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GENDER POLITICS AND THE ADMINISTRATION OF AFRICAN WOMEN IN JOHANNESBURG 1903 - 1939

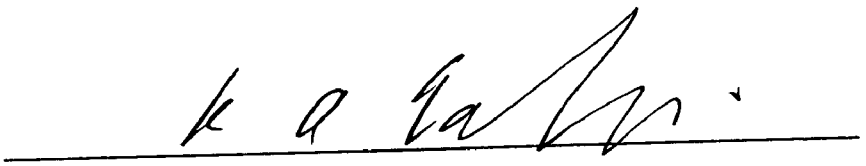
K. A. EALES

Gender Politics and the Administration of African Women in Johannesburg 1903 - 1939

Katherine Anne Eales

A Dissertation Submitted to the Faculty of Arts
University of the Witwatersrand, Johannesburg
for the degree of Master of Arts.

This dissertation is entirely my own work and has not been submitted previously to any other University.



University of the Witwatersrand
Johannesburg

May 1991

'For history, too, creates its meanings through differentiation and in this way organises knowledge about the world. The form that knowledge has taken - the remarkable absence or subordination of women in the narratives of 'the rise of civilisation', their particularity in relation to Universal Man, their confinement to studies of the domestic and private - indicates a politics that sets and enforces priorities, represses some subjects in the name of the greater importance of others, naturalizes certain categories, and disqualifies others. It is not a conspirational politics, nor is it narrowly self-interested; rather it protects an established corporate tradition. Nonetheless, the discipline of history, through its practices, produces (rather than gathers or reflects) knowledge about the past generally and, inevitably, about sexual difference as well. In that way, history operates as a particular kind of cultural institution endorsing and announcing constructions of gender.'

J.W. Scott, *Gender and the Politics of History* (New York, 1988), p. 9.

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Preface

This thesis was inspired by a seminar paper presented by Helen Bradford one afternoon in late 1984, in which she deployed the notion of patriarchy to explore the character of women's beer protests in the Natal countryside in 1929. I signed up for an M.A. the next year, seeking to explore whether the opportunity African women on the Reef had to earn an income of their own - from liquor, laundrywork, sex or any other expedient they turned to - had any impact on their status and sense of self and, if it did, what effect, if any, this had on political mobilisation and domestic politics. It was an absurdly ambitious project. Spurred by a robbery which divested me of a major part of my research, I steadily side-tracked into an exploration of the prurience of white officials administering black women in urban areas. The result - this thesis - has spanned six years, several jobs and caused much angst.

I acknowledge the financial support of the Human Sciences Research Council, with thanks.

Many, many people have helped me along the way.

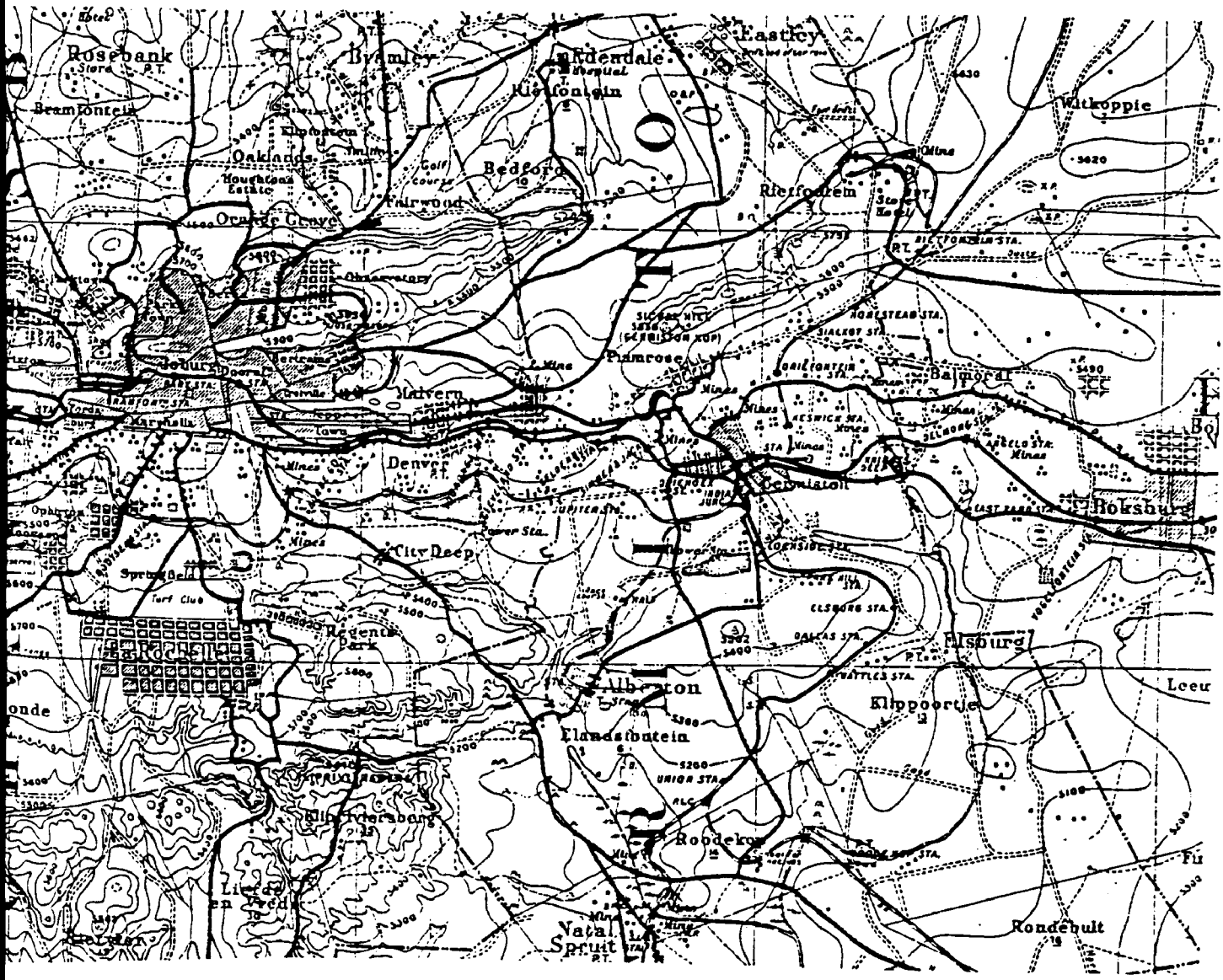
I am indebted to Charles van Onselen for his loyalty and patience: for giving me the space I demanded (misguidedly, I concede in retrospect), and the assiduous attention of his blunt pencil when I asked for it.

For their special support, my thanks to Jane Starfield and Slo Slonimsky.

Ilsa Boswell endured the worst of it. I dedicate this albatross to her.

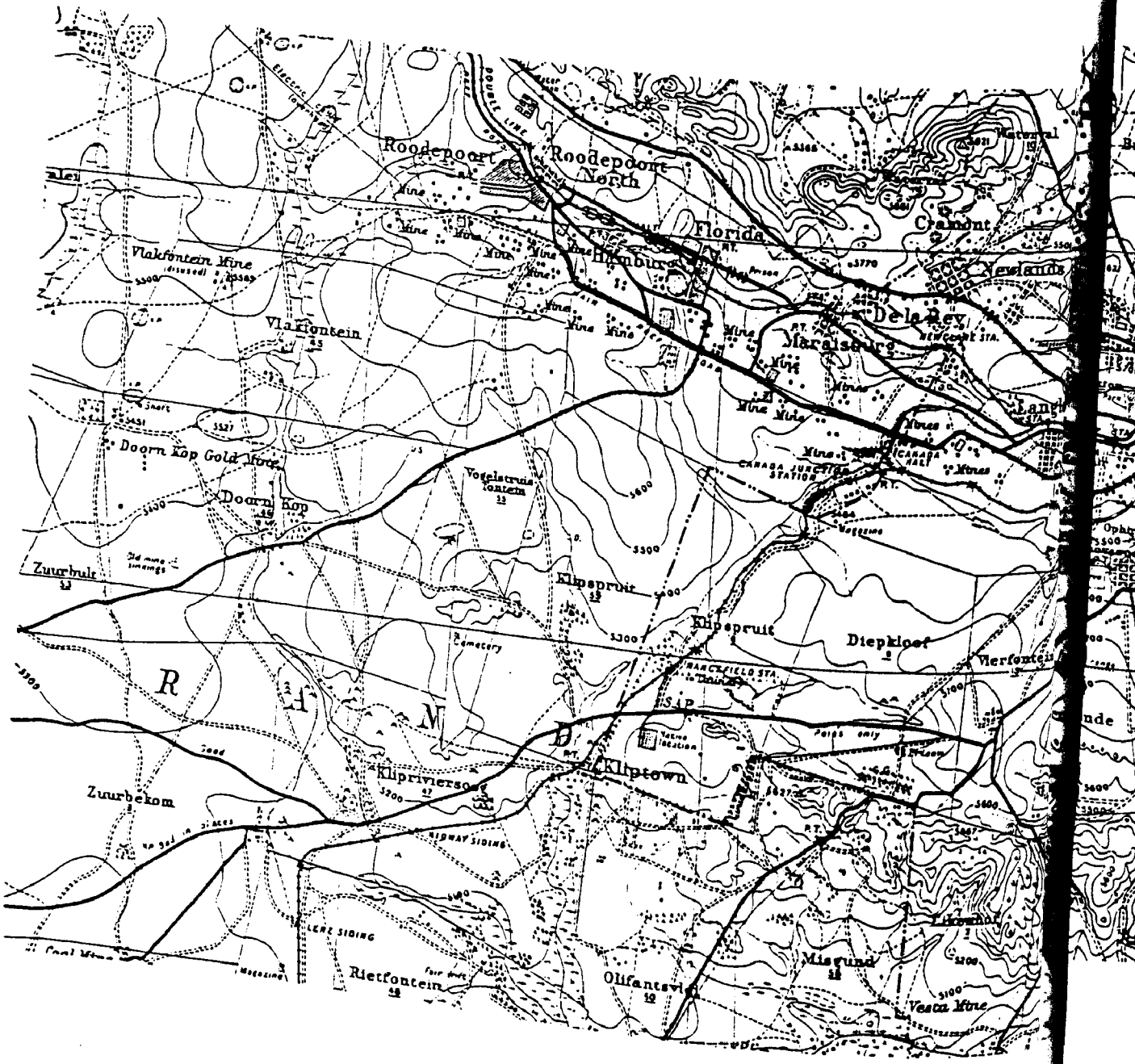
Abstract

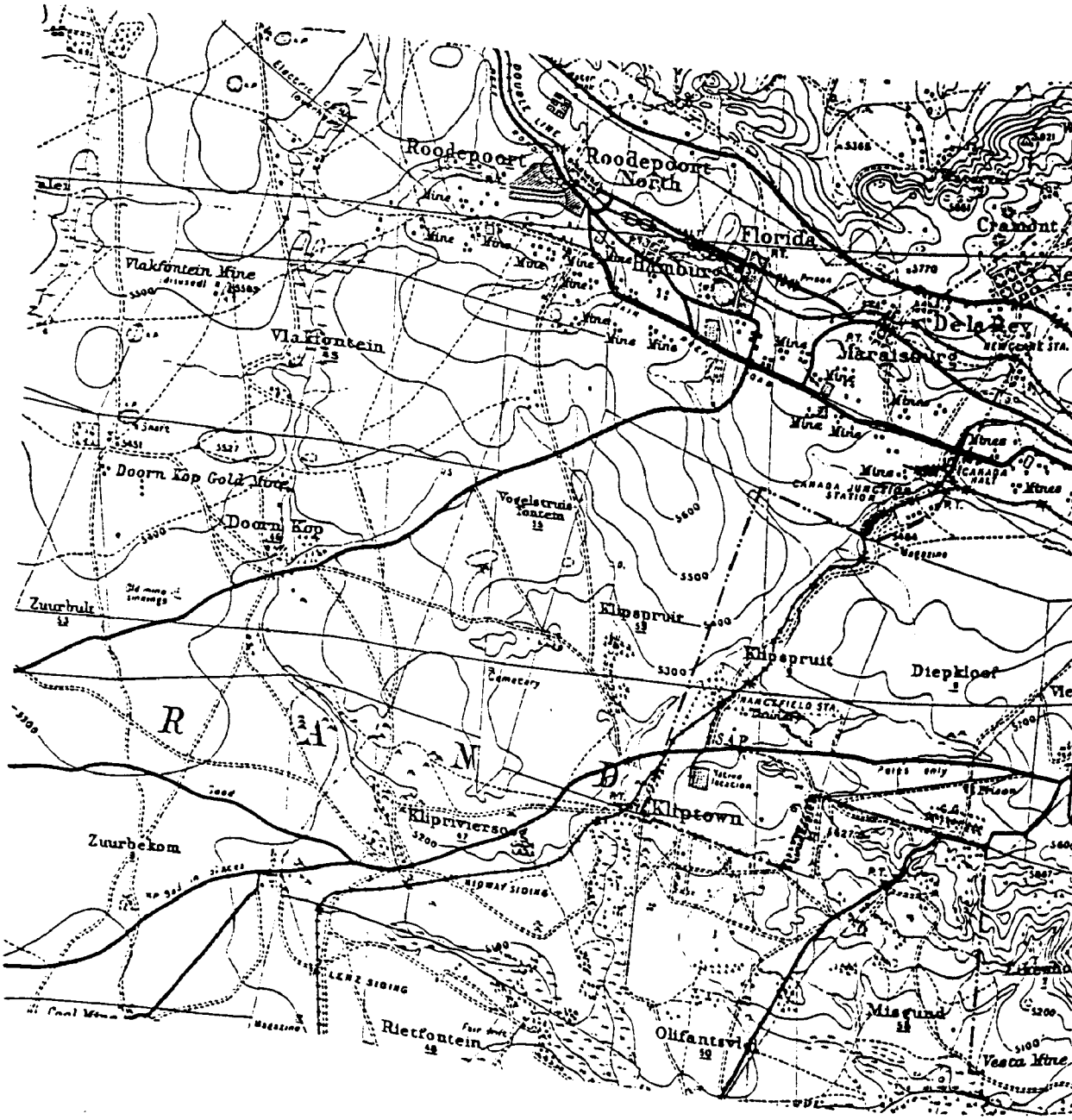
In the period 1903-1939, municipal and government officials blamed black female settlement in Johannesburg for an extraordinarily broad range of problems associated with rapid, poorly managed urbanisation - crime, the growth and spread of slums, 'demoralisation', juvenile delinquency and 'detribalisation'. Given the odium with which black women in urban areas were viewed, their exemption from the pass laws begs several questions. In this thesis an attempt is made to explore the reasons for the state's reluctance to subject African women to the pass laws, and to examine some of the expedients its officials devised to regulate the terms of black female settlement. An extensive survey of documents, correspondence and literature from the period prompts the conclusion that a strictly economistic and materialist analysis of urban native policy, particularly as it impinged on black women, is inadequate. Sensitivity to the politics of gender permits new insights into the dynamics of white rule in pre-apartheid South Africa.

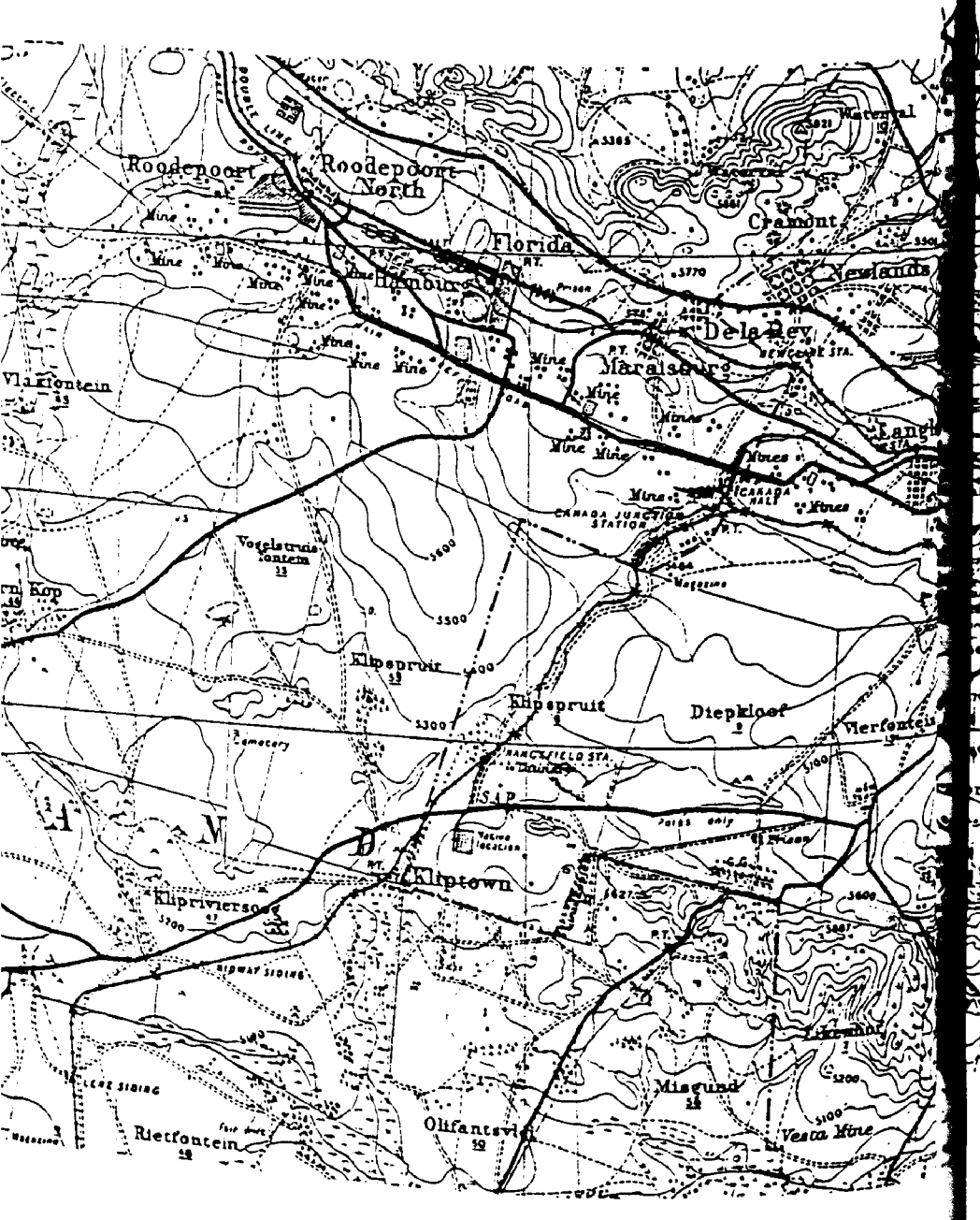


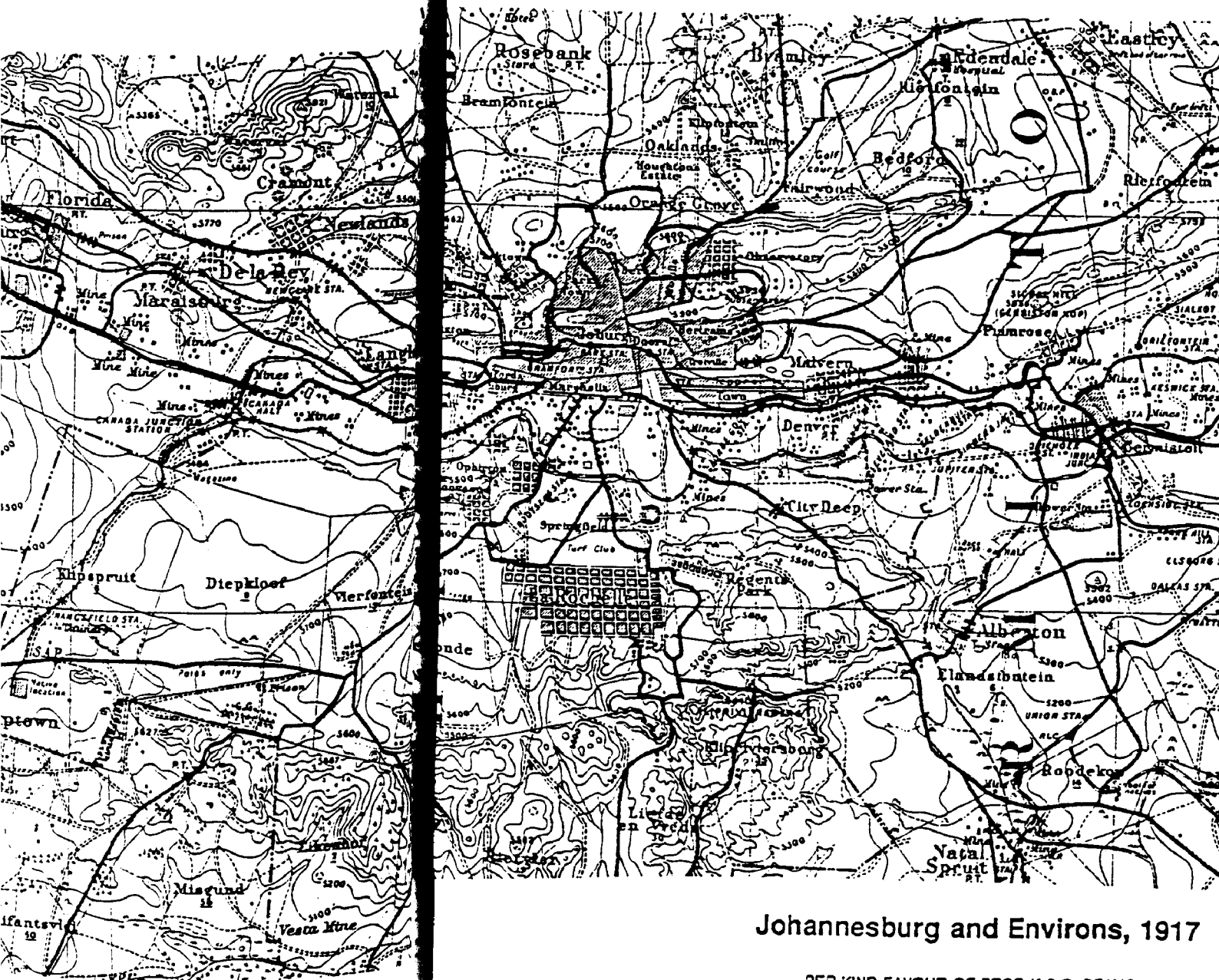
Johannesburg and Environs, 1917

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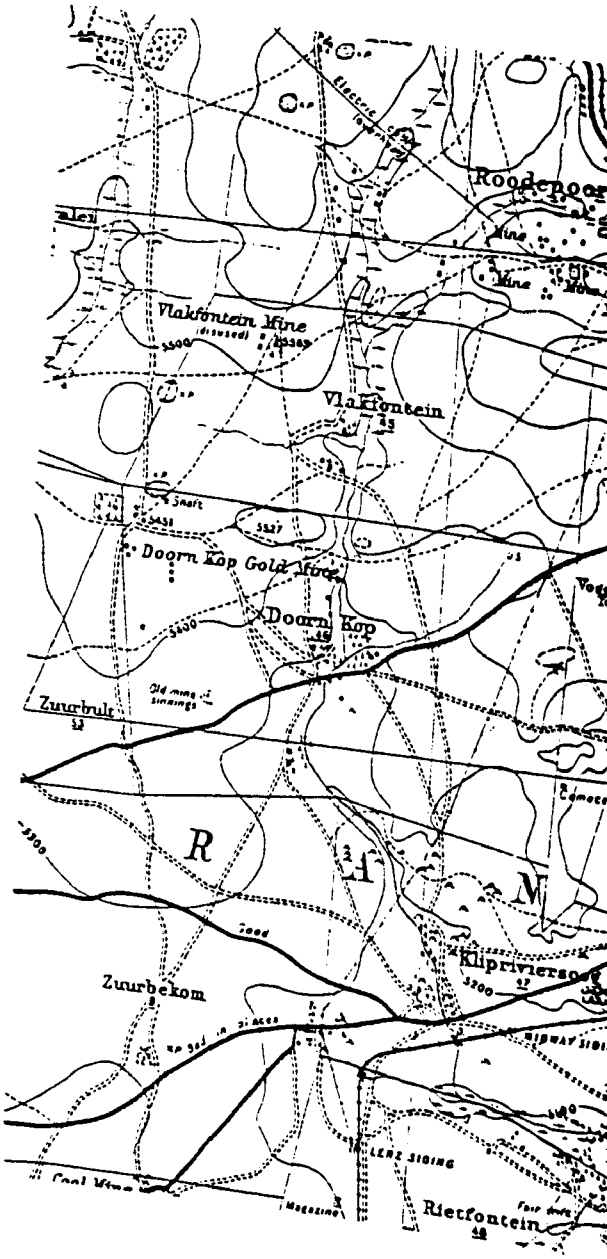

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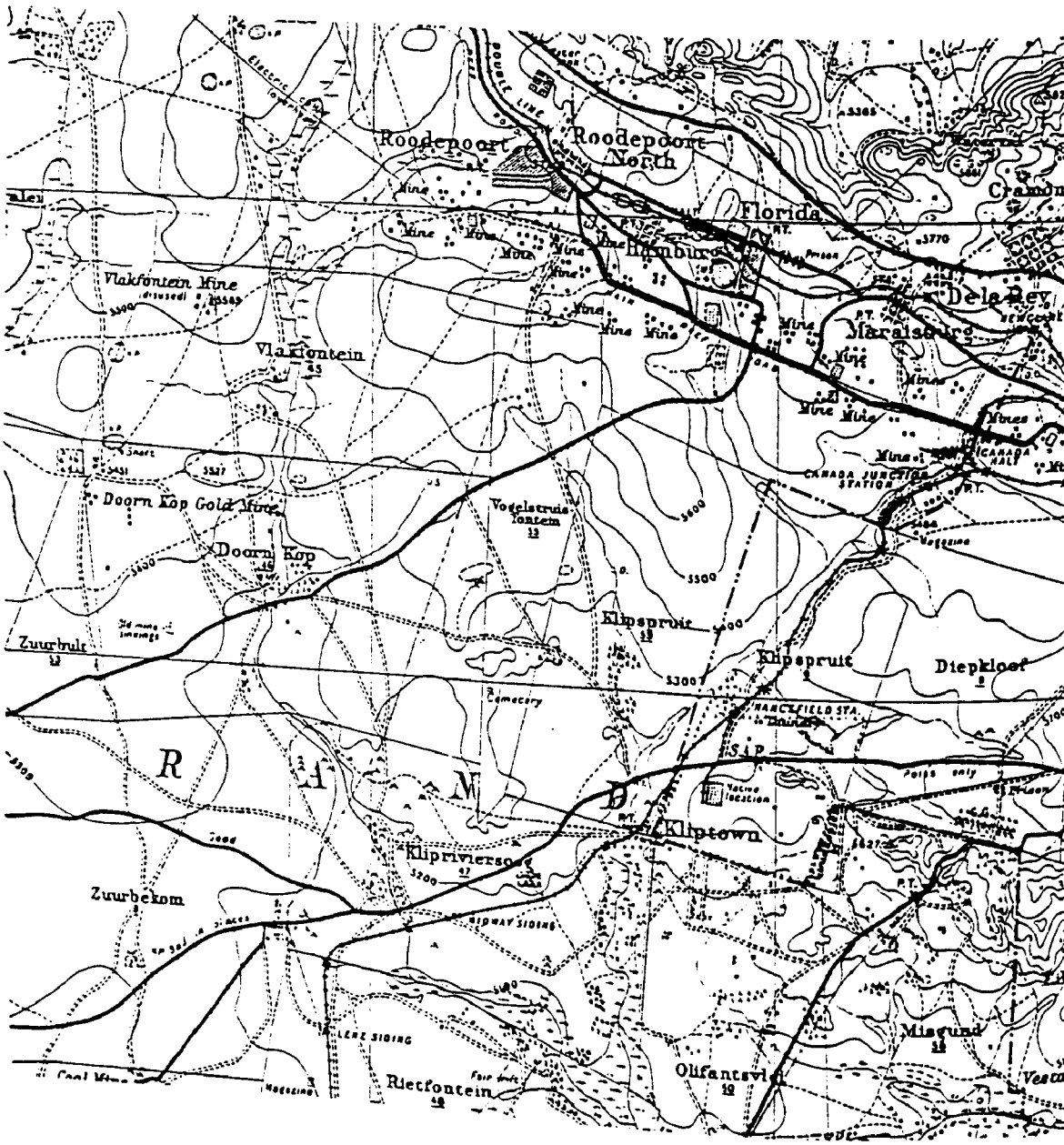

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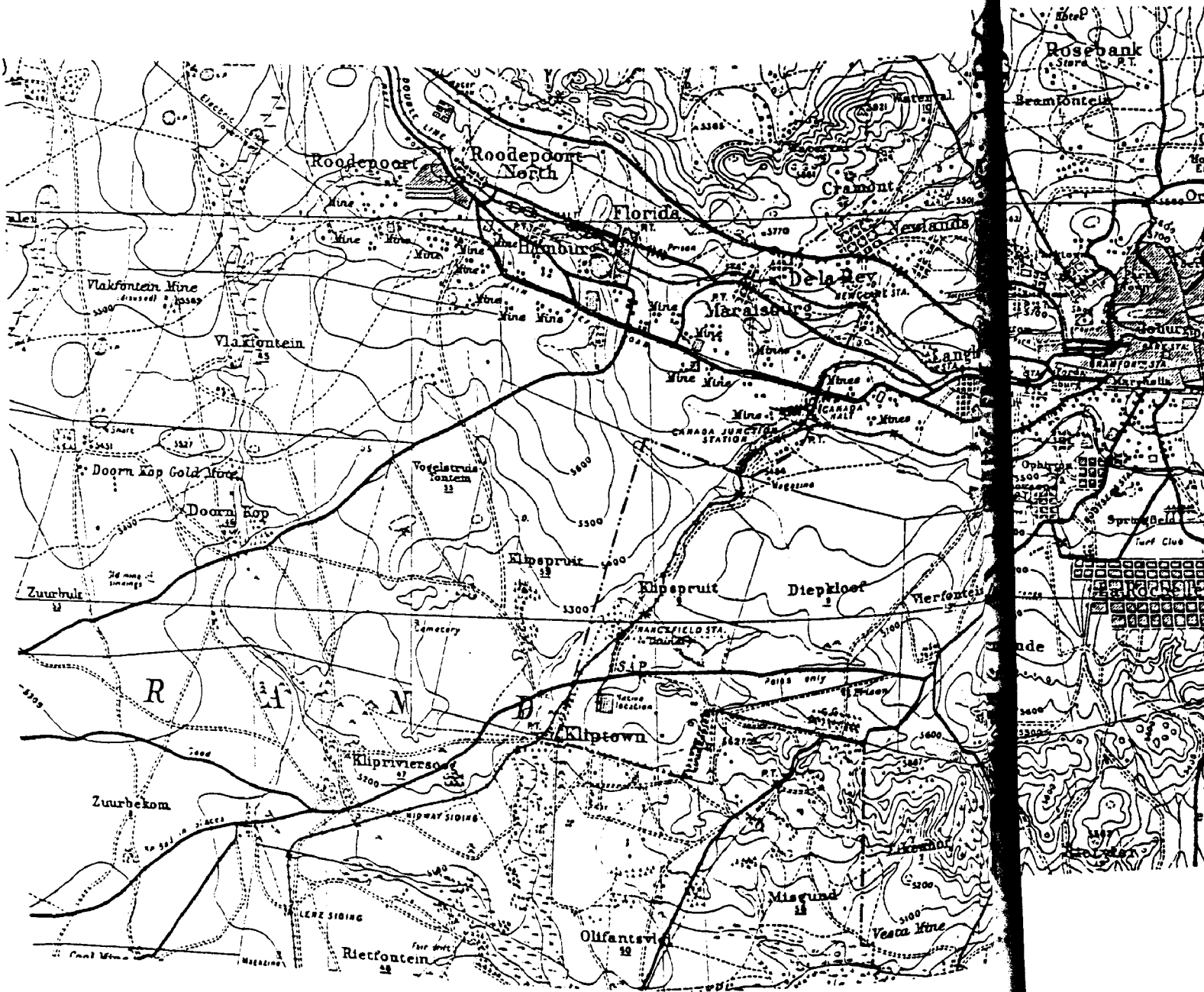


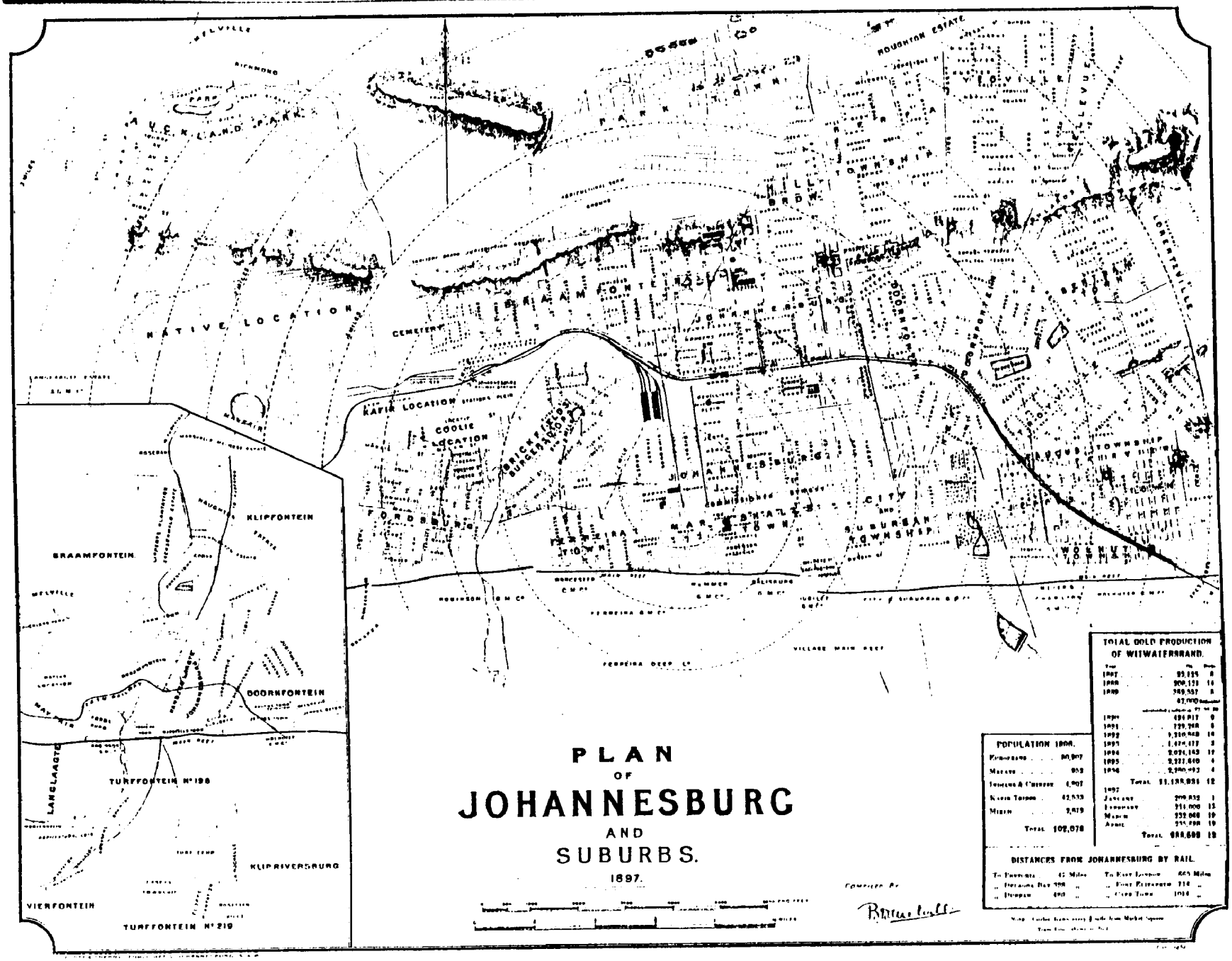
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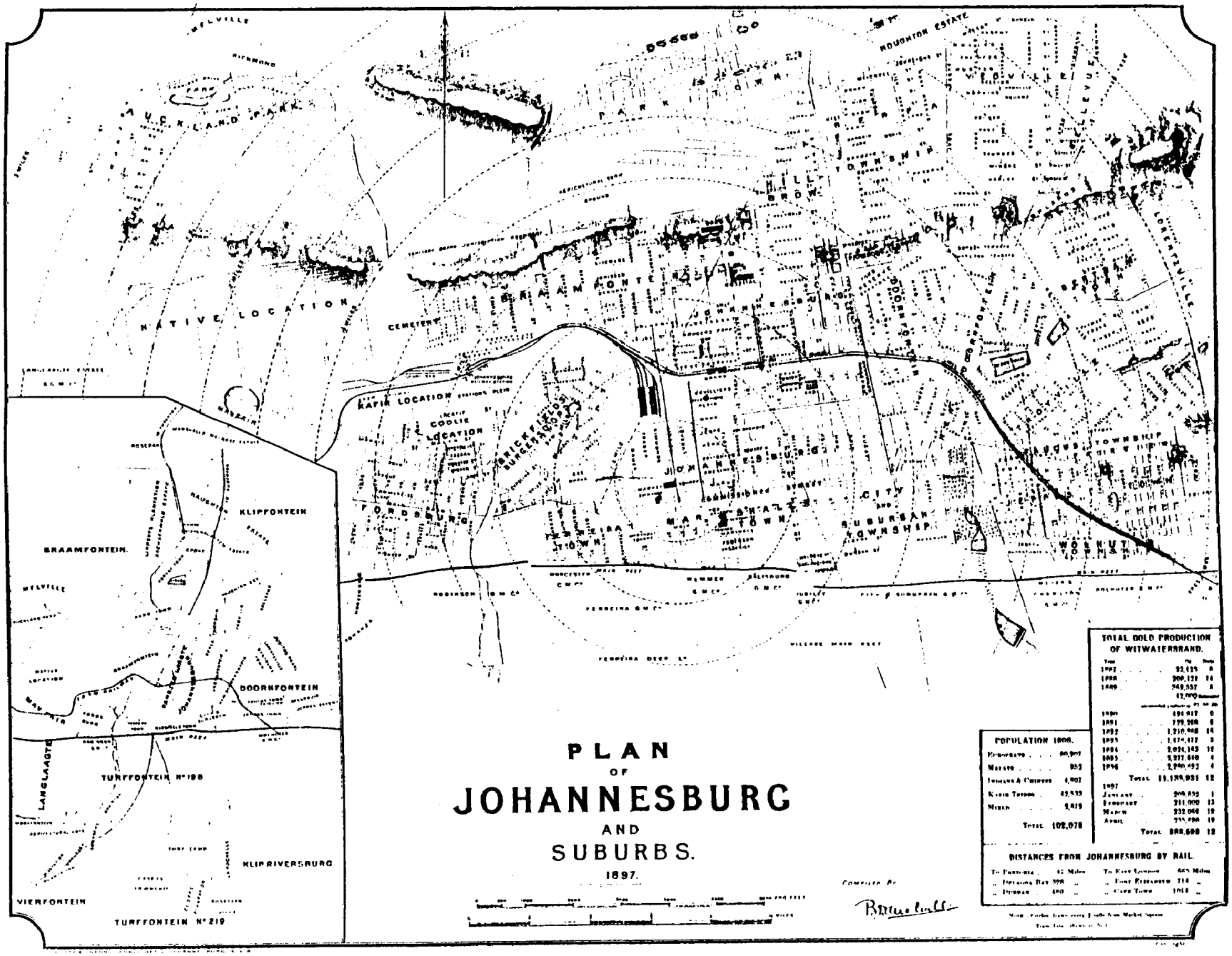
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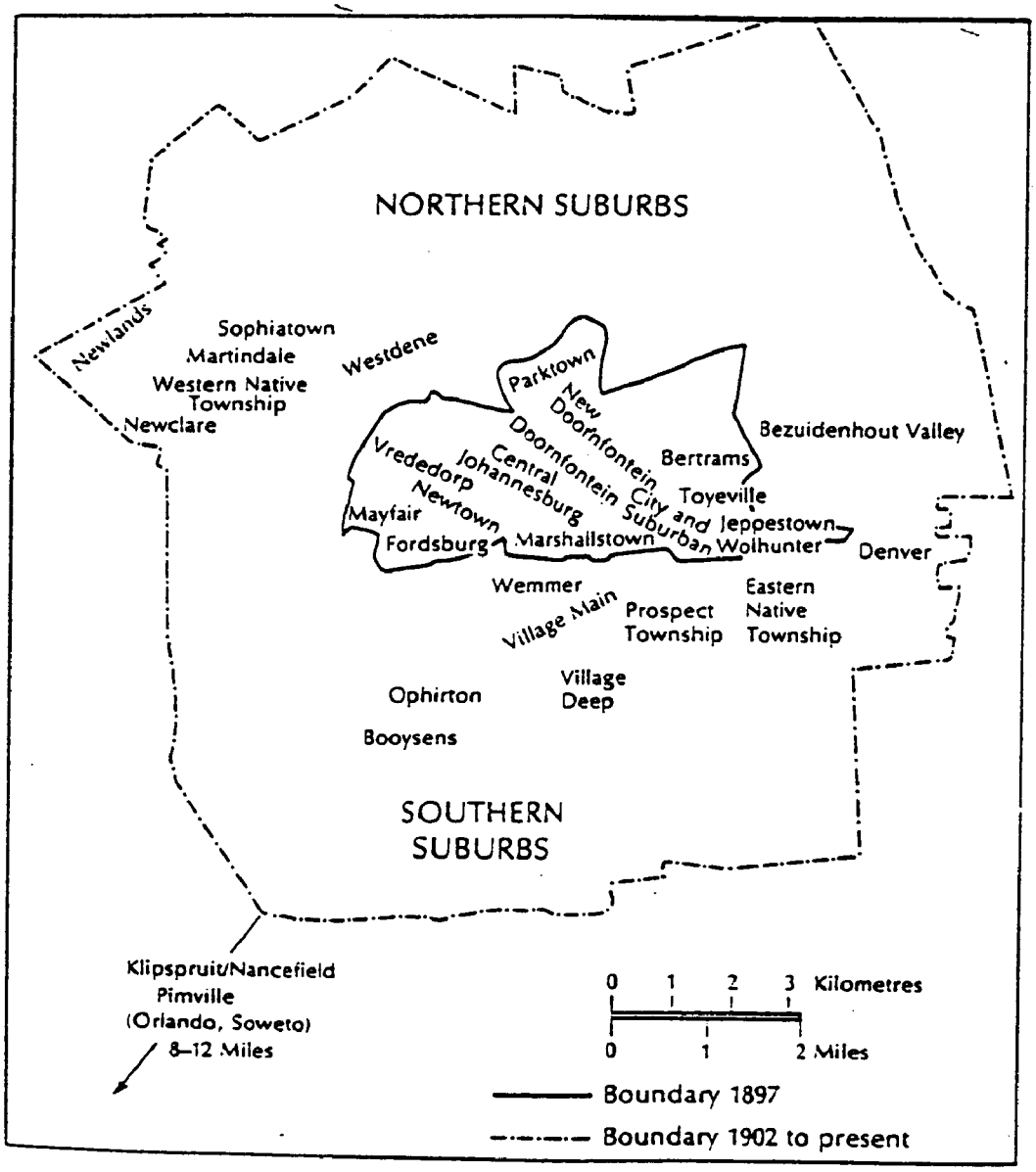

