labour, CP Alport, paid rather more attention to the Police reports on black trade union meetings, and took the threat of a stoppage much more seriously. Throughout the ensuing weeks, his department was concerned not to repeat the mistakes of the coal distributors' strike. The main problem with the DNL's handling of the run up to the milling workers' strike was that he confused two entirely separate industries. Alport wisely forewarned the Secretary for Native Affairs in early July of the immimence of action by black workers; but it was not until after the stoppage in the baking industry, in which 800 Africans were arrested and then released, that Alport learnt that baking and milling were two different trades.(59)

The Transvaal African Milling Workers Union, led by G. Molefe, first served its demands on milling companies across the Reef on June 14.(60) The union was not unreasonable: its Secretary asked for a minimum wage of L2 per week plus cost of living allowance. When the employers rejectd these demands, and the Department of Labour failed to bring about a speedy settlement, TAMWU found it increasingly difficult to keep control of its members. On 23 July, workers at a mass meeting in Johannesburg ignored their leaders' calls for patience, and voted to strike from 31 July if their demands were not met. The strike was only prevented at the last minute when the Department of Labour announced that a Conciliation Board would meet on 14 August, and that TAMWU could give evidence before it.(61)

iv) The milling workers' strike.

The Conciliation Board for the milling industry met from 14-16 August, 1944. Molefe and Gana Makabeni of CNETU appeared on TAMWU's behalf with a range of proposals on rates of pay and conditions.(62) These had clearly been drawn up in association with the NMWIU, which made similar demands during the Board's meetings. The NMWIU secured concessions on annual leave, and on the reclassification at higher rates of pay of maize and provender millers, and of skilled workers in Natal. The white union accepted the employers' offer of £1.15.0 for unskilled workers in the main urban centres, with lesser rates in other areas. Negotiations broke down on the issue of skilled wages and the classification and rates of pay of semi-skilled employees.(63)

If the Minister of Labour had then heeded TAMWU's request for an arbitrator under War Measure 145, the strike could still have been prevented. African labourers would have accepted the rates already agreed upon by the Board, and the whole dispute might have been wrapped up in a day. Instead, the Department of Labour, true to its practice of operating wherever possible through the white unions, pressed ahead with its drawn out debate with the NMWIU.

Further procedural problems dogged the road to a final settlement between the employers and the NMWIU. First, they could not agree on an arbitrator, so this had to be left up to the Minister of Labour to decide. The following week, the Secretary of the NMWIU realised that his organisation could not afford the services of an independent arbitrator. What he really wanted was a settlement under War Measure 9, which would force the Government to foot the bill.(64) The Department of Labour overcame this by selecting a civil servant for the job. Again, delays occurred, as an internal disagreement arose over whether to appoint an official from Cape Town, or one from the Rand. By the time the department had picked the Additional Magistrate in Johannesburg as arbitrator, and outlined his duties, the strike was already underway.(65)

"The Star" estimated that 1200 Africans withheld their labour on Monday, 11 September; the next day, the "Rand Daily Mail" put the figure at 1500.(66) Production was halted at mills all across the Reef, even though white employees, content that the arbitrator was appointed on the very day the stoppage began, refused to come out in solidarity.

The NAD's role automatically became much more important once the strike began. The stoppage caused a flurry of activity within the department, not only because of the numbers involved and the crucial position of the milling industry, but also because it drew the attention of the very highest politicians. Piet van der Byl, the Minister of Native Affairs, reported to General Smuts, who made personal recommendations through the Department of Labour concerning the return to work.(67) With bread running out in the

country's industrial heartland, and with their political masters watching anxiously over their shoulders, it was essential for the NAD to resolve the dispute swiftly and efficiently.

The first step in the NAD's strategy was for the DNL to address a large gathering of strikers at the Premier Milling Company in Johannesburg.(68) He informed them that an arbitrator had been appointed, and asked them to return to work in the meantime. To back this up, Daniel Koza was released from police custody and the charges against him dropped on condition that he would use his influence to end the stoppage. The first meeting met with no response, so three days later Alport tried again, this time appearing at one of the daily gatherings of strikers at the Johannesburg Bantu Sports Ground.