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Langlaagte
Johannesburg
Ophirton
Sprin
Turf Club
Rocke
Ikenhof
Kroonpoort


NATIVE LOCATION
CEMETERY
KAFIR LOCATION
COOLIE LOCATION
BRICKFIELDS
BURGERSDORP
FORDSBURG
JOHANNESBURG
CITY AND SUBURBAN TOWNSHIP
MARSHALLSTOWN
NEWTOWN
WOLHUTTER TOWNSHIP
HILLBROW
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KLIPFONTEIN
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AND
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1897.
POPULATION 1896.
TOTAL GOLD PRODUCTION OF WITWATERSRAND.
DISTANCES FROM JOHANNESBURG BY RAIL.


PLAN
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WOLMARANSTAD
TOTAL GOLD PRODUCTION OF WITWATERSRAND.
POPULATION 1896.
DISTANCES FROM JOHANNESBURG BY RAIL.



Johannesburg, 1930

Source: D. B. Coplan, *In Township Tonight! South Africa's Black City Music and Theatre* (Johannesburg, 1985), p. x.

Introduction

The persona of black South African women as perceived by officials of the white state has received little attention in academic research. This reflects the primacy of the white state's historical preoccupation with black male labour, and its avoidance of too close an engagement with the wider social and familial nexus of which black men formed a part. To the administration, 'the native' was, by definition, male; exceptions were specifically spelt out in a different formulation - 'native female'. They were not called female natives, to indicate the female component of the genus native, but native *females*. This formulation invoked a complex mix of signs and assumptions which this thesis endeavours to explore.

Prior to the massive surge of urban settlement during the 1940s, Native Affairs officials and the Johannesburg municipality regarded the administration of black women in the city as an adjunct to the primary project of regulating black men. Before the Great War, the predominance of single-sex compounds for working men permitted extremely close supervision of black male bodies.[1] Considerable attention was directed at retaining them in policed environments near their place of work, at identifying and monitoring their bodies by means of passes, physically examining their state of health, and protecting them from real and imagined contaminants. The presence of African women in Johannesburg, it seems, was acknowledged primarily in relation to the last category - women constituted a major source of potential contamination, through illicit liquor and casual sex.

As the development of secondary industry and commerce during the Twenties and Thirties transformed Johannesburg's character from being essentially a mining town, black family settlement spiralled, necessitating a different kind of response from the town's administrators. By the mid-1920s, the basic premise of urban native administration - summarised by Colonel F.H.P. Stallard, a local politician and arch proponent of segregation - was that the towns were

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1 Here it is useful to recall Michel Foucault's comments on subjugating the human body:
The body is directly involved in a political field; power relations have an immediate hold upon it: they invest it, train it, torture it, force it to carry out tasks, to perform ceremonies and to emit signals. The political investment of the body is bound up, in accordance with complex, reciprocal relations, with its economic use; it is largely as a force of production that the body is invested with power and domination; but, on the other hand, its constitution as labour power is possible only if it is caught up in a system of subjection ... the body becomes a useful force only if it is both a productive body and a subjugated body.
M. Foucault, *Discipline and Punish* (London, 1979), pp. 25-26.

places where 'natives' sold their labour. This was qualified, in practice, to include those within ordered and upright family units who serviced and nurtured those selling their labour. But this was a reluctant concession, conceeded meanly in material terms. Women were not welcomed; they were tolerated, provided they adhered to a defined set of principles regulating their behaviour.

Because black women neither conformed to the prevailing formulation of 'native', nor worked in the major industries, they remained largely outside the ambit of 'native policy'. In a recent study of the discourse of native administration, Adam Ashforth has demonstrated the extent to which the state devised for itself 'a way of knowing' and speaking of 'the native' which obviated the need for any form of authentic political representation; commissions of enquiry defined the questions which expert witnesses were called upon to answer, and councils of selected black voices debated agendas drawn up largely beyond their control.[2] Black women were almost entirely excluded from this process.

In inter-war Johannesburg, with the notable exception of Charlotte Maxeke, a social worker and one-time political leader, one hears no audible black adult women. One hears the whispers of women construed as 'girls' - relieved of their adulthood and autonomy; one catches glimpses of the *demi-monde*, of hags and of harridans, who were denied any right to be heard in polite society; but in very few places does any record remain of women who claimed the right to speak for themselves or on behalf of others. Thus, on the basis of its own records and information, the state 'knew' virtually nothing about black women. Instead, it relied very largely on its own intelligence - information that was profoundly influenced by several centuries of Western thought premised on an indefatigable belief in the inferiority of both women and 'natives'.

On the Inferiority of women and natives

In the broadest terms, the widespread conviction among European men of the imperious classes in the 19th and early 20th Centuries that women (and, for that matter, Africans as

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[2] For a prime example of this, see the record of proceedings in the 'Minutes of a Native Conference Summoned under Act No. 23 of 1920, and held at the Raadzaal, Pretoria, on the 24th September 1923 and the Following Days' in UG 47-'23, *Report of the Native Affairs Commission, 1923* , Annexure B, pp. 29-62. See also A. Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa* (Oxford, 1990), pp. 1-13 and *passim*.

well) were inferior to men was heavily influenced by the legacy of 17th Century Cartesian rationalism, which posited a distinction between mind and matter. Over time, this introduced a range of other dualisms and dichotomies as philosophers gradually shifted from their belief that the world was a mysterious place ruled by supernatural forces, to a belief that the world could be controlled by scientifically discoverable laws of nature. 'Intellect,' writes Susan Mendus, 'the scientific pursuit of truth, was the means by which man's ascendancy over nature would become complete.'[3] However, as men alone were deemed capable of rational thought,[4] women were consigned to the 'matter' part of the dichotomy, along with beasts of nature and members of the working classes and other races. With men associated with 'mind' and women with 'nature', intellectuals increasingly credited women with the same attributes they assigned 'nature': passivity, innocence and malleability.

Counterposing this model of female sexual inertia was the antithetical belief that women were as lusty as animals in oestrus.[5] By the 18th Century, Western philosphers - and specifically John Stuart Mill - were embellishing a new dichotomy, concerning 'natural kinds'. In essence, they asserted that the capacity for rationality was what distinguished the order Man from the order Animals. Mendus writes:

> The possibility of perfection therefore consisted in the development of rationality, and the suppression of the 'animal instincts' - chief amongst which was the sexual instinct.

Man was rational; women, along with members of the working classes and other races, had poor powers of reason and thus fell prey to their strong sexual appetites. Jean-Jacques Rousseau embellished these ideas by rejecting any possibility of civil, economic or psychological independence for women because, as feminist theorist Cora Kaplan notes, 'it would enable the independent and licentious exercise of her supposedly insatiable sexual appetite.'[6] Rousseau maintained that in all human beings, passion was natural and necessary, but as reason was an attribute of men only, this passion in women was uncontrolled. Women, therefore,

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3 S. Mendus, 'Introduction' *in* S. Mendus and J. Rendall (eds.) *Sexuality and Subordination: Interdisciplinary Studies of Gender in the Nineteenth Century* , (London and New York, 1989) p. 8.

4 One should not forget that women were not admitted to Europe's institutions of learning before the late 19th Century.

5 This philosophical dualism accounts, perhaps, for the paradoxical formulation of women as both whores and angels.

6 See C. Kaplan, *Sea Changes: Culture and Feminism* , (London, 1986) pp. 39-42.

> must be be subject all their lives to the most constant and severe restraint, which is that of decorum; it is therefore necessary to accustom them early to such confinement that it may not afterwards cost them too dear ... we should teach them above all things to lay a due restraint on themselves.[7]

Kaplan comments:

> Since male desire needs an object, and women are that infinitely provocative object, the social subordination of women to the will of men ensures the containment of passion.[8]

Rousseau, along with a great many other theorists of societal order, argued that the family provided the appropriate forum for the safe restraint of women's disruptive propensities.

Apparently 'scientific' proof of the intellectual and moral superiority of Western men was not hard to assemble. The inferiority of women's cognitive powers was taken as self-evident; the writings of travellers and explorers provided evidence of how poorly the 'primitive' races compared with Western man. Early travel literature fed a growing European fascination with the 'exotic'. For example, it credited 'primitive' people, and particularly women, with a lascivious sexual appetite. The 18th Century French naturalist Georges Buffon claimed that the sexual appetites of black women were so pronounced as to incite copulation with apes,[9] while descriptions of the 'abnormal' genitalia of Khoi-San women at the Cape in the late 17th and early 18th Centuries were upheld as proof of the measure of difference between the races. The so-called 'Hottentot's apron', or hypertrophy of Khoi-San women's labia - the result of deliberate manipulation in the interests of beauty - was believed to vindicate speculation about their lasciviousness. [10]

Over a century later, in the heyday of Victorian imperial conquest, Charles Darwin's *Origin of the Species* devoted some attention to the impact of evolution on instinct, and suggested that

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7 J-J. Rousseau, *Emile* (B. Foxley, tr., London 1974), p. 332, quoted in C. Kaplan, *Sea Changes*, p. 40.

8 C. Kaplan, *Sea Changes*, p. 40.

9 S.L. Gilman, *Difference and Pathology: Stereotypes of Sexuality, Race and Madness* (Ithaca and London, 1985), p. 83. Buffon, who never travelled further than Britain, built his reputation on his *Histoire Naturelle, Generale et Particuliere*, the first comprehensive work on natural history. The first of its 44 volumes was published in 1749.

10 *Ibid.*, p, 85.

among the higher beings this capacity was progressively supplemented with reason.[11] Appropriated by Social Darwinists, this argument could be used to buttress earlier renditions of the argument that the lower orders - whether defined by race, class or gender - remained prey to their lusts. Moreover, as the feminist historian Leonore Davidoff argues, it was widely believed that

> ... the working classes and native blacks supposedly allowed their sexuality to spill over their total lives, diverting them from the goal of achievement through work, wasting their energies and draining their vital forces.[12]

By the turn of the century, pioneers of the nascent science of sexology had begun to embellish these age-old wisdoms with the respectablility of medical science. Jeffrey Weeks, an historian who has written extensively on the history of sexology, has remarked that,

> if, as Krafft-Ebbing believed, 'life is a never-ceasing duel between the animal instinct and morality', then an absolutist policy of sexual repression and control is seen as inevitable to guarantee civilisation.[13]

These ideas percolated through European society in various guises, and it would be naive to imagine that native administrators and government officials in Southern Africa in the early 20th Century were unexposed to these views. Indeed, for those unaquainted with the works of Mill, Rousseau or Buffon, there were the high Victorian fantasies of Henry Rider Haggard, whose novels were steeped in assumptions of white supremacy and descriptions of the exotic powers of 'native' women.[14] Haggard, possibly more than any other contemporary writer, portrayed the metaphorical likeness in the station of women and 'natives'; they were both 'other',[15] and inferior. These assumptions of 'difference' and 'inequality' contributed to the view that

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11 J. Weeks, *Sexuality and its Discontents: Meanings, Myths and Modern Sexualities* , (London and New York, 1985, this edition 1989) p. 82.

12 L. Davidoff, 'Class and Gender in Victorian England' *in* J.L. Newton, M.P. Ryan and J.R. Walkowitz (eds.) *Sex and Class in Women's History* (London, 1983), pp. 17-71, p. 20.

13 *Ibid.*, p. 98.

14 Haggard, a nondescript younger son from an English upper class family, was sent off for service in the colonies (Natal) in 1875. After several years of inconsequential service in the company of senior Natal officials (including Sir Henry Bulwer, Lieutenant Governer of Natal, and Theophilus Shepstone, then Natal's Secretary for Native Affairs), Haggard returned to England to write a number of spectacularly successful novels. For a useful discussion of some of the less acknowledged themes of his work, see A. McClintock, 'Maidens, Maps and Mines: *King Solomon's Mines* and the Reinvention of Patriarchy in Colonial South Africa' *in* C. Walker (ed.) *Women and Gender in Southern African to 1945* (Cape Town and London, 1990), pp. 97-124.

15 For a discussion of the psychological construction of 'otherness' and its deployment, see S.L. Gilman, *Difference and Pathology: Stereotypes of Sexuality, Race and Madness* , pp. 17-27.

it was necessary, justifiable and proper that the superior sex, or race, control the inferior, and that the weaker sex, or race, accept the authority of the stronger.

Black women, as constituent members of the category 'native', were 'other', yet their sex alienated them still further from white male administrative authority. Furthermore, white officials had relatively little contact with black women before widescale urbanisation from the 1920s changed administrative imperatives. This underlined black women's 'otherness'. Consequently the fact of black women's race was encumbered with the dual, contradictory - character attributed to women: as both angel - inert, innocent and passive, and whore: voracious and carnal. This gendered stereotyping severely compounded the complexity of racial administration and, indeed, goes some way to explaining the peculiar reluctance of administrative officials to sanction coercive legislation, such as the pass laws, for women whom, in their own estimation, were little more than prostitutes.[16]

On the pertinence of gender

The pertinence of gender in analyses of the administrative regime governing African women has received little attention in South African historiography. Julie Wells' pioneering study of black women's resistance to the pass laws fails to consider the meaning or significance which white officials attached to black women's race and gender, and rarely does she explore the structural inequality of black women in African polities.[17] In this thesis it is argued that the logic of 'native administration' is meaningless without attention to the metaphors of power; the subordination of black women was both a powerful token and an integral part of the language of power. The speeches of white politicians throughout the first half of the Twentieth Century

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16 This theme is addressed in detail in the course of this thesis. Suffice it to quote just one example:
'Particularly is the large influx of women a danger and a menace to society and the fair name of Johannesburg. They are either liquor sellers or prostitutes, or they are living an illegal life with a man.'
SC 6a-'29, *Second Report of the Select Committee on Native Affairs, 1929: Minutes of Evidence*, E.O. Leake (Chairman of the Johannesburg Native Affairs Committee), Johannesburg, p. 5.

17 J. Wells, 'The History of Black Women's Struggle against the Pass Laws in South Africa', (Unpublished Ph.D thesis, Columbia University, 1982).

abound with references to Africans as child-like, not adult, in need of tutelage.[18] The metaphor is steeped in assumptions of superiority, the right to discipline, and of prerogatives of privilege and power. Indeed, the notion of the family informed the administration's conception of African social relationships. The subordinate position of women within the family echoed relations in the wider polity.

The notion of power has been the focus of intense academic debate in recent years. The content of this thesis reflects this tension, and straddles the writing of both structuralist and post-structuralist theorists. Thus reference is made to 'the state' as the prime locus of power, alongside more evanescent references to other, more dynamic, heterogenous and malleable dimensions of power which give rise to various forms of domination, of which the sexual is one. For nearly three decades, revisionism in South African social studies has been dominated by the approach of the structuralists, and no attempt has been made in this work to reformulate the basic premises of state formation in the country in the first forty years of the 20th Century.[19] Little would be gained at this point by denying the impact of mining capital on the spatial development of Johannesburg, for example, or disputing the extent to which its interests were accommodated by the Department of Native Affairs. Deployed cautiously, the structuralists offer a serviceable framework on which to peg causation, process and identity; but it obscures at least as much as it illuminates.

Within the Marxist structuralist tradition, the economic realm tends to take precedence. Thus

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[18] Perhaps the most famous statements of their kind are by J.B.M Hertzog: '[We] must regard the native as a child, and [we] must be honest with him, treating him in such a way that he looks upon the white man with trust and confidence.' Quoted in the *Cape Times*, 8.2.1923. By 1937, this was being rendered thus:
'As against the European, the native stands as an eight-year old against a man of mature experience ... Differences exist in ethnic nature, ethnic custom, ethnic development and civilization and these differences shall long exist ... When he achieves his majority in development and civilization, and stands on an equal level with the white man, his adulthood will be acknowledged. Then the time will have come to take his claim to political rights into consideration...'
Quoted in S. Marks and S. Trapido (eds.), *The Politics of Race, Class and Nationalism in Twentieth-Century South Africa* , (London and New York, 1987) p. 9.

[19] Among the more famous exponents of this genre are F.A. Johnstone, *Class, Race and Gold. A Study of Class Relations and Racial Discrimination* (London, 1976); R. Davies, *Capital, State and White Labour in South Africa, 1900-1960* (Brighton, 1979); M. Lacey, *Working for Boroko: the Origins of a Coercive Labour System in South Africa* (Johannesburg, 1981); D. Innes and M. Plaut, 'Class Struggle and Economic Development in the South Africa: the Interwar Years', *in* Collected Seminar Papers, No. 24, *Societies of Southern Africa in the Nineteenth and Twentieth Centuries* , Vol. 9, 1978.

patriarchy is reduced to a function of production, and a by-product of changing economic structures. All too often gender, and the meaning attached to sexual difference, becomes little more than a supplementary analytical device to illuminate certain missing parts. The weakness of this approach has been demonstrated by Belinda Bozzoli in an important article which argues that the structural position of most African women in South Africa can only be understood through exploration of struggles within the home (or homestead) *and* between that home (or homestead) and the wider society.[20] Her argument is particularly pertinent to this thesis as it helps account for the 'structural' exclusion of African women from the industrial labour force until comparatively recently and hence their relatively low visibility to administrative officials.

As an analytic category, however, gender has little meaning where it rests solely on the single variable of physical/sexual difference. Following Joan Wallach Scott (who provides much of the theoretical underpinning of this work) if gender is reconceived in post-structuralist terms, it gains stature as an authentic and useful analytical category. She argues that gender may be defined to mean 'knowledge about sexual difference', where knowledge, following Foucault, means the understanding produced by cultures and societies of human relationships, in this case those between men and women:

> Knowledge is a way of ordering the world; as such it is not prior to social organisation, it is inseparable from social organisation.
>
> It follows then that gender is the social organisation of sexual difference. But this does not mean that gender reflects or implements fixed and natural differences between men and women; rather gender is the knowledge that establishes meanings for bodily differences. These meanings vary across cultures, social groups, and time since nothing about the body, including women's reproductive organs, determines univocally how social divisions will be shaped.[21]

Historical investigation must explore how the subjective and collective meanings of femaleness and maleness as categories of identity have been constructed, and how - in Scott's formulation - 'the meanings of sexual difference are invoked and contested as parts of many kinds of struggles for power.'[22]

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20 B. Bozzoli, 'Marxism, Feminism and Southern African Studies', *Journal of Southern African Studies* 9 (1983), pp. 139-171.

21 J.W. Scott, *Gender and the Politics of History* (New York, 1988), p. 2.

22 *Ibid.*

Scott's helpful restatement of gender owes much to Michel Foucault's quixotic challenge concerning the nature of power:

> The question we must address, then, is ... [i]n a specific type of discourse on sex, in a specific form of extortion of truth, appearing historically and in specific places ... *what were the most immediate, the most local power relations at work?* How did they make possible these kinds of discourses, and conversely, *how were these discourses used to support power relations?* ... [W]e must immerse the expanding production of discourses on sex in the field of multiple and mobile power relations.[23]

In this thesis an attempt is made to take cogniscance of Foucault's summons.

It is argued that the administration of African women in Johannesburg was profoundly influenced by the assumptions and belief-systems of white state officials. Black women were 'other', and thus to a large extent the attributes and characteristics with which officials credited them were the product of peculiarly racist - not to mention class-bound and sexist - stereotypes. The dominant assumption underpinning urban administration was that black women in town tended, inherently, to lasciviousness,[24] and that their sexuality was a powerful force that required constraint. Sexuality, in this formulation, was construed as a potent force for disruption, both literally and figuratively; anxiety over sexuality related to anxiety over the maintenance of social order.[25] Thus, in some important respects, attempts to regulate the conduct and settlement of African women in urban areas reflected the attempts of state authorities to assert their authority over Africans living and working in white-designated towns and cities.

The unease expressed by bureaucrats and officials in their attempts to regulate the conduct of urban working women is explored in detail by Joan Wallach Scott in her illuminating analysis of the Paris Chamber of Industry's attempt to 'expose the situation of the working

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23 M. Foucault, *The History of Sexuality*, Vol. I: *An Introduction* (New York, 1980) pp. 97-98; emphasis added.

24 See, for example, UG 34-'13, *Report of the Commission appointed to Inquire into Assaults on Women* , p. 23, para. 104: 'the woman ... often as not becomes a prostitute, and if married according to native law, frequently disregards the ties of such marriage.'

25 Although it is not the intention of this thesis to engage in an exploration of the sexuality of white men, Gilman's construction of 'the white man's burden' takes this analysis a step further: 'The white *man's* burden, his sexuality and its control, is displaced onto the need to control the sexuality of the other, the Other as sexualised female. For the colonial mentality that sees 'natives' as needing control easily shifts that concern to the woman, in particular the prostitute caste. Because the need for control was a projection of inner fears, its articulation in visual images was in terms which were the polar opposite of the European male.'
S.L. Gilman, *Difference and Pathology: Stereotypes of Sexuality, Race and Madness* , p. 107.

classes by facts and incontestable figures' on the eve of the 1848 revolution.[26] Census enumerators subjected single women supporting themselves by working, unsupervised, as seamstresses to exceptional scrutiny, believing them to use their trade as a guise for less reputable pursuits. Scott comments:

> 'The uncertain character of these so-called workers suggested the larger problem of determining the status of any woman who lived outside the normal contexts of family, work, economy and exchange. The hint of prostitution conveyed this sense of irregularity and corruption. Workers but not workers, these women were marginal to, yet part of, the world of Parisian industry. In their behaviour lay the threat to moral order, the destruction not only of work discipline but of all social relationships.... The very ambiguity of their situation, the fact that they defied categorization, was the measure of their dangerousness.[27]

The marginal status of these Parisian women paralleled that of their African counterparts in Johannesburg in the early 20th Century. Although significant numbers of African women were engaged in domestic service by the 1930s, the participation of the majority in the formal labour market was unregulated and often erratic; they, too, were workers, yet not workers, and often 'inadequately' subordinated to the authority of husbands or fathers. Referring again to the Parisian seamstresses, Scott concludes:

> The prostitute represented sexuality - male as well as female - corrupted, inverted, or simply unregulated, out of control. Women, in their 'natural' subordination and dependency, represented the working class in relation to capital.... In the *Statistique's* obsessive preoccupation with women of 'doubtful' conduct one finds encoded a set of observations and warnings about another 'reality' - the dark and dangerous side of the working class .... The only corrective to this situation ... was to reimpose the terms of patriarchal law.[28]

Rendered thus, the independent woman, sexually undisciplined, invoked the spectre of an untamed working class threatening the social order. The married woman, conversely, represented the 'good' working class; her sexual fidelity and dependence acknowledged her place in a system of subordination and domination.

The 're-imposition of patriarchal law' in Johannesburg, especially after the 1927 Natives Adminstration Act, is one of the more interesting subthemes explored by this work. Provided that a woman could be rendered answerable to the authority of a parent or spouse, it seems the state was reluctant to trespass on African men's jurisdiction over women in their charge -

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[26] E. Sur, quoted in J.W. Scott, *Gender and the Politics of History*, p. 115.

[27] J.W. Scott, *Gender and the Politics of History*, p. 136.

[28] *Ibid.*

for the deployment of patriarchy, resting on the meaning attached to sexual difference in all its complex forms, was a potent device in the armoury of the state.

An overview of the secondary literature

There are no published accounts of African women's experiences of urbanisation and urban life in Johannesburg before World War Two written in that period by African women.[29] Given the relatively high standard of education achieved by a number of African women in Johannesburg in this period, the absence of any published record by an African woman is particularly unfortunate. At the other extreme, there is no single study of African women and urbanisation in 20th Century South Africa.[30] Contemporary researchers attempting to study urban settlement by African women in pre-1940 Johannesburg half a century later are thus obliged to draw on a limited number of texts written by social scientists, each of which imposes its own limitations.

Ellen Hellman's study *Rooiyard. A Sociological Survey of an Urban Native Slum Yard*, written originally as a Master's thesis in anthropology, reflected her particular interest in the impact of 'culture contact' on an aggregation of African people living in a defined locale. As such, she strove to give an objective account of the experiences and values of Rooiyard's inhabitants; notwithstanding her implicit assumption that the 'imposing' urban culture was relatively coherent and well-known, *Rooiyard* constitutes a pioneering investigation of a little-known world.

Other studies of Johannesburg's social mileau as it concerned African women in this period were less sensitive to the biases of their authors. For example, Ray Phillips' two detailed studies of 'the Bantu' in Johannesburg in the late 1920s and Thirties tell the contemporary

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[29] Vignettes of life in Johannesburg in the late 1930s are contained in Ellen Kuzwayo's autobiography, *Call Me a Woman* (Johannesburg, 1985); Kuzwayo, however, grew up in the rural Orange Free State and was educated there and in Natal. She settled in Johannesburg only in 1946. R.R.R. Dhlomo's cautionary tale 'Skokiaan' is an interesting example of a contemporary African man's attempt to describe a woman's experience of settlement in Johannesburg in the 1920s. See R.R.R. Dhlomo, 'Skokiaan', first printed in *The Sjambok*, 25 October 1929; reprinted in *English in Africa* 2 (1975), pp. 16-18.

[30] The most sustained narrative of African women's experiences in Twentieth Century South Africa is C. Walker's *Women and Resistance in South Africa* (London, 1982). By definition, its focus is on political organisation and mobilisation.

reader as much about the concerns of a paternalistic Christian missionary as they do about the books' subjects.[31] Three later works concerned with this theme - Mia Brandel-Syrier's *Reef Town Elite*,[32] Leo Kuper's *An African Bourgeoisie*[33] and Laura Longmore's *The Dispossessed*[34] - manifest a similar reluctance to acknowledge the influence of the writers' own assumptions and values in informing their analyses. While it is debateable whether any text can provide 'the truth' on a given matter, free of distortion or bias, the writers cited above demonstrate an exceptional lack of self-consciousness in their writing.

A more intractable problem has confronted more sensitive writers seeking to distinguish their values and perceptions from those of the individuals or communities they studied.[35] In emphasizing the intervening distance, they have been accused of rendering the subjects of their studies as objects, and, indeed, of giving nothing to those communities in return. The point is an important one, and needs to be considered carefully.[36] All too often the argument is simply dismissed with the counterclaim that the tensions, quirks and contradictions of authentic experience are often subordinated to the larger record of political struggle. It must be acknowledged that politically-motivated attempts to allow African women to speak with their own voices have not always succeeded[37] and, sadly, there is little evidence yet of community-based projects which aim to enable African women to write their own history.

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31 R.E. Phillips, *The Bantu are Coming. Phases of South Africa's Race Problem* (London, 1930); *The Bantu in the City. A Study of Cultural Adjustment on the Witwatersrand* (London, 1938).

32 M. Brandel-Syrier, *Reeftown Elite* (London, 197).

33 L. Kuper, *An African Bourgeoisie. Race, Class and Politics in South Africa* (New Haven, 1965).

34 L. Longmore, *The Dispossessed. A Study of the Sex-life of Bantu Women in Urban Areas in and Around Johannesburg* (London, 1965).

35 See the articles collected in C. Walker (ed.) *Women and Gender in Southern Africa to 1945*; S. Marks (ed.), *Not Either an Experimental Doll. The Separate Worlds of Three South African Women* (Durban and Pietermaritzburg, 1987); J. Cock, *Maids and Madams. A Study in the Politics of Exploitation* (Johannesburg, 1980).

36 It was raised vigorously at the 'Women and Gender in Southern Africa' conference held in Durban in January 1991. Although uncomfortable at times, the debate seems to have provoked a healthy awareness of the complexities of writing about women in a society riven by distinctions of class, colour, gender and skill. For an overview of the conference, see T. Shefer and S. Mathis, 'The Search for Sisterhood', *Work in Progress* Issue 73 (1991), pp. 14-16.

37 J. Barrett, A. Dawber, B. Klugman, I. Obery, J. Shindler and J. Yawitch, *Vukani Makhosikazi. South African Women Speak* (London, 1985).

What these tensions point to is the need for more research on the processes of women's settlement in South Africa's towns, and sensitive documentation of their experiences there. The record of women's part in this country's history is woefully inadequate. There is an urgent need for many more case studies so that a synthesis of the broad trends may be achieved. Until then, accounts of women's experience will remain only supplements to the 'real' history of this country. Only then will it be possible to address Virginia Woolf's famous poser: can a focus on women add a supplement to history without also rewriting history?[38]

This work has been facilitated greatly by the growing secondary literature on the social history of the Witwatersrand - and indeed South Africa as a whole - before the Second World War. However, very little of it addresses the early settlement of African women on the Rand,[39] and none of its explores the nuances of Johannesburg's administrative policies concerning African women in any detail.

This thesis is concerned primarily with the impact of black female settlement in Johannesburg on urban administrative policy. For this reason, little attempt has been made to explore the world black women and men inhabited - and forged for themselves - on the Rand. There is a growing number of academic texts on the working life and leisure of the city's early black population which this work relies on. Charles van Onselen's study of aspects of the first three decades of settlement on the Rand provides not only a richly textured account of some of the seedier sides of Johannesburg's precocious development, but a challenging research agenda for later periods.[40] In conjunction with this work, a trio of recent University of the Witwatersrand theses has laid the basis for current work on early Johannesburg: Noreen Kagan's examination of African settlements in the Johannesburg area between 1903 and 1923 has provided a sound empirical basis for many researchers;[41] Andre Proctor's study of early black Johannesburg, focused on Sophiatown, provides a comprehensive account of municipal

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38 V. Woolf, *A Room of One's Own* (London, 1929, this ed. 1977), pp. 44-45.

39 One notable exception is D. Gaitskell's '"Laundry, Liquor and 'Playing Ladish': African Women in Johannesburg 1903-1939', unpublished paper presented at the South African Social History Workshop, Centre of International and Area Studies, University of London, 1978.

40 C. van Onselen, *Studies in the Social and Economic History of the Witwatersrand, 1886-1914; Volume I: New Babylon. Volume II: New Nineveh* (Johannesburg, 1982)

41 N. Kagan, 'African Settlements in the Johannesburg Area 1903 - 1923' (Unpublished M.A. thesis, University of the Witwatersrand, 1978).

Native Affairs policy before World War Two;[42] Eddie Koch's exploration of life in the inner-city slums in the inter-war period is a useful complement to these.[43] David Coplan,[44] and Tim Couzens[45] have explored the nuances of the disparate cultures of the Africans who peopled the Rand, while Luli Callinicos' *Working Life* provides a blend of scholarly insight and photographic documentary.[46] Work in progress by Susan Parnell, on Johannesburg's municipal housing policy before World War Two,[47] and Harry Dugmore, on the city's 'coloured' population pre-1940,[48] has already contributed a valuable supplement to our understanding of these issues.

Deborah Gaitskell's research into the impact of missionary teaching on urban African family life and domesticity dominates studies of African women on the Rand, and for many years papers derived from research conducted for her Ph.D thesis were the sole secondary sources on the subject. Her work incorporates and develops the insights of British feminist historians into pronatalism and domesticity in turn-of-the-century England to provide a sustained account of the period. However, mission initiatives provide her major sources and interests; thus her attention to state and municipal policy is, inevitably, less focussed.[49]

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42 The main themes of his work are condensed in A. Proctor, 'Class Struggle, Segregation and the City: a history of Sophiatown 1905-40' *in* B. Bozzoli (comp.) *Labour, Townships and Protest: Studies in the Social History of the Witwatersrand* (Johannesburg, 1979), pp. 49-89.

43 E.E. Koch, 'Doornfontein and its African Working Class, 1914 to 1935; A Study of Popular Culture in Johannesburg' (Unpublished M.A. thesis, University of the Witwatersrand, 1983).

44 D.B. Coplan, *In Township Tonight! South Africa's Black City Music and Theatre* (Johannesburg, 1984).

45 T. Couzens, *The New African: A Study of the Life and Work of H.I.E. Dhlomo* (Johannesburg, 1985).

46 L. Callinicos, *Working Life: Factories, Townships and Popular Culture on the Rand, 1886-1940* (Johannesburg, 1987).

47 See, for example, S. Parnell, 'Sanitation, Segregation and the Natives (Urban Areas) Act: African Exclusion from Johannesburg's Malay Location, 1897-1925', (Unpublished paper, University of the Witwatersrand, 1989).

48 See, for example, H. Dugmore, 'The Coloured Community in Johannesburg, 1910-1936, with Particular Reference to the Malay Location and Surrounding Areas', (Unpublished paper presented at the University of the Witwatersrand History Department Masters' Seminar, 21.6.1989).

49 D.L. Gaitskell, 'Female Mission Initiatives: Black and White Women in Three Witwatersrand Churches, 1903-1939', (Unpublished Ph.D. thesis, School of Oriental and African Studies, University of London, 1981).

In an important article, 'Housewives, Maids or Mothers: some Contradictions of Domesticity for Christian Women in Johannesburg, 1903-1939'[50], Gaitskell explores the contradictions inherent in the attempts of white Protestant missionaries to win acceptance for a particular Christian family model among Africans - 'male breadwinner, dependent housekeeping wife and mother, dependent school-going children'. As she demonstrates, this model could never be more than a remote ideal as long as poverty required most women to work outside the home.[51] She argues, however, that these efforts were endorsed by 'Johannesburg lobbies for missionaries and urban manufacturers' - broadly speaking, liberal capital - who supported improved wages for urban workers, and a more skilled, less politically volatile black urban workforce. Opposing this, she contends, were the representatives of government, municipal officials and the advisory committee of experts on native affairs, the Native Affairs Commission, who wished to keep the costs of reproducing the labour force to a minimum and ground its reproduction in the rural areas. For them, she contends, influx control was essential.[52] Effectively, Gaitskell sets up an opposition between calls for greater urban familial stability and improved conditions of family life, on the one hand, and for cheap reproduction of labour and influx control, on the other.

Without wishing to impugn the rest of this valuable article, this particular formulation is problemmatic at a number of levels, and in fact highlights a number of the themes addressed in this thesis. There was no necessary direct opposition between calls for influx control and the fostering of a stable urban working class. Influx controls, as Doug Hindson and others have demonstrated, provided one means by which a limited stable urban working class could be nurtured through excluding those deemed surplus.[53]

One should exercise great caution in attempting to read off state policy from the reports of government departments and commissions. A prime illustration of this is an Appendix attached to the 1936 *Report* of the Native Affairs Commission (a body established in 1920 to

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50 D. Gaitskell, 'Housewives, Maids or Mothers: Some Contradictions of Domesticity for Christian Women in Johannesburg, 1903-1939' in *Journal of African History* 24 (1983), pp. 241-256.

51 *Ibid.*, p.252.

52 *Ibid.*, pp. 252-4.

53 D. Hindson, *Pass Controls and the Urban African Proleteriat in South Africa* (Johannesburg, 1987); see also D. Posel, 'Influx Control and the Construction of Apartheid, 1948-1961' (Unpublished Ph.D. thesis, Oxford University, 1987).

advise the government on matters concerning 'native affairs') entitled 'The Evolution of a Unified Native Policy',[54] which provides a vindication both for a segregationist policy rooted in the reserves and the need for influx control. This is the central report on which Gaitskell bases her reading of government policy.[55] However, influx controls were not implemented on the Rand for a further decade, despite the provisions of the 1937 Native Laws Amendment Act, while the *Report* itself is noteworthy chiefly for the sense of coherence it paints over an era characterised by ambivalence and contradiction. This uncertainty is explored in two recent investigations of 'native policy' in this period - Saul Dubow's study of the evolution of the policy of segregation[56] and Adam Ashforth's analysis of the discourse of 'The Native Question'.[57]

Gaitskell tends to conflate the interests and policies of municipal and central government officials. In contrast, a continuous theme of this thesis is the extent to which the two tiers of government were at odds, with Johannesburg's municipal officials looking to the state for added powers, and the central state seeking frequently to moderate some of Johannesburg's administrative excesses. Simultaneously, it demonstrates the extent to which the rubric of urban administration was drafted by officials on the ground. This raises a reciprocal issue: the role of local bureaucrats and functionaries in formulating policy. One illustration of this is the growing impetus for urban influx control from the 1920s - as distinct from efflux control from rural farming districts - which came largely from the urban authorities at the cutting edge of the government's policies; their demand was premised less on grand theory than on the nuts and bolts of providing sub-economic housing.[58]

Gaitskell excludes municipal authorities from the attempts of social reformers to foster a cult

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54 UG 48-'37, *Report of the Native Affairs Commission for 1936* , pp. 5-14.

55 D. Gaitskell, 'Housewives, Maids or Mothers...', *Journal of African History* 24 (1983), pp. 253-54.

56 S. Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36* (Basingstoke and London, 1989).

57 A. Ashforth, *The Politics of Official Discourse in Twentieth Century South Africa.*

58 Their actions vindicate Max Weber's claim that a bureaucracy, though an instrument of the state, nonetheless has 'a tendency to exceed its instrumental function and become a separate force within society, capable of influencing the goals and character of that society.' D. Beetham, *Max Weber and the Theory of Modern Politics* (Cambridge, 1985), p. 65.

of domesticity among black women and neaten the syntax of urban connubium.[59] Graham Ballenden, manager of Johannesburg's municipal Native Affairs Department from 1927 to 1944, established a Native Welfare sub-department in 1937 and sanctioned strenuous efforts to enscribe black women in precisely the same value systems as those propagated by Christian missionaries.[60]

Gaitskell argues that

> domesticity was much more part of the missionary instruction of African women converts than any corresponding stress on fatherhood and home-responsibilities in priestly training in Christian males. For urban black females in early industrial South Africa, Christianity was as much about a specific family form, of which they were the linchpin, as about a new faith in Christ.[61]

Christianity, however, was not unique in its prescriptions of feminine virtue. It shared the assumptions of a broad range of secular authorities which reified the family as a guarantee of moral and material progress and order, while simultaneously defining it in terms of sexual division and subordination. Indeed, the family was widely construed as the base unit of the state - itself understood as a familial entity.[62]

Widespread concern for black women's moral well-being in the early Twentieth Century and, more generally, efforts to shore up cracks in the institution of 'the family', reflected anxiety - notably among government officials - over the constitution of the social order in a context of rapid industrialisation and urbanisation. Jeffrey Weeks's description of 'a grappling for control in the light of rapidly changing social and economic conditions' in mid-19th Century Britain is apposite:

> All these [transformations] produced major shifts in relations between the genders, and in the relationship between behaviour and moral codes. Sexuality becomes a symbolic battleground both because it was a focus of many of these changes, and because it was a surrogate medium through which other intractable battles could be fought.[63]

The realm of sexuality, moreover, is one of the prime sites where domination and

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[59] D. Gaitskell, 'Housewives, Maids or Mothers...', *Journal of African History* 24 (1983), pp. 253-54.

[60] Ballenden was also an ardent supporter of rigorous influx controls, higher wages for non-migrant workers, and greater autonomy for local authorities from central state control.

[61] *Ibid.*, p. 242.

[62] See S. Watney, *Policing Desire: Aids, Pornography and the Media* (London, 1987) p. 48.

[63] J. Weeks, *Sexuality and its Discontents*, p. 74.

subordination are defined and expressed. In this reading, the initiatives described by Gaitskell are one manifestation of a broad-ranging anxiety - rather than a quaint, if misguided, initiative inspired by post-Victorian evangelism. It is not insignificant that the 'specific family form' endorsed by Gaitskell's missionaries was strongly identified with a model in which women were dependent, obedient and submissive, and in which they accepted unquestioningly a pre-ordained hierarchy; their sexuality, moreoever, was channeled into a monogamous relationships with men, and devolved largely upon procreation. Orderly family units were deemed the essential prerequiste for orderly society. Not for nothing was the precise syntax of urban order summarised by municipal officials in the late 1930s as 'one man, one wife, one house.'[64]

Structure and content of the thesis

The chapters that follow are arranged chronologically. In the period explored by each chapter, a particular representation of urban African women, or motif, is evident. With the exception of the mid-Thirties, these formulations are perjorative and render both women, and their presence in urban areas, as 'undesirable'.

In the first period, 1903-1912, women were portrayed, at best, as vulnerable to 'temptation'; at worst, they were prostitutes and liquor sellers, plying their wares on the mines and contributing to disorder. Within this period, however, the Rand was wracked by white alarm over 'the black peril' or, more specifically, sexual assault by black men. The assailants, it appeared, were mostly 'houseboys' - male African domestic servants - and thus a number of prominent lobby groups called for the replacement of male servants with African women. The chapter then charts the efforts of both state and church bodies to overcome the prejudices of white employers against African women by formulating a form of pass law for women.

The second chapter covers the period 1913-1924. White fears of the 'black peril' took on new forms as crime, disease and disruption by the popular classes living in Johannesburg's slums encroached on white civic order. This was the era of Stallard's stern proscriptions against

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[64] University of the Witwatersrand, Cullen Library: Department of Historical Manuscripts (hereafter U.W.), Archives of the South African Institute of Race Relations (hereafter S.A.I.R.R.), AD 843, B 56.4, 'Conference on Urban Native Juvenile Delinquency, 1938', Text of an address by G. Ballenden, quoting H. Henderson of the Native Welfare Department.

'redundant natives'[65] - Africans who were surplus to the legitimate needs of the locale. Significantly, the notion of 'surplus', when applied to men, meant unemployed and indolent; applied to women - as in 'unattached native woman' - it meant both unemployed, and not answerable to spouse or kin. The chapter uses this motif to explore the evolution of the 1923 Natives (Urban Areas) Act.

Between 1924 and 1931, the period described in Chapter Three, the Johannesburg municipality vigorously asserted the new powers assigned it under the 1923 Act. Black women in this period were identified as disproportionately responsible for what was regarded as the moral degredation of the slum tenantry, and as one of the primary obstacles to swift and orderly slum clearance.

This chapter, more than any other, pays particular attention to the formulation of African housing policy in Johannesburg. Housing policy forms an important component of the argument developed in this thesis, as the provision of family housing for Africans was an important index of the extent to which the Council acknowledgement that female settlement in the area was not transient. By the same token, the absence of public accommodation before 1930 for women not living with their spouse or kin underlines the refusal of local officials to make provision for housing women who were neither wives of urban workers nor servants living on their employers' premises. From the mid-1920s the Council's slum clearance programmes sought to destroy the physical infrastructure which permitted marginalised individuals and lumpen elements to survive in the city regardless of the workplace. 'Unattached' African women were a prominent target of this campaign.

Housing provision and the settlement of African women were integrally linked. Slum clearance could progress only as fast as alternative accommodation could be provided; as long as the municipality had no power to inhibit female settlement, it had no way of checking the number of families for whom it would have to provide housing if the slums were to be cleared. For this reason the Council aimed to rehouse all who needed accommodation, and then forbid further settlement; limited housing could then serve as an adjunct to formal influx controls. Thus to halt new settlement by African women, it was obliged to house all those already there. It was primarily on this basis that the new township of Orlando took shape from 1932.

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[65] TP 1-'22, *Report of the Transvaal Local Government Commission*, p. 49, para. 278.

Chapter Four examines the attempts by state and local officials to plug the obvious holes in the Urban Areas Act which militated against effective control. Accelerating female African settlement on the Rand, increasingly in the form of family settlement, contradicted the ponderous deliberations of the state's policy advisers; permanent urban settlement invoked the spectre of 'the detribalised native' - with no other home and seemingly indifferent to white authority - and a radical transformation of the conventional labour market. The characterisation of black women in this period is peculiarly contradictory. On the one hand they continued to be blamed for a wide variety of urban ills, including the growing tendency of migrant men to establish new families in urban areas and forsake their rural homes. On the other, a particular combination of circumstances (explored in the chapter) gave new significance to familial stability, and, more particulary, women's role within that. Black women nationally, and particularly in Johannesburg, were increasingly enscribed in a new embellishment of orderly patriarchy.

The thesis concludes that a strictly economistic and materialist analysis of urban native policy, particularly as it impinged on black women, is inadequate. Sensitivity to the politics of gender permits new insights into the dynamics of white rule in pre-apartheid South Africa.

Chapter One

1903-1914: Trends in early African female settlement in Johannesburg and their impact on administrative policy

The modern South African state emerged in the first decade of the 20th Century out of the ruins of the South African War of 1899-1902, fought between Imperial British troops and the forces of the Boer Republics of the Transvaal and Orange Free State. Although interpretations of the causes of the war differ, most acknowledge the centrality of conflict over political control of the vast wealth of the Witwatersrand's gold reefs. After the war, maximum exploitation of the revenue-generating potential of the mines was the *sine qua non* for reconstruction.[1] This rested on the provision of an abundant supply of cheap unskilled labour. However, the work of reconstructing the Transvaal's damaged economy, provided unprecedented employment possibilities for unskilled labourers, particularly since mine wages during the war had been reduced to an all time low.[2] In July 1903, state officials claimed there was a shortfall of 129 000 unskilled labourers in the Transvaal.[3] Given the centrality of the mines to the Transvaal's economic recovery, the mines' labour problems became the state's Native Question in this period.[4] It was thus no coincedence that the urban component of the government's Native Affairs Department on the Rand was the Government Native Labour Bureau, whose primary function was to regulate 'native' labour.

Natives, in the parlance of the day, were, by definition, male labourers. African women,

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1 See D. Denoon, 'Capital and Capitalists in the Transvaal in the 1890s and 1900s', *Historical Journal* 23 (1980), pp. 111-32; S. Marks and S. Trapido, 'Lord Milner and the South African State', *History Workshop Journal* 8 (1979), pp. 50-80, and see A. Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa*, pp. 1-13, for a novel discussion of these issues.

2 P. Richardson and J.J. Van-Helten, 'Labour in the South African Gold Mining Industry, 1886-1914' *in* S. Marks and R. Rathbone (eds.) *Industrialisation and Social Change in South Africa: African Class Formation, Culture and Consciousness 1870-1930* (London and New York, 1982), pp. 77-98, p. 92; D. Innes, *Anglo: Anglo American and the Rise of Modern South Africa* (Johannesburg, 1984), pp. 64-65.

3 Transvaal Colony, *Report of the Transvaal Labour Commission: Together with a Minority Report, Minutes and Proceedings and Evidence* (Johannesburg, 1903), p. xxxv, para. 101; for a discussion of the veracity of this figure, see S. van der Horst, *Native Labour in South Africa* (Oxford, 1942), p. 168.

4 See A. Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa*, p. 23.

consequently, were excluded from this formulation on both counts, and thus fell largely outside the ambit of the Native Question. Almost without exception, the activities, concerns and identities of African women in South African went by unrecorded except in so far as they impinged on the supply and productivity of male Native labour.

In rare instances, formulators of 'the Native Question' noted the existence of African women in favourable terms. Greater participation by African women in the domestic labour market would 'release large numbers of men and boys for employment in occupations more suited to them',[5] while there is a suggestion that the demise of polygamy augered well for the inculcation of a work discipline among men who would no longer be able to rely only on the labour of their wives.[6] Others noted that African women's desire for Western clothing might impel men to the labour market; Violet Markham, a British polemicist and ardent supporter of Alfred Milner's administration of the Transvaal, observed in 1904 that 'the Kaffir Bride ... may prove the most valuable ally the mine-owners could enlist in their struggle for labour.'[7]

These relatively positive 'descriptions' applied primarily to women living in rural areas. Those living in and around the labour centres of the Witwatersrand, conversely, were the butt of widespread disapprobation; the majority were believed to engage in prostitution, liquor selling and the dissemination of venereal disease.[8] Their conduct was judged primarily in terms of

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5 South African Native Affairs Commission, *Report of the Commission* (Cape Town, 1905), Vol. 1, p. 83, para. 384.

6 Transvaal Colony, *Report of the Transvaal Labour Commission* , p. xxxiii, para. 95, p. 421, para. 7087; South African Native Affairs Commission, *Minutes of Evidence 1903-5*, G.G. Munnik, Zoutpansberg, p. 477; South African Native Affairs Commission, *Report of the Commission*, p. 58, para. 297 (2), p. 82, para. 381.

7 V.R. Markham, *The New Era in South Africa with an Examination of the Chinese Labour Question* (London, 1904), p. 153.

8 '[Among] the native women residing in a labour district, ... prostitutes, mainly engaged in the nefarious pursuit of kaffir beer brewing ... are the preponderating section ....' Central Archives Depot, Pretoria (hereafter C.A.D.), Records of the Government Native Labour Bureau (hereafter GNLB), GNLB 281, 458/17/D72, C. Pieterse, Native Affairs Department, Boksburg, to the Pass Commissioner, Johannesburg, 11.12.1903. Alongside this was the more subtle, bland stereotyping exemplified in the *Report of the Commission Appointed to Enquire into Assaults on Women*: '[The Native woman], as often as not, becomes a prostitute, and if married according to native law, frequently disregards the ties of such marriage ....' UG 39-'13, *Report of the Commission Appointed to Enquire into Assaults on Women* , p. 23, para. 104.

its impact on the productivity of male labour, and was deemed disruptive and undesirable.[9] Underlying one missionary acount of the perils of prostitution on the Rand, for example, was the earnest conviction that 'the moral health of a labourer is an asset to his employers, and still more the community from which they draw their labour supply.'[10]

This chapter seeks to explore the origins of the assumption that the presence of African women on the Reef was undesirable, and assess its implications. It argues that the perception was widespread, and distorted the policies informing both settlement and employment patterns. Because the majority of black women who lived in Johannesburg were presumed to be immoral, those living there had difficulty finding formal employment; to a certain extent, both of these factors served to deter potential African female in-migrants from settling in Johannesburg. Certainly it appears that where it was within the power of black parents to prevent their daughters going to live on the Reef, they intervened to stop them.[11] These issues were highlighted in 1911-12 when a series of brutal rapes, committed on white women by black male domestic servants, induced white church and state authorities to encourage the widespread employment of black women in white homes. Ironically, in this climate of fear of black male sexuality, black female sexuality became the focus of white reform initiatives as officialdom responded to the 'black peril' phenomenon by battening down the hatches of black female independence. The chapter then charts the efforts of both state and church bodies to overcome the prejudices of prospective white employers through introducing a form of pass law for African women. The price of greater acceptability to whites was conformism to a narrower definition of chaste, submissive femininity.

The wider context of African female settlement in early Johannesburg, 1896 - 1912

Early census figures reveal a small but significant number of African women resident in Johannesburg. Given the fact that administrative officials tended to document only challenges

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[9] Underscoring the extent to which black women on the Rand were viewed as contaminants, W.A. Terry, a Boksburg Native Affairs Department official, asserted stoutly that the Rand as a whole should be 'swept clean' 'as regards the women': 'If I had my way, I would sweep the whole lot out from one end of the Reef to the other...' C.A.D, K 373, Minutes of Evidence before the Commission Appointed to Enquire into Assaults on Women (hereafter E.A.W.C.), 1912-13, W.A. Terry, Boksburg, p. 5.

[10] 'Fourth General Missionary Conference. Report of Commission VI: 'The Black Peril" in (1912) *The Christian Express*, XLII, 1.8.1912, p. 131.

[11] See, for example, C.A.D., K 373, E.A.W.C., 1912-13, Dr W.B. Rubusana, Cape Town, p.9; *Ibid.*, Capt. H.F. Trew, Pretoria, p. 25.

to their law and order, the almost complete absence of information in this period about women *not* assigned to the *demi-monde* suggests the majority lived out apparently unremarkable lives as wives, mothers and diligent daughters.

The 1896 Johannesburg census, conducted under the auspices of the *de facto* town council of the day, the *Gezondheits Comite*, within a narrowly defined geographical area revealed that African women accounted for 8.7% of the African population of Johannesburg - excluding mineworkers - and divided them into the ethnic categories cited below. These categories are useful insofar as they suggest the region of origin of some Johannesburg's early black residents:

Table 1[12]

	Total	Male	Female
Basuto	2 404	2 194	210
Gaika and Galeka	102	93	9
Pondo and Amabaha	459	455	4
Tembu	256	211	45
Amaxhosa	1 996	1 747	249
Fingo	1 564	1 131	433
Zulu	5 292	5 173	119
Mashona and Matabele	70	65	5
Tonga	61	56	5
Swazi	83	80	3
Inyambaan	139	132	7
Shangaan	1 463	1 381	82
M'Chopi	14	13	1
Others	292	230	62
TOTAL	14 195	12 961	1 234

[12] Johannesburg *Gezondheits Comite, Report of the Director of Census 1896*, Annexure, Part II, Return No. IV, cited in N. Kagan, 'African Settlements in the Johannesburg Area, 1903-1923', p. 13.

A further table enumerated their formal occupations:

Table 2[13]

	Total	Female	Male
Professional	226	6	220
Domestic	4 501	553	3 948
Commerce	1 437	-	1 437
Agriculture	752	-	752
Industry	5 838	4	5 834
Indefinite	58	17	41
Dependents	585	130	425
Unspecified	828	524	304
TOTAL:	14 195	1 234	12 961

Two categories predominate: domestic work, and 'unspecified' activity. The latter would have encompassed those not in formal employment, either as married women supported by their husbands, or those whose activities - such as liquor brewing - did not bear scrutiny by public officials.

By 1904 the African population had risen to a total of 55 765, although the Municipal Census noted that this was a conservative tally; mineworkers accounted for roughly half this figure, while the number of women totalled 3 840.[14] By 1911, the number of women had risen to 4 357, out of a total African population of 97 614.[15]

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[13] Johannesburg *Gezondheits Comite, Report of the Director of Census, 1896*, Annexure, Part VII, Return No. I, cited in N. Kagan, 'African Settlements in the Johannesburg Area, 1903-23', p. 13.

[14] 'Report of the Municipal Census, 1910', quoted in A. Proctor, 'Class Struggle, Segregation and the City: a History of Sophiatown 1905-1940' *in* B. Bozzoli (comp.) *Labour, Townships and Protest: Studies in the Social History of the Witwatersrand*, p. 52.

[15] Cited by D. Gaitskell, 'Female Mission Initiatives: Black and White Women in Three Witwatersrand Churches, 1903-1939', p. 369.

In broad terms, the evidence suggests that African people coming to Johannesburg at the turn of the century may be divided into three broad groups - families from rural areas, including farms owned by whites, who no longer saw any future for themselves working the land; target workers, who hoped to earn a certain amount of cash and then return home; and single women - widowed, abandoned or never married, who came to the towns to settle and establish a new life for themselves there.

As Stanley Trapido and other writers have noted, there was a complexity and diversity to patterns of land holding in the Transvaal in the decades straddling 1900 which standard accounts conceal.[16] Between the poles of black dispossession and white prosperity were infinite gradations of compromise and mutual expedience.

By 1900, almost one fifth of the total land area of the Transvaal Republic was claimed by land companies or absentee landlords - a fact which facilitated the emergence of a significant number of African tenant farmers.[17] This was particularly pronounced south of the Rand, where the rapid emergence of Johannesburg created a sizeable demand for foodstuffs. As the market for food strengthened in the wake of the South African War, many white landowners perceived better prospects of profit and productivity through revising the tenancy arrangements on their land.[18] Thus even before the passage of the notorious 1913 Natives Land Act, tenant farmers and their families were being evicted from white-owned land.

Very few women seem to have come to the Rand in this period as target workers. They were not liable for taxes in their own right, and the female labour market was small. Most came either to settle - independently, or with their families - or to achieve a particular mission, such as seeking out a husband or relative, before returning home. There is very little sense in the available documents of women migrating between a Johannesburg job and a rural home before the 1920. Probably the most significant obstacle to widespread female migrancy was

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[16] S. Trapido, 'Putting a Plough to the Ground: A History of Tenant Production on the Vereeniging Estates, 1896-1920' *in* W. Beinart, P. Delius and S. Trapido (eds.) *Putting a Plough to the Ground. Accumulation and Dispossession in Rural South Africa 1850-1930* (Johannesburg, 1986), pp. 336-72.

[17] *Ibid.*, p. 337.

[18] *Ibid.*, pp. 342-92.

the fact that African women could be spared from their domestic duties less easily than men.[19] A secondary factor was the perceived danger the Rand, and specifically Johannesburg, held for women.[20] To many who had never seen the town, Johannesburg was apparently synonymous with the Rand's mines, and given the latter's reputation for depravity, few parents volunteered their daughters for the city - and many actively prevented them leaving.[21] Indeed, many resented keenly the 'European law' which women could invoke more easily in urban areas, which recognised the legal majority of all women over 21 - contrary to the customary perpetual minority of unmarried women.[22] This, claimed several witnesses (black and white) before a major 1912 commission, contributed to the reluctance of parents to allow their daughters into the cities, and the 'fall' of those who got there - as 'it gives the female power to say she is going to do what she likes, which is illegal according to native law.'[23] Perpetual minority, on the other hand, confirmed the structural subordination of women and 'put the girls in their right places'.[24]

The comparatively large number of women from the Cape and Transkei is perhaps explained by the series of natural disasters in the Transkei and Eastern Cape from the 1890s which impoverished tens of thousands of African families in the region, and impelled increasing numbers of Xhosa-speaking men towards the Reef. Rinderpest decimated 70 to 80 percent of cattle in the Transkei and Ciskei in the mid-1890s, crops failed utterly in 1903 following drought, and from 1910 East Coast (cattle) Fever pauperised many families who had withstood earlier crises.[25] By 1911 over 80 000 Transkei men were leaving the territory

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19 See B. Bozzoli, 'Marxism, Feminism and Southern African Studies', *Journal of Southern African Studies,* 9 (1983), pp. 139-171.

20 U.W.,Evidence before the Native Economic Commission (hereafter E.N.E.C.), AD 1438, 1930-31, Evidence of J.D. Rheinhallt Jones, Johannesburg, p. 9013.

21 C.A.D., K 373, E.A.W.C., 1912-13, Rev. C. Taberer, Keiskammahoek, p.20.

22 C.A.D., K 373, E.A.W.C., 1912-13, W.A. King, Pretoria, p. 17.

23 *Ibid.*, p. 6.

24 *Ibid.*, p. 12.

25 See C. Bundy, *The Rise and Fall of the South African Peasantry* (London, 1979), pp. 124-25. These natural disasters were not confined to the inhabitants of the Transkei and Ciskei; further up the coast, Zulu-speaking people in Natal and Zululand were also badly affected. However, for reasons beyond the scope of this discussion, migrant labour was less pronounced among Zulu-speaking men and was not focussed on the Rand, and thus the long term social impact of natural disaster - particularly as it affected women - was experienced differently in Natal and Zululand.

annually for migrant labour on the Rand, and in 1912 the territory's Chief Magistrate reported that it had become 'usual rather than rare' for Xhosa migrants 'to go out regularly each year,' and that 'thousands went twice a year'.[26] A large number of the married men, it seems, did not send home remittances regularly, and others did not return from the Reef. The evidence suggests that many of the women subsequently found living in the Rand's mining locations had come to the Rand specifically in search of their spouses. Others, conversely, came with their husbands and families and set up home on the Rand, seeking work beyond the mines.

A further factor was apparent among women exposed to missionary education. Several studies have demonstrated the role played by missionaries in undermining traditional authority structures and, in particular, subverting non-Christian - and, indeed, non-Western - perceptions of the role and status of women.[27] Most girls who had had access to even the most rudimentary mission education were better educated than their parents, and this perhaps was a factor explaining the widespread concern expressed by parents, missionaries and native administrators about the declining sanction of parental authority. Said one Keiskammahoek missionary,

> From fourteen or fifteen, the girls are not amenable to discipline, and take to wandering about the country.... The girls go now in large numbers to the towns.'[28]

It was apparently quite common for young girls and women to find domestic work in the small towns of the Eastern Cape and, of these, a small number took the train to the Rand.[29]

At the time of Johannesburg's first population census, in 1896, most Africans lived in the south, south-west and western portions of the town. This settlement pattern was a fairly direct result of Johannesburg's early economic profile, shaped by its status as a mining camp. Given its dependence on migrant male African mineworkers - whom the mines were obliged to house - the town's early planners made no provision for a Native location; this was in

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[26] *Ibid.*, p. 125.

[27] See, for example, D. Gaitskell, 'Wailing for Purity: Prayer Unions, African Mothers and Adolescent Daughters, 1912-1940' *in* S. Marks and R. Rathbone (eds.) *Industrialisation and Social Change in South Africa*, pp. 338-357, pp. 339-340; and G. Simpson, 'Christian Peasants and Politics in the Rustenburg District in the early Twentieth Century', (Unpublished paper presented at the University of the Witwatersrand, History Department Masters' seminar, 23.10.1986), pp. 25-27.

[28] C.A.D., K 373, E.A.W.C., 1912-13, Rev. W. Taberer, Keiskammahoek, pp. 13, 20.

[29] C.A.D., K 373, E.A.W.C., 1912-13, J.T. Jabavu, King William's Town, p. 11, M. St.V. Erskine, King William's Town, p. 47.

sharp contrast to most other Transvaal towns at the time. In June 1887, however, the mining commissioner had set aside stands for 'coolies and arabs' one and a half miles west of the centre of town, and it was in this area that early African family settlement was concentrated.[30] An 1897 survey revealed that the original 'arab reserve' had been subdivided into portions for Indian, Malay and 'kaffir' settlement; Africans totalled 3 600 of the combined population of 8 650.

These rudimentary dwellings soon attracted the disapprobrium of white authorities. Major W.A.J. O'Meara, the military officer responsible for running Johannesburg's municipal affairs after the city's occupation by British troops in May 1900, drew attention to the 'appalling insanitary conditions' prevailing west of the Brickfields area.[31] Nothing, however, was done to improve conditions there. In 1904, the town's new Medical Officer of Health, Charles Porter - appointed after the re-establishment of local government in 1902 - described the 'Coolie Location' in the following terms:

> It consists of narrow courtyards, containing dilapidated and dirty tin huts, without adequate means of lighting and ventilation, huddled on an area and constructed without any regard to sanitary considerations of any kind. In the middle of each slop-ridden and filth-bestrewn yard there is a well from which the people get their water supply and, as in other places, they choose this place for washing purposes, with urinals and closets in one of the places in the immediate vicinity. In one case the closet is about one pace from the well. It is crowded as a rabbit warren. I shudder to think what would occur if plague or cholera broke out in that place. These places are dark dens. You cannot see what is going on inside and accordingly there is every possibility of disease.[32]

This fear of contagion seeping into the homes of white Johannesburg led, in March 1904, to the eradication of the 'Coolie Location', precipitated by rumours of an outbreak of bubonic plague within the settlement.[33] The Location's entire population of 1 358 Africans and 1 600

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30 J.W. Shorten, *The Johannesburg Saga* (Johannesburg 1970), pp. 755, 790.

31 *Ibid.*, p. 791.

32 'Report of the Medical Officer of Health, Johannesburg, 1.7.1903 - 30.6.1904', p. 16, quoted in N. Kagan, 'African Settlements in the Johannesburg Area, 1903-23', p. 22.

33 John Shorten argues that the demolition of the 'Coolie Location' was a result largely of *fear* of the disease spreading, rather than any actual outbreak of plague; it followed a major plague scare in Johannesburg the previous year, and reports of a new outbreak of plague in Durban. J. Shorten, *The Johannesburg Saga*, p. 240. Contemporary reports of the Rand Plague Committee undermine Shorten's claim that there were no actual cases of plague. See, for example, Johannesburg Town Council, *Council Minutes* , 31.3.1904, 'Report of the Medical Officer of Health to the Rand Plague Committee, p. 266. However, Shorten's argument would support Maynard Swanson's thesis that *fears* of contamination from non-Whites, rather than

Indians was forcibly removed to separate camps on the farm Klipspruit, 18 kilometres from town, where they were housed in tents, semi-circular huts and tanks remaining from the 1899-1902 war.[34]

Health concerns were not the only factor motivating the removal of Africans to Klipspruit. When called on by the Commissioner of Native Affairs to defend its choice of a site so far from town, the Council made it clear that a desire for racial segregation was one overt stimulus. The Commissioner, Sir Godfrey Lagden, argued that the distance and travelling time - 45 minutes by train, plus a walk at the other end - would disrupt the labour market; the Municipal Council countered that no suitable land was available closer - and 'the Council was convinced that not only should the location be placed outside the town, but that it should be as far as possible removed from any neighbourhood inhabited by Europeans.'[35]

This choice of site effectively doomed any hopes the Council may have had of successfully relocating African settlement outside the town. It was not only the fact of distance. The Council had bought Klipspruit Farm in 1903 to accommodate a sewerage farm for the town. After 1907, when the sewerage plant became operational, the smell, flies and disease potential deterred many who might otherwise have considered settling there.[36] Nonetheless, Klipspruit was not entirely without advantage; early residents there were allocated half-acre stands where they could grow vegetables, and some were permitted to keep cows. By the end of 1907, its population totalled 1 800; by 1915, a breakdown of its 3 000 residents revealed 800 men, 900 women and 1 300 children.[37] There is no easy explanation as to why women outnumbered men. Perhaps it reflected, in part, the greater longevity of women - possibly some were widows, living with adult children; perhaps it reflected greater constraints on the mobility of young women who were expected to live with their parents until married.

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the fact of disease itself, was the key factor shaping what he calls 'the sanitation syndrome'. See M.W. Swanson, 'The Sanitation Syndrome: Urban Native Policy in the Cape Colony, 1900-1905', *Journal of African History* 18 (1977), pp. 387-410.

[34] N. Kagan, 'African Settlements in the Johannesburg Area, 1903-23', p. 25.

[35] Quoted in N. Kagan, 'African Settlements in the Johannesburg Area, 1903-23', p. 56; Johannesburg Town Council, *Council Minutes*, 12.10.1904, p. 868.

[36] In 1914-15, 380 out of every thousand Klipspruit babies - nearly two in five - died in infancy. E.E. Koch, 'Doornfontein and its African Working Class', p. 53.

[37] N. Kagan, 'African Settlements in the Johannesburg Area, 1903-23', pp. 58-64.

Whatever the reason, the apparent surplus of adult women seems to have bolstered the Council's belief that many women who lived in Johannesburg did so for immoral purposes. In March 1912, for example, the Council amended its by-laws to limit the issue of housing permits at Klipspruit to married couples only. Whatever the Council's intentions may have been with this edict, its critics argued that its chief result was to 'increase immoralility' - 'in several cases the same native woman [was] passed off as the wife of more than one native.'[38]

Africans, meanwhile, continued to settle within Johannesburg, despite a municipal by-law promulgated in April 1906 which compelled all Africans not living on their employers' premises to live in a location. Their rejection of the terms of the by-law was supported by small-scale white employers of African labour - traders and shopkeepers, owners of small factories and the like - who complained through the local Chamber of Commerce that the location's distance from town raised labour costs, that the time-table of the single daily train was inconvenient and that the constant commuting constrained productivity.[39] The Council acknowledged the point, and amended the by-law to exempt certain workers on condition they were employed in town, lived in approved premises and could produce a permit to this effect.[40] This effectively legitimated the presence of African men in the centre of town, and made the permit system difficult to police, as slum landlords and other 'unscrupulous persons' were only too happy to claim the status of employer to any prospective tenant if they stood to gain from it.[41]

In theory, African women were disadvantaged by the 1906 permit amendment - only a small minority were employed, which meant that few women qualified in their own right for a permit to live lawfully in town. However, there is little record of women being prosecuted for living in town without permits. This suggests that the majority of women in town lived with men who had permits, or that those who lived independently of a spouse or guardian had found ways

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38 *The Transvaal Leader*, 4.3.1912.

39 A. Proctor, 'Class Struggle, Segregation and the City: a History of Sophiatown 1905-1940' *in* B. Bozzoli (comp.) *Labour, Townships and Protest: Studies in the Social History of the Witwatersrand*, pp. 49-89, p. 53; E.E. Koch, 'Doornfontein and its African Working Class', p. 53; N. Kagan, 'African Settlements in the Johannesburg Area, 1903-23', p. 92.

40 Section 41 (76) of the Johannesburg Private Act Number 2 of 1906.

41 Dr. C. Porter, Johannesburg's Medical Officer of Health, quoted in the *Rand Daily Mail*, 26.2.1915.

to circumvent the regulation. There was no public shelter, 'home' or hostel for single women before 1928, and the only missionary shelter - St Agnes - gave beds only to the handful of women being trained for domestic service.[42] Provided they did not disrupt the productivity of men, they were effectively tolerated.

African women and domestic service

African women in Johannesburg experienced enormous difficulty finding employment. The one sphere for which public opinion deemed them to be 'naturally' suited, domestic service, was dominated by African men.[43] In March 1910, 123 Klipspruit women presented the mayor with a petition to this effect, requesting him to help them find employment.[44]

A number of factors explained the reluctance of most white employers to hire black women as domestic servants. African women generally demanded wages little different to those paid to men, and consequently most employers saw little advantage in employing women; they were believed to be 'ignorant'; they were not subject to the pass laws and thus could be traced less easily if they absconded or broke their contracts; and, as Van Onselen has noted, many white mistresses feared the prospect of sexual liaison between their husbands and young black female servants. As he put it, 'unable or unwilling to confront their husbands directly, they stated instead that black females were grossly 'immoral'.'[45]

This presumption that black women were inherently immoral had a complex history. In broad outline, it was the product of a number of strands of elite white Western thinking spanning several centuries which, though contradictory at times, merged to produce a damning conventional wisdom about black urban women.

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[42] 'Report of Commission V: Native Girls in Towns', *in Report of the Proceedings of the Fourth General Missionary Conference of South Africa held at Cape Town, 3-9 July, 1912* (Cape Town, 1912), p. 73.

[43] The only work on domestic service on the Rand in this period is by C. van Onselen: 'The Witches of Surburbia: Domestic Service on the Witwatersrand, 1890-1914', *in* his *Studies in the Social and Economic History of the Witwatersrand 1886-1914* , Vol. 2 *New Ninevah*, pp. 1-73. See also D. Gaitskell, J. Kimble, M. Maconachie and E. Unterhalter, 'Class, Race and Gender: Domestic Workers in South Africa', *Review of African Political Economy* Issue 27/28 (1983), pp. 86-108.

[44] C.A.D., Archives of the Native Affairs Department (hereafter NTS), NTS 86, File 338/19/F164, 'Petition to His Worship the Mayor by Mrs Ellen Leeuw and 122 Native Women', 29.3.1910.

[45] C. van Onselen, 'The Witches of Suburbia: Domestic Service on the Witwatersrand, 1890-1914', p.17.

The first held that 'the primitive races' were more animal, and therefore more sexual, than those higher up the evolutionary scale. In part to legitimate the actions of Western colonists from the 17th Century, popular white opinion held that dark-skinned people were, by definition, more primitive than light-skinned Europeans, and dark-skinned women, because inferior to men, were even more animal-like and primitive.

A second strand associated black female sexuality with European working class female sexuality, and that with degeneracy. One contemporary researcher in this field, Sander L. Gilman, has demonstrated the extent to which the notion of the sexual depravity of the 'lower-class serving girl' permeated late 19th Century European thought and much of its literature.[46] According to Gilman, it was widely believed that lower-class women tended, 'by nature', to enter the life of the prostitute, and were, 'by nature', sexual predators.[47] The fact that many young women of meagre income did indeed turn to prostitution, primarily for economic reasons, merely entrenched the stereotype.