As in the coal distributors' strike, the DNL had to maintain a fine line between preserving the dignity and authority of his office, and impressing upon his audience the supposed advantages of going back to work. He kept up the debate for two hours; but with little to offer but threats of replacement and arrest, and vague promises of a future settlement, he made no progress. The NAD was generally unpopular among the African population in the cities. This was especially so among members of African trade unions, as the NAD was seen as coming between them and full recognition and registration by the Department of Labour. Consequently, Alport's claim that he was "anxious, as their guardian, that no new labour should be recruited in their place" had no impact on the meeting.(69)

Similar efforts by other Native Labour Bureau officials and by the Native Commissioner in Krugersdorp also failed.(70) An official from the Department of Labour visited the Sports Ground to menace the strikers with the legal position, but to no avail.(71) The failure of these efforts and the disrespect with which their representatives were treated, confirmed the views of both departments that the Government must take a tougher line.

When these meetings took place, the NAD's pass offices were already supplying replacements to the mills. By 18 September, four mills were working normally, with further recruiting going ahead at the employers' request. The NAD saw this as an integral part of its overall strategy; it wanted the mills to keep the replacements as permanent staff, and not to use them merely to force the hand of the strikers (though the department tried this too). NAD officials thus refused to learn the lesson of the coal distributors' strike, where the replacements were dismissed as soon as it suited the merchants.(72)

After their initial overtures to the strikers, the Native Affairs and Labour Departments wholeheartedly supported more repressive tactics. In accordance with the DNL's minute at the close of the coal dispute, the Department of Labour announced that the strike-

bound areas would be excluded from the benefits of the arbitrator's award. NAD and Labour Department officials were replaced at the strikers' meetings by a heavy police presence, and armed constables were sent to protect transport vans. The SAP read a Control Order at the Bantu Sports Ground, but this merely provoked the CNETU leaders to give the order to begin picketing the mills.(73) On 12 September, there were violent clashes between police and picketers when the latter attacked substitue labourers. Three days later, the SAP took the initiative by attempting to arrest strikers at several mills for holding unauthorised gatherings. At the Union Flour Mills, the picketers came armed with sticks, and used stones and bricks to fend off the police. In all, some 646 Africans were arrested for public violence and illegal gathering. Two CNETU leaders, Edward Mkoena and Elliot Molapo, were held under the Riotous Assemblies Act.(74)

At the political level, the strike was not going well for the Government and the bureaucracy. The "Sunday Times" quoted a joint statement by the Campaign for Right and Justice, the Trades and Labour Council and CNETU, which blamed the dispute on the starvation wages paid to urban Africans. The Department of Labour was singled out for failing to appoint an arbitrator under War Measure 145 in either this or the coal strikes. In the Afrikaans press, "Die Vaderland" praised the Prime Minister's swift and forceful action;(75) but "Die Transvaler" attacked the Smuts, arguing that the strike was "a symptom of the bad conditions the Government had created in South Africa with its colour policy and policy in connection with Communism".(76) From the left, the Department of Labour was besieged by protests from TLC and CNETU, and the Ministers of Justice and Native Affairs spent three hours listening to a deputation from the CRJ and several religious denominations. All this moved the DNL to plead that he, at least, had seen the strike coming as early as 18 July, and had called for prompt action to forestall it.(77)

Up to this point, Native Affairs and Labour had enjoyed the wholehearted support of the employers for their handling of the dispute. However, on 18 September, the mill-owners broke ranks and negotiated with the CRJ. With half the strikers in gaol and no prospect of an early settlement, the employers considered that their immediate interests were best served by an unofficial compromise. The substitute labour had proved to be of little use, and the mills were anxious to re-employ experienced workers. Senator Basner agreed on behalf of the strikers that they would return to work in exchange for a promise that the employers would put pressure on the Ministers of Justice and Labour to drop the charges. The mill-owners further bound themselves to take back 70% of the workers immediately, and to negotiate with TAMWU for a wage increase.(78)

This "gentlemen's agreement" highlighted the conflict of interest

which existed between the mill-owners and the Departments of Labour and Native Affairs. The mill-owners were concerned with the immediate profitability of their businesses, which, they claimed, had been hindered, first by the Labour Department's footdragging in appointing an arbitrator, and then by the mass arrests which made an early return to work impossible.(79)

Department of Labour officials protested furiously that their administrative procedures had been undermined by the unofficial settlement.(80) Madeley had announced that the strike-bound areas would not be covered by the arbitrator; under no circumstances did they want the strikers to benefit from wage increases before milling workers in the rest of the country.(81) As far as the Department of Labour was concerned, once its machinery was set in motion, there was no way of altering its course or pace.