A third view muddled the arguments associated with Jean-Jacques Rousseau's polemical works. In *The Social Contract* and *Emile,* Rousseau argued that 'civilised man' had been corrupted by the excesses and complexity of the modern world around him; in a state of nature, his innate goodness and morality was allowed free reign, and would give rise to a society based on egalitarian values.[48] Crudely translated into popular thought, 'the city' became the icon of 'modern life' - and hence the locus of sexual degeneracy. In the minds of many colonial officials in turn-of-the-centre Southern Africa, this argument was taken a step further. Africans were assigned the status of noble savages, whose idyllic 'primitive' lifestyle should be protected from contaminatio ..ie vices of civilisation.[49]

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[46] S.L. Gilman, *Difference and Patho..gy: Stereotypes of Sexuality, Race and Madness*, pp. 79-101; see also L. Davidoff, 'Class and Gender in Victorian England', p. 20.

[47] S. L. Gilman, *Difference and Pathology*, p. 43.

[48] Rousseau's references to 'man' - rather than 'people', for instance - were not simply a semantic foible; he believed stoutly in sexual assymetry. See pp. 2-3 above.

[49] All three strands emerge clearly in the following paragraph from the *Report of the South African Native Affairs Commission 1903-5* - the definitive exploration of the Native Question in its day. Although lengthy, it is worth quoting in full:
'It is sometimes said that civilisation, or the beginnings of it, have not tended to make the Native happier, more trustworthy, more civil, courteous and obedient, and stronger physically and morally; and at the first glance there is some excuse for forming this opinion. True it is that the advent of cilivisation has weakened the power of what long ages has taught the

Buttressing these opinions was evidence of allegedly disorderly living in the swathe of mining locations and labour camps supplying supplementary labour for the mines which dotted the town's southern reaches.[50] As a major inquiry into conditions on the mines and their environs reported in 1914,

> [w]hile there are cases of reputable and respectable natives living there, there is no doubt that many of the women there are not, in any sense, the wives of the men with whom they are living, but are mere temporary concubines, often locally picked up, who contribute to the household the proceeds of liquor selling and prostitution.[51]

Missionaries, who concentrated their activities on the mines in this period,[52] estimated that no more than a half of the women living in these settlements were married to the men they lived with.[53] It is unlikely that this situation was confined exclusively to mine locations; at least to some degree, settlements in Klipspruit and Johannesburg would have reflected similar trends.

Natives to regard as most necessary to their social and communal life, that it has tended to loosen tribal ties, to undermine wholesome patriarchal control, and has let loose in the midst of the resultant disorganisation all the temptations and vices which dog the steps of civilised advance. But where it has destroyed it will again construct; it has not taken away without offering something in return. The great powers of Christianity and education are at work. There has been and there continues a great struggle between the powers of good and evil, of light and darkness, of enlightenment and ignorance, of progress and tradition, of Christianity and heathenism. Is it, therefore, surprising that much of what was picturesque, attractive and even admirable in the Native when untouched by European influences has been swept away? The final outcome of a righteous war is not to be judged by the devastations of opposing armies or by the scenes of slaughter and bloodshed on the field of battle. No less fallacious would be the attempt to gauge the eventual issues of the civilisation of the Natives by the many unfortunate features of the struggle which still prevail. Already there are more encouraging aspects. The lax morality among the women which has been so often dwelt upon as the result of freeing them from the absolute control of their parents and sowing new temptations among them is diminishing, and there is growing up an ever-increasing number of self-respecting Native women who are learning to understand the freedom which has come to them and are careful not to abuse its privileges.'
Report of the South African Native Affairs Commission, 1903-5, p. 52, para 272.

50 It is difficult to establish how many African women lived in the mining settlements, or what proportion of the total female population in the area they comprised; census enumerators did not include the mines in their calculations of Johannesburg's population, and thus excluded African women living there from their tallies as well. This fact should be borne in mind when using the oft-cited statistics from the 1896 and 1911 census reports. It suggests that the absolute number of women on the Rand in the late 1890s, and in the greater Johannesburg area in particular, was marginally higher than is generally believed.

51 UG 37-'14, *Report of the Native Grievances Inquiry*, p. 18.

52 D. Gaitskell, 'Female Mission Initiatives: Black and White Women in Three Witwatersrand Churches, 1903-39', p. 162.

53 C.A.D., K 358, Evidence before the Natives Grievances Enquiry (hereafter E.N.G.C.), 1913, T. Williams, Johannesburg, p.10.

An attempt to abolish all mining and 'irregular' locations was made in March 1908, in the midst of a prolonged recession; not coincedentally, this date served also as the high water-mark of white public anxiety over 'the black peril' following several incidents of brutal rape of white women by black men. Public officials were under considerable pressure to re-assert their authority over 'natives' living beyond the ambit of the law, and the inhabitants of informal locations were a prominent target. According to the Chief Detective Inspector of the Rand's Criminal Investigation Department, Captain Mavrogordato, the locations were 'hotbeds of native crime':

> They are practically under no supervision and are the haunts of native criminals and illicit liquor runners, native prostitutes and other abominations, and their removal would considerably increase the safety of the public on the Rand.[54]

At a meeting of the police, health officials and the Transvaal Chamber of Mines in March 1908, the Chamber's representative proved more ambivalent than the police.[55] On the older, smaller mines, the relative laxity of the locations served as a lure for labour in a period of relative labour shortage,[56] while the provision of family accommodation - at no cost to the mine - helped stabilise the usually transient workforce.[57] Nonetheless, the Chamber agreed to abolish all locations on mine property with the exception of the official mine married quarters. They resolved further that every woman living in these quarters should hold an identification ticket, signed by the compound manager, attesting to her right to live there. Within months most 'irregular' locations had been demolished,[58] but there is no evidence that the second part of the resolution - regulating women - was ever taken up.

The major consequence of the abolition of 'irregular' locations was, according to mining

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54 Transvaal Intermediate Archives, Johannesburg (hereafter T.I.A.), Records of the Johannesburg City Health Department, (hereafter SGJ) SGJ 173, 'Irregular Locations', Chief Inspector, Criminal Investigation Department, to Medical Officer of Health, Johannesburg, 13.12.1907.

55 For a fuller discussion see S. Moroney, 'Mine Married Quarters: the Differential Stabilisation of the Witwatersrand Workforce, 1900-1920' *in* S. Marks and R. Rathbone (eds.), *Industrialisation and Social Change in South Africa*, pp. 259-69; K. Eales, 'Good Girls, Jezebels and Mine Married Quarters in Johannesburg, 1912', *Agenda* Issue 3 (1989), pp. 2-47.

56 C.A.D., K 373, E.A.W.C., 1912-13, Rev. C.B. Hamilton, Johannesburg, p. 50.

57 'Cape boys very much dislike the idea of being compounded, even if single. They stay longer, and are a valuable addition to the native labour supply.' T.I.A., SGJ 173, 'Irregular Locations', Mines Sanitation Inspector to Medical Officer of Health, Johannesburg, 23.1.1908. See S. Moroney, 'Mine Married Quarters', p. 266.

58 S. Moroney, 'Mine Married Quarters', p. 263.

officials, the degeneration of mine married quarters on several mines to the point where they assumed the character of the former 'irregular' locations.[59]

Liquor selling was the most pervasive source of income among women living in the married quarters. Mineworkers were rarely paid more than £3 a month, and even compound managers conceded that it was 'ridiculous' to imagine that a couple could live on that sum once rent had been taken care off. [60] Some women took in washing - often the laundry of a white miner living nearby - but it was demanding work and poorly paid.[61] Selling beer, though, a woman could make £10 a month. [62]

Contemporaries distinguished between three types of liquor supplied to Africans on the Rand in this period: 'European' liquor (wines and spirits), traded via a sprawling nexus of illicit traders in which African women played an important part. Black women agents were particularly valued by white dealers, because police convention forbade the use of women to entrap suspected dealers. [63] Dealers thus believed women to be consistently reliable intermediaries, and both parties seem to have gone to great lengths to maintain a constant supply of liquor to their customers. Giving evidence before a Commission of Enquiry in 1912, George Devenish, compound manager at Robinson Deep, told of one example of their ingenuity:

> A police boy brought a whole lot of women before me, and asked me if I saw anything wrong with them. I said, "Nothing." He said they had all got babies tied up behind their backs, and asked me to have a look at them. Each one had a dozen bottles tied up, and they had a little head made like that of a baby on top.[64]

His anecdote ended with the recurrent litany - 'the women are the source of all the trouble

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[59] UG 37-'14, *Report of the Native Grievances Inquiry*, p. 18.

[60] C.A.D., K 373, E.A.W.C., 1912-13, G.B. Hook, Johannesburg, p. 2.

[61] *Ibid.*

[62] C.A.D., K 373, E.A.W.C., 1912-13, W.A. Terry, Boksburg, p.22.

[63] C.A.D., K 373, E.A.W.C., 1912-13, G. Devenish, Johannesburg, p.19. According to a senior Johannesburg police officer, entrapment was abandoned in 1914, in part because white women suspects allegedly used sex as a bribe to buy the silence of black male traps. C.A.D., K 373, E.A.W.C., 1912-13, Detective A.J. Hoffman, Johannesburg, p.32.

[64] C.A.D., K 373, E.A.W.C., 1912-13, G. Devenish, Johannesburg, p. 19.

...[65]

A second category of liquor was 'Kaffir beer' or the traditional sorghum beer which black women brewed for their husbands and which large-scale employers - such as the mines - were permitted to brew in urban areas for their labourers. While the requisite ingredients for making this beer were readily available from mine concession stores and other trading outlets, preparation was time-consuming and easily detected by its pungent aroma. Where every minute of exposure increased brewers' vulnerability to police inspection, fast-fermenting brews were safer. Thus many brewers preferred to blend a third category of beverage: concoctions of syrup, yeast and starch, of which *skokiaan* and *khali* were the most common in this period. *Skokiaan*, made primarily from syrup and yeast, could be brewed in three or four hours. *Khali*, on the other hand, was ready for sale within an hour. It was made from the root of a crushed root, *ntsema*,[66] which was added to golden syrup and sugar. The concoction apparently looked like thin white mud and although 'fiercely' intoxicating, its alcohol content - 3.7% - was relatively low.[67] At a pound a cup the powder was not cheap, especially as three to four cupfuls were needed for a five gallon mix, but it could be used repeatedly in quick succession with potent effect.[68] Once prepared, the beverage was hidden until called for, often in drums buried underground.[69] Peak trading days for the brewers were the miners' day off, Sunday, and payday, generally a Tuesday, but as compound managers were obliged to issue passes to mineworkers who had finished their shifts by 3 pm and wanted to leave the compound, it seems every day was potentially a working day for women who wanted the business.[70]

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65 *Ibid.*

66 *Raphionacme Divaricate, Family Asclephiadaccae.*

67 UG 36-'25, *Report of the Mining Regulations Commission*, Minutes of Evidence, G.A. Turner, p. 166; C.A.D., K 373, E.A.W.C., 1912-13, G. Devenish, Johannesburg, p. 20.

68 C.A.D., K 373, E.A.W.C., 1912-13, G. Devenish, Johannesburg, p. 20.

69 Other methods of concealment were allegedly as effective. George Devenish, compound manager at Robinson Deep, testified before the Commission appointed to Enquire into Assaults on Women that,
'[i]f you did not know, you would never think of the ways they do it. About six months ago I knew there was something going on, but I could not find out exactly, but at last I found one boy had a bed with four big pipes as the frame and in each of these pipes he had a tube, or tin. These were all filled, not with kaffir beer, but with *quali*.'
C.A.D., K 357, E.A.W.C., 1912-13, G. Devenish, Johannesburg, p. 20. See also C.A.D., K 358, E.N.G.C., 1913, J. Winter, Johannesburg, p. 12.

70 C.A.D., K 358, E.N.G.C., 1913, J. Winter, Johannesburg, p. 12.

These activities had several important consequences. Firstly, mine married quarters were regarded by Johannesburg's white citizens as second only to Gomorrah in depravity. According to at least one observer, the immediate result of the plenitude of liquor was drunkenness, manifest in absenteeism and reduced productivity.[71] More serious were the potential long term effects noted by mine officials: 'raw natives' acquired a taste for liquor, became debauched, squandered their earnings and went home with little to show for their labours but venereal diseases.[72] Moreover liquor, alleged the Union's Chief Commissioner of Police, was responsible for 80% of crimes of violence amongst the native and coloured population, and aroused their 'erotic instincts'.[73]

More specifically, black women living in mine married quarters were presumed to be sexually promiscuous liquor sellers, and it was a stereotype which tainted black women in Johannesburg as a whole. The consequence of this kind of thinking was summed up in the report of a survey by Anglican missionaries on 'Native Girls in Town.' 'Ninety percent of natives girls in the locations fall into sin,' asserted one correspondent; a more cynical colleague felt 99% was closer to the mark, and the consensus was that 'most of the Native girls who go to the towns fall; those who do not go altogether wrong, deteriorate.'[74]

This apprehension about the morality of black women was heightened during periods of white public hysteria following several highly-publicised incidents of brutal rape of white women by black men. Van Onselen, who has explored the 'black peril' phenomenon in this period in depth, makes the point that these bouts of white hysteria tended to manifest themselves most

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71 See, for example, the comment of one Mostert (initials obscured), a Johannesburg labour contractor:
'Immediately you have married quarters, your find that your efficiency in the mines goes down, because these women in the married quarters make beer, and there is a lot of illicit liquor consumption.'
C.A.D., K 373, E.A.W.C., 1912-13, Mostert (initials obscured), Johannesburg, p. 15.

72 As Van Onselen points out, this was precisely the reason why, in the early 1890s, mine officials had not been averse to African labourers cultivating a taste for liquor; those who saved little of their earnings were often obliged to sign on for further contracts. C. van Onselen, 'Randlords and Rotgut, 1886-1903', *in Studies in the Social and Economic History of the Witwatersrand, 1886-1914*, Vol 1. *New Babylon*, p. 51.

73 Quoted in UG 39-'13, *Report of the Commission Appointed to Enquire into Assaults on Women* (1913), p. 15, para. 46.

74 Quoted in 'Report of Commission V: Native Girls in Town', *Report of the Proceedings of the Fourth General Missionary Conference of South Africa*, 1912, p. 74.

clearly in periods of socio-economic decline or stress;[75] thus it was not by chance that the recessions of 1907-08 and 1911-12 coincided with two particularly shrill outbreaks of 'black peril' distress. Unchecked black sexuality, in other words, became the focus among many whites of a more generalised fear of disorder and insubordination.

For officials attempting to restore a sense of order to Johannesburg, black men were the more tractable targets of tighter coercion through the vast machinery of the pass system, which regulated their presence and conduct in white-designated areas. No comparable provision existed for black women. Thus the strategies of officialdom rested on checking their sexual independence, and proposing the introduction of a pass system for black women. Both were motivated in functional terms. If a better class of female servant were to emerge, employers could be weaned from male 'houseboys'; the potential for domestic violence would diminish, and industry and commerce would reap the benefits of a redirected labour force. But at another level, this concern with regulating the conduct of women living outside conventional domestic relationships reflected a broader anxiety over societal order.

In late 1912 the government appointed a commission of enquiry to investigate the circumstances of the assaults and propose a remedy. The Chamber of Mines, perenially vulnerable to labour shortages, swiftly seized this opportunity to point out that the assailants were not mineworkers, but invariably 'houseboys'. Its remedy was simple:

> When the land is crying out for able-bodied natives, and the farmers cannot get them, it seems to me wrong that we should have 60-70 000 natives employed in work which women ought to be doing.[76]

Though expedient, this proposal was hardly original; seven years before, the Report of the South African Native Affairs Commission had made the same point.[77] The *Report of the Commission Appointed to Investigate Assaults on Women* subsequently came to a similar conclusion. However, observed the Commission's Chairman, before any shift in the *status quo* was possible, an adequate substitute for the 'houseboy' was required.[78]

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[75] C. van Onselen, 'The Witches of Suburbia', p. 51, and pp. 45-60 *passim*.

[76] C.A.D., K 373, E.A.W.C., 1912-13, S.C. Black, Johannesburg, p. 38. Black, a lawyer and playwright, was one of the Chamber's most prominent spokesmen.

[77] South African Native Affairs Commission, *Report*, p. 83, para 384.

[78] UG 39-'13, *Report of the Commission Appointed to Enquire into Assaults on Women*, p. 26, para. 122.

No viable alternative seemed available in 1913 at the right price or in the right number. As the Report noted, imported European servants were expensive, white working class women scorned the work of 'natives', 'coloured' servants from the Cape objected to the racial restrictions imposed on them in the Transvaal, and 'native women' would need training.[79]

Labour recruiters in the Eastern Cape, meanwhile, had been quick to respond to public apprehension about 'houseboys' and, flouting regulations which forbade the recruitment of African women, had consigned several hundred to the Rand's domestic labour market by late 1912.[80] Once on the Rand, though, few women remained in service for long. Working conditions for female servants were poor, and their accommodation - where provided at all - frequently offered little protection or comfort.[81] Many apparently chose to leave, while others, it seems, fell foul of prevailing white prejudice which typecast them as ignorant, inefficient, unreliable and immoral.[82] Although it is unlikely that this prejudice was wholly without substance, the prevalence of this bias reinforced employers' reluctance to take on African women as servants.

To counter this prejudice, the commission proposed a scheme to increase the appeal of black women to potential employers through a combination of improved accommodation, careful monitoring of their virtue, formal training in domestic skills, and tighter regulation.[83] If the 'right kind of girl' was available, it was hoped that employers would hire black women and 'the house-boy problem' would quietly ease away.

This emphasis on domestic training for women was ironic. Few of the 70 000 black men at work in white Transvaal kitchens had ever had formal training. In fact, said one employer, extolling the virtues of black male servants, "you would not take a man or woman from the

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[79] *Ibid.*, pp. 26-7, paras. 123, 127, 130, 132.

[80] C.A.D., K 373, E.A.W.C., 1912-13, M. Erskine, King William's Town, p. 47, M. Pelem, Queenstown, p. 22.

[81] UG 39-'13, *Report of the Commission Appointed to Enquire into Assaults on Women*, p. 28, para. 28.

[82] C.A.D., K 373, E.A.W.C., 1912-13, W.A. Terry, Boksburg, p. 22, W.A. King, Pretoria, p. 16; *The Star*, 10.12.1908, M.C. Bruce to The Editor.

[83] UG 39-'13, *Report of the Commission Appointed to Enquire into Assaults on Women*, p. 28, paras. 134-138.

country districts of England, Scotland or Ireland, and turn them into waiters, cooks and house-servants in a week or two."[84] Admittedly, some of the Zulu-speaking 'house-boys' were apprenticed in Natal kitchens and BaPedi youths worked on farms and in small towns before coming to the Rand, but this was equally true for many women who had worked in the Eastern Cape before coming to the Rand.[85] Formal training, *per se*, was not the only issue. More significant was amenability to discipline, routine and correction - all considerations which the pass laws sought to address.

The crux of the Transvaal pass laws was a mechanism to ensure that all African men in urban areas were there to work. Those who did not work, or were no longer working, or who had no intention of working, lost their right to remain in town and permission to remain was revoked. All that was needed to distinguish the legitimimate worker from the 'loafer' was the stamp of consent - or its absence - on a man's pass. From this simple expedient followed a number of refinements. The pass laws provided employers with a legal framework in which they could hire, fire, discipline and identify their employees. Each pass recorded the wage level of the individual, and this served in practice to peg wages. Very simply, the pass laws could be used to tie men into wage labour contracts for a minimum of a month at a time. If they broke this contract or absconded, their passes made them easier to trace and, when found, their misconduct was recorded on the pass. Passes served also as a certificate of good health as all men were medically examined before being issued with a pass, and those found to have venereal or other diseases were despatched for treatment.[86]

Throughout Johannesburg's short history, African women were presumed to have little to offer the urban labour market; consequently there was no need to enscribe them in the pass laws to compel them to work. African women thus were exempt not only from any compulsion to seek work, but also from the need to seek permission to be in town, carry identification, submit to medical examination, or, if they did find work, register their labour contracts. All of these bolstered the bias of employers:

> You hire her this morning, and she may sleep on your premises one night, but she

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[84] Quoted in C. van Onselen, 'The Witches of Suburbia', p. 30.

[85] C.A.D., K 373, E.A.W.C., 1912-13, H.M. Taberer, Johannesburg, p.15; C. van Onselen, 'The Witches of Suburbia', p. 18.

[86] C.A.D., K 373, E.A.W.C., 1912-13, Dr T. Gilchrist, Johannesburg, p. 31, W.A. King, Pretoria, p. 17.

> may take it into her head to walk away the next day .... If the Transvaal housewife is given some hold on the girl, it would be quite different. She would not mind the trouble of training the girl, but as it is today, I would not take the trouble. I would much rather take an untrained kaffirboy ... I feel sure of him for at least the month.[87]

Moreover, given the widespread belief among whites that blacks were riddled with venereal disease, many whites were genuinely scared to hire anyone who had not been screened. A comprehensive medical survey in 1906, morever, had concluded that syphilis was endemic in certain areas of the north-western Transvaal, in precisely those areas from which migrant labourers had been drawn to the early diamond diggings in Kimberley.[88] In Johannesburg, venereal disease was believed to be spreading, amongst both blacks and whites, and black women were regarded as the primary carriers.[89]

Given the Commission's conviction that the solution to the 'houseboy' problem lay with African female servants, and given the Commission's belief that female servants had to be rendered more attractive to white employers, the logic of its argument would suggest that the remedy lay in extending the pass laws to all Africans in urban areas. Yet, despite pressure from a powerful passes-for-women lobby which emerged in the wake of the 1911-12 'Black Peril' scare, the Commission avoided this route.

Passes for women

The idea of passes for women was not a complete novelty. A clumsy - and abortive - attempt had been made by the Native Affairs Department in 1903, when several senior officials attempted to dove-tail two demands: the long-standing plea of traditional authorities for a means to restrain women from leaving their homes at will, and the request of an overzealous Rand Native Commissioner to coerce African women into domestic service to overcome a

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87 C.A.D., K 373, E.A.W.C., 1912-13, Comment by A.H. Faure (a member of the panel of commissioners) in response to the evidence of H. M. Taberer, Johannesburg, p. 15.

88 Transvaal Colony, *Report of the Contagious Diseases Commission* (1907), pp. 13-15.

89 C.A.D., K373, E.A.W.C., 1912-13, G.A. Mulligan, Johannesburg, p. 3. This assumption is particularly ironic given recent evidence that venereal syphilis was generally confused with endemic syphilis and yaws, neither of which were sexually transmitted diseases. The *Report* of the Contagious Diseases Commission itself acknowledged that sexually transmitted diseases were comparatively rare in Johannesburg. K. Jochelson, 'Tracking down the Treponema: Patterns of Syphilis in South Africa, 1880-1940' (Unpublished paper presented at the History Workshop, University of the Witwatersrand, February 1990), pp. 8-15.

brief post-war shortage of male servants.[90]

Support for the idea was revived in 1911 by one Mary Hannan, a medical doctor working in Pretoria's African settlements, who argued sternly for better regulation of 'native girls'. Pretoria, it appears, had not been spared 'the black peril', and Hannon believed a pass law for women would induce employers to hire African women with fewer qualms.[91] Her observations were given prominence in the 1910-11 *Annual Report of the Native Affairs Department*, and were taken up enthusiastically from mid-1911 by a broad front of conservative white women's organisations. In particular, the Ladies Temperance Union and the *Vrouwen Federatie* put pressure on local authorities and Native Commissioners to help them transform black women into a more pliable substitute for 'the house-boy'.[92]

In February 1912 the Transvaal Provincial Council obliged with a draft regulation, which sought to meet two needs with one edict.[93] The first was to appease rural elders who complained that women - 'runaway wives', daughters and widows - were coming to town without the knowledge or permission of their families. Some rural black fathers complained they lost out on *lobola* or *boghadi* payments when their daughters left for town.[94] Others resented the autonomy the city offered women which they would rarely find at home.[95] One husband apparently claimed he was handicapped when trying to chase his deserting wife

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90 See C.A.D., GNLB 241, File 458/17/D7, Memorandum to District Controllers in the Native Affairs Department from W. Windham, Secretary for Native Affairs, 27.11.1903, C. Pieterse, Native Affairs Department, Boksburg, to the Pass Commissioner, Johannesburg, 11.12.1903.

91 M. Hannan, 'Special Report by Medical Officer on the Conditions Prevailing Among the Natives, Especially Women and Girls, at Pretoria,' in U. 7-1911, *Blue Book on Native Affairs*, 1910, pp. 350-51.

92 *Rand Daily Mail* , 25.6.1912; C.A.D., K 373, E.A.W.C., 1912-13, Aside by A.H. Faure during the evidence of Capt. H.F. Trew, Pretoria, p. 25.

93 'Draft Ordinance to Consolidate and Amend the Law relating to Municipal Government in this Province and the Establishment of Health Committees therein, and to Provide for Matters Incidental Thereto,' in the *Transvaal Gazette* , 19.2.1912.

94 'Kumalo, John', *in* C. de B. Webb and J.B. Wright (eds.) *The James Stuart Archive of Recorded Oral Evidence Relating to the History of the Zulu and Neighbouring Peoples*, (Pietermaritzburg, 1976) Vol 1, p.215. Thanks to C. Hamilton for this reference. See also S. Marks, 'Patriotism, Patriarchy and Purity: Natal and the Politics of Zulu Ethnic Consciousness', in L. Vail (ed.), *The Creation of Tribalism in Southern Africa* (Berkeley and Los Angeles, 1989), pp. 415-440, 418-421.

95 C.A.D., K 373, E.A.W.C., 1912-13, P.A. Bell, Johannesburg, p.6.

because the time wasted getting himself a pass permitting him to travel gave his wife several days headstart.[96] In principle at least, the draft provided for errant women to be sent back home. The second factor was the wish of white employers to extend their sanction over their servants.[97] Between the self-interest of those whites wanting chaste, submissive women as servants and the gender and generational conflicts of many blacks lay the expedience of white administrators who tried to exploit prevailing sentiment to bring urban women under control. The autonomy of black women was the trade-off.

The crudity of the Provincial Council's draft pass proposal showed all the symptoms of a sketchy, expedient response to white public panic.[98] Without further detail or sanction, the draft Municipal Government Ordinance granted municipalities the power to compel 'native females' "to register at the Native Pass Office, and before entering in domestic service to obtain from a doctor ... a certificate showing (*inter alia*) that they are free from contagious disease."[99] No exceptions were made - not even for married women, who were universally regarded as the wards of their husbands. Registration, moreover, would have empowered pass officials to screen all women coming to the city, record their particulars and, once duly certified, send them off in search of work.

Discussion among whites about the proposed ordinance appears to have focussed almost exclusively on the benefits the new measure would afford employers. Through registration, commented one observer, officials 'could gradually eliminate the bad characters, because their characters would be known.'[100] Indeed, the new provision had dire implications for women in domestic service, for all African women entering formal employment would now be required to submit to on-going official scrutiny to appease employers. However, far more serious was the potential impact of the ordinance on those not in formal employment - those trading in the grey zones of illegality. Prevailing wisdom linked black women with lascivity and prostitution, and liquor with sexual assault by black men, and hence scape-goated black women living

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[96] C.A.D., K 373, E.A.W.C., 1912-13, Capt. H. F. Trew, Pretoria, p. 27.

[97] *Ibid.*, p. 26.

[98] Further details of the background of this draft are, unfortunately, lacking.

[99] Sub-section 26 of Section 75, Draft Municipal Government Ordinance, quoted in the *Rand Daily Mail*, 11.7.1912.

[100] C.A.D., K 373, E.A.W.C., 1912-13, Rev. C.B. Hamilton, Johannesburg, p.27.

outside of formal marriage or employment for a number of social evils. Thus the effect of the draft ordinance would have been to define the terms on which black women were permitted to live in white-designated towns.[101]

The proposed ordinance prompted mass meetings of black women in Johannesburg and across the Reef where women resolved not to carry passes.[102] Further details of these protests, their content, and the profile of those protesting are, unfortunately, unknown. Nor are the details of the Transvaal Native Congress's objection evident, beyond a statement by the male elders that 'their women folk shall not carry passes'.[103] Yet, when pressed for clarification of their stance before the 'Assaults' Commission, Congress representatives made it clear they objected not so much to controls and registration, as to the potential dangers of abuse or assault to which women would be exposed if stopped by police and told to produce a pass.[104] Indeed, there was virtual unanimity amongst all witnesses before the Commission on the need for some kind of 'protection' for women. Dissent came in deciding which form of control would be most effective, and who would administer it.

Employers wanted black women included in the pass laws on the premise that this would transform them into disciplined servants. Opponents of this plan - primarily church groups and black political organisations - objected on the grounds that pass checks would expose women to abuse by police. Their counter-proposals were premised on the assumption that black women needed guidance in guarding against the vices of white civilisation, and help in safe-guarding their morals. Under the rubric 'protection' a number of schemes were devised.[105] The most innocuous concerned 'hostels', where women would be

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101 For an account of the attempts of Orange Free State local authorities' attempts to institute passes for African and 'coloured' women in this period, see J. Wells, 'The War of Degradation: Black Women's Struggle Against Orange Free State Pass Laws, 1913', *in* D. Crummey (ed.), *Banditry, Rebellion and Social Protest in Africa* (London and Portsmouth, New Hampshire, 1986), pp. 253-270. No evidence has been found to link the policy of the administrative officials in Johannesburg in 1912 with that of their Free State counterparts the following year.

102 *Ibid.*, p.25; C.A.D., K 373, E.A.W.C., 1912-13, Statement by the Transvaal Native Congress, Johannesburg, cited on p. 47 of the transcript.

103 C.A.D., K 373, E.A.W.C., 1912-13, Statement by the Transvaal Native Congress, p. 47.

104 C.A.D., K 373, E.A.W.C., 1912-13, J.S. Noah, Johannesburg, pp. 53-4.

105 See 'Report of Commission V: Native Girls in Towns', in *Report of the Fourth General Missionary Conference*, 1912, pp. 73-77, *passim.*

accommodated, supervised, cloistered and trained by 'Christian matrons', and which would serve in addition as labour bureaux.[106] Other suggestions were that no woman should leave home without a letter showing she had her parents' permission to travel;[107] that 'runaway wives' and daughters be spanked severely before being sent back home;[108] that officials inspect urban locations frequently to ensure no unmarried woman lived there unless under the charge of parents or guardians or in service;[109] and that women in service be medically examined every time they changed job because 'if a native girl knew that every time she changed her employment she had to be examined, she would be much more careful about her behaviour.'[110] And, if she had 'done what she should not have done', she would be sent back to her parents.[111]

There is no question that many women would have benefited from cheap accommodation, secure contracts and sheltered living, but as they stood, these schemes removed the element of choice. Moreover, the talk was in terms of 'protecting girls',[112] a notion which stripped women of their adulthood and their right to make decisions for themselves. As popular wisdom deemed it improper that unmarried women should be in town unless in the custody of their kin, it comes as little surprise to discover the frequency with which witnesses before the Assaults Commission called for parental surrogates. A Pretoria Sub-Native Commissioner felt black women should be placed under the 'fatherly protection' of pass officials, while a woman member of the commission's panel urged that female householders exercise 'maternal

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[106] For a fuller discussion, see D. Gaitskell, '"Christian Compounds for Girls": Church Hostels for African Women in Johannesburg, 1907-1970', *Journal of Southern African Studies* 6 (1979), pp. 44-69, pp. 45-46.

[107] Proposals of the Witwatersrand Church Council and Transvaal Missionary Association, reported in the *Rand Daily Mail*, 11.7.1912.

[108] C.A.D., K 373, E.A.W.C., 1912-13, Capt. H.F. Trew, Pretoria, p. 25.

[109] Proposals of the Witwatersrand Church Council and Transvaal Missionary Association, reported in the *Rand Daily Mail* , 11.7.1912.

[110] C.A.D., K 373, E.A.W.C., 1912-13, W.A. King, Pretoria, p. 17.

[111] *Ibid.* , p.15.

[112] Or, as one missionary put it, 'they need to be protected from their own fickle-minded passions'. C.A.D., K 373, E.A.W.C., 1912-13, G. F. Kuun, Pietersburg, p. 2.

discipline' over their women servants.[113]

The 1912 draft pass ordinance never passed into law. Mid-1912, an *ad hoc* 'Native Affairs Joint Committee' was formed to relieve the municipal Parks and Estates Committee of sole responsibility for native affairs in the city. It comprised representatives of the Johannesburg Municipality, the Chamber of Commerce and Chamber of Mines, and met three times to discuss a submission to the Assaults Commission.[114] The result was a four page document - the most comprehensive statement on Native Affairs policy yet drafted in Johannesburg - which focussed on how best to purge the Witwatersrand of potentially criminal elements.

The statement called for segregated locations under municipal control,[115] single-sex barracks to accommodate daily *togt* labourers, and far more stringent pass regulations to 'curtail the roaming propensities' of unemployed black men.[116] Employment of black women in domestic service was to be encouraged, and accordingly the committee resolved that

> ... the question of including native females under the Pass Law was neither expedient nor necessary, as the enforcing of a native female Pass Law would be deeply resented by the natives all over South Africa, and would have a most prejudicial effect on our labour supplies.[117]

Given the extent of public debate over black women's alleged immorality, the Committee's statement showed surprisingly little concern for the alleged misconduct of black women. This suggests the statement reflected a more sober assessment of the real issues at stake.

In part, the committee's decision to maintain the exclusion of black women from the pass laws was pragmatic. The Transvaal Native Congress had hinted at a strike of 'mine boys and other

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113 C.A.D., K 373, E.A.W.C., 1912-13, Comment by Mrs M.E. Fuller during the evidence of Rev D.D. Tywakadi, Johannesburg, pp. 38-40.

114 C.A.D., K 373, E.A.W.C., 1912-13, S.C. Black, Johannesburg, p. 32.

115 Recognition of the need to accommodate the city's non-migrant black population seems to have been motivated largely by the Chamber of Commerce, in the interests of boosting retail trade. See C.A.D., K 373, E.A.W.C., 1912-13, A.F. Robinson (President of the Johannesburg Chamber of Commerce), Johannesburg, p. 13.

116 C.A.D., K 373, E.A.W.C., 1912-13, Addendum to evidence of S.P. Black, 'Statement by the Native Affairs Joint Committee', pp. f-h.

117 *Ibid.*, p. g; see also *Rand Daily Mail,* 21.8.1912.

servants' if the pass proposals went ahead;[118] further, the committee probably realised that passes might deter black women from entering domestic service. The influential Witwatersrand Church Council leaned heavily on the Native Affairs Council and predicted a 'rebellion among the natives' if the proposal was not withdrawn,[119] and put forward two cogent arguments against a formal pass law. It was patently unfair, it reasoned, to assert that women needed passes to protect them from 'immorality' when the reason many 'fell' was because they were poor and unemployed - the victims of the prejudice of white employers who would not hire them. Secondly, if 'protection' was indeed the motive, was it not absurd to then put them in the power of black police - men who were notorious for alleged abuse and rape themselves?[120] The Native Affairs Committee appeared to accept these arguments.

African women who 'went astray' in the towns were deemed simultaneously the victims of cities' worst vices, and the source of the demoralisation so evident in large urban centres. In phrases redolent with contagion, one Boksburg Native Affairs official called for the Reef to be 'swept clean'.[121] Over and above the need to find a safe and reliable substitute for the 'house-boy' and temper incidents of 'black peril', was the desire, common to both black and white, to chasten women who stepped beyond the bounds of established patriarchy and flaunted their independence of spouse, father or employer. This was the bottom line: the retention of patriarchal power in its crudest guise - father over daughter, husband over wife and man over woman; it reinforced the sanction of state over subject.

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[118] C.A.D., K 373, E.A.W.C., 1912-13, Statement by the Transvaal Native Congress, cited on p. 47 of the transcript.

[119] W. Scott, speaking for the Witwatersrand Church Council, quoted in the *Rand Daily Mail,* 6.6.1912.

[120] *Ibid.*

[121] C.A.D., K 373, E.A.W.C., 1912-13, W.A. Terry, Pretoria, p. 5.

Chapter Two

Deviance, propriety and the evolution of the 1923 Natives (Urban Areas) Act 1914-1923

Apart from the efforts of a few missionary stalwarts, Johannesburg's white denizens lost interest in their schemes to transform the town's African women into respectable servants in the years immediately following the largest of the 'black peril' scares, in 1911-1912. There was little talk of domestic service and the substitution of African women for 'houseboys', in part because the labour market was starting to deliver black women in larger numbers and at ever more competitive rates. Discussion of the black peril faded before the spectre of a more pervasive malaise: crime, disease and disruption by the dangerous classes living in the encroaching slums. The dominant metaphor was one of surplus: African men and women who were 'surplus' to the needs of employers and the general white citizenry of Johannesburg; and African women whose sexuality spilled over the prescribed constraints of orderly marriage, which identified their sexuality solely with reproduction and the satisfaction of marital duties.[1]

Between the two census sentinels of 1911 and 1921, the number of African women living in Johannesburg increased substantially from 4 357 to 12 160.[2] As the number of women and children living in town increased, so did the scale of the town's housing shortage; slum settlement intensifed commensurately in the yards, tenements and shanty settlements of the southern reaches of town. Given the virtual absence of adequate sanitation or municipal intervention, conditions in the slums were generally squalid. Yet the town's white citizens seem to have construed the cause altogether differently, as the outer manifestation of the slum dwellers' innate degeneracy. Remedial energy was focussed less on infrastructural repair than on identifying the criminal and anti-social tendencies of their inhabitants; within this project, most African women were deemed surplus, and assigned to the *demi-monde*. They were regarded as both undesirable and immoral, and as a key agent undermining the

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1 See D. Driver, '"Woman" as Sign in the South African Colonial Enterprise', in *Journal of Literary Studies* 4 (1988), pp. 3-19, p. 7. It is significant that the term 'unattached native women' was used in this period in Johannesburg to describe both unemployed women, and women who were not married or living with spouse or kin.