The NAD was more concerned about how the whole affair affected it standing with Africans. Its prestige had already taken a blow when Alport was rebuffed by the strikers' meeting in Johannesburg. This was not helped by the NAD's involvement in recruiting substitute labourers. The Minister and his senior civil servants believed that they had been betrayed by the employers, and that their authority in similar situations in future would be diminished. At a joint meeting with the Department of Labour and several mill-owners, Reitz harangued the employers for failing to "stand by their guns":

Having drawn the Prime Minister and three Ministers into this you see some obscure outside body to settle the matter without even notifying us of what you were doing and subvert and jeopardise all future negotiations.(82)

The Government and its Department of Native Affairs had to consider the long term interests of industry as a whole, not just the short term requirements of a few mill-owners. The State had established machinery to control African workers- to prevent them striking, and to obviate the need for high wage increases which, as Smuts himself said, would only lead to spiralling inflation.(83) In this case, the employers had first invoked the State machinery, and then abandoned it when they found it too cumbersome and slow-moving. Underlying the outrage expressed by the two departments and their ministers was the fear that they were their grip on the entire field of labour relations was starting to slip: in other words, they were in danger of losing part of their 'raison d'etre'.

The solution agreed on to strengthen the two departments' position was for the mill-owners to refuse wage increases to the former strikers until the arbitrator had announced his award. Reitz would ask the Department of Justice not to withdraw the charges on any account. Finally, the DNL would "drive home to the Natives in

question that the strike had not achieved any object other than the loss of wages for the period of the stoppage of work".(84)

v) Conclusion

A few weeks later, the Department of Labour refused to send the instructions which they had promised the employers on what to do about the strikers' wage increase. The department's officials were still smarting from what they saw as shabby treatment by both sides in the dispute. It was left up to the industry to grant the increase awarded by the arbitrator to the rest of the country: a rise of 4s.10d on the Rand, and 2s.4d in Pretoria.(85) Higher rates were also laid down for some semi-skilled workers. By this time, the Attorney-General had already dropped charges against the strikers: there was little point in his filling the jails and further disrupting the milling industry just to save face for another branch of the civil service.(86)

The entire history of the strike demonstrates the importance of looking at such divisions within the bureaucracy, and how they affected the course of events in society as a whole. This type of analysis is specially pertinent to the history of labour relations, as the Industrial Conciliation and Wage Acts drew trade unions into the structure of administrative procedure, and, in many cases, dictated the terms and pace of their development.

Dunbar Moodie, writing on the mineworkers' strike of 1946, has shown how different departments, performing disparate functions, could approach a problem from a variety of angles; but the thrust of his article is that the State pulled together to tackle the stoppage in the gold-mining industry, and to buttress the interests of big capital.(87) An examination of other disputes, such as the coal distributors' and milling workers' strikes of 1944, highlights a number of other factors which have to be taken into account. Most importantly, it is necessary to consider the internal interests which developed within particular departments, and which, on occasion, put them at odds with each other, with the employers, and with the unions. This affected not just the civil servants, but their ministers too, whose political fortunes were tied to the prestige and efficiency of their departments.

At the same time, the dynamics of such events were often contingent on the administrative procedures followed by civil service departments and their sub-branches. In the case of the milling dispute, the Department of Labour's primary concern with white unions and on following through on time-consuming regulations, left African workers feeling so desperate and isolated that they resorted to strike action. The DNL was at least aware of the way things were going, but it was not his job to interfere in Department of Labour business; he contented himself with reporting to his own superior in Cape Town.

It would be wrong to conclude from this that the state bureaucracy was so hopelessly divided that the policies and procedures of the different departments were at odds with those of the Prime Minister

and his Cabinet. Smuts himself approved many of the steps taken by the bureaucrats in the course of this strike. On the whole, the State combined fairly effectively to keep workers in check, and to keep the wheels of industry grinding for the benefit of the moneyed classes. But to ignore the bureaucracy, and the administrative procedures and sectional interests which flourished within it, is to prohibit a full understanding of the labour history of South Africa in this period.

Notes.

1) "Forum" 23/9/44; Central Archives Depot (CAD) Pretoria, Dept. of Labour (ARB) LC1052/409, Cape District Committee, Communist Party of South Africa to Minister of Labour 18/9/44.

2) D Yudelman, The Emergence of Modern South Africa. State, Capital and the Incorporation of Organized Labour on the South African Goldfields, 1902-1939 (Connecticut, 1983); RH Davies, Capital, state and white labour in South Africa 1900-1960: an historical materialist analysis of class formation and class relations (Brighton, 1979); FA Johnstone, Class, race and gold: a study of class relations and discrimination in South Africa (London, 1976). S Dubow's "Segregation and 'Native Administration' in South Africa, 1920-1936" (Oxford University D.Phil., 1986) provides a useful examination of the NAD, but specifically excludes those functions relating to labour. For labour regulation in the contemporary period, see S Greenberg's excellent Legitimating the Illegitimate: State, Markets and Resistance in South Africa (Berkeley, Ca., 1987).