2 UG 40-'24, *Third Census of the Population of South Africa, enumerated 3rd May 1921: Report* (Pretoria, 1924), 'Summary of Population Census, 1921', p. x. Note that the table showing 'Distribution of the Population by Race, Sex, Area, and Density in each Magisterial District' (p. 13) gives the total number of African women in Johannesburg as 13 337; no explanation is given for this discrepancy.

industriousness of working men. One Johannesburg lobby group, motivating their call for slum clearance and tighter control over African women, asserted in 1915 that

> the native labourer is the biggest financial asset to the mines and to the country generally, and his physical and moral health demand careful supervision.[3]

An assessment of the policies informing native administration in Johannesburg in this period suggests this view was widely shared; indeed, it appears to have been the one constant premise informing the erratic evolution of a policy for administering Africans in white-designated areas. Significantly, it underlined African women's secondary status. Women could contribute to the value of this asset, or they could diminish it; in their own right, African women counted for little.

The growth in African settlement: 1911 - 1921

The 1921 census recorded a growth of 180% in the number of non-European women in Johannesburg since the previous census in 1911. In the same period the number of men - excluding mine-workers - increased by only 5% to 102 860, despite substantial growth in industrial employment.[4] Secondary industry, particularly food, metal and construction, thrived on the exigencies and sheltered markets of the Great War and conditions thereafter; between 1915 and 1921, black male employees in Witwatersrand industries almost doubled, from 17 046 to 33 747.[5] Given the discrepancy between the 5% increase in Johannesburg's African male population and the 98% rise in industrial employment, there is good reason to doubt the accuracy of the Johannesburg census.

What is beyond doubt is that the scale of African family settlement in urban areas increased rapidly in the second decade of the century - although the precise factors impelling this movement, and the regions of origin, remain obscure. In broad terms, the major factor was the extent of dislocation of peasant producers in rural areas. Even before the passage of the notorious 1913 Natives Land Act, tenant farmers and their families were being evicted from

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3 Citizen's Alliance for the Reform of the Liquor Laws, *Report of the Joint Committee on Native Liquor and Housing* (Johannesburg, 1915), p. 9.

4 UG 40-'24, *Third Census of the Population of South Africa, enumerated 3rd May 1921: Report*, 'Summary of Population Census, 1921', p. x.

5 Union of South Africa, Office of Census and Statistics, *Industries on the Witwatersrand, 1915-1923* (Special Report 26 of 1925), p. 53.

white-owned land.[6] In 1910, missionaries in the Pretoria district reported that the 1895 Zuid Afrikaansche Republiek Plakkers Wet (or Squatters Law), for many years in abeyance, was being enforced. The result was wholesale evictions where more than the maximum of five black families lived on one farm.[7] These dislocations intensified from 1914, when the Land Act came into force; African sharecroppers and tenant farmers in the Orange Free State were particularly hard hit.[8] Just over the Free State border, in Bloemhof; a policeman observed bluntly at the time that "if ever there was a fool's errand, it is that of a kaffir trying to find a new home for his stock and family just now."[9] Another observer, Selby Msimang - an African social commentator, writer and political activist - described seeing black families move from place to place until some, in dispair, made their way to the towns. Some indentured the services of their sons in order to obtain a rest place near town where other members of the family might find work.[10] Once they had a toehold in the town, they would settle. While there were instances of long-standing sharecropping and tenancy arrangements continuing in barely modified form, the act empowered white farmers to squeeze their tenants in new ways. Children of tenants, for example, were liable for 90 days unpaid farm labour each year and, not altogether surprisingly, many headed for the Rand.[11]

Compounding the hardship unleashed by the 1913 Natives Land Act were the ravages of disease, drought and famine across the south-east coast of the region, from Mozambique to

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6 S. Trapido, 'Putting a Plough to the Ground: A History of Tenant Production on the Vereeniging Estates, 1896-1920' *in* W. Beinart, P. Delius and S. Trapido (eds.) *Putting a Plough to the Ground: Accumulation and Dispossession in Rural South Africa 1850-1930*, pp. 336-373, p. 343; T. Keegan, 'The Sharecropping Economy, African Class Formation and the 1913 Natives' Land Act in the Highveld Maize Belt', *in* S. Marks and R. Rathbone (eds.) *Industrialisation and Social Change in South Africa* , pp. 195-211, pp. 203.

7 U.W., Records of the Diocese of Pretoria Board of Missions, AB 767, 'Minutes of Meetings, 1905-1921', Minutes of a discussion, 16.6.1910.

8 T. Keegan, 'The Sharecropping Economy, African Class Formation and the 1913 Natives' Land Act in the Highveld Maize Belt', *in* S. Marks and R. Rathbone (eds.) *Industrialisation and Social Change in South Africa* , pp. 204-206.

9 Quoted in S. Plaatje, *Native Life in South Africa, Before and Since the European War and Boer Rebellion* (Johannesburg, 1982) p. 86.

10 U.W., J.H. Pim Papers, A 881, Fa 9, 'Addendum to Paragraph 2 of the Report of the Joint Council on the Natives Urban Areas Bill', n.d., memorandum by H.S. Msimang.

11 SC 6a-17, *Minutes of Evidence before the Select Committee on the Native Urban Areas Bill, 1917,* Rev. A. Burnett, p. 451, J.T. Gumede and Chief S. Mini, p. 646; C. Maxeke, quoted in the *Rand Daily Mail*, 14.7.1922.

the Eastern Cape. East Coast Fever decimated the livestock of Transkeian peasants in 1912-3, exacerbating the impact of further drought. Six years later drought struck again. In early 1920 the Johannesburg *Star* noted cynically that "the general distress in the Native Territories caused by the drought has been most satisfactorily relieved by the large exodus of natives in search of work"[12]. Yet the physical condition of many Transkei migrants was so poor that in some centres over 50% of those seeking work on the mines were rejected.[13] Southern Mozambique, too, was hit by a series of natural disasters which impelled male migrants onto the Transvaal labour market in larger numbers and for longer contracts than ever before.[14]

These rural dislocations have been charted in detail elsewhere; suffice to note the increasing landlessness and impoverishment of tens of thousands of African peasant farmers and their families, which impelled many towards the towns either as migrants or as urban settlers. Indeed, one could suggest very tentatively that these rural disasters in the Free State and Eastern Cape in the decade after union, coming on top of several decades of profound disruption, disease and war, provide one explanation as to why the Reef's settled population in this period was predominantly *seSotho* and *siXhosa* speaking.[15] What is not in question is that the population of both Bloemfontein and Johannesburg swelled as a direct result of the 1913 Act.[16]

There are few pointers in the available evidence as to the identity of the women who settled in Johannesburg in this period independently of spouse or family. The complaints of Native Affairs officials, particularly in 1921, indicate that they included women from Mozambique - a body which claimed to represent Mozambican mineworkers and called itself the Home Native Co-Operative Society of East Africa drew the attention of the authorities to the presence of about 2 000 Mozambican women on the Reef whom, it claimed, were engaged primarily in

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12 *The Star*, 20.1.1920.

13 Rev. J. Henderson, 'The Economic Life of the Natives of the Union of South Africa in Relation to their Evangelism', in *South African Outlook*, 1.9.1925, pp. 199-201, p. 200.

14 S. Young, 'Fertility and Famine - Women's Agricultural History in Southern Mozambique', *in* R. Palmer and N. Parsons (eds.), *The Roots of Rural Poverty in Central and Southern Africa* (London, 1977), pp. 66-81, pp. 75-77.

15 U.W., E.N.E.C., AD 1438, 1930-31, G. Ballenden, p. 8309.

16 U.W., E.N.E.C., AD 1438, 1930-31, J.D. Rheinhallt Jones, p. 9013.

prostitution and illicit liquor trading. In what appears to have been an attempt by chiefs to secure the return of subjects, the organisation demanded that the authorities repatriate these women lest their migrations lead to 'a break-up of the East Coast native nations.'[17] Mozambican men, in this period, constituted the single largest component of labourers on the mines - reflecting the fact that proletarianisation in Mozambique was more advanced than in South Africa. In the absence of further information, one might suggest that some of these women may have been abandoned wives come to trace errant spouses, or, given the severity of the famine in Mozambique between 1912 and 1920, refugees from the disaster area. Whatever impelled them, evidence from the mid-1920s details a well-established transit route already operational between Delagoa Bay and the Transvaal, complete with professional couriers who guided the parties of 20-25 people across the Komati River into Swaziland, across the Lomate River, and then to Barberton, Witbank and the Rand.[18] The journey was not necessarily unswerving; many apparently broke their journeys at farms and mines on the way to gather resources, through labour, petty trade, prostitution or liquor selling, before embarking on the next leg of the journey.[19]

Reading between the lines of statements by Free State officials, there is also a suggestion of an advance guard of the Basotho women whose presence on the Rand was to prompt such negative official reaction from the late 1920s.[20] A number of factors explain their exodus from Basutoland. Over and above the growing impoverishment of the territory - through natural epidemics, poor soil and exclusion from agricultural markets - many women had been priced completely out of the marriage market by a dramatic increase in *boghadi* payments in late 19th Century Basutoland, which in turn had been prompted by the desire of the Koena chiefly lineage to enhance its predominace. By the 1910s and 1920s, twenty to thirty cattle were being demanded of those wishing to marry even commoner women, and thus a migrant labourer could spend half his life paying off the debt. Many women abandoned by their

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17 *The Star*, 23.4.1921; C.A.D., GNLB 406, File 60/1, 'Repatriation of Undesirable Women, 1920-31', Memorandum on 'Undesirable Native Females from Portuguese Territory', 20.7.1920.

18 C.A.D., NTS 1169 File 57/33, Affidavits by K. Mabila and E. Muyanga, 3.1.1927.

19 C.A.D., NTS 1169 File 57/33, Native Commissioner, Barberton, to the Secretary for Native Affairs, 3.1.1927.

20 SC 3-'23, *Minutes of Evidence taken before the Select Committee on Native Affairs*, G. Cook, Bloemfontein, p. 90; J.H.B. Wessels, M.P. for Bethlehem, in the parliamentary debates on the Natives Urban Areas Bill, quoted in the *Cape Times*, 7.5.1923.

husbands headed for Free State towns, where many seem to have supported themselves by brewing liquor and through entering informal liaisons with men.[21] A number appear to have moved from there to the Rand.

Prior to the establishment of public hostel accommodation in 1929, a woman arriving in Johannesburg without kin or contacts in the town could choose from a limited range of accommodation possibilities. She could seek work as a domestic servant and hope that a room came with the job, or she could board with a relative, or a friend, or a stranger. There was no municipal hostel. She could not rent a stand in her own right from the municipality at Klipspruit, as these stands were reserved for men living with their families in urban areas. Beyond a few small initiatives by missionaries, there was no formal provision for accommodating single African women until 1929.[22] Thus the majority of black women living in Johannesburg - married or otherwise - lived in dense settlements, in tiny 'rooms', shacks and shanties.

By 1913, nearly 15 000 Africans were said to be living in town.[23] Four years later, in 1917 - during the war - the council abandoned the permit system altogether.[24]

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21 P. Bonner, '"Desirable or Undesirable Basotho Women?" Liquor, Prostitution and the Migration of Basotho Women to the Rand, 1920-1945', *in* C. Walker (ed.), *Women and Gender in Southern Africa to 1945* , pp. 221-250, pp. 234-239. G. Cook, speaking for the Bloemfontein Municipality in March 1923, described their circumstances in the Orange Free State:
'In Basutoland there is an unwritten law in the border towns such as Maseru and Mafeteng that if a woman comes off the hills and stays round about there and does not go back to the hills she must get out, and the natural outlet is the Free State towns. They are mostly the women who cause our trouble with illicit liquor and beer. ... They do not come with a man, they come on their own but very soon find a man. We have rooms in the condemned area to let and these women will send a man along who has got a pass and has been working there for about eighteen months, to say that he wants to hire a room. We are satisfied with the man and cannot refuse the room but if you go round in about ten days' time you find out what has happened. The man has been married for only a few days and has gone away and the woman is left in the place and is making beer there. ... These women are redundant, we do not want them there and want the power to keep them out. All the Free State towns on the border have the same trouble. It may be the lure of the locations that brings these women off the hills. ... These are a bad class of women and are the main cause of our trouble.'
SC 3-'23, *Minutes of Evidence taken before the Select Committee on Native Affairs*, G. Cook, Bloemfontein, p. 90.

22 See D. Gaitskell, '"Christian Compounds for Girls": Church Hostels for African Women in Johannesburg, 1907-1970', *Journal of Southern African Studies* 6 (1979), pp. 54-56.

23 G.H. Murray (Chairman of the Parks and Estates Committee), quoted in the *Transvaal Leader*, 5.11.1913.

24 Johannesburg Town Council, *Council Minutes* , 29.6.1917, p. 82.

In the opinion of most well-housed whites, the worst slum area in Johannesburg throughout the 1910s was 'Malay Location' - the southern portion of Vrededorp, otherwise a white working class suburb. Writing in 1920, a contemporary journalist captured some of this distaste:

> Vrededorp is an average assemblage of houses, occupied on the one side of a straight street (through which a tram line runs from Fordsburg to Brixton) by a white population, not claiming high social distinctions, but on the whole respectable and law abiding.
>
> On the other side, flanked by a row of Indian stores, whose windows and fairly clean exterior give it a superficial air of decency, is the Malay Location. Walk up its badly levelled streets, in which coloured children (Cape and Kaffir) are sprawling in the company of dirty dogs, while paraffin tin braziers are busy producing family dinners; you see rows of tin shanties, low and unlovely, teeming with people.[25]

The settlement had originally been set aside for coloured and Asian occupation, but, from about 1908[26] - soon after the inuaguration of the municipality's permit system - increasing numbers of Africans settled there.[27] In 1912 new settlement by Africans was prohibited, but the location's lay-out defied effective policing of the regulation. Five Asian landlords, who ran the settlement as a virtual fiefdom, squeezed a profit from every last portion of land.[28]

Aside from its appearance, several factors accounted for the location's notoriety. Land in the most run-down southern section belonged to the Railways, and thus the town council had no formal jurisdiction over who lived there, or how. This enabled officials to deplore conditions in the slum in cathartic bouts of public revulsion - and then protest in shrill tones that their hands were tied and that the Railways Administration was responsible.[29] It was highly visible

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25 *The Star*, 20.4.1920.

26 *The Star*, 20.7.1920.

27 This prompted one local wit to conclude that,
'the Malay Location is something like the Guinea pig, which does not come from Guinea and is not a pig. Any Malays who lived there have left the place long since for more salubrious quarters ... As for the term location, there is no justification for it.'
Rand Daily Mail, 2.3.1920.

28 For a discussion of living conditions in the Malay Location in this period, see S. Parnell, 'Sanitation, Segregation and the Natives Urban Areas Act: African Exclusion from Johannesburg's Malay Location, 1897-1925'; Harry Dugmore, 'The Coloured Community in Johannesburg 1910-1936, with particular reference to the Malay Location and Surrounding Areas'.

29 For an account of this see C.A.D., Records of the South African Police, SAP Conf. 6/757/20/11A, F.V. Lloyd, Sub-Inspector, S.A.P. Western Areas, Johannesburg, to the Deputy Commissioner of Police, Johannesburg District, 3.9.1919; *Rand Daily Mail*, 2.3.1920, 18.2.1921, 11.5.1921.

- parties of mourners travelling to the main Brixton cemetery passed through the settlement.[30] Its inhabitants included a number of Asiatic entrepreneurs whose successes offended some of their more marginal white rivals. Probably the most important reason was the way its tenants exploited the site to maximum illicit advantage - south-west of the settlement was Crown Mines; north was Vrededorp, home to many white bootleggers. Trade in illicit liquor and sex boomed.[31]

A large number of black women lived in the location, the vast majority of them because of their relationship to men living or working in the area - whether as employees of the neighbouring mines,[32] liquor traders,[33] or Indian merchants,[34] or as the domestic partners of working men; the nature of these relationships seem to have spanned the spectrum of domesticity and expedience. A few of the women were domestic servants and many took in washing, but the majority seem to have resorted to liquor selling for at least some of their income. On weekends their business boomed, and, according to *The Star* - by no means an unbiased witness - at least some sold sex as well.[35]

Police complained that their efforts to constrain crime and close the brothels and shebeens were largely wasted. Potholed streets and the lack of streetlights made night raids difficult,

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30 *Ibid.*

31 TC 13-1908, *Report of the Transvaal Indigency Commission*, p. 12; C.A.D., Archives of the Governor General (hereafter GG), GG 1239 File 44/4, 'Report of the Public Health Committee on the Condition of the Malay Location, 1.12.1909'; *The Star*, 15.5.1912; C.A.D., Archives of the Department of Justice (hereafter JUS), JUS 69, 1/26/11, Evidence taken before the Select Committee on the Working of the Transvaal Liquor Laws, Col. Truter, Johannesburg, 7.3.1917; *The Star*, 4.12.1919, Evidence of Det. Head Const. J.A. Vowell before the Transvaal Local Government Commission.

32 *The Star*, 20.4.1920.

33 C.A.D., JUS 69, 1/26/11, Evidence taken before the Select Committee on the Working of the Transvaal Liquor Laws, Col. Truter, 7.3.1917.

34 Det. Head Const. J.A. Vowell, quoted in *The Star*, 4.12.1919. One contemporary observer took a more lurid view:
'In these yards [at Malay Camp] are hidden the girls who have run away from home, the women who have left their husbands, the victims of the passions of white men, the low Indian trader, the magician, the purveyor of infamous photographs, the ubiquitous illicit liquor dealer.'
Transvaal Leader, 6.2.1915, "Buxton Street" to The Editor.

35 *Rand Daily Mail*, 30.3.1920.

and 'as soon as one Liquor Den is closed others are opened.'[36] A resident of 19th Street, Malay Location, S Peterson, complained:

> This street is full of kaffirs and almost every House and rooms are occupied by Kaffirs and the landlords prefer them to get good rent because no limited number in a room... [sic]. In a dark night one is frightened to go out for a little fresh air for fear of getting knock down by ruffians and drunken Kaffirs [sic]. It is called Malay Location at present and it don't look like it ...'[37]

Adding insult to injury, protested Tom Hazel, 'a respectable coloured person' living in the location, 'the kaffirs, Sir, are keeping Brothels house in Vrededorp ... also selling whisky as well. We are not safe even to our young girls is going to ruin.' [sic][38]

Overall, the section known as Malay Location had an appalling reputation. Vice of every kind was said to stalk its dark alleys, and in the shadows lurked disease. Health officials went so far as to blame the broad Vrededorp area for 'a good amount of disease amongst natives in the country' through the infection there of migrant labourers with venereal diseases.[39] Part of the location's identity as a 'plague spot' and 'festering sore' [40] was pure, unbridled racism - resting on the hoary stereotype of the Asian as alien and dirty - and part the inevitable consequence of years of neglect, overcrowding and the lack of sewers. The place had, indeed, been the start of the plague epidemic of 1904, and the starting point of almost every smallpox outbreak thereafter.[41] Yet the municipality apparently did nothing to check persistent rumours that its officials were being bribed to turn a blind eye to the Asian landlords whose rack-renting was at the heart of the problem.[42]

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36 C.A.D., SAP Conf 6/757/20/11A, Sub-Inspector F.V. Lloyd, S.A.P. Western Areas, to the Deputy Commissioner of Police, Johannesburg District, 3.9.1919.

37 T.I.A., SGJ File 968 Part 4, S. Petersen to the Medical Officer of Health, 5.7.1915.

38 T.I.A., SGJ File 986 Part 4, T. Hazel to the Johannesburg Municipal Council, 27.11.1913.

39 *Rand Daily Mail* , 30.3.1920.

40 Dr T.C. Visser, M.P. for Vrededorp, quoted in *The Cape Times,* 8.2.1923.

41 *Rand Daily Mail,* 30.3.1920; UG 4-'21, *Report of the Asiatic Inquiry Commission* , p. 34, para. 123.

42 T.I.A., SGJ File 968 Part 1, T. Lee to the Medical Officer of Health, 23.11.1909; SGJ File 968 part 4, 'Some of the Cape Coloured Persons of Vrededorp to the Medical Officer of Health', 8.11.1915; see also S. Parnell, 'Sanitation, Segregation and the Natives Urban Areas Act: African Exclusion from Johannesburg's Malay Location, 1897-1925'.

The Attack on Slum Settlement

The municipality would probably have been content to bicker indefinitely with the Railways Administration over culpability and ignore the broader issue of Johannesburg's growing slums had not the Union government released a damning report in 1914.[43]

In a bid to check the alarming incidence of tuberculosis amongst both white artisans and black labourers, soon after union the government had commissioned a major study of factors facilitating the disease's advance.[44] The commission cited adulterated liquor as one ennervating factor. More attention was given to conditions in urban black settlements, and the report concluded that 'with few exceptions they are a disgrace, and the majority are quite unfit for human habitation.'[45] This in itself was nothing new - earlier commissions had made

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[43] In his important study of slum settlements in Johannesburg in the inter-war period, Koch argues that the catalyst was the *Report of the Natives Grievances Enquiry* (UG 37-'14), appointed in 1914 to investigate the causes of an unprecendented strike by black miners on three Rand mines. He claims the report suggested that 'town boys' were the main organisers of the strikes, and that reforms in the locations outside the mining compounds would facilitate control and help stabilise a more permanent labour force. 'This would help prevent permanently urbanised Africans from participating in the organisation of resistance by black miners.' E.E. Koch, 'Doornfontein and its African Working Class', p. 76. Hence housing reform would be an important pre-emptive step.

This particular argument is problematic on several counts. First, the report referred not to 'town boys', but 'Reef boys', which it defined as non-migrant mine-workers who lived on the Reef in the company of criminals (para. 484). The report's concern was with the *criminalisation* of mine workers, and there is little in the report to suggest that the commission conflated this with political radicalisation. Secondly, the report's reference to 'locations outside the mining compounds' was to mining locations. Its comments were made in the context of reducing crime - to which illicit liquor was said to be a major contributor. Thirdly, the Chairman of the Commission, Henry Buckle, wrote an extremely detailed and elaborate report on the basis of copious evidence. Nowhere does he refer - implicitly or otherwise - to the danger of political 'contamination' of mine workers by urban location residents.

My major criticism is of Koch's periodisation in this instance. He suggests that by 1914-15 the Town Council and employers were sensitive to the potential provided by unregulated slum housing for political mobilisation. The argument presented here maintains that that awareness was not a factor until the campaigns of mobilisation and resistance by Africans in 1918 and beyond. From that date, that consciousness - and the fear it provoked among white officials and employers - is unmistakable in the tone of comments in committee meetings and reports in the press.

[44] The definitive study of tuberculosis in socio-economic perspective in South Africa is by R.M. Packard's *White Plague, Black Labour: Tuberculosis and the Political Economy of Health and Disease in South Africa* (Berkeley, 1989).

[45] UG 34-'14, *Report of the Tuberculosis Commission*, p. 125, para. 235.

similar points.[46] What distinguished this report was its observation that

> the local authority lies under a very grave responsibility to ensure that every location under its jurisdiction is maintained in a proper condition and as healthy as it is possible to attain. But far from this being the case, the majority of such locations are a menace to the health of their inhabitants, *and indirectly to the health of those in the town.*[47]

Within weeks of the report's release, letters began to appear in the Johannesburg press detailing conditions in the slums and calling for reform.[48] Soon after, in March 1915, a grouping of concerned whites - drawn from church and temperance bodies and the Rand Social Service League[49] - coalesced to form the Citizen's Alliance for the Reform of the Liquor Laws.[50] Arguing that 'drastic reforms with regard to native housing conditions are a *sine qua non* of any effective application of total prohibition of liquor for natives in our midst', the Alliance laid out its case.[51]

The Alliance argued that the slums were peopled by individuals who profitted from the poisonous trade of liquor selling. This demoralised the native, and demoralised whites who supplied them with spirits. The slums constituted a serious health menace and formed a breeding ground for tuberculosis, smallpox, plague and other contagious diseases, and this

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[46] South African Native Affairs Commission, *Report, 1905*, p. 47, para. 248; UG 39-'13, *Report of the Commission Appointed to Enquire into Assaults on Women*, p. 30, p. 152;

[47] UG 34-'14, *Report of the Tuberculosis Commission*, p. 125, para. 235; emphasis added.

[48] See, for example, *Transvaal Leader*, 6.2.1915, "Buxton Street" to the Editor.

[49] The full list of affiliates was: the Transvaal Mission Association; the Diocesan Board of Missions; the Witwatersrand Church Council; the Rand Social Service League; the National Council of Women Workers; the Women's Christian Temperance Union and the International Order of True Templars. Statements in the press on behalf of these bodies were usually signed by H.W. Soutter; F. L. Landau; A. S. van der Schijff; G.H. Cameron; A. I. Orenstein; J.H. Pim; R. Raine; R. Schumaker; and F. B. Bridgman.

[50] Writing about an earlier period in Johannesburg's history, 1899-1903, Charles van Onselen has demonstrated convincingly that the formation of a South African Alliance for the Reform of the Liquor Laws, concerned for the material and moral welfare of all, enjoyed considerable support from the Chamber of Mines. The Chamber had been lobbying the Transvaal Volksraad and, subsequently, the Imperial administration for 'total prohibition' for Africans, on the basis that access to cheap liquor was bad for productivity and obstructed control of the worker's environment. Although there is no direct evidence linking the Chamber of Mines with the 1915 Alliance, the parallel is instructive. See C. van Onselen, 'Randlords and Rotgut, 1886-1903', *in Studies in the Social and Economic History of the Witwatersrand, 1886-1914*, Vol. 1. *New Babylon*, pp. 44-102, p. 90.

[51] Citizen's Alliance for the Reform of the Liquor Laws, *Report of the Joint Comittee on Native Liquor and Housing*, pp. 4-12.

was cause for concern as many of their inhabitants were domestic servants, bakery and shop workers. They were the haunt of the criminal, the passless native, the loafer and the dregs of a mixed population. There was a need for immediate action. Accordingly, the Alliance recommended immediate slum clearance. Once removed from the slums, the black population would be housed strictly according to marital status. Single-sex compounds should be established for men living apart from their families within easy reach of their work, and black townships constructed for married couples - complete with laundries, recreation grounds, churches and schools - serviced by the municipal tramway system. The cost of this new accommodation would be borne by Africans themselves. If they could afford the rents demanded by the rack-renters, argued the Alliance, they could certainly afford to pay rent in a township or compound.[52]

The Citizen's Alliance adopted a somewhat elliptical view of women not living with their husbands or families. Slums, in its view, were the refuge of fallen women.[53] Yet no thought seems to have been given to the fate of these women once the slums were cleared. Its proposals hinged rather on preventing the fall of respectable single women, and were premised on the assumption that they were perpetual minors needing protection from 'temptation'. Its proposed remedy was a system of diligent supervision. Borrowing heavily from the recommendations of the Witwatersrand Church Council scheme of 1912,[54] the Alliance urged that no travel permits be issued to women without their parents' or guardians' permission, that temporary rest houses and labour bureaux be established, and that the Native Affairs Department take responsibility for registering their contracts, inspecting their living quarters, and, where necessary, providing hostel accommodation. Public accommodation for single women was pronounced an urgent necessity - but it was not the municipality's responsibility.[55]

In effect, the Alliance made it clear that African women in Johannesburg were permitted only two *entres* to respectability: domestic service or housewifery. There were no grey zones between or beyond these. If women were not in domestic service, they were effectively

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52 *Rand Daily Mail* 27.5.1915, 15.6.1915.

53 *Report of the Joint Committee on Native Liquor and Housing*, quoted in the *Star*, 27.5.1915.

54 See above, page 24.

55 Citizens Alliance, *Report of the Joint Committee on Native Liquor and Housing* , pp.9, 11.

denied the right to live in town unless they were married and living with a spouse working in Johannesburg - and there the Council's reluctance to provide adequate or sufficient family housing made it quite clear it did not welcome or encourage them.

The Alliance's proposals were significant for a number of reasons. They constituted the first serious plan of action to address Johannesburg's black housing crisis since the establishment of Klipspruit in 1904. The Alliance's call for a township where black families could settle permanently contradicted the policies of the Labour-dominated town council, whose policies will be explored below. This call for family housing, it should be noted, was entirely pragmatic. As long as the only municipal accommodation provided for Africans was at Klipsruit or in single-sex hostels for men, the slums would continue to grow because of the absence of family accommodation closer to town. Moreover, the majority of those living in the slums did so without permits, and the police raided the settlement at regular intervals to check the permits of occupants. In the opinion of a deputation of social service workers and missionaries (affiliated to the Alliance) who met with the Minister of Mines to 'discuss the native question' in May 1915, 'these indiscriminate arrests of natives did more harm than good.' What was needed, they argued, was a settlement closer to town than Klipspruit, and one which provided cheaper living for 'the native'.[56]

A further point underpinning the significance of the proposals was the fact that the Citizens Alliance formed the core of a new political bloc. The Reform Committee, which emerged late in 1915, was to field candidates in municipal elections for the next decade.[57] The Reform ticket was sponsored by wealthy individuals representing - among others - the interests of township owners and land speculators; among them was Julius Jeppe, a director of the Transvaal Consolidated Lands and Exploration Company, Ltd, a company owned by the Johannesburg Consolidated Investment Company, owned in turn by the Corner House Mining Group.[58]

The Reform Committee's aim was to amend the existing municipal ratings assessment system

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[56] *Rand Daily Mail*, 7.5.1915.

[57] UG 30-'19, *Report of the Commission appointed to Enquire into Allegations of Bribery and Corruption in relation to Members of the Transvaal Provincial Council and Town Councillors in the Transvaal*, p.38.

[58] *Ibid.*, pp 38-41; E.E. Koch, 'Doornfontein and its African Working Class', p. 59.

from one where property owners were taxed on the value of the site, to a tax on the site plus all improvements - like houses, warehouses, factories and shops.[59] This would benefit the owners of large tracts of undeveloped and under-developed land by shifting much of the tax burden for municipal government from their pockets to those of the broader mass of householders and entrepeneurs. Jeppe's company, for example, owned 2.4-million acres of prime Johannesburg property, much of it land on which the shanties and tenements of both Old and New Doornfontein and a number of other run down areas were built.[60] City-wide slum clearance would have opened up large tracts of land for urban development and inner-city renewal. At a political level, it is possible that the Reformists hoped to ride to municipal power on the back of a fervent anti-slum campaign. However, there is little to suggest that, by 1915, the Reform Committee had considered seriously the implications of providing alternative housing for the estimated 15 000 Africans who needed it, or that it planned to provide it. It added nothing to the Citizens Alliance proposal that Africans pay for their own housing, and sidestepped areas of contention like who would pay for the land on which the planned township would be built, who would build the housing, and whether it would be freehold.

The Labour Party had dominated the council since 1911 and, the Reformists argued - with some justification - some new blood was needed in civic politics.[61] More to the point, the Labour Party keenly supported site-value taxes,[62] had campaigned - unsuccessfully - against the exemption of mining companies from rates, and had called for the release of proclaimed mine-owned land for municipal use.[63] There was no reason to expect it would be content to stop there. While claiming to oppose politics in the council, the Reformists, by 1916, were publicly recognisable as supporters of the two parliamentary parties least sympathetic to labour - the South African Party, and the Unionists. They had the most to gain from stabilising

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59 UG 30-'19, *Report of the Commission appointed to Enquire into Allegations of Bribery and Corruption in relation to Members of the Transvaal Provincial Council and Town Councillors in the Transvaal*, p.40

60 E.E. Koch, 'Doornfontein and its African Working Class', p. 59.

61 UG 30-'19, *Report of the Commission appointed to Enquire into Allegations of Bribery and Corruption in relation to Members of the Transvaal Provincial Council and Town Councillors in the Transvaal*, p. 40.

62 TP 3-'15, *Report of the Local Government Commission on Municipal Taxation*, p. 10 para. 18.

63 E.E. Koch, 'Doornfontein and its African Working Class', p. 59.

both the white and black working classes, by segregating the urban poor, providing cheap accommodation more easily controlled than the labyrinthine slums, and containing the spread of disease.

Under the leadership of Councillor Dingwall, the Labour Party, meanwhile, had a very different vision of the town's future. Their supporters did not have the industrial, mercantile or property interests of the leading Reformists, and thus had little overt interest in a stable, consumerist black population. In any case, employers - not ratepayers at large - should pay for black housing, they argued. Their reasoning was made clear in a 1912 policy document which piously exempted the council from all responsibility. Was the council justified, it asked,

> in doing anything to reduce the price of native labour to the employer, or the cost of living to the employer, or the cost of living to the natives, by enabling him to obtain his ... lodgings cheaper than is provided in the open market, and consequently to enable him to compete on unduly unfavourable terms with white men?[64]

The Labour Party thought not. Furthermore, it argued in the document, it was doubtful whether the community received from 'the natives' in open locations the advantage which the community required. Locations encouraged idleness, loafing and 'living without recourse to honest occupation.'[65] Compounds, on the other hand, permitted close monitoring of the industry and leisure of Africans.

Before the 1913 Native Land Act barred blacks from buying land from whites, the council felt black families should provide for themselves beyond the municipal boundary. There was no point providing another location for 'natives' at great cost to white ratepayers, it argued, when 'natives' could live in freehold townships exempt from location by-laws.[66] Post-1913, the prevarication continued, now under the guise of waiting for loopholes in the by-law to be closed which would compel blacks to live in specified areas.[67] Consequently, the policy ignored the needs of black families and single women and focussed on forcing single men into compounds. To this end the municipality had taken over the former Salisbury and Jubilee

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64 T.I.A., SGJ File 4873, 'Report of the Town Clerk Re Accommodation for Natives', 8.3.1912.

65 *Ibid.* For an overview of Labour Party policy in Johannesburg in this period, see J. P. R. Maud, *City Government: The Johannesburg Experiment*, (Oxford, 1938) pp. 77-85.

66 C.A.D., K 373, E.A.W.C., 1912-13, W.R. Boustred (Mayor of Johannesburg), Johannesburg, p. 14.

67 C.A.D., Records of the Johannesburg Municipality (unsorted collection), 'Special Committee on Native Housing: Minute Book', Minutes of a Meeting, 16.3.1916.

Mine barracks in 1913, which could house 1 200 men.[68] By 1915 even this was patently inadequate.[69]

The problem at the heart of the housing crisis was the cost of providing black housing. The average wage of African men working in Johannesburg in 1915 was £3 a month, too little to enable most to even dream of building their own homes. This placed the onus on either private enterprise or the municipality, and neither were interested. Black wages were simply too low to allow for an economic rate.[70]

The new anti-slum challenge by the Reform Committee forced the Labour-controlled Town Council onto the defensive. The Council was under pressure from the white public to be seen to be responding to the slum issue. Within weeks the Council was proposing four new townships, north, east, south and west of the town. This plan had little substance, and soon collapsed; the only land available - that is, land available for settlement at an economic price and on which the mines did not have surface rights - lay due south, and white residents in adjacent working class suburbs there vetoed the idea, saying there were already more than enough blacks in the area.[71] In the midst of this impasse, in mid-1916, came a brutal murder case - which the town council exploited to the full to win support for its own housing scheme.

Municipal housing and municipal beer

John Smellie, a carpenter at Bantjies Mine, near Florida on the West Rand, together with Anne, his wife, and daughter were out walking on a *kopje* one Sunday afternoon in June, 1916, when they were attacked, robbed and then killed by a group of eight black men.[72] Police apprehended the assailants days later and within weeks the trial was in session. On the basis of evidence supplied by one of the defendants who turned King's witness, the court established that the men were Ninevites - members of an organised body of bandits operating

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68 *Rand Daily Mail* , 24.9.1913.

69 *Rand Daily Mail*, 3.3.1917.

70 C.A.D., JUS 289, File 3/127/20, Part 3, 'Memorandum on the Housing of Natives in Johannesburg, by the Resident Magistrate', 4.1.1921.

71 *Rand Daily Mail* , 4.7.1916.

72 C.A.D., JUS 239, File 3/821/16, 'Special Report - Case *Rex versus Isaac and seven others* - Murder of Mr and Mrs Smellie and Child', 3.10.1916.

on the Rand.[73] Worse still, they had committed the crime after consuming a substantial amount of liquor obtained from an illicit liquor dealer. Press reports suggest the murders were seen as vindicating the asumption of many whites that blacks were but one step away from barbarism, and that liquor, when consumed by blacks, provoked violent crime.[74] Furthermore, the incident forcibly reminded the public of the presence of criminal elements in its midst. This added new momentum to the anti-slum campaign in Johannesburg.

Within white civic politics, the incident catalysed two lines of debate. One faction - dominated by the temperance wing of the Reform Committee - called for a major reform of the liquor laws to enforce prohibition for blacks. With this in mind, a deputation of Johannesburg notables - missionaries, philanthropists, mining representatives and merchants - met with the Minister of Justice, N.J. de Wet, in July.[75] De Wet rather callously suggested that Johannesburg's white citizens could force the hand of the government if they adopted complete prohibition for themselves and pointed to a clause in the 1902 Liquor Ordinance which provided for a local veto on liquor sales if backed by the vote of a simple majority.[76] The temperance lobby took the minister at his word, and consequently the 1916 Johannesburg municipal elections were effectively reduced to a 'wet' or 'dry' vote. The 'wets' won by a majority of seven votes to one.[77] Labour scored handsomely in the 1916 election - although this may have had more to do with public reaction to possible total prohibition, associated with the Reform Ticket, than the merits of its own programme.

Bolstered at the polls, the Labour Party was now well placed to refine its own particular remedy to the multiple problems allegedly posed by illicit liquor, drunkenness and crime, and black housing. Labour-supporting council members had long been in favour of a system of

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73 See C. van Onselen, 'The Regiment of the Hills - *Umkosi Wezintaba* : the Witwatersrand's Lumpenproletariat Army, 1890-1920' *in* his *Studies in the Social and Economic History of the Witwatersrand 1886-1914*, Vol. 2, *New Nineveh, pp. 171-201.*

74 *The Star*, 19-23.6.1916; *Rand Daily Mail* 19-23.6.1923; *The Evening Chronicle* 20-23.6.1916, 11-12.7.1916.

75 *Rand Daily Mail* , 22.7.1916.

76 *Rand Daily Mail* 7.7.1916 and 22.7.1916; see also *Evening Chronicle* 7.8.1916.

77 See Johannesburg's newspapers, August-October, 1916, especially *The Star*, 30.8.1916 and 25.10.1916; *Rand Daily Mail* 21.9.1916; *Evening Chronicle*, 13.10.1916 and 4.11.1916. See SC 2-'18, *Minutes of Evidence taken before the Select Committee on the Working of the Transvaal Liquor Laws* (Pretoria, 1918), Rev W.M. Nicol, Johannesburg, p. 346.

municipal beer canteens; following the example of the Durban Municipality, profits on the sale of sorghum beer would be re-invested in schemes which benefitted Africans - primarily housing.[78] The Florida incident gave new urgency to the issue. Prohibition was clearly not viable, argued Dingwall - a Labour councillor and Chairman of the Parks and Estates Committee - and the recent 'dastardly murders' were proof of that.[79] Africans, his argument went, were driven to mix with criminal whites to obtain concoctions so poisonous they maddened them and drove them to commit acts of vice and crime. One needed pragmatism and a situation where Africans' consumption of liquor could be monitored and regulated. Quite simply, he argued, Johannesburg needed municipal beer canteens.[80]

In July 1916 a deputation of city councillors visited Durban to investigate the system first hand.[81] Their report, released in August, was an ambitious package addressing crime, control over 'undesirables' and the proper utilisation of leisure by Africans:

> The problem which the monopoly system is designed to deal with is largely one of the control of the natives' leisure [through] the provision of institutions for the natives where their social life may centre, [and] by the improvement of the conditions of living of both single and married natives ... [and is] in the best interests of the natives themselves. [It] will go far to eradicate intemperance and other vices to which conditions of living in our towns have subjected the natives.[82]

Its chief attraction, though, was the impact it would have on housing finance. Revenue derived from the sale of sorghum beer would provide the funds with which to establish two new locations, one or more compounds or barracks for single men, and one or more hostels for single women.[83] This would bring to an end the existing situation where 'havens' were available in the slums for 'natives who come to town with no intention of working at all, and

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78 See, for example, *The Star*, 21.8.1912.

79 *The Star*, 11.10.1916.

80 *Ibid.*

81 The definitive work on 'the Durban system' is by Paul la Hausse, 'The Struggle for the City: Alcohol, *Ematsheni* and Popular Culture in Durban, 1902-36', (Unpublished M.A. thesis, University of Cape Town, 1984).

82 Johannesburg Town Council, *Council Minutes* , 10.10.1916, 'Report of the Deputation sent to Durban by the Municipal Council of Johannesburg to Enquire into the System of Housing Natives and the Sale of Kaffir Beer to Natives', pp. 652-673, p. 659.

83 *The Star*, 11.10.1916.

who now flourish in increasing numbers despite the pass laws and the vigilance of the police."[84]

Dingwall's basic argument was that provision of legitimate liquor - sorghum beer in municipal canteens - would draw trade away from the illicit dealers and thus reduce crime and the 'traffic in poisons'. The argument was badly flawed. Anyone with a taste for hard liquor would not be satisfied with the bland beverage sold in beer canteens and would continue to frequent the more convivial shebeens where the company of black women added to their attraction. There *was* no necessary connection between municipal beer and reduced vice and illicit liquor selling.

Dingwall's reasoning was particularly interesting in the light of the councillors' call for hostel accommodation for single African women. Many black women living in the yards and shanties of the slums did so outside of conventional marriage and thus, in the eyes of the law, were single women. Among them were a sizeable number who were able to elude the formal labour market through trading in illicit liquor. As such, they were technically 'loafers', 'undesirable' and not welcome in towns designated white. This was a fundamental tenet of the administration of urban African, laid down by Sir Godfrey Lagden in 1905:

> ... Locations should not be made a refuge for surplus or idle Natives for whose labour there is no local demand or who will not work ... no room [should be] allowed for criminals and others who indulge in vagrancy, drink and open prostitution.[85]

In policing male undesirables, officials had several advantages. If the passes of 'loafers' or criminals were in order but they could not prove they were employed, they could be compelled to stay at the municipal compound until they had found work; without a pass they could be expelled from town. Neither sanction applied to women. Prison was the only place officials could send 'female undesirables' and accommodation there was limited. There was no way of coercing women into formal employment, and no way of penalising those who did not work. A public hostel for single African women was seen as a necessary first step in re-asserting control over female undesirables.

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[84] Johannesburg Town Council, *Council Minutes* , 10.10.1916, 'Report of the Deputation sent to Durban by the Municipal Council of Johannesburg to Enquire into the System of Housing Natives and the Sale of Kaffir Beer to Natives', pp. 652-673, p. 659.

[85] South African Native Affairs Commission, *Report of the Native Affairs Commission, 1905* , pp.47-48, paras 252, 253.

The problem facing officials favouring the idea of a hostel was the perennial one of cost: who would pay for and administer it? The majority of black women in Johannesburg were not in formal employment, and thus even if the Council obliged all employers to house their female employees, the problem would remain. If the municipal Parks and Estates Committee - responsible for black housing - could not bring itself to invest white ratepayers' money on accommodation for *bona fide* male African workers, it would certainly not sanction major spending on non-working females. The Citizen's Alliance had recognized this in 1915 and, in its call for a hostel for single women, had simply passed the buck to the government Native Affairs Department - which passed it straight back. The municipal beer scheme, conversely, seemed to provide the ideal solution. If Africans were putting up the money, directly or otherwise, why stint on spending? Through sorghum beer profits, blacks would pay not only for the cost of their own housing and welfare, but for policing and regulating 'undesirables' in their midst. In theory at least, what men spent buying beer in the beerhalls could be used to prevent women brewing it for them in the slums.

On the basis of these merits, the Johannesburg municipality voted, in December 1916, to introduce a municipal monopoly on the production and sale of beer.[86] A month later, in January 1917, five councillors met with Native Affairs Department officials to obtain their formal permission. The meeting did not go well. Edward Dower, Secretary for Native Affairs, deputised for Minister Louis Botha and relayed Botha's concern that the Council was relying too heavily on the Durban system to raise revenue for black housing. The councillors protested that the issues of housing and kaffir beer were 'quite separate', but Dower remained unconvinced. Unless the municipality demonstrated its good faith by *first* acquiring and developing the necessary sites, he said, the Department was not prepared to give its support to municipal beer.[87] This provided the spur. Within months a site for Johannesburg's second municipal township had been secured, and by late 1918, Western Native Township's first residents had taken occupation of the new houses they rented from the municipality.

Thus by 1918 the Johannesburg Town Council had begun to address the serious shortage of black housing in the city - perhaps motivated less by altruism than a desire to protect whites from disease and crime emanating from the slums. The housing scheme favoured by the

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[86] *The Star*, 6.12.1916.

[87] Johannesburg Town Council, *Council Minutes* , 29.5.1917, p. 387.

municipality depended on funding by Africans themselves derived from the profits on municipal beer sales. This had particular implications for black women. The legal sale of sorgum beer was intended to reduce black demand for illicit liquor and this, it was hoped, would put many liquor sellers out of business. Many black women depended for their living on liquor selling and, if done out of their livelihood by the municipal beer scheme, they might be obliged to seek a more respectable livelihood in domestic or other employment. In the absence of a pass system for women, officials and employers had no easy way of establishing whether a particular individual was in 'honest' employment, and no way of coercing women in urban areas into formal employment. The municipality lacked even a hostel for women. Thus one of the first developments proposed under the municipal beer scheme was a hostel for single women, as a first step in re-asserting control of female 'undesirables' who lived in the city on their own terms, and not in the service of whites.

While the municipality concentrated on imposing control on Africans' physical environment in Johannesburg, church and official structures were concerned with more sweeping reforms of the terms on which black women lived in white areas. In particular, the Witwatersrand Church Council had not wavered in its crusade for tighter controls over the accommodation and employment of single women in the town and its formulations in 1915 and 1917 - publicised in the press - had changed little from those submitted in 1912 to the Commission into Assaults on Women.[88] It acknowledged that a pass law for women was 'altogether undesirable' as it exposed black women to the risk of abuse by police and officials. Furthermore, the example of the fierce resistance from 1913 of black women in the Orange Free State to their inclusion in a municipal residential permit system had been noted.[89] Yet what the Church Council proposed at a meeting of the Pretoria Board of Missions[90] in November 1917 as a means to keep black women 'respectable' was a pass in all but name.[91]

Introducing the proposals - drafted by the Women's Missionary Committee and approved by the Mothercraft League - the preamble noted

> the grave danger to the white community and especially to white children [which]

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88 *Rand Daily Mail*, 7.11.1917.

89 *Ibid.*

90 Johannesburg fell within the Diocese of Pretoria until 1922.

91 Statement by the Pretoria Board of Missions, quoted in *Rand Daily Mail*, 7.11.1917.

> results from the freedom given to native girls to come into towns, without any sort of supervision being exercised as to their health or other disqualifications, and with no protection or control over them whilst in the towns.[92]

In line with this concern for the welfare of white families, rather than black women, the proposals emphasised restriction rather than protection. The state's Native Affairs Department should establish a central labour bureau near the railway station under the supervision of a missionary superintendent, with sleeping accommodation,. No 'native girl' should be allowed to leave her kraal to go to town without a letter from her parents, chief or missionary, giving her permission to do so. This letter would have to be presented at the railway station before purchasing her ticket. All women, and those walking to towns, should be encouraged to report directly to this labour bureau or a similar Girls' Home. At this office, her letter would be stamped, her home address entered and a 'Lady Doctor' would examine her and give, free of charge, a certificate of health and medical treatment if necessary. Prospective employers would be urged to seek servants only through the labour bureau.[93]

The Transvaal Provincial Council was less circumspect in its call for passes.[94] For reasons that remain unclear, in late 1917 the Member for Pretoria North 'urgently requested' the government to include 'all native females in municipal areas' in the pass law. Each pass was to show the residence of the female servant, her character, behaviour and the condition of her health. This call was subsequently amended to one for a system of registration and inspection of all native females entering urban areas, and the proposal was relayed to the government.[95]

Despite a superficial difference in emphasis - the Church Council sought to safeguard the moral integrity of 'native girls' while the Provincial Council was more concerned with reducing the number of 'loafers' in 'white' areas - both systems sought to protect employers from unreliable servants and, in particular, their diseases. Both of these prescriptive elements were

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92 U.W., Pretoria Board of Missions, AB 767, Minutes of a Meeting of the Diocesan Board of Missions, Johannesburg, 7.11.1917.

93 *Ibid.*

94 In the absence of more detailed information on its activities, suffice it to note that the Council had been established at Union as sop to those who had called for federation, and its jurisidiction overlapped with both municipal and central government structures. See J.P.R. Maud, *City Government: The Johannesburg Experiment* , p. 75.

95 Transvaal Provincial Council, *Record of Votes and Proceedings*, 8.11.1917.

accommodated in the 1918 Natives (Urban Areas) Bill.

Towards a new dispensation for Africans in urban areas

National coherence in urban native administration was not deemed a priority at Union, and no comprehensive national policy existed; each of the four provinces thus retained their own corpus of law, while the relationship between local, provincial and central government native administration was opaque. On the Reef, this tension played itself out between the Government Native Labour Bureau - the local office of the Native Affairs Department in Johannesburg[96] - and the Town Council.[97] Power to issue work-seeking and residential passes was vested in the Government Native Labour Bureau and thus all revenue accruing from the issues of passes went directly to the central government. Consequently the Johannesburg municipality maintained that the central government should take some responsibility for housing the Africans it permitted to live and work in Johannesburg; representatives of the central government disagreed. The result was a stand-off, manifested most starkly in the growth of slum housing in and around the city centre.

A provisional attempt to cohere the disparate strands of regional policy was made in 1914, but, owing to the outbreak of war and pending the report of a Natives Land Commission, the Select Committee concerned was adjourned.[98] Sporadic discussion continued, and in January 1918, the Natives Affairs Department (N.A.D.) published its draft Natives (Urban Areas) Bill. Influenced at least in part by growing evidence of working class militance and the *Report of the Tuberculosis Commission,* the Department assigned local authorities the responsiblity of providing Africans under their jurisdiction with locations, housing, welfare and infrastructural services, subject to N.A.D. approval.[99] If the local authority was remiss in the exercise of these powers, the N.A.D. could step in, take action and hold the municipality responsible for the cost. Despite Louis Botha's professed misgivings about the integrity of

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96 The Director of Native Labour was, in this period, also the Chief Native Commissioner for the Witwatersrand.

97 The municipal Native Affairs Committee, convened in 1912 and mentioned on page **, seems to have been an *ad hoc* advisory body only; the daily practicalities of township administration fell under the Parks and Estates Committee. See J.P.R. Maud, *City Government: The Johannesburg Experiment* , p. 100.

98 UG 7-'19, *Annual Report of the Department of Native Affairs, 1914-1918,* pp. 5-6.

99 The purpose of this was primarily to remove an ambiguity in the law as to whether central or local government was responsible.

Johannesburg's municipal beer scheme, the financial underpinning of the Bill rested on the profits of municipal beer canteens.[100] And, lest local authorities complain that they were being required to shelter loafers, criminals and undesirables - female or otherwise - the bill provided for the exclusion from urban areas of any 'natives' unable to prove that they were in 'honest employment'.[101]

'Natives', in this instance, included women, as did the clause requiring registration of all service contracts entered into by 'natives'.[102] Pending the Bill's adoption by parliament, all African women in employment were subject to the pass laws. Those not in formal employment, or not working at all, could expect to be questioned about their *bona fides*.

African responses to this Bill were swift and vociferous. Even before the Bill was published, the Transvaal Native Congress had convened meetings at Klipspruit, Boksburg, Springs 'and on the Reef generally'[103] to call for united opposition to the registration proposal.[104] Part of this vehemence stemmed from the experience of African and 'coloured' women in the Orange Free State who, from the 1890s, had been subject to a number of municipal revenue-collecting devices such as residential passes, work-seeking passes, visitors' passes, washerwomen's permits and work-on-own-behalf certificates.[105] In 1913, black women in Winburg and a number of other Free State towns had waged a campaign of passive resistance against their permits, and hundreds had volunteered themselves for arrest and imprisonment. The Winburg campaign was successful, but municipal officials in a number of other small Free State towns insisted on retaining a pass law which included all adult Africans and 'coloureds' in its ambit. The sporadic protests of women culminated in a plan of action

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100 Union Government, *Union Gazette Extraordinary*, 19.1.1918, Natives Urban Areas Bill, 1918, Section 6.

101 *Ibid.*, Section 5(1)(l).

102 *Ibid.*, Section 11 and Section 5(1)(l).

103 C.A.D., GNLB 281, File 458/17/D72, Acting Chief Pass Officer to Director of Native Labour, Johannesburg, 'Report on Meeting', 9.12.1917.

104 It is not clear whether this was prompted by the Transvaal Provincial Council resolution, in November 1917, or advance knowledge of the contents of the Bill, which was published on January 19, 1918.

105 J. Wells, 'The History of Black Womens' Resistance to the Pass Laws in South Africa', pp. 68-115.

which would combine the militance of members of both African and 'coloured' organisations in a general strike. It appears that it was this prospect of joint strike action involving men across racial divides which persuaded the Department of Native Affairs to intervene and put pressure on the Free State officials to drop the pass measure.[106] Historians have documented these campaigns in detail elsewhere;[107] more pertinent here are the grievances underlying those protests.

Giving evidence before a 1920 commission of enquiry, representatives of black women in the Free State alleged they were 'commonly' molested by policemen, township authorities and other officials under cover of examining their passes.[108] In some municipalities, all women aged 16 and over were subject to these passes, and this obliged many to go out to work - if only to meet the cost of the pass. Not infrequently, young women under 16 who could not provide proof of their age were allegedly forced out to work too. As one mother said bitterly, 'when a child goes out to work a bit young she generally returns from her master's employ pregnant, and the child, as a rule, is white.'[109] Other parents complained that their daughters viewed the permit system as a rite of passage into acknowledged adulthood and hence rebelled against parental authority once in possession of a pass.[110] Further, the regulations did not discriminate between African and 'coloured' women, and 'this was most distasteful to a people who regarded themselves as nearer their European-half brothers than their Native half-sisters.'[111] Nor, despite their frequent protests, were the wives of African ministers given special privileges.[112] The Free State permits disregarded distinctions of

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106 UG 41-'22, *Report of the Interdepartmental Committee on the Native Pass Laws, 1920*, pp. 4-5, para. 19.

107 J. Wells, 'The History of Black Women's Struggle Against the Pass Laws', pp. 120-185; C. Walker, *Women and Resistance in South African* (London, 1982), pp.27-32.

108 UG 41-'22, *Report of the Interdepartmental Committee on the Native Pass Laws, 1920*, pp 3-4, paras 14, 16.

109 C.A.D, K 357, Evidence before the Interdepartmental Committee on the Native Pass Laws, 1919-1920 (hereafter E.C.N.P.L.), N. Dhlamini, Bloemfontein, pp. 36-38.

110 C.A.D., K 357, E.C.N.P.L., 1919-1920, Evidence of the Orange Free State Branch of the Bantu Women's League, Kroonstad, p. 35.

111 *Ibid.*, p. 5, para 19.

112 J. Wells, 'The History of Black Women's Struggle Against the Pass Laws in South Africa', p. 160.

generation, class, wealth or education, and there was no reason to suspect that the 1918 registration proposal would be any different.

Protest in Johannesburg over the proposal was co-ordinated by politically articulate members of the social elite within black Reef society - church leaders, teachers, professionals and businessmen - and, in particular, by the leader of the Bantu Women's League, Mrs Charlotte Maxeke. The elite's conventional strategies of cautious, respectful deputations to high-ranking officials and appeals to ministerial reason gradually gave way to more strident public protest and there is good reason to believe that this explains, at least in part, the unprecedented militance of some members of the Reef elite in the anti-pass campaigns of 1918 and 1919.

It seems that details of the 1918 Bill were leaked to the public well before it was formally released for comment. Thus Maxeke and others met with General Louis Botha, Minister of Native Affairs and Prime Minister in late November, 1917, and informed him of 'the strong feeling amongst Native women'. Botha replied that the government had 'not the remotest idea' of introducing a compulsory pass law for women and, should it do so in the future, 'the natives of the union could be assured that they would be afforded abundant opportunity' to submit their views.[113] Whatever the truth in Botha's reply, Maxeke was not convinced. Ten days later she addressed the assembly at an open-air meeting at Klipspruit where Transvaal Native Congress leaders warned of a general strike of all Africans unless the registration proposal was scrapped.[114] Maxeke went beyond the rhetoric of the previous speakers to warn men present against betraying the women's campaign. According to a police informer,

> she said that the native men were cowards for submitting tamely to carrying passes and that she would advise them to give up doing so because she was afraid that if the women were arrested some of the husbands would be cowards and procure passes for their womenfolk, and thereby frustrate their efforts in passive resistance. (Mabaso asked her to confine herself to the subject of women and passes.)

She concluded by calling on women to stand together and advised the Government to build gaols as the present ones would not be big enough.[115]

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[113] C.A.D., GNLB 281, File 458/17/D72, Secretary for Native Affairs to the Director of Native Labour, 22.12.1917.

[114] C.A.D., GNLB 281, File 458/17/D72, Acting Chief Pass Officer to Director of Native Labour, 'Report on Meeting', 9.12.1917.

[115] *Ibid.*

Although it seems this pass provision was aimed at making 'undesirable' women more accountable to the law, it included all African women in its ambit. The Transvaal Native Congress' protest was followed by a petition campaign, organised by a group of inter-denominational African ministers who planned to present the petition to parliament,[116] and a meeting in January between a deputation led by Charlotte Maxeke, representing the Bantu Women's League, and H.S. Cooke, Acting Director of Native Labour - the Native Affairs Department's most senior official in Johannesburg - who again stressed the Bill was provisional.[117] Still Maxeke stood firm. In March, 1918, Maxeke and S.M. Makgatho, President of the South African Natives National Congress (S.A.N.N.C.), called for passive resistance to the measure at the Seventh Annual Conference of the Congress in Bethlehem.[118] Again Maxeke called on the men present to support the women in their campaign and not betray them - 'even if their own children had to suffer at their homes.'[119]

Debates at the March conference over the S.A.N.N.C.'s best course of action were already being overtaken by a groundswell of popular militancy on the Rand. In February, 1918, mineworkers on the East Rand launched a boycott of mine concession stores in protest against inflated prices. Yet storekeepers were not wholly responsible for the high prices, as war-induced inflation had set in from mid-1917 raising prices and diminishing the real value of incomes which had seen little change in a decade. The cost of a pair of mineworkers' boots - which miners were required to buy out of their own earnings - had doubled during the war from the equivalent of one month's pay to two.[120] There were other indices of rising living costs: police officials noted a great increase in the number of African women selling

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116 It is not clear whether this aim was realized; see C.A.D., GNLB 281, 458/17/D72, Telegram from 'Mahlamvu', Evaton, to the Secretary for Native Affairs, 17.1.1918, and *Rand Daily Mail*, 3.1.1918.

117 C.A.D., GNLB 281, 458/17/D72, Major H.S. Cooke to the Secretary for Native Affairs, 1.2.1918.

118 J. Wells, 'The History of Black Women's Struggle against the Pass Laws in South Africa', pp. 172-173.

119 *Ibid.*, p. 173.

120 Union Government, *Government Gazette*, No. 915, 6.9.1918, 'Circular issued by the Secretary of the Transvaal Native Congress', 20.6.1918, quoted in 'Report of the Commissioner appointed to Inquire into and Report upon the Causes which led up to the Partial Cessation of the Municipal Sanitary Services at Johannesburg, on the 6th and 8th June, and the Threatened Strike on the 1st July 1918, and to make Recommendations as to what Action should be Taken to Prevent Similar Occurrences in the Future', p.381.

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118 J. Wells, 'The History of Black Women's Struggle against the Pass Laws in South Africa', pp. 172-173.

119 *Ibid.*, p. 173.

120 Union Government, *Government Gazette*, No. 915, 6.9.1918, 'Circular issued by the Secretary of the Transvaal Native Congress', 20.6.1918, quoted in 'Report of the Commissioner appointed to Inquire into and Report upon the Causes which led up to the Partial Cessation of the Municipal Sanitary Services at Johannesburg, on the 6th and 8th June, and the Threatened Strike on the 1st July 1918, and to make Recommendations as to what Action should be Taken to Prevent Similar Occurrences in the Future', p.381.

liquor in the closing years of the war[121] and, according to a Transvaal Native Congress (T.N.C.) spokesman, 'women who used to work in kitchens are now trading in illicit liquor...'[122]

White municipal power station workers were the first to demand a wage increase and struck in May 1918. When their demands were met, black municipal sanitary services' workers followed suit with a strike of their own. Their arrest and subsequent imprisonment - for two months, with hard labour - prompted a call by the T.N.C. leadership in late June for better wages for all Reef workers and the threat of a general strike if its call for a 'shilling a day' increase was ignored. Louis Botha's prompt intervention and conciliatory moves towards the T.N.C. leadership averted a possible widespread strike in July, but the following March, when a T.N.C.-led demand for a general wage increase was again rebuffed, the T.N.C. called on all workers to stop work and refuse to carry passes.

This outline of events differs little from those available in several relevant secondary texts.[123] However, few sympathetic accounts have explored the responses to the speakers of the various T.N.C. constituencies represented in the audience at those anti-pass campaign meetings. Not only men, but women too took an active part in the campaign.

West of the Malay Location - between the Government school for 'coloured' children and the Brixton cemetary - was an open space where African speakers addressed their followers at political meetings in the 'Teens and Twenties. At a meeting at the Vrededorp site on Wednesday, April 2, 1919 the Congress leadership appeared to falter in its conviction that 'passes were a badge of slavery' and announced that passes need only be surrendered at the meeting place, and not beyond. Several hundred yards from the main body of the all-male crowd sat a large number of African women.[124] They did not participate directly in the

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[121] Det. Head Constable J.A. Vowell, quoted in *The Star*, 4.12.1919.

[122] Quoted in *Rand Daily Mail*, 16.1.1920

[123] P. Bonner, 'The Transvaal Native Congress 1917-1920: The Radicalisation of the Black Petty Bourgeoisie on the Rand', *in* S. Marks and R. Rathbone (eds.), *Industrialisation and Social Change in South Africa*, pp. 270-313; E. Roux, *Time Longer Than Rope* (Madison, Wisconsin, 1964) pp. 117-121; J. Simons and R. Simons, *Class and Colour in South Africa 1850-1950* (Harmondsworth, 1968, 1983 ed.) p. 207-209; P. Walshe, *The Rise of African Nationalism in South Africa* (London, 1970, 1987 ed.), pp. 71-72.

[124] *The Star*, 3.4.1919.

gathering and at the end of the meeting, ignored the injunction to collect no more passes. In Delarey Street, Vrededorp, a number of women surrounded a wagon driver and pulled him from his vehicle. Similar determination was directed against black trolley-drivers in Fordsburg and Newtown. Meanwhile, a large party of women had marched north-west, presumably to homes in Sophiatown, and stopped off at various laundries *en route* to Newclare where they demanded the passes of male workers and threatened to assault those who continued working.[125]

Over 60 women were arrested that day. They appeared in court on April 3, charged with assault, disturbing the public peace by 'shouting, wrangling, roaring, etc' or inciting workers to defy the pass laws.[126] Despite the efforts of Sydney Bunting, the lawyer who defended the majority of them, they were sentenced to fines of between £4 and £10 or two to eight week prison terms. An eye-witness recalled later that when the news of the convictions was relayed to the large crowd gathered outside,

> numbers of women addressed the male natives outside the court and upbraided them for being cowards. "Do you think the white men would allow their women to be sent to gaol?" they said. "No, they would tear the court down and release them. Shame on you! Go away from us!"[127]

Another woman, alleged a witness, shouted that it was better for the women to wear the men's trousers and the men could have their skirts. The men, she averred, were cowards.[128]

One can only speculate as to the identity and occupations of the women outside the courtroom who heaped such scorn on the men around them. It is possible some took in washing or brewed beer; as their source of livelihood lay outside the formal labour market, it would not be sanctioned by the proposed pass law. Others, perhaps, would have been concerned to defend their right to use their time and talents to optimum advantage on their own terms, rather than as poorly paid domestic workers, and surely all had an interest in opposing the prospect of greater police harassment.

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125 *The Star*, 3.4.1919, 4.4.1919, *Rand Daily Mail* , 3.4.1919, 4.4.1919.

126 *The Star*, 4.4.1919.

127 Det. A.J. Hoffman, evidence before the Commission appointed to Hold an Inquiry regarding the Alleged Ill-treatment of Natives by Members of the Police Force during the Recent Native Unrest in Johannesburg, quoted in the *Rand Daily Mail* 2.5.1919.

128 Evidence of 'Solam', 'a Native Detective', quoted in the *Rand Daily Mail* , 2.5.1919.

The identity of the 60 women inside the courtroom is less opaque. Nearly three-quarters of those convicted on April 3, 1919, for their part in the protests described themselves as 'housewives', as distinct from washerwomen, chars or nursemaids.[129] The occupation of housewife was a status symbol: a housewife was not formally employed, ostensibly because she could afford to remain a 'Queen of the Home'.[130] However, this begs the question why women, not necessarily obliged by their financial circumstances to work, should protest so vociferously against a proposed law that did not apply to them directly. The most likely explanation is that clause 5(1)(l) of the Bill effectively postulated two categories of Africans: 'good natives', in formal employment and able to prove their *bona fides* by means of their registration certificates or passes, and 'bad natives', not working and unable to give proof of their means of honest livelihood. Respectable female members of the elite who did not work fitted neither category, and thus could expect harassment in the course of explaining themselves.

It is possible that those describing themselves as 'housewives' inside the courtroom could not legitimately lay claim to that title. Liquor sellers and the like had the most to lose from the pass proposal - indeed, it was precisely this category of activity which the Bill aimed to thwart. If the 60 women included liquor sellers, by signing themselves as 'housewives' they could avoid compromising themselves in court by giving information about their actual occupations.

A further factor possibly accounting for the militance of these women is suggested in a speech by S. M. Makgatho. He described the 1918-19 campaign against men's passes as partly a pre-emptive strike against their extension to women. "I was assured in the Transvaal," he told delegates at the S.A.N.N.C. conference in May 1919, "that our people there would forestall [the Bill's registration proposal] by organising a movement against the present pass laws before their extension to our women."[131]

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[129] C.A.D., Johannesburg Magistrates' Court Criminal Record Book, 'C' Court, Thursdays, 1919, Case nos. 2312, 2313, 2314.

[130] See D. Gaitskell, 'Housewives, Maids or Mothers: Some Contradictions of Domesticity for Christian Women in Johannesburg, 1903-39', (1983) *Journal of African History* 24, pp.241-42.

[131] 'Presidential Address by S.M. Makgatho, S.A.N.N.C., 6.5.1919', *in* Thomas Karis and G.M. Carter, (eds.) *From Protest to Challenge: A documentary history of black protest in South Africa*, Vol 1 *Protest and Hope, 1882-1934* (Stanford, 1972), Document 32, p. 107; Charlotte Maxeke corroborated this in her evidence before the Interdepartmental Commission appointed to Investigate the Native Pass Laws, quoted in *The Star*, 15.1.1920.

Despite the relatively small number of active participants, the anti-pass campaign and the vigorous involvement of a sector of the black female population in it had a number of important consequences for the development of Native Affairs policy, both in Johannesburg and beyond. As recorded by the white press, a new agent of change had arrived on the Rand: the agitator. Although the term 'agitator' was claimed by socialist activists themselves, when used by the state it was perjorative. Women were not exempt from this category. Indeed, both the press and the report of the commissioner appointed to investigate 'the disturbances' took careful note of the conspicuous involvement of a number of female militants.[132]

Prompted by a recommendation in the 'pass disturbances' commission,[133] the government appointed a formal commission of enquiry in January 1920 to investigate the pass laws in depth. Its Chairman, Lieut-Colonel G.A. Godley, Acting Under Secretary for Native Affairs and a former magistrate, examined the matter extensively in the manner of a stern, but well-meaning, parent[134] and reported in late March 1920. He recommended streamlining the pass system, and specifically exempted women from all curfews and registration procedures. To get around the odium with which men's passes were widely viewed, he called for their replacement with Registration Certificates. Their function remained unchanged - to identify Africans and their movements and ensure that they were gainfully employed in urban areas.

There was no question of restraining the influx of Africans into urban areas. Nothwithstanding the 1920-22 recession in the wake of the war, the post-war decade was one of boom and development; indeed, commented one Johannesburg employer, 'no matter how many boys choose to come, the market can never be overstocked.'[135] What the Chamber of Mines, the Johannesburg Chamber of Commerce and other employers wanted was some measure to

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[132] *The Star*, 3.4.1919, 4.4.1919, *Rand Daily Mail*, 3.4.1919, 4.4.1919; Union Government, *Report of the Commission Appointed to hold an Inquiry regarding Alleged Ill-treatment of Natives by Members of the Police Force during the Recent Native Unrest in Johannesburg, 1919'*, p. 2.

[133] Union Government, *Report of the Commission Appointed to hold an Inquiry regarding Alleged Ill-treatment of Natives by Members of the Police Force during the Recent Native Unrest in Johannesburg, 1919'*, p.1.

[134] Godley favoured 'protecting' and 'supervising' Africans wherever possible to safeguard them from 'temptation'. See UG 41-'22, *Report of the Interdepartmental Committee on the Native Pass Laws, 1920*, p. p. 11, para. 46, and p. 12, paras. 47, 48.

[135] *Rand Daily Mail*, 17.1.1920.

stabilise the workforce, streamline the pass laws so as to minimise the time their employees stood in queues, and provide a closer check on vagrants, criminals and 'agitators'.[136] As Henry Taberer, representing the Chamber of Mines and the Native Recruiting Corporation, put it, 'the native [has] to be welcomed in industrial centres for legitimate purposes, but there must be some machinery to prevent loafing.'[137]

What concerned Godley most was that municipal officials should maintain a strict hold on 'the unsophisticated native' to prevent him lingering in town once he was no longer employed. It was then that he was most vulnerable to the 'temptations which surround him' - crime, demoralisation and the designs of 'unscrupulous persons of all nationalities and colour.'[138]

The white man's burden, it seems, rested heavily on Godley's shoulders, and he was genuinely concerned to check what he saw as the moral decay of the less developed races in white towns. More important, though, were the lessons of 1918 and 1919. The overcrowded and unregulated slums provided ready shelter for criminals, loafers and other undesirables who preyed on 'guileless untutored natives' and used them 'as tools for their nefarious practices till the latter in turn adopted similar methods.'[139] The community as a whole became contaminated with this contagion. Among 316 Africans arrested during 'the anti-pass agitation' in April, 1919, noted Godley,

> 65 were identified as natives with previous criminal records, 30 of whom had serious crimes recorded against them, 15 were wanted for desertion and 10 were habitual loafers. One had no less than twenty-six convictions against him.[140]

Thus, as befitted a former magistrate, his recommendations were premised on curtailing crime and its stepchild, agitation.

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[136] See C.A.D., K 357, E.C.N.P.L., 1919-1920, 'Report of the Johannesburg Chamber of Commerce on the Native Pass Laws', 16.1.1920; P. Rich, 'Ministering to the White Man's Needs: the Development of Urban Segregation in South Africa, 1913 to 1923' (Unpublished paper presented at the History Workshop, University of the Witwatersrand, 3-7 February 1978), pp. 7-9; E.E. Koch, 'Doornfontein and its African Working Class', pp. 81-2.

[137] H.M. Taberer, quoted in *The Star* 21.1.1920.

[138] UG 41-'22, *Report of the Interdepartmental Committee on the Native Pass Laws, 1920*, pp. 12-13, paras. 46, 47.

[139] *Ibid.*, p. 13, para. 57.

[140] *Ibid.* As the report did not specify the gender of those arrested, it is reasonable to assume all were male.

Godley's proposals concerning women should be viewed in this light. Women in urban areas who were neither formally married nor employed were believed to contribute significantly to the culture of illegality that pervaded the slums. Prostitution and the liquor trade were, by definition, illicit, and women (and men) who lived off the income did not need to rely on formal work. 'Unattached native women', asserted the Secretary for Native Affairs in mid-1921, 'are at the root of the unsatisfactory conditions in regard to native settlement in large towns.'[141] Police officials claimed that black women were at the heart of much of the Reef's crime and complained that their exemption from the pass laws made it harder for police to check the *bona fides* of suspects.[142] Consequently Godley recommended that officials be empowered - for the first time - to deport 'undesirable' women and men from urban areas through making them subject to the jurisdiction of Special Courts. These courts would have the right to summons 'any native who is *prima facie* leading an idle, dissolute or vicious life' and deport, indenture or consign that person to a labour colony.[143]

Godley did not endorse the appeal from a broad range of white witnesses before the commission for a pass system for black women. They had argued that passes would curtail black women's promiscuity, record their conduct in the pass book's character column, chart the movements of known V.D. carriers and compel black women to take up honest employment.[144] Nor did he acceed to the request from several black 'traditional authorities' that young women found in urban areas without the written permission of their parents be sent home, as the document would be seen as a pass and would be difficult to administer;[145] Godley himself believed it was 'in the interests of the women themselves as well as in the

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141 C.A.D., NTS 1169, File 57/333 Part 2, E.R. Garthorne to the Secretary of Justice, 27.6.1921.

142 C.A.D., K 357, E.C.N.P.L., 1919-20, Deputy Commissioner of Police, Pretoria, p. 43.

143 UG 41-'22, *Report of the Interdepartmental Committee on the Native Pass Laws, 1920*, p. 14, para. 58.

144 C.A.D., K 357, E.C.N.P.L., 1919-20, R.A. Barry, Pilgrim's Rest, p. 4, Deputy Commissioner of Police, Pretoria, p. 38.

145 C.A.D., K 357, E.C.N.P.L., 1919-20, Chief Chane, Nylstroom, summarising a point made at a meeting of chiefs at Hammanskraal in 1919 called to discuss the breakdown of parental and traditional authority, p.22, 26. In his report Godley did, however, acknowledge 'almost unanimous' support for the idea that 'young women should not be allowed to leave home without parental consent'. UG 41-21, *Report of the Interdepartmental Committee on the Native Pass Laws, 1920*, p. 14, para. 63.

interests of general health that they should come under some sort of supervision',[146] yet in his report concluded that '

> any possible benefits of a pass system were outweighed by the deep-rooted objection of the natives to their womenfolk being subjected to any measure of interference and control by police and other officers of the government.'[147]

Control, he argued, could be effected more satisfactorily through the deportation of undesirables via the courts and the provision of 'suitably controlled housing' in the towns.[148]

By the time Godley's report was released, the Johannesburg Town Council had no further wish to be reminded of its housing responsibilities. It was locked in a grim dispute with the N.A.D. over precisely the issue of black housing and was under prssure from a number of sources to take action: from a report on the factors underlying the June 1918 sanitary workers' strike,[149] from a report on factors influencing the spread of the influenza epidemic which had infected at least 52 500 people in Johannesburg alone[150], from the report of a major national survey on housing,[151] from the report of an inquiry into living conditions in Klipspruit location,[152] and, by no means least of all, from outraged white Vrededorp residents who swore they would burn the Malay Location to the ground if the municipality did not house its black inhabitants elsewhere fast.

The Malay Location had shot back into public prominence during the 1918-1919 anti-pass campaign and after, in part because of the adjacent Vrededorp meeting ground. The estimated 1 000 Africans in the Malay Location in 1917 swelled to 5 000 - over 50 percent of

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146 C.A.D., K 357, E.C.N.P.L., 1919-20, Comment by G.A. Godley during evidence of Rev. C.T. Tapsfield, Pretoria, p. 76.

147 UG 41-'22, *Report of the Interdepartmental Committee on the Native Pass Laws, 1920* p. 14. para. 63.

148 *Ibid.*, p. 15.

149 Union Government, *Government Gazette* No. 915, 6.9.1918, 'Report of the Commissioner appointed to Enquire Into and Report Upon the Causes which Led up to the Partial Cessation of the Municipal Sanitary Services at Johannesburg, on the 6th and 8th June 1918', p. 389.