3) M Weber, Economy and Society (English trans.: Berkeley, 1978) pp.956-994.

4) The Public Health Act, 1919, expanded the functions of the Public Health Dept.; the NAD was reorganised in 1923, and the Dept. of Labour was founded in 1924. The Dept. of Labour gradually acquired various duties from the old Dept. of Mines and Industries (CAD, Dept. of Agriculture (LDB) R3699). The Dept. of Social Welfare was established in the late 1930s, initially as part of the Dept. of Labour, and then as a separate organisation.

5) A Giddens, Sociology: A Brief but Critical Introduction (London, 1982) p.85.

6) JJN Cloete, Inleiding tot die Publieke Administrasie (Pretoria, 1967).

7) J Lewis, Industrialisation and Trade Union Organisation in South Africa, 1924-55 (Cambridge, 1984) pp.111-131.

8) SX Hanekon & C Thornhill, Public Administration in Contemporary Society: A South African Perspective (Bergvlei, 1983) pp.44-5. See also CAD, Native Affairs Dept. (NTS) 449/280 on "Efficiency of Native Labour".

9) "The Guardian", 6/7/44.

10) NTS 138/332, Brink to SNA 12/7/44.

11) NTS 199/332, DNL to SNA 23/6/44.

12) NTS 138/332, DNL to SNA 19/5/41.

13) NTS 138/332, Native Commissioner, Benoni to DNL 5/6/44.

14) NTS 138/332, Daniel Koza to Messrs. Coal Cartage Contractors 8/5/44.

15) NTS 138/332, DNL to SNA 13/6/44.

16) NTS 138/332, Koza to Messrs. Coal Cartage Contractors 8/5/44; DNL to SNA 12/6/44.

17) NTS 138/332, NC Benoni to DNL 5/6/44.

18) NTS 138/332, INL Randfontein to NC Krugersdorp 9/6/44.

19) NTS 138/332, DNL to NC Krugersdorp 15/6/44.

20) NTS 138/332, DNL's rough notes on strike 6/6/44.

21) NTS 138/332, DNL's rough notes on strike 6/6/44.

22) NTS 138/332, DNL's rough notes on strike 6/6/44.

23) "The Star" 17/7/44.

24) NTS 138/332, Notes on deputation's meeting with Secretary for Labour 6/6/41.

25) "Natal Witness", 29/6/44.

26) Govt. Notice No.1222, 21/7/44.

27) "The Star" 24/6/44; "The Guardian" 6/7/44.

28) "Daily Mail" 28/6/44.

29) NC Germiston/Boksburg to DNL 5/6/44.

30) "The Guardian" 26/6/44.

31) The labour areas were reorganised by the Public Services Commission in 1923. Transvaal Archives Depot (TAB), Pretoria, GNLB 291/18/78.

32) ARB CF2/0, F2/0.

33) HJ & RE Simons, Class and Colour in South Africa 1850-1950 (Harmondsworth, 1969) p.328.

34) IM Phillips, "The 'Civilised Labour Policy' and the Private

Sector: the Operation of the South African Wage Act, 1925-37" (Rhodes University Ph.D., 1984).

35) Simons & Simons, Class and Colour, p.556-8.

36) NTS 199/332, NAD Memo 23/9/44; Minister of Native Affairs 22/9/44.

37) NTS 199/332, Notes on milling employers' deputation to Minister of Native Affairs 26/9/44.

38) For example, Det/Sgnt Boy, Report on TAMWU meeting 29/7/44 in NTS 199/332.

39) ARB LC1052/282, Chief Clerk "C" Division to Secretary for Labour 13/12/41.

40) ARB LC1052/282, Minutes of 1st meeting of Conciliation Board 20/4/42.

41) ARB LC1052/282, Minutes of 3rd meeting of Conciliation Board 22/4/42.

42) ARB LC1052/282, Chief Clerk "C" Division to Secretary for Labour 5/5/42.

43) ARB LC1052/282, Secretary, African Flour Milling Workers' Union, Natal, to Minister of Labour 3/12/42.

44) ARB LC1052/282, Private Secretary to Minister of Labour to Secretary, African Flour Milling Workers Union, Natal 8/12/42.