150 UG 15-'19, *Report of the Influenza Epidemic Commission*, Appendix C, p. 29.

151 UG 4-'20, *Report of the Housing Commission*, p. 39.

152 Transvaal Province, *Report of the Inquiry into the Grievances of the Natives Residing in the Nancefield Location, 1919*, pp. 2-3.

the total population - by 1919.[153] A census of the area conducted by police in 1920 revealed almost as many African women as men,[154] which buttressed the argument that it was the presence of women in Johannesburg that swelled the slums because of the shortage of family housing for blacks. Pass raids in the wake of demonstrations and protest meetings in the area regularly led to multiple arrests, vindicating the view of at least one Vrededorp residents that 'every native without a pass [was] able to settle down in safety' in the location, and that its inhabitants were 'a menace' to the white population.[155] A key problem which remained was the number of women who traded in liquor, whom police termed 'a curse and a pest'.[156] 'With so many masterless men and unrestrained women floating about from place to place,' noted one commentator in the press, 'one has all the elements of a problem which sooner or later will have to be faced in earnest.'[157]

A notable aspect of the 1919 campaign had been the level of white violence that accompanied it, particularly in Vrededorp. On April 3, 1919, for example, a number of 'poor Dutch' had assaulted Africans as they dispersed through Vrededorp after baton-wielding mounted policemen had broken up a meeting there. Johannes Moekane was shot dead by Sarel van den Berg, unemployed, of Vrededorp, and random attacks continued through the following day on Africans in Malay Location. Sporadic white-on-black violence broke out throughout the year, and reached a crescendo the following February - at the time of a black mineworkers' and potential general strike - when two Africans were killed and over 70 injured; the trigger was a meeting to discuss a strike by 'houseboys' and the Africans were attacked on their way home. These assaults were not necessarily random thuggery and, arguably, had more to do with the mounting tensions of tens of thousands of 'poor Dutch' who found their entry into the job market blocked by cheaper, more exploitable blacks.

The rising number of unemployed poor whites in Johannesburg posed a potentially serious

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153 S. Parnell, 'Sanitation, Segregation and the Natives Urban Areas Act: African Exclusion from Johannesburg's Malay Location, 1897-1925', p. 11.

154 C.A.D., JUS 289, File 3/127/20 Part 3, S.M. Pritchard, Director of Native Labour, to Secretary for Native Affairs, Pretoria, 4.12.1920.

155 *Rand Daily Mail*, 2.3.1920.

156 C.A.D., SAP Conf 6/757/20/1A, Deputy Commissioner of Police, Johannesburg District, to the Secretary, S.A.P., Pretoria, 2.3.1920.

157 *Rand Daily Mail*, 13.5.1919.

political threat to the maintenance of law and order. By late 1921 it was estimated that one in ten whites was unemployed.[158] Several issues were at stake: the rising strength of white labour militants, who had already demonstrated their might in the 1918 municipal power workers' strike; the rise of a disaffected poor white sector, unskilled and uncompetitive on the formal labour market; and the growth of a racially-mixed criminal class. What was not yet clear was the effect of these factors on newly-urbanised Africans and, for once, neither the state nor local officials was prepared to wait and see.

The necessary remedy - as far as Johannesburg officials were concerned - involved not only new housing but racial segregation. The immediate outlook for progress on this front was bleak. Whites living in the slums could not easily be relocated as they were also the victims of a housing shortage. The Council acknowledged a shortfall of at least 1 600 units, yet was prevented by law from building cheap houses for whites.[159]

Progress in black housing had been painfully slow. In July 1920, the Council had trumpeted its plans to build a hostel for African women on the perimeter of Fordsburg, but nothing came of these plans for a further eight years.[160] By the end of 1920 a total of 177 houses had been built in the new Western Native Township; less than 80 of these were occupied by former residents of Malay Location.[161] Construction was slow and expensive because of

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158 *The Star*, 5.10.1921.

159 UG 4-'20, *Report of the Housing Commission*, p. 127, para 72.

160 *Rand Daily Mail* 24.7.1920. Kagan argues that the Council's proposal stemmed from a recognition of the growing number of African women working in Johannesburg for whom accommodation should be provided. N. Kagan, 'African Settlements in the Johannesburg Area, 1903-23', p. 69. This credits the Council with a degree of altruism which was not altogether warranted. The scheme had more to do with an influx regulation scheme proposed by Col. C.P. Stallard who, by mid-1920, had completed much of his investigation into Johannesburg municipal government. In terms of this scheme, all women entering the urban area would have to register at a hostel; thereafter, officials would be empowered to accept or prohibit their settlement in town. See also C.A.D., Records of the Johannesburg Municipality (unsorted collection), 'Minute Book of the Special Native Affairs Committee', 28.2.1922, 25.4.1922.

161 Council officials believed that once the area was cleared of Africans, it would merely be resettled by 'coloureds' and Indians - who were less amenable to statutory regulation than Africans. The Council therefore concentrated its early slum clearance programme on the Doornfontein area. See the comments of Dr C. Porter, quoted in the *Rand Daily Mail*, 26.2.1925.

a shortage of bricks and artisans,[162] but the major obstacle, overall, was cost. The Town Council was reluctant to commit itself to any major expenditure on housing until urban areas legislation, and in particular, policy concerning a municipal beer monopoly, was finalised. This meant the perceived financial constraints on black housing had remained fundamentally unchanged from the days before the beer profits proposal; in the interim, the political climate had worsened and the shortage of housing had become acute.

What riled the Town Council most was that it had no control over the increasing population density of its slums. Each new report of disease, rack-renting and crime underlined its reluctance to provide better housing for the town's black population at cost to white ratepayers. Civic officials claimed that if they were to be held responsible for providing housing and ameneties for Africans, the least the government could do was hand over the revenue that had accrued to it from Johannesburg's pass office. At a meeting with the Prime Minister and Justice Minister in October 1919, a Council deputation had argued that the Native Affairs Department was responsible for the housing crisis and its consequences because it issued passes to African men in Johannesburg who did not necessarily find formal employment.[163] In January 1920, the council repeated its call and demanded that, as the government was responsible for the presence of large numbers of unemployed Africans in the town, it should house them. After a further threat by Vrededorp residents to raze Malay Location to the ground in February 1921, the Council decided that, as the Railways owned the land, it was the government's responsibility to provide an alternative site for the location. This appeal, too, was fruitless.

While these deputations and the related correspondence were to be continued without resolution for a further 17 years,[164] in mid-1921 the Council switched tack. In August, it established a five-member 'Special Native Affairs Committee' (drawn from representatives of the Public Health, Parks and Estates and Finances Committees of the Council) to investigate influx control and the provision of suitable housing for Africans, 'if possible, without imposing

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[162] Many white youths who might have trained as artisans in the construction industry went off to fight in the Great War. When they returned, they were refused entry to apprenticeships on the grounds of being over-age. See UG 4-'20, *Report of the Housing Commission*, p. 127.

[163] C.A.D., Records of the Johannesburg Municipality, (unsorted collection), 'Minute Book of the Special Native Affairs Committee', Resume of proceedings, 21.8.1921.

[164] Until the passage of the 1937 Native Laws Amendment Act made further debate superfluous.

financial burden on the rate payers.'[165] By December, a local government commission of inquiry had taken over the task, adding this responsibility to its existing mandate to examine municipal governance.[166] Colonel C.F. Stallard was its Chairman.

If Godley's report on Africans in urban areas can be said to have represented the views of the old guard in the Native Affairs Department, Stallard's was the voice of Transvaal local government. His recommendations were premised on limiting the number of blacks in town for whose accommodation the municipality could be held liable. The entrance of all blacks to the town would be rigorously monitored through requiring them to report at a 'rest-house' where they would be registered, medically examined and temporarily housed. Once the 'rest-house' was full, no newcomers would be admitted. Employers would recruit their workers there, and only there. Beyond the 'rest-house', Africans were to live in strictly regulated and segregated accommodation, either on their employers' premises, in compounds, or locations. If they were not employed, or if their presence was no longer demanded by the wants of the white population, they were to leave the urban area. In this way the municipality could confine its housing responsibilities to desirable, economically active Africans, and expel the remainder. Africans themselves would foot much of the bill for this accommodation through profits on the sale of beer in municipal canteens.[167]

As regards African men, the mechanics of the scheme beyond the rest-houses hinged on the rigorous enforcement of the pass laws. There was no such provision for women. Stallard had noted the vehemence of black opposition to passes for women[168] and was content to improve control over female immigrants through the 'rest house' system and the provision of closely supervised housing. Moreover, he noted shrewdly:

> If the results of medically examining native women show that they become unwilling to migrate to the towns, it will not be unsatisfactory, as the presence of native women in municipal areas, except those living with their husbands in municipal native villages

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165 C.A.D., Records of the Johannesburg Municipality, (unsorted collection), 'Minute Book of the Special Native Affairs Committee', 21.8.1921.

166 On his appointment in September 1919, Stallard's brief had been to examine the Local Government Ordinance of 1912, the Municipal Elections Ordinance and the Local Authorities Rating Ordinance. In early 1920 this was extended to include the 1920 Local Government (Housing) Amendment Ordinance and the 1920 Housing Act.

167 TP 1-'22, *Report of the Transvaal Local Government Commission* , pp. 47-49, 51-52.

168 *Ibid.*, p. 52, para. 298.

or residing on the premises of their masters or mistresses, works for evil.[169]

Like Godley before him, he called for the establishment of a special tribunal with the power to remove 'redundant' or 'undesirable' Africans, whose presence in the towns was required neither by whites nor by the legitimate needs of their 'own' communities.[170]

Stallard submitted his report in December 1921, two months before the Rand Revolt. It provided graphic evidence of the increasing defection of 'poor whites' from the society of 'decent and respectable citizens' through 'co-mingling' in the slums and illicit liquor selling. Miscegenous sexuality stalked throughout the subtext of Stallard's call for racial segregation, surfacing in the eye-witness reports of police officials:

> Kaffir women in certain portions of the town make it their business now to hang about at night for white workers for the purposes of cohabiting with them ...[171]

And, according to S. Symes, a police Head Constable, cohabitation between white men and African women existed 'to a tremendous extent.'[172] The result, Stallard maintained, was that the 'lower class of Europeans' was living on terms of equality with blacks.[173] Such people were not merely an embarassment to the majority of whites, but were a positive danger. By ignoring the taboos on inter-racial sex, they smudged the lines of racial demarcation, and raised the spectre of a broad non-racial underclass of dissolutes, criminals and 'agitators' in hostile opposition to the white government. Stallard stopped just short of calling 'poor whites' 'undesirable' and unwanted in urban areas[174] and urged that lunatics, criminals, the unemployed and 'the white person who cohabits with natives or coloured persons' be removed from the municipal voters roll.[175] If control over 'the lower classes' was to be regained,

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169 *Ibid.*, p. 49, para. 279.

170 *Ibid.*, p. 49, para. 287.

171 Detective Head Constable J.A. Vowell, quoted in TP 1-'22, *Report of the Transvaal Local Government Commission*, p. 46, para. 260.

172 S. Symes, quoted in TP 1-'22, *Report of the Transvaal Local Government Commission*, p. 46, para. 261.

173 TP 1-'22, *Report of the Transvaal Local Government Commission*, pp. 45-46, paras. 260-261.

174 Serious proposals were being put forward in this period to dump 'surplus Afrikaners' back on the land in organised settlements - a solution little different to Stallard's call for labour colonies for 'surplus' Africans in the towns. See B. Freund, 'The Social Character of Secondary Industry in South Africa,' (unpublished paper presented at the African Studies Seminar, University of the Witwatersrand, 22.4.1985), p.26.

175 TP 1-'22, *Report of the Transvaal Local Government Commission*, p. 13, paras. 44-48.

increased segregation of white and black - in both spatial and political terms - was urgently required.

Stallard conceded there could be no justification for excluding permanent African urban residents from the franchise on the basis of colour alone. This he resolved by defining Africans as non-permanent residents of towns - which he defined as 'the white man's creation'; as such, Africans were not entitled to the benefits of citizenship. He gave this a semblance of legitimacy by arguing that white towns degraded Africans through exposing them to vice, crime and miscegenation.[176] Women, he pointed out, were particularly vulnerable:

> Little or no provision is made for the housing and protection of native females arriving in the towns, and this, together with their ignorance of town life, soon finds them in quarters of ill-repute, where they become contaminated and live in a state of concubinage - and also, to meet the higher cost of town life, carry on prostitution or traffic in liquor.[177]

Little of this would have been denied by a less expedient observer. Nonetheless, this was the premise on which he was able to legitimate his argument that Africans, in their own interests, should not dally longer in urban areas than was strictly necessary.

The notion that 'white towns' were bad for Africans, and particularly for African women, was not peculiar to Stallard, but was current across a broad spectrum of respectable liberals and philanthropists, both black and white. This was the heyday of liberal segregationism,[178] and its arguments were mobilised for a variety of ends. For example, a sub-committee of the liberal Johannesburg Joint Council of Europeans and Natives, a body established to facilitate communication across the colour line, summonsed them to argue against a general wage increase for blacks in mid-1921:

> The increasing number of native women and children in our towns shows that even at present rates of wages there are methods by which they can make ends meet ... so to increase these wages would only mean a still larger influx of native families from the country into the towns and the consequent degradation of still larger numbers of

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176 *Ibid.*, p. 13, para. 42.

177 Det. Head Constable J.A. Vowell, quoted in TP 1-'22, *Report of the Transvaal Local Government Commission*, p. 45, para. 260.

178 See S. Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36*, pp. 45-47; M. Legassick, 'The Rise of Modern South African Liberalism: Its Assumptions and its Social Base' (Institute for Commonwealth Studies seminar paper, London University, 1973), *passim*.

our population.[179]

Similarly, in 1922 the Council reported that it was better for employers to tolerate the inefficiency of migrant labour than accommodate the families of their labourers in town, as this would lead to widespread 'degradation'. It was 'impossible' for African women and children to live healthy lives in or near the towns, as they knew 'only how to live under the free conditions prevailing in their own territories'. Women, in particular, had 'nothing to take the place of the field labour which in their own territories occupies such a large part of their time and energies.' If, as the document claimed, idle hands made work for the devil, the health and, more particularly, the morality of many African women was perceived to be at great risk.[180]

Nor were the effects of the cities' evils confined only to urban areas. Mrs L.E. Hertslet, a West Rand churchworker who contributed regularly to the Lovedale mission's *South African Quarterly*, warned that eugenic disaster would strike unless contamination by those infected with the contagion of moral decay was stopped in its path:

> ... the demoralising influences of the towns are threatening to spoil a large number of [the Bantu races'] young women, who in their turn will harmfully influence their country cousins. Would that the Bantu might realise the evil for themselves, and stem the tide that sets them townwards! Before they have gone but a short distance in their upward march towards a virile national life, the very foundations of their strength are threatened by the danger to their women.
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> ... [W]ith proper control and consideration, thousands of the native girls who have gone astray in the cities might have been saved for a life of useful service, to be followed by a respectable marriage, the forming of civilised homes and rearing of useful native citizens.[181]

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[179] U.W., J.H. Pim Papers, A 881, Fa 9, 'Johannesburg Joint Council: Report of the Wages Committee', 19.8.1921.

[180] This document was signed by a host of prominent white Johannesburg liberals, including F. Brigdman, Rev W.F. Hill, J.D. Rheinhallt Jones, J.H. Pim, and members of the Transvaal Native Congress - L.T. Mvabaza, A.G.W. Champion, G.S. Mabaso and H.L. Bud 'Mbelle. UW, Archives of the S.A.I.R.R., AD 843, B 36.1.1, 'Memorandum by the Joint Council of Europeans and Natives to the Mining Industry Board,' 1922.

[181] Hertslet's warning was not motivated exclusively by concern for the best interests of 'the Bantu races'. Her article concluded:
'In the towns, the native races are working a terrible if unconscious revenge on their masters; their girls, who have come to grief in our midst largely through our own ignorance and negligence, are slowly but surely influencing our children. If we refrain much longer from uplifting the people who are in such intimate contact with our home life, we must inevitably sink to their level.'
Mrs L.E. Hertslet, 'Native Women and Girls on the Reef, in *The South African Quarterly*, June 1920, pp. 15-17.

She proposed that the urban African female population be 'sieved' to 'cleanse' the towns of loafing women and prostitutes. Once that had been achieved, all newcomers were to be screened, registered and sent into service in the care of responsible employers.[182]

Given the currency of these views amongst those who perceived themselves as 'friends of the native', it comes as little surprise to find them replicated by the Native Affairs Commission, a body set up by Smuts specifically to look after 'the native's' best interests. In mid-1921 it was given the responsibility of redrafting the 1918 Natives (Urban Areas) Bill.[183] Shortly after a meeting with Stallard's Committee in August, 1921, the Commission reported that

> It should be understood that the town is a European area in which there is no place for the redundant native, who neither works nor serves his or her people, but forms the class from which the professional agitators, the slum landlords, the liquor sellers, the prostitutes and other undesirable classes spring. The exclusion of these redundant Natives is in the interest of Europeans and Natives alike.[184]

The final form of the 1923 Natives Urban Areas Act accommodated these views.

The 1923 Natives (Urban Areas) Act

The 1918 Urban Areas Bill had been focussed, essentially, on checking crime and the spread of disease through an emphasis on strictly regulated black housing. The manifestations of administrative crisis five years later were far more acute. In their report for the years 1919 to 1921, officials of the N.A.D. noted through gritted teeth 'the growth of a sense of manhood in the Native race' and catalogued a list of incidents which marked its rite of passage. 1919 had begun with a drought which extended into 1920 and brought famine in its wake. This rural distress amplified urban militance and March 1919 saw a wage strike in Bloemfontein. A campaign of protest over wages and passes in Johannesburg in April was followed by lesser strikes on Natal collieries, at Messina Mine and at the Cape Town docks. 42 000 black mineworkers struck for higher wages on the Rand in February 1920. A dispute over the quality of hostel food sparked a student riot at Lovedale in April 1920. In Port Elizabeth, a protest over wages escalated rapidly into a serious confrontation between black strikers and white police and civilians in which 48 people were killed. Members of the Israelite sect who refused to leave their settlement - on Crown land - while awaiting the millennium were fired

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[182] *Ibid.*

[183] UG 36-'23, *Report of the Native Affairs Commission*, 1922, p.4.

[184] UG 15-'23, *Report of the Native Affairs Commission*, 1921, p.25.

on by police, leaving 171 dead. Black separatist churches were on the increase and police noted the stirrings of 'race-consciousness' and 'American Negro propaganda' in Cape Town and Johannesburg.[185] Added to these incidents were protests and demonstrations against womens' permit regulations in two small Free State towns, Bethulie and Springfontein.[186]

Always in the background of these incidents was the spectre of outright sedition and revolt. It was, after all, the era of the Bolshevik revolution, and the press carried reports daily of the war against the anti-Christ.[187] At a number of levels, the climate of black sentiment was not conducive to the introduction of harsh legislation. As the Cape liberal John X. Merriman pointed out in parliament shortly before the Bill became Act, 'this was not the time to do anything which would give the natives an additional grievance that they could seize on.'[188]

The Act was premised on a single imperative: to shore up the cracks in the faultlines of urban black administration. Given the background of black militance, two options were open to the government that were based on the schemes put forward by Stallard and Godley, respectively. Stallard's represented the strong-arm faction in its call for tighter restrictions on black urban settlement. Godley favoured liberalising the pass laws and accommodating some black grievances through removing some of the more overt injustices. With the exception of a clause common to both calling for the expulsion from urban areas of 'loafers', criminals and undesirables, the final form of the Act was a compromise that accommodated neither.[189]

Editor-in-chief of the Natives (Urban Areas) and Registration and Protection Bills was Jan Smuts - Prime Minister, Minister of Native Affairs and Chairman of the Native Affairs Commission. He strongly believed that administrative officials needed to regain the initiative over urban blacks and saw well-regulated black housing as the most efficient and least

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185 UG 34-'22, *Report of the Native Affairs Department for the Years 1919 to 1921*, pp.1-5.

186 J. Wells, 'The History of Black Women's Struggle against the Pass Laws in South Africa' p. 201.

187 For example: 'When the Bolsheviks occupied Voronez for the second time, they massacred whole families, executed all priests, hanged Archbishop Tikhon on the Tarsky Gate, and closed the churches.' *Rand Daily Mail* , 19.12.1919.

188 Quoted in *The Cape Times*, 7.5.1923.

189 For details of the parliamentary debates surrounding the Bills as they evolved, see T.R.H. Davenport, *The Beginnings of Urban Segregation in South Africa: the Natives (Urban Areas) Act of 1923 and its Background* (Grahamstown, 1971).

contentious point of departure.[190] Once civic officials could regulate who lived where, with whom and under what conditions, they were in a far stronger position to monitor unemployment, crime, disease and political mobilisation. The Urban Areas Act, though motivated by a desire to assert law and order, was thus premised on the provision of adequate housing.[191]

The central government's perennial problem was how to get local authorities to co-operate and erect the necessary accommodation. Smuts consequently resorted to carrot and stick tactics. The promise of municipal beer profits was the carrot; the stick was the threat of government intervention at municipal expense if the local authority did not honour its housing obligations.[192] Municipalities were not given jurisdiction over influx control. Rather, they were empowered to expel criminals, dissolutes and the habitually unemployed. It was an important distinction, particularly given Smuts' motivation:

> We can only get the Municipalities to accept the burden [for housing] in this Bill if we provide a certain measure of control, and Section 12 and the following few sections give that control, and provide that where natives flock to urban centres who are not required by the economic requirements of those centres, it will not be necessary to provide housing for them, but they can be sent back to the location from which they had come.[193]

When the Bill became law in mid-1923, the Johannesburg municipality at last had the power to eject 'undesirables' - whom Native Affairs officials estimated comprised 30% of the 12 500 Africans living in unauthorised settlements and slums.[194] But it was a phyrric victory. With it came the huge task of providing housing for the remaining 8 000 living outside of municipal

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[190] Davenport portrays the Act essentially as a welfare measure. This, I would argue, is over-generous. See T.R.H. Davenport, *The Beginnings of Urban Segregation in South Africa*, especially p. 23.

[191] For other analyses of the context of the Act, see T.R.H. Davenport, 'African Townsmen? South African (Natives) Urban Areas Legislation', in (1969) *African Affairs* 68, pp. 95-109, pp. 98-100; T.R.H. Davenport, *The Beginnings of Urban Segregation in South Africa: the Natives (Urban Areas) Act of 1923 and its Background* ; D. Hindson, *Pass Controls and the Urban African Proletariat in South Africa* (Johannesburg, 1987), pp. 32-42; S. Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36* , pp. 45, 123-4; J. Wells, 'The History of Black Women's Struggle Against the Pass Laws in South Africa', pp. 186-214.

[192] *The Cape Times*, 8.2.1923.

[193] J.C. Smuts, quoted in *The Cape Times* , 7.5.1923.

[194] SC 3-'23, *Minutes of Evidence before the Select Committee on Native Affairs*, Col. S.M. Pritchard, Johannesburg, p. 202.

locations or compounds.[195] For reasons that will be explored in the next chapter, the municipality did not have recourse to municipal beer profits until 1937.

African women were not included in the Act's pass laws, despite the angry protests of (white) representatives of several small Free State towns who demanded greater powers to deal with female emigrants from Basutoland allegedly attracted by 'the lure of the locations'.[196] Nor were women subject to the Act's employment registration clauses, although, like men, they were required to report at a reception hostel on their arrival in town (and when out of work) and remain there until employment had been found for them.[197] And, like men, women were liable for deportation from the urban areas if found to be habitually unemployed, 'not possessed of the means of honest livelihood' or leading an 'idle, dissolute or disorderly life'.[198] As Garthorne, Secretary for Native Affairs noted,

> It is intended by such means to secure the control which is admittedly necessary and at the same time to avoid the objection of the natives to the carrying and production of passes by women which the Government has recognised as being in great measure justifiable and which it has sought to meet by withholding administrative action as far as possible.[199]

Clearly, the Native Affairs Department realised that pass laws, *per se*, were not the only way of bringing 'undesirables' into line.

What was at issue in 1923 was not so much the fact that women were settling in urban areas in increasing numbers, but that local government officials lacked the power to dictate the terms on which they settled.[200] Under the new legislation, it was felt that urban officials would at

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[195] *Ibid.*

[196] See the comments of J.G. Keyter (M.P. for Ficksburg), P.S. Cilliers (Hopetown) and J.H.B. Wessels (Bethlehem), in parliamentary debates reported in *The Cape Times*, 7.5.1923; and SC 3-'23, *Minutes of Evidence before the Select Committee on Native Affairs*, G. Cook and J. Beyers, Bloemfontein, pp. 90-91.

[197] Natives (Urban Areas) Act Number 21 of 1923, Section 12 (g).

[198] *Ibid.*, Section 17 (1).

[199] C.A.D., Archives of the Pretoria Municipality, MPA 3/195, Secretary for Native Affairs to the Town Clerk, Pretoria, 30.1.1923. Thanks to M. Friedman for this reference.

[200] A revealing insight into the level of frustration this provoked is contained in correspondence between E.R. Garthorne, Under Secretary of Native Affairs, and the Minister of Justice in mid-1921. Garthorne sought rights of 'guardianship' over 'unattached girls and women' as the proxy of the 'Paramount Chief of the Natives', also known as the Governor General. Thus empowered, he planned to repatriate women living off prostitution and liquor selling in the

least be equipped to monitor the ingress of black women into the towns through the reception depot scheme and to expel 'undesirables' directly. The loopholes in the legislation, it seemed, were being closed.

There were, however, two major flaws in the Act concerning women. First, as long as women did not have to carry passes, there was no way of establishing when they had arrived in town or whether they had in fact checked in at a reception depot. This was compounded by the absence of a reception depot or hostel for African women in Johannesburg until 1929 (largely because of difficulties in procuring a site). Secondly, by the time the legislation came into effect, in January 1924, the terms of black urban settlement which the Act had been devised to regulate were already changing. The reception depot clause had been drafted with a very particular female population in mind: single - either a minor or a runaway wife - in search of employment and in need of supervision.[201] By the mid-1920s, Johannesburg's new female immigrants were, more commonly, married women with children who, accompanied by their husbands, had abandoned their rural support-bases to seek a permanent foothold in town.[202] In both conceptual and practical terms, Johannesburg officials were not equipped to bring the town's growing black female population within the ambit of administrative regulation effectively.

Despite the fact that the 1923 Act embellished the existing pass system and thus overrode the preceeding five years' vocal opposition, its passage met with very little public protest among Africans. In Johannesburg Charlotte Maxeke, who had led the 1918 protests against passes for women, was actively engaged in 'placing good girls in employment' through a labour bureau which she ran from an office of the Native Affairs Department in Market Street;[203] the focus of her energy had shifted decisively from politics to religion and welfare. No comparable leader had emerged to take her place. Just before the final version of the Bill

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towns. Ironically, the plan buckled beneath the Justice Department's opinion that 'native guardianship of women [was] not in accordance with the principles of civilisation.' See C.A.D., NTS 1169, File 57/333, correspondence between Garthorne and the Secretary of Justice, July 1921.

201 See SC 3-'23, *Minutes of Evidence before the Select Committee on Native Affairs*, Col. S.M. Pritchard, Johannesburg, p. 202.

202 U.W., E.N.E.C., AD 1438, 1930-31, Archdeacon F. Hill, Johannesburg, pp. 7577; G. Ballenden, Johannesburg, p. 8309; statements, not paginated, housed in AD 1438, E.N.E.C., Box 10: C.L. Preller, Location Superintendant, Krugersdorp; Location Superintendent, Springs; Location Superintendent, Germiston; Location Superintendent, Potchefstroom.

203 *The Star*, 17.10.1923.

became law, the South African Natives National Congress sent a deputation to Cape Town to appeal for a major reconsideration,[204] but by August 1923 it seemed there was sullen acceptance of the measure. A meeting of hand-picked chiefs and leaders summonsed by the Native Affairs Commission in August 1923 delivered no more than desultory criticism of the Act, and there is little evidence of more widespread debate.[205]

By 1923, the tenor of organised black politics had swung dramatically away from mass militance. In both rural and urban areas there was evidence of the oppressed pinning their hopes for change on the coming of the millennium. At meetings of the Transvaal Native Congress in Newclare, Sophiatown and Doornfontein during August and September, 1923, crowds of 900 and more gathered to hear the preachings of 'the Prophetess Josephina from Zululand', a peasant women from the Natal midlands who claimed to be descended from Mpanda. Beyond her claim that 'if the Native Congress was not the mouthpiece of God it would have long since been destroyed', two themes ran through the nationalism of her speeches: the return of Africa to the Africans, and the need for purity amongst women.[206] According to a police informant, she warned of a month in 1923 which would be dark for 12 days, after which locusts with the heads of human beings and tails of scorpions would appear.[207] To prove that the millennium was upon them, she pointed out that every person now had to pay for the hire of a house, for the use of firewood, water, and practically every other necessity, whereas the continent of Africa was the country of the native people and the time had now arrived when all Europeans, Chinese and Asiatics should leave. Girls who cohabited with Europeans and Asiatics were doing wrong before Almighty God and diminishing the power of the native nation. Liquor and liquor selling was sapping the vitality of the African people. In fact, she added, the noise some people made at dinner parties, 'tea-parties' and in the streets of Johannesburg had reached Heaven and greatly annoyed the Lord. She was not prepared to tell all she knew, though, in the presence of 'prostitutes and liquor sellers'. At the end of her speeches, her associate, 'Evelina', would stand to endorse

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[204] T.R.H. Davenport, *The Beginnings of Urban Segregation*, pp. 21-2.

[205] See UG 47-'23, *Report of the Native Affairs Commission for 1923* , Annexure A, pp. 49-57.

[206] For a discussion of the significance of nubile purity in Nguni law, see E.J. Krige, 'Girls' Puberty Songs and their Relation to Fertility, Health, Morality and Religion among the Zulu', in *Africa* 36 (1968), pp. 173-97.

[207] This reference to locusts was not incidental: hugely destructive infestations of locust were a common phenomenon in this period.

her views and call for the purity of all women.[208]

The Prophetess Josephina's calls to order echoed the very tenor of the 1923 Act. The world of prostitutes and liquor sellers evoked deviance from propriety and the established order. Women's sexual and financial independence evoked the refusal of the popular classes to conform to the *dictat* of their masters. Undesirables, in the 1923 Act, encompassed sexual, criminal and political deviants. The sanction of the new law underscored the connection.

[208] C.A.D., SAP 6/953/2313, Inspector (signature illegible), Divisional Criminal Investigation Officer, Witwatersrand Division to the Deputy Commissioner, S.A.P., Witwatersrand Division, 15.8.1923, 21.8.1923, 29.8.1923, 11.9.1923.

Chapter Three

After the Act: Checking the terms of female settlement 1923-1931

The 1923 Urban Areas Act ushered in an new era of urban administration. It placed new responsibilities on local authorities, and provided enhanced powers of administration over black men in white-designated towns. Regarding black women, powers conferred by the new Act were circumscribed and largely ineffectual. This chapter explores the consequences of the Act's shortcomings for municipal government and attempts to account for some of the remedial strategies devised by local authorities. It argues that a strictly materialist analysis does not account adequately for prevailing policy regarding black women;[1] one has to acknowledge the potent force of prevailing characterisations of women, both black and white.

The dominant characterisation of African women in Johannesburg amongst white administrators and in the white press in the twenties was of them as immoral, if not whores. This was expressed in various ways. At one extreme was the contempt of a Johannesburg sanitary inspector:

> the great majority of the native female population appear to earn their livelihood by prostitution and illicit liquor ... the majority are not only a menace to health but a burden to the community by reason of their filthy, lazy, drunken and immoral habits.[2]

At the other was a missionary's more subtle stereotyping:

> Native girls who go to domestic service in the towns often return to their homes with venereal disease. Native parents have good reason for the dread they feel about allowing their daughters to go to work in towns. In some cases poverty compels them to go; in other cases the girls run away from their homes to seek the excitement of town life. On their return with disease they are liable to infect their families.[3]

The origin of this stereotype has been suggested in earlier chapters. More important here is its pervasiveness. It was firmly established among native affairs officials[4] and town

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1 For example, the approach adopted by J. Wells in 'The History of Black Women's Struggle Against the Pass Laws in South Africa'.

2 T.I.A., SGJ File 968, Part 7, 'Malay Location', Report of Divisional Inspector A. Beale to the Medical Officer of Health, Johannesburg, 12.5.1928.

3 N. MacVicar, 'Health conditions among the South African Natives', *in* J.D. Taylor (ed.), *Christianity and the Natives of South Africa* (Lovedale, 1928), pp. 18-23, p. 21.

4 'It is impossible for the mistress of a native female to have any knowledge of her servants' mode of life after working hours, and it is not to be wondered at that the morals of female servants are usually undermined within a short time of their arrival in the larger towns and they either fall into habits of prostitution, which present a real menace to employers and their

councillors,[5] in reports of commissions of enquiry,[6] among self-styled 'friends of the native',[7] and, of course, the letters pages of the white daily press. Nor were these jaundiced views of black women confined to the white public. Traditional authorities,[8] black journalists[9] and black fiction[10] all helped bolster the presumption that most urban black women were whores. Women in domestic service - the sector most exposed to Johannesburg's white denizens - were singled out for particular attention:

> If mothers saw their nurse girls' surroundings and knew of their diseases, they would abandon their pleasures and nurse their own children rather than allowing them to run the risks they do. Your washing is done by people often rotten with venereal disease and your milk and meat may at any time be infected.[11]

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families, or they become thieves and receivers of stolen property or dealers in illicit liquor.'
U.W., AD 1433, Records of the Joint Council of Europeans and Natives, Correspondence file Cj 2.1.5, H.G. Falwasser, Acting Director of Native Labour to Medical Officer of Health, Johannesburg, 12.5.1925.

5 'Particularly is the large influx of women a danger and a menace to society and the fair name of Johannesburg. They are either liquor sellers or prostitutes, or are living an illegal life with a man.'
SC 6a-'29, *Second Report of the Select Committee on Native Affairs, 1929: Minutes of Evidence*, E.O. Leake (Chairman of the Johannesburg Native Affairs Committee), Johannesburg, p. 5.

6 'Little or no provision is made for the housing and protection of native females arriving in town, and this, together with their ignorance of town life, soon finds them in quarters of ill-repute, where they become contaminated and live in a state of concubinage...'
Detective Head Constable J.A. Vowell, quoted in TP 1-'22, *Report of the Local Government Commission* , p. 45, para. 260.

7 'This conference has been impressed by the evils arising from the presence of native women in the towns who have escaped from all control...'
Report on the Johannesburg Conference on Native Administration (convened by the Johannesburg Joint Council of Europeans and Natives), in *The Star*, 19.1.1925.

8 'The young girls, they seem to run to town only with one object, to become pregnant, and to come home and be confined.'
C.A.D., K 357, E.C.N.P.L., 1919-29, Chief Mamogale, Bethanie, p. 23.

9 In late 1924, for example, *Umteteli wa Bantu* - the Johannesburg mouth piece of the black elite - ran an essay competition on 'The Dangers of Town Life'. The winner of the £1 first prize addressed his comments to women newly arrived in town, and exhorted them to 'keep your hands so full of work that the Devil will have to display his "situations vacant" column to someone else.' *Umteteli wa Bantu*, 10.1.1925.

10 'Loose, morally depraved women, who parade the Township with uncovered bosoms; clothed in dirty robes. Women, whose sole aim in life is to get money at whatever costs or hazards, their chief traps or snares for obtaining this filthy lucre from the gullible mine boys and unwise educated people being their strong drinks and prostituted bodies.
R.R.R. Dhlomo, *An African Tragedy*, (Lovedale, 1931) p. 5.

11 Lieut. Col. F.A. Saunders, quoted in *The Star*, 13.5.1920.

It would be naive to imagine that this statement, by 'an eminent physician', was without effect. Inevitably, the stereotype influenced the strategies officials formulated to manage the presence of black women in white-designated areas. Two case studies of measures considered by representatives of the white state in the mid-1920s vindicate this argument.

Medical Examination

In mid-1924, Johannesburg's Medical Officer of Health, Charles Porter, called for the medical examination of all African women in urban areas to ensure they were not carrying infectious or contagious diseaseas. Sporadic outbreaks of infectious diseases like typhus, smallpox or plague were common in SA at the time - 133 people died of plague on the Highveld in the first three months of 1924[12] - and, given the limitations of medical practice, the need for vigilance and prophylactic action was widely accepted. Examination for contagious diseases - gonorrhoea and syphillis - was a more contentious issue, requiring intimate scrutiny and blood tests, and the tests were far from foolproof. No accurate statistics on the incidence of venereal diseases are available, but one that is probably more reliable than most was an estimate that 15% of all African patients coming for treatment at Johannesburg's clinics had venereal diseases.[13] Without question, there was a great need for widespread venereal disease testing and treatment. The point was that as venereal diseases had long since transcended all colour bars, to be effective, screening and treatment would have to, too.

Appeals for compulsory medical examination of African women had a long and checkered history. In 1917 the Transvaal Provincial Council had resolved to demand the necessary powers from the legislature,[14] and in his report, Stallard had called for health checks in part as a deliberate deterrent to African women going to the towns.[15] A clause in the Urban Areas Act provided for medical examination of all Africans entering an urban area, but

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12 *Rand Daily Mail* , 3.4.1924.

13 Witwatersrand Committee for Health Work among Non-Europeans, 'Venereal Disease', *in Report of the National European-Bantu Conference held in Cape Town, 6th to 9th February, 1929* , (Cape Town, 1929) p. 187.