45) ARB LC1052/409, Divisional Inspector, Johannesburg to Secretary for Labour 3/7/44.

46) ARB LC1052/409, handwritten note of 6/7/44 on letter of TAMWU to Secretary for Labour 4/7/44.

47) ARB LC1052/409, Secretary, NMWIU to Secretary for Labour 5/8/44.

48) ARB LC1052/409, Secretary, NMWIU to Potgeiter, Dept. of Labour 18/7/44; Secretary for Labour to Secretary, NMWIU 21/7/44.

49) ARB LC1052/409, Secretary for Labour to Secretary, NMWIU 4/8/44.

50) ARB LC1052/409, Secretary, TAMWU to Chief Divisional Inspector, Johannesburg 15/6/44.

51) ARB LC1052/282, Secretary, NMWIU, to Divisional Inspector,

Johannesburg (no date).

52) ARB LC1052/409, Secretary, South African Maize Millers' Association, Transvaal Flour Millers' Association to Secretary, African Milling Workers Union 29/6/44.

53) ARB LC1052/282, Secretary, NMWIU to Divisional Inspector, Johannesburg (no Date).

54) ARB LC1052/409, Pretoria milling companies to Minister of Labour 4/7/44.

55) ARB LC1052/409, Minutes of 1st meeting of Conciliation Board 14/8/44; memorandum by Charles Fraser, Arbitrator, re. award in milling industry 28/12/44.

56) ARB LC1052/409, Secretary for Labour to Secretary, TAMWU 27/6/4; Divisional Inspector, Pretoria to Secretary for Labour 1/8/44.

57) ARB LC1052/409, Secretary for Labour to Divisional Inspector, Johannesburg 11/7/44.

58) ARB LC1052/409, Divisional Inspector, Johannesburg to Secretary for Labour 25/7/44; Secretary for Labour to Secretary, NMWIU 4/8/44.

59) NTS 199/332, DNL to SNA 18/7/44.

60) NTS 199/332, Secretary, TAMWU to milling companies 14/6/44.

61) NTS 199/332, Divisional Inspector, Johannesburg to Secretary, TAMWU 26/7/44.

62) ARB LC1052/409, Minutes of 1st meeting of Conciliation Board 14/8/44; TAMWU statement for Conciliation Board (no date).

63) ARB LC1052/409, Notes on milling industry dispute 25/10/44.

64) ARB LC1052/409, Secretary, NMWIU to Divisional Inspector, Johannesburg 21/8/44.

65) ARB LC1052/409, Divisional Inspector, Johannesburg to Secretary for Labour 12/9/44.

66) "The Star" 11/9/44; "Rand Daily Mail" 13/9/44.

67) "The Star" 15/9/44; NTS 199/332, unsigned NAD memo 23/9/44.

68) "Rand Daily Mail" 12/9/44; "The Star" 14/9/44.

69) "The Star" 14/9/44.

70) "Rand Daily Mail" 12/9/44; NTS 199/332, NC Krugersdorp to DNL 18/9/44.

71) "Rand Daily Mail" 13/9//44.

72) "The Star" 12/6/44.

73) NTS 199/332, SAP District Commandant, Johannesburg, to Deputy Commissioner, Witwatersrand Division 21/9/44.

74) "Rand Daily Mail" 18/9/44.

75) "Die Vaderland" 13/9/44, 15/9/44.

76) "Forum" 23/9/44.

77) NTS 199/332, DNL to SNA 20/9/44.

78) "Rand Daily Mail" 20/9/44.

79) NTS 199/332, Minutes of milling employers' deputation to Minister of Native Affairs 26/9/44, p.1.

80) ARB LC1052/409, Chief Clerk "C" Division to Under Secretary for Labour 26/9/44.

81) ARB LC1052/409, Divisional Inspector, Johannesburg to Secretary for Labour 12/9/44.

82) NTS 199/332, Minutes of milling employers' deputation to Minister of Native Affairs 26/9/44, p.3.

83) NTS 585/313 pt.2P, Prime Minister to Minister of Native Affairs 8/8/41.

84) ARB LC1052/409, Chief Clerk "C" Division to Under Secretary for Labour 26/9/44.

85) ARB LC1052/409, Chief Clerk "C" Division to Secretary for Labour 2/1/45.

86) NTS 199/332, DNL to SNA 25/10/44.

87) TD Moodie, "The South African State and Industrial Conflict in the 1940s", International Journal of African Historical Studies, 21 no.1 (1988): pp.21-61.