14 Transvaal Provincial Council, *Record of Votes and Proceedings*, 8.11.1917.

15 'If the results of medically examining native women show that they become unwilling to migrate to the towns, it will not be unsatisfactory, as the presence of native women in municipal areas, except those living with their husbands in municipal native villages or residing on the premieses of their masters or mistresses, works for evil.'
TP 1-'22, *Report of the Transvaal Local Government Commission* , p. 49, para. 279.

regulations promulgated under the Act specified men only. When Durban officials queried this wording in March 1924, enquiring eagerly whether they were empowered to examine women, the Secretary for Native Affairs replied emphatically they were not. The Secretary for Native Affairs underlined his point: 'male natives only are here referred to in view of the strong objection of natives to the medical examination of their women.' Administrative officials had already had a taste of this protest in Durban between 1917 and 1920 in response to the borough's abortive attempts to examine incoming women for venereal diseases.[16]

In mid-1924 the Smuts government was replaced by the Pact coalition of Nationalist and Labour representatives under the leadership of J.B.M. Hertzog, Prime Minister and Minister of Native Affairs. The Bloemfontein municipality was quick to test the new administration for signs of policy changes. In a bid to amend the Urban Areas Act's health check clause to include women, it solicited the support of town councils in other large centres.[17] The opposition of Africans was exaggerated, it argued; more pertinent was the health of urban whites.[18]

It was the Bloemfontein Council's action which prompted Porter's proposal to the Johannesburg Town Council, and many municipal officials and representatives found the suggestion appealing. But gradually problems emerged which tempered even Porter's initial enthusiasm. Eventually, and with evidence of much regret, the Council voted against supporting Bloemfontein's call; it was simply too problematic to warrant the problems it would cause.[19] While there was absolute support for compulsory examination for infectious diseases, Porter now argued cogently that examination for venereal diseases on women's arrival in town would be largely a waste of time, as 'immorality' generally took place only once women were living and settled in town. Repeated and regular inspection was necessary if the measure was to be effective, and there was simply no way to enforce this. As a compromise measure to satisfy employers of domestic servants, the Director of Native Labour

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16 D.J. Mackenzie, 'A Social History of African Women in Durban, 1920-1950', (Unpublished M.Soc.Sc. dissertation, University of Natal, 1984), pp. 51-53, 107.

17 'In view of the change of Government, it is anticipated that the suggestion may be more sympathetically received,' it wrote. See *Rand Daily Mail*, 2.9.1924.

18 C.A.D., MPA 3/200, The Town Clerk, Bloemfontein, to The Town Clerk, Pretoria, 14.7.1924. Thanks to M. Friedman for this reference.

19 *The Star* 1.9.1924.

recommended that all women passing through municipal hostels *en route* to domestic service be checked and, where valid, issued with certificates of good health.[20]

Both Bloemfontein's hopes and the Director of Native Labour's plans were stillborn. A deputation of Bloemfontein and Pretoria councillors met with Hertzog in December 1924, to put their case. In early January he announced his decision: "the time is not ripe for the employment of forcible methods in this connection." He acknowledged the weight of African oppostion.[21]

Two points emerge at this point. The first relates to the seriousness with which white officials viewed black opposition to any kind of 'tampering' with 'their women'. It highlighted the uneasy relationship between the colonised and the coloniser, encapsulated in a warning by the Bishop of Pretoria to health officials in 1919 that 'tampering with the natives' land or their womenfolk will lead to serious trouble.'[22] The inference was that women were the inviolate property of men, and that the alienation of further rights of property from African men by officials of the white state was not a step to be taken lightly. This issue will be explored in more detail below; what should be noted at this point are the references to 'our women' and 'their women'. A succinct illustration of this was the response of a Communist Party activist to a short-lived proposal by Oswald Pirow, Minister of Justice, in 1929 that the amended Urban Areas Act should provide for health checks for women. 'The government can go to hell. Let Pirow's wife be the first to be examined.'[23]

The second point relates to contemporary perceptions of black women. The popular characterisation was along the line that most black women in white-designated towns succumbed to their passions and, in lapsing into immorality, contracted venereal diseases. This endangered their employers (actual or potential) and, in particular, innocent white children. Hence the call for examinations. The significance of this is that in calling for VD

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20 *Rand Daily Mail*, 2.9.1924.

21 C.A.D., MPA 3/200, Secretary for Native Affairs to the Town Clerk, Pretoria, 30.1.1923.

22 C.A.D., GNLB 183, File 915/14/103, The Bishop of Pretoria to the Secretary, Transvaal Council for Combatting Venereal Disease, 29.4.1919.

23 C.A.D., GNLB 399, File 55/1, quoted by 'Thibeli', a police spy, and cited in Senior Inspector, Johannesburg Criminal Investigation Department, to the Deputy Commissioner, SAP, Pretoria, 17.12.1929.

checks, white authorities explicitly acknowledged the sexuality of black women.

In this context, health checks for black women hinged on a characterisation of women as evil: they were both immoral, in that they engaged in sex outside of marriage, and they were a contaminating presence. As one black male commentator put it,

> [t]he most serious problem concerning urban areas is the increased flow of ... unattached women into the towns to earn the wherewithalls of life by doubtful means, and incidentally to add to the demoralisation and pollution of industrious Bantu workers.[24]

This notion of women as pollutants was not uncommon. Venereal diseases, for example, were commonly believed (by men of all races) to be something one caught from women. Ellen Hellman, a noted Johannesburg anthropologist, reported that venereal diseases were known colloquially in Johannesburg's yards in the early Thirties as "sickness from women", and was said to be caused by 'the bad blood of a woman' which a man absorbed during sex.[25] Similarly, the Transvaal Council for Combatting Venereal Diseases - a body dominated by eugenicists - launched an education campaign in 1922 with a poster showing the face of a man grotesquely ravaged by syphillis. "This is a picture of a man who has the dreadful disease known as syphillis," ran the caption on the English version. "Loose women give this disease."[26]

Ironically, though, the very characterisation of women as whores carried within it the seeds of its own negation. The term 'whore' is meaningless except in juxtaposition with notions of chastity, monogamy and pious propriety - just as 'light' is meaningless without evocation of 'dark'; one cannot posit the one without the other.[27] In the twenties, both representations of women were powerful symbols. Indeed, this combination goes some way to explaining the

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24 H.S. Msimang, in *Umteteli wa Bantu*, 2.4.1927.

25 E. Hellman, *Rooiyard: A Sociological Survey of an Urban Native Slum Yard*, p. 106.

26 C.A.D., GNLB 183, 915/14/103, Poster produced by the Transvaal Council for Combatting Venereal Disease, 'A Warning from your Friends!', c. 1920.

27 Roman Jakobson, theorist of this conception of binary opposition, devised his framework in the context of linguistic analysis. However, his conception of a special form of opposition, the marked/unmarked relation, is clearly pertinent beyond an explication of the functions of phonemes and morphenes:
'every single constitutent of any linguistic system is built on an opposition of two logical contradictories: the presence of an attribute ("markedness") in contraposition to its absence ("unmarkedness").'
See E. Holenstein, *Roman Jakobson's Approach to Language: Phenomenological Structuralism*, (Transl. by C. Schelbert and T. Schelbert) (Bloomington, 1976), pp 121-136, and *passim*. Many thanks to S. Slonimsky for this reference.

lack of official action: the oppositions counter-balanced one another, inhibiting formal action. Adding to this inertia by officials was the perception that black women were not autonomous beings, answerable for their actions; they were the adjuncts of black men. The significance of this will be explored in the next section.

Night passes

The complex and contradictory signification of black women was even more marked in the content of black opposition to the inclusion of women in Johannesburg's night-time curfew from mid-1925.

Night passes for women in Johannesburg were introduced at the instigation of the Minister of Justice, Tielman Roos. In late November, 1924, he told delegates at a state-convened Native Conference in Pretoria that he wished 'to put a stop to natives moving about the streets at night without passes.'[28] Two weeks later, Reef police received notification that from February 1, 1925, the ambit of the existing curfew regulation, the 1902 Night Pass Ordinance, would be extended to women. Police were to arrest all Africans not in a location and out of doors between 9pm and 4 am without a permit signed by their employers.[29]

Although the broad aim of the curfew was to keep Africans indoors at night, there was an important distinction within that. For men, the curfew aimed to limit crime and trouble and encourage them to go to bed at a reasonable hour so as to be fresh for work the next day.[30] For women, it aimed 'to prevent immorality'.[31] Arguably, this revealed more about white men's assumptions than black women's conduct; however, given the endemic characterisation of women as whores, it was not altogether suprising. But one can take this concern about black women's morality a step further and suggest it related also to unstated but implicit fears of miscegenous sex.

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[28] *The Star*, 19.1.1925.

[29] *Umteteli wa Bantu*, 27.12.1924.

[30] UG 41-'22, *Report of the Interdepartmental Committee on the Native Pass Laws, 1920*, p.14, paras 59-62; C.A.D., K 357, E.N.P.L.C, 1919-29, Statement by the Johannesburg Chamber of Commerce, p. 1.

[31] *The Star*, 19.1.1924; U.W., J.H. Pim Papers, A 881 Cj 2.1.5, D. Steyn, Prime Minister's Secretary, to the Secretary, Johannesburg Joint Council, 22.1.1925.

as a word much used in the mid-1920s, particularly given parliamentary debates
4 and 1927 around the passage of what became the 1927 Immorality Act, which
(between white men and black women.[32] Tielman Roos, initiator of the
ew, in fact piloted the Immorality Suppression Bill through parliament and initiated
ə incidence of miscegenation in 1925. His information led him to conclude that
; widespread on the Reef; he noted with distate that 'many white men prefer
/ith a native woman.'[33]

ɔrrence of miscegenation may be explained at a number of levels. The crudest
cks were racially, socially and morally inferior to whites and thus any white man
(with a black woman debased himself and risked lowering the 'respect' of the
for the white. Other objections were founded on eugenics, which held that the
races should be kept apart and pure to develop the optimum stock. Some, like
ude Millin - whose *God's Step-Children* was published in 1924 - believed that only
id degenerate could even contemplate miscegenous sex.[34] At the other end of
n were those who romaniticised black women as 'noble savages' - like Foulata
ggard's *King Solomon's Mines*: both morally acceptable and sexually attractive:

uch, she constitutes a threat to colonial society, for she may both displace the
ə woman as a sexual partner for the white man and produce unwanted half-caste
ɔring. For this reason ... it becomes imperative that the alluring black woman
ild always be beyond the reach of her white lover.[35]

ng complaint by a Native Commissioner to his superior officer may not have
:he problem in quite the same way, but the issues are clearly related:

ıe indiscriminate wandering about of native women without passes in towns and
ges at night is a danger to certain European males whose strength of character

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Transvaal Immorality Ordinance, 46 of 1903, prohibited sex between black men and white
ıen, largely to curtail the clientele of white prostitutes. An Immorality Suppression Bill was
duced in parliament in 1924 'to prohibit unlawful carnal connection between white and
ured persons.' As this did not outlaw sex between white men and African women, it was
rred for redrafting. See, for example, C.A.D., JUS 1/600/23 Part 1, 'Immoral Relations
veen Europeans, Native and Asiatics', M.C. Burgers to the Minister of Justice, 3.9.1925.

.D., JUS 1/600/23 Part 1, Memorandum by T. Roos, 16.10.1925.

C. Lockett, 'The Black Woman in South African English Literature', in *Journal of Literary*
dies 4 (1988), pp. 21-37, pp.24-26; J.M. Coetzee, 'Blood, Taint, Flaw, Degeneration: The
/els of Sarah Gertrude Millin', *in* his *White Writing: On the Culture of Letters in South Africa*,
w Haven, 1988), pp.136-163, *passim* .

Lockett, 'The Black Woman in South African English Literature', p. 26.

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cannot resist the temptation thus hurled at them.[36]

Underlying this dismay at the incidence of sex between white men and black women in a race- and class-based social hierarchy was the notion of reciprocity: 'If your men may with impunity go with ours (women), why may not ours go with yours?'[37]

Just as in 1913, when it was suggested that the way to lower the incidence of rape of black women was a curfew to keep them inside at night,[38] so the remedy for the increasing visibility of black women in white-designated areas in the mid-1920s was to restrict their mobility at night so as to protect white men from 'temptation'. This desire by white officials to trammel the evidence of black women's sexuality reflected a broader initiative to assert control in the growing disorder of urban African administration.

Johannesburg Africans met the announcement of the women's curfew with swift and vocal protest[39]. More pertinent here than the form those protests took is their content. *Umteteli wa Bantu*, mouthpiece of Johannesburg's educated black elite, claimed that the proposed curfew 'sorely wounded' 'native pride'. The objections it raised in an early-January editorial mapped out the entire terrain covered in subsequent debate and protest over the following 18 months.

The first and primary point was a defence of the rights of the patriarch:

> The Native man is himself the arbiter of his women's conduct and is resentful of any inteference in his matters marital. The native woman has not progressed so far in public affairs as her British prototype, nor has she ventured so unwisely on the road

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[36] C.A.D., K 357, E.N.P.L.C., 1919-29, Native Commissioner, Zeerust, to the Secretary for Native Affairs, 6.2.1920.

[37] UG 39-'13, *Report of the Commission Appointed to Enquire into Assaults on Women* , p. 8, para. 17, quoted from *The Natal Native Commission of 1906-1907*, paragraph 60; This quote is the classic rejoinder in a colonial context to Claude Levi-Strauss' formulation of marriage as the circulation of women between social groups contingent on reciprocity. C. Levi-Strauss, *Structural Anthropology* (New York, 1967), pp. 58-59. And see D. Driver, 'Women as Sign in the Colonial Enterprise', in *Journal of Literary Studies* 4 (1988), pp. 3-20, p. 16.

[38] UG 39-'13, *Report of the Commission Appointed to Enquire into Assaults on Women*, p. 35, para 185, read in conjunction with p. 27, para. 133 and p. 28, para 139(1).

[39] For an account of this protest action, see K.A. Eales, 'Patriarchs, Passes and Privilege: Johannesburg's African Middle Classes and the Question of Night Passes for African Women, 1925-31', *in* P. Bonner, I. Hofmeyr, D. James and T. Lodge (eds.), *Holding Their Ground: Class, Locality and Culture in 19th and 20th Century South Africa* (Johannesburg, 1989), pp. 105-140.

> to masculinity. Her husband is still her lord, and it is because of this old fashioned and very desirable relationship that any incursion damaging to the domestic state of the Native people becomes an extremely hazardous proceeding.[40]

Secondly, if women were to carry passes, they would be subject to pass checks by police who were empowered to arrest transgressors. More significant than the very real threat of criminalising large numbers of African women was the potential for verbal or sexual abuse by police;[41] indeed, there was no lack of evidence of 'acts of indecency and molestation' on women by police.[42] Thirdly, the regulation was to be applied uniformly to the 'erring and the righteous':

> No self-respecting native would bewail the repatriation of the many women and girls of his colour whose conduct defiles the town, whose profanity is disgusting and whose prostitution is a national disgrace.[43]

But was it really necessary 'to humilate thousands of their respectable sisters'?[44]

At the core of these objections were two issues: property and propriety. Black women, like the land, were believed to belong to black men, and there was deep resentment amongst African men at the prospect of white officials 'tampering' with 'their' women. There was more ambivalence over the second issue, propriety. Were black women angels or whores? On the one hand, womanhood was said to be sacred - 'the natural modesty of women makes it unnecessary for them to carry a pass.' On the other hand, 'we know it is no longer the case with a large number of women in our towns':

> It has been said that passes are unnecessary since they are under the control of their husbands and fathers. We know that is the case in Native life, but we cannot for a moment believe that the swarms of over-dressed Native girls who parade the streets at night are in the control of anybody.[45]

Quite simply, 'the Transvaal town [was] no place for Native women.'[46] Indeed, while drafting an alternative to the curfew proposal, investigation by members of the Johannesburg Joint

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40 *Umteteli wa Bantu* , 3.1.1925.

41 *Ibid.*

42 See, for example, U.G. 39-'13, *Report of the Commission Appointed to Enquire into Assaults on Women*, p. 29, para. 141.

43 *Ibid.*

44 *Ibid.*

45 *Umteteli wa Bantu* , 10.1.1925.

46 *Ibid.*

Council of Europeans and Natives revealed widespread evidence of support for restrictions on the mobility of African women.[47] For the majority of black men, worse even than abhorrence for women's inclusion in a form of pass law, was outrage that 'a husband ... the natural guardian of his wife and children, must now sell his right of guardianship to a police officer.'[48]

Notwithstanding the scale of protest meetings and organised black opposition to the curfew, the most significant challenge resulted from the resolute action of a small group of - unidentified - black women who resolved at a meeting in Doornfontein in May 1925 to 'give themselves for test case purposes.'[49] In August, Helena Detody and Sinah Ngema appeared in the Pretoria Supreme Court to appeal against their conviction under the curfew Ordinance.[50] In a glorious irony for colonial blind justice, Detody's defence counsel successfully exploited the androcentrism of the law. On the basis of popular usage, the court accepted that 'native', as defined in the 1902 Nightpass Ordinance, simply did not include women. The appeal was upheld and the women's curfew declared *ultra vires*.[51]

In the course of the late 1920s, shortcomings in urban administration and loopholes in the Natives (Urban Areas) were the subject of a major parliamentary enquiry and much debate within parliament. Officials of the Native Affairs Commission solicited the opinions of native administrators and municipal officials and, largely at the instigation of Johannesburg's Manager of Native Affairs, Graham Ballenden - who wanted 'a grip on these questionable

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47 See, for example, U.W., Records of the Johannesburg Joint Council, AD 1433, Cj 2.1.5, R.M. Ngcobo to J.D. Rheinhallt Jones, 13.4.1925, Chief M. Ndabezita to J.D. Rheinhallt Jones, 13.4.1925, Paramount Chief I.L. Pilane to J.D. Rheinhallt Jones, 6.4.1925.

48 *Umteteli wa Bantu* , 27.12.1924. This notion had many refrains. If implemented, argued A. Mbelle, the plan would
'instil in the minds of our women folk the idea that Government officials have more paternal and marital power of control over them than their own fathers and legal and lawful husbands.'
U.W., Records of the Johannesburg Joint Council, AD 1433, Cj 2.1.5, A.S. Mbelle to J.D. Rheinhallt Jones, 24.3.1925.

49 *Umteteli wa Bantu* , 9.5.1925.

50 Their appeal was sponsored by the African National Congress; see *Umteteli wa Bantu* , 10.6.1931 and 27.6.1931.

51 C.A.D., Pretoria Appeal Court Register, 1925-6; *Rex vs Detody* in *South African Law Reports: Decisions of the Supreme Court of South Africa (Appellate Division)* 16 (1926), p. 202; *South African Outlook*, 1 March 1926, p. 26.

women'[52] - a new watertight curfew for women was inscribed in the 1930 amendment. On May 22, 1931, a small notice appeared in the Government Gazette proclaiming Johannesburg under Section 19 of the Act. From June 1, all unexempted Africans in Johannesburg would be subject to a 10 p.m. curfew. Ten days afer this notice appeared the first arrests were made.[53]

The protests the new curfew precipitated were more bitter and vociferous than anything seen in 1925 and forced the Johannesburg City Council onto the defensive. It pleaded ignorance of the fact that the new curfew would include women, claiming their intention was merely to introduce the more relaxed hours laid down in the amendment. Hastily it intervened to halt the arrests until further notice.[54] It was 'unfair', claimed the Mayor, that African women should be 'pestered by police for passes.' 'Instead of advancing, we would simply be going back to the old days when the natives were oppressed.'[55] In late June a Council deputation met with the Ministers of Native Affairs and Justice to appeal for a suspension of the curfew. The ministers refused to exempt women, not least because four years before, Johannesburg's Council had specifically requested their inclusion.[56] The curfew would remain, unaltered. On June 26, the arrest of transgressors resumed.[57]

As in 1925, the extension of the curfew to women was portrayed not merely as a further trammel on the free movement of Africans, but an attack on the dignity of African men:

> Rightly or wrongly, we consider this action of the Government as a challenge to our manhood. ... We have all along trusted in the goodwill of the white race and its sense of justice, but today we have found that our trust has been betrayed. As men we can submit to injustice as long as we must; but we cannot tolerate the subjection of our womenfolk to the indignities and barbarities of the pass laws.[58]

It was an appeal to universal presumptions of male superiority and the need for the strong to

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52 U.W., E.N.E.C., AD 1438, J.D. Rheinhallt Jones, p. 9051.

53 *South African Outlook*, 1 July 1931, p.118.

54 *The Star*, 10.6.1931, 11.6.1931, 16.6.1931, 26.6.1931.

55 *Rand Daily Mail* , 13.6.1931.

56 Johannesburg City Council, *Council Minutes* , 3.7.1931, p. 560; U.W., E.N.E.C., AD 1438, 1930-31, J.D. Rheinhallt Jones, p. 9051.

57 *Rand Daily Mail* , 29.6.1931.

58 *Umteteli wa Bantu* , 27.6.1931.

defend the weak. A statement issued by the Independent Industrial and Commercial Workers' Union echoed it:

> Native men may endure all kinds of injustice up to a certain point, but when their womenfolk are dragged onto the muck-heap of insult and humiliation, the men cannot be expected to remain mute and loyal to those who inflict such injury.
>
> The wildest savage will protect his womenfolk unto death, and the wild animal will not allow its female to be tampered with.
>
> This regulation will convert sober-minded and moderate native leaders and writers into extremists and enemies of constituted law and order.[59]

These statements of outrage evoked also a sense that 'their women' were the pawns of white men in a game where whites held both kings. In 1930, Hertzog, as head of state, had virtually doubled the size of the electorate by enfranchising white women in a conscious bid to dilute the voting strength of the 11 000 enfranchised Africans in the Cape. Now, wrote a prominent African politician in a letter to *Umteteli* in August, 1931, 'It is an unhappy coincidence that just when the European women are given the franchise the Bantu women are subjected to such humiliation.'[60] Wrote another, 'Should not my wife be armed with a written sanction from *me*?'[61]

Despite the stance of the Ministers of Native Affairs and Justice, Johannesburg's administrators chose not to enforce the curfew for women. There was no official pronouncement nor formal annulment; women were simply exempted.[62]

In the absence of explicit documentation detailing the Council's reasons, it is tempting to look no further than the obvious evidence of African opposition to passes for women. In late 1929, for example, a new Communist Party front body, the League of African Rights, mounted a major anti-pass campaign, prompted partly by a clause in the draft Urban Areas Amendment Bill which provided for a form of documentation for women.[63] At an all-day rally in

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59 Memorandum by the Independent Industrial and Commercial Workers' Union (Independent I.C.U.) to the Minister of Native Affairs, quoted in *The Star*, 16.6.1931.

60 I. Bud Mbelle, quoted in *Umteteli wa Bantu* , 1.8.1931.

61 Rev. L.S. Matsepe, General Secretary of the African Native Ministers' Association, quoted in *Rand Daily Mail* , 26.6.1931; emphasis added.

62 W.J.P. Carr, interviewed by K.A. Eales, Johannesburg, 12.1.1989.

63 C.A.D., GNLB 399, File 55/1, Part 1, I.S. Mitchell, Senior Inspector, Criminal Investigation Department, to Deputy Commisioner, S.A.P. Pretoria, 8.11.1929.

Johannesburg on "Dingaan's Day" - December 16 - attended by up to 9 000 Africans, a prominent leader of the I.C.U., Clements Kadalie, called for mass pass burning. He also called for a mass strike, so crippling that 'we will make Mrs Pirow empty her own chamber.' The initiative collapsed when the League disbanded at Moscow's behest.[64] By mid-1931, weakened further by the Great Depression, there was very little evidence of mass organisation; the I.C.U. was essentially a spent force, the A.N.C. wracked by internal division, and the Communist Party too small and too bound by Moscow's *dictat*. Thus, when city councillors looked down from the steps of the city hall, there was no phalanx of mobilised militants at hand to combat the 1931 curfew. Clearly, there were other factors at play.

Thus far it has been argued that there should be serious acknowledgement of the significance, and complexity, of discourse attached to 'black women'. It was a discourse riven with contradictions. The City Council, the same body which earlier asked for wider powers to police black women, now backed down when handed those powers on a platter. The Council's elected representatives might have changed, but its party-political alignment had not. The logistics of policing the curfew may well have been another factor, but not an insurmountable one. One is obliged to return to black opposition, and specifically its content in a context of severe unemployment and rural distress. 'Tampering' with black women, as a routine measure by white officials in the name of administration, was taboo - provided there were other expedients to turn to. Indeed the vehemence of black men's defence of patriarchal law underlined the vitality of these 'other expedients'. Black women were, if not the property, at least the wards of black men. Although white officials clearly wanted 'a better grip' on them, they were constrained by their own beliefs, and their fears of black, specifically male, opposition.

Health checks and curfews have been dealt with in some detail here because of the light they shed on contemporary perceptions of and assumptions about black women. These are stated less explicitly in the next section; nonetheless, it is contended that many of the same dynamics operated. In order to make sense of the exceptional incompatibility of officialdom's rhetoric and praxis, one needs to take seriously the accompanying discourse attached to black women.

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[64] E. Roux, *Time Longer than Rope*, p. 227.

Spatial Control

a) Slum clearance

In September 1924, three months before the machinery of the long-awaited 1923 Natives Urban Areas Act passed into the hands of Johannesburg's municipal administrators, Reef Native Affairs officials gathered in Johannesburg to discuss the practicalities of the new era in native administration.[65] In line with the Act's intention to restrict the number of Africans in urban areas to that which was necessary for normal labour requirements, delegates to the conference arrived with a very clear sense of the chief obstacle to urban order - 'idle and dissolute natives' occupying premises in the Reef's towns and locations who were 'not reasonably necessary to the community'. Their agenda focused on the handling and ejection of 'superfluous' Africans, most prominent amongst whom were widows and single women who supported themselves by whatever means they could, lawful or otherwise. For men, the legal position was relatively straightforward: if a man did not have a pass, or if it showed he was no longer employed, he could be dealt with through the provisions of the Act. No system of registration applied to women and thus there was no easy means to establish whether the presence of a particular woman in town was 'reasonably necessary to the community' or not. Indeed, concluded the officials grimly,

> the crux of the situation was really the female, who was usually in industrial areas for unlawful purposes and it was they and not the males who were crowding out accommodation.'[66]

Clearly, the success or otherwise of municipal housing schemes for Africans would be premised on the ejection of 'surplus' women.

The ink was barely dry on the regulations gazetting Johannesburg in terms of the Act when the municipality set to with gusto to clear the slums. Responsibility for slum clearance and segregation was entrusted to the Public Health Committee, headed by Dr Charles Porter, Medical Officer of Health,[67] assisted by Charles James, the Superintendent of Locations and

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[65] U.W., Records of the Johannesburg Joint Council Movement, AD 1433, Ac 2.1 'Conference of Native Affairs Officials, Municipal Representatives and Location Superintendents, Johannesburg, 5 & 11.9.1924'.

[66] *Ibid.*

[67] Porter, Irish by birth, had trained as a barrister in Britain. He retrained as a medical doctor and, after practicing as a police surgeon for a while, acquired a Diploma in Public Health at Cambridge. In 1902, while Medical Officer of Health in Stockport, England, he was recruited by Johannesburg's new Town Council. He accepted the position on condition that only the government could terminate his service, and arrived in Johannesburg in 1903. Strange Library,

the Director of Native Labour, Major H.S. Cooke.[68] All of Johannesburg was proclaimed, yet the Council felt it unwise to begin with more than a few of the worst areas. Although the town's white public saw the Malay Location as the obvious priority, it was barely included in the first sweep. Porter believed that the area, once cleared of Africans, would merely be resettled by 'coloureds' and Indians - with even less prospect of control.[69] In New Doornfontein, conversely, the Council had a better hold over landlords who were barred by their title-deeds from letting to non-white tenants. In early January, 1925, Public Health officials conducted a census of a section of the township and took the names, pass details and landlords' particulars of the first group of 800 unexempted Africans found living there. They were given a month's notice to move to municipal housing in Western Native Township; on February 15, the Council began prosecuting those who had ignored their eviction notices.[70] In February, further notices were posted in Doornfontein - along with a few in the Malay Location to placate white residents in the neighbourhood - and by March, 1 200 Africans had been removed from Doornfontein and one 'harbourer' prosecuted.[71] Wherever possible, former slum dwellings and shanties were demolished and new buildings, factories and garages erected in their place.[72]

Access to municipal accommodation was strictly regulated by a number of requirements aligned with the principle that 'only natives who were of practical use in the towns' would be considered. Family accommodation, moreover, was a 'privilege' accorded only to those who had 'a record of considerable service in the area'.[73] In line with this, officials conceded that the settlement of a number of African families was permanent, and acknowledged responsibility for housing them; but no extension of this permanent population was to be

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Johannesburg, C. Porter, *'Then and Now': Presidential Address: 18th South African Medical Congress, 18.10.1922* (Johannesburg, 1922), p. i; *Dictionary of South African Biography,* (Cape Town, 1977), Vol. 3, p. 691; J. W. Shorten, *The Johannesburg Saga* , p. 233.

68 *Rand Daily Mail* , 26.2.1925.

69 *Ibid.*

70 *Rand Daily Mail* , 26.2.1925.

71 C.A.D., NTS 4197, File 51/313, Part 2, Dr C. Porter to D. Steyn, Prime Minister's Private Secretary, 20.3.1920.

72 *The Star,* 11.12.1925.

73 U.W., Records of the Johannesburg Joint Council, AD 1433, Ac 2.1, 'Conference of Native Affairs Officials... 5 and 11.9.1924.'

encouraged or permitted.[74] In practice, this meant an applicant for family housing (almost without exception male) had to show proof that he had been continuously employed in the area for at least two years and had been living with his wife in Johannesburg since January 1924.[75] The application form then required him to supply details of his name, pass number, employer's name, nature of work, length of employment in Johannesburg, permanent home, wife's name, her place of residence before marriage, date of her arrival in Johannesburg, whether Christian or customary marriage or nature of relationship, date or place of marriage, number of children and whether the children of his present wife, names of other dependent who lived with the applicant, house or stand required and the names and addresses of two referees.[76] It was a questionairre designed to deter all but the most determined applicants.

The stringency of the application requirements backfired badly on the Council. In May, Porter was obliged to conceed that less than 10% of those evicted had moved to a municipal compound or location.[77] The majority simply moved to another slum area or to one of the black freehold areas on the edge of the metropole.[78] Far from clearing the slums, the regulations merely dispersed the problem.

Part of the Council's problem lay in its approach to African marriage. Customary marriages were not recognised in European law, and not registered except where Africans married in Natal. Thus, in the vast majority of cases, no documentary proof of union was possible. This meant a couple who had been married for a decade but only resident in town for a year could be refused accommodation. Conversely, a man and woman who had been working independently in Johannesburg for two years could claim to be married and qualify for housing. The Council gradually opted for pragmatism and looked for evidence of long-standing cohabitation and/or children, but already it was clear there were gaping

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74 C.A.D., GNLB 284, File 52/18/72, 'Extract from the Secretary for Native Affairs Minute No 179/313 of 27.7.1925.'

75 C.A.D., GNLB 284, File 52/18/72, Major H.S. Cooke, Director of Native Labour, to Deputy Commissioner of Police, 21.12.1925.

76 C.A.D., GNLB 284, File 52/18/72, 'Johannesburg Municipal Council: Application form to lease a Municipal township house, 1925'.

77 C.A.D., GNLB 402 56/11 Pt. 1, Dr C. Porter to Major H.S. Cooke, 12.5.1925.

78 C.A.D., GNLB 402 56/11 Pt 1, Major H.S. Cooke to Magistrate W.C. Lawrence, 5.8.1925; C.A.D., GNLB 419, File 85/1, 'Memorandum on Alexandra Township by Aston Key', 10.11.1925.

loopholes in the Act.[79]

More vexing to the Council were women who had neither a fixed job nor permanent lover. While some 'unattached and mostly undesirable' women could be repatriated as idle and undesirable under Section 17 of the Act, the rest remained the responsibility of the municipality. Yet no municipal hostel existed for single women and only widows in employment who lived with their dependents qualified for family housing in Western Native Township.[80] After consultation with Cooke, Director of Native Labour, Porter advised the Council not to establish a hostel for single women, but rather to set aside several houses in Western Native Township and the new Eastern Native Township. In an extraordinary leap of faith, both officials believed that 'if, as is expected, the number of these women diminishes', those township houses would eventually become available for family accommodation, thus sparing the Council the expense of a white-elephant hostel.[81]

As time passed and the problems of 1925 consolidated themselves into the insurmountable obstacles of subsequent years, there was no sign of any diminution in the number of women requiring accommodation. A mounting chorus of frustrated officials conceded that the success of segregation itself in Johannesburg would be contingent on providing accommodation for widows and deserted wives and their families who were 'detribalised' and had no other home - despite the fact that they were 'not required and should not be in the urban area.'[82]

A problem of a different order surfaced in the course of 1925 as slum landlords fought back against the notices evicting their tenants. With monthly income accruing to property owners who let rooms to slumdwellers said to total nearly £50 000[83], few landlords accepted slum

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79 C.A.D, GNLB 284, 52/18/72, H.G. Falwasser to the Secretary of Native Affairs, 28.9. 1925, Major H.S. Cooke to the Deputy Commissioner of Police, Pretoria, 21.12.1925

80 C.A.D, GNLB 402 File 56/11 Part 2, Memorandum attached to 'List of Persons Removed to Western Native Township, June 1925'; GNLB 284, File 52/18/72, 'Rules for Access to Municipal Locations', September, 1925.

81 C.A.D, NTS 4197, File 51/313, Part 2, Dr C. Porter to D. Steyn, 20.3.1925.

82 C.A.D, GNLB 284, File 52/18/72, H.G. Falwasser to Secretary for Native Affairs, 28.9.1925.

83 *Rand Daily Mail* ,10.11.1927.

clearance willingly.[84] The crudest tactic used to circumvent eviction orders was to exploit a clause in an old Johannesburg by-law which obliged all Africans, except those living on the premises of their employers, to live in a municipal compound or location. This spawned a small surge of ostensible employment in Johannesburg as certain landlords rented rooms to their nominal employees.[85]

In mid-1925 Porter noted despondently that 'the natives' were refusing to give their names and pass numbers to Health Committee officials, while others treated their eviction notices with contempt.[86] In large part this was a consequence of successes in the courts as legal teams - hired by the landlords - challenged the legality of Johannesburg's proclamation under the Act. The first came in June, 1925, when a Johannesburg court held that no prosecution could succeed unless Porter and his deputies could prove that the accused had been issued with an eviction notice personally.[87] This prompted several cynical employers hiring back rooms for their workers to fire those workers who had received eviction orders and to hire new staff.[88] A more serious court challenge came in January 1926 when the Magistrate - W.C. Lawrence - ruled that action could be taken only against the person who 'harboured' an African in a proclaimed areas - not the person who continued living in a specified dwelling in defiance of an eviction notice.[89] Almost immediately the landlords' advocate rejoined with a declaration, upheld, that the proclamation of various townships in Johannesburg was invalid because the date of its promulgation was not sufficiently specific.[90]

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84 Mahomed Jajbhai - a prominent slumlord - was one of the more eloquent opponents of slum clearance:
'The slum problem [can] be solved ... only by patient administration spread over a period of years and the expenditure of considerable sums of money. The municipality must recognise the duty laid upon it by the Urban Areas Act to provide adequate accommodation for unexempted natives as one which cannot be discharged except by considerable capital outlay and sympathetic consideration of the needs of the native.'
Quoted in *The Star*, 5.3.1927.

85 C.A.D, GNLB 402, File 56/11 Part 1, Dr C. Porter to H.G. Falwasser, 2.6.1925.

86 C.A.D, GNLB 402, File 56/11 Part 2, C. James to Dr C. Porter, 11.5.1925; *Ibid*, Dr C. Porter to Chief Native Commissioner, 25.3.1925.

87 C.A.D, GNLB 402, File 56/11 Part 2, Dr C. Porter to Major H.S. Cooke, 2.6.1925.

88 *Ibid.*

89 *Rand Daily Mail*, 13.1.1926.

90 C.A.D, GNLB 402, File 56/11, Part 1, E.R. Garthorne to the Secretary for Native Affairs, 21.6.1927.

The next proclamation, issued in July 1926, was carefully worded and no challenges to the order - for all residents of Ferreirastown to move within a month to Western Native Township - seemed possible on points of legal nicety.[91] But by mid-1926, the fortunes of the I.C.U. and its members were rising in the city, and with the aid of the doughty legal team of Benson and Smits, they challenged Johannesburg's administrators to achieve the impossible. At a mass meeting of the I.C.U. in Vrededorp in August 1926, the lawyer Alex Benson called for applications for accommodation.[92] A few weeks later, he despatched a list of 1 051 names of persons affected by the proclamation who required accommodation within a week to avoid prosecution, and challenged the municipality to provide it.[93] In the case of *Rex v Hodes and Jaghbay*[94], Benson - now dubbed 'a Jack-the-Giant-Killer of bad laws' by his clients - argued successfully that the municipality could not criminalise the poor for having nowhere else to live.[95] Accordingly, the proclamation was deemed *ultra vires* in February 1927 on the grounds it was unreasonable to proclaim the whole of the urban area without the requisite accommodation being provided by the local authority.[96]

The court ruling was poorly received by Johannesburg's administrators, who recognised clearly that it reversed most of the gains already made and effectively demolished their scheme for orderly, unhesitating and determined slum clearance.[97] Even before this latest ruling, the legal basis of their scheme had been whittled down to a slender core. Properties or yards could not be proclaimed individually; to convict a landlord for harbouring an African, an African tenant witness had to be produced; if a landlord sold his property, a new notice had to be served on the new landlord; if an old tenant left, the new tenant had to be issued with a new eviction notice; to prove that a person found in a delimited area in defiance of an

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91 *Rand Daily Mail*, 7.2.1927.

92 *Ibid.*, 23.8.1926.

93 C.A.D, GNLB 284, File 52/18/72, A. Benson to the Minister of Native Affairs, 11.9.1926.

94 C.A.D, NTS 179, File 1/1929/F438, Memorandum on *Rex v Hodes and Jaghbay* (1927, TPD 101).

95 *The Star*, 2.2.1927.

96 C.A.D, GNLB 402, File 56/11, Part 1, E.R. Garthorne to the Secretary for Native Affairs, 21.6.1927.

97 Johannesburg City Council, *Council Minutes*, 'Report of the Medical Officer of Health', 15.2.1927, p. 49.

eviction notice was actually residing there, evidence had to be produced that he or she had been found in bed at night.[98] They were now obliged to settle for piecemeal proclamation and resettle Africans street by street as new location housing became available.

Closer consideration by Charles Porter of the ruling's implications revealed that the new position was even more serious than originally believed. Previously Africans who had been ordered to move to a location but had chosen to go to another slum area could be followed-up and prosecuted; under the new ruling, they were merely required to leave the narrowly-defined proclaimed area and were free to live wherever else they chose.[99] Accordingly, Porter called for an amendment to the Urban Areas Act to provide for endorsement of the passes of African men who had been served with eviction notices, requiring them to live in a designated area.[100]

Once again, the absence of any form of documentation for African women raised special problems. Porter's proposed amendment simply would not apply in the case of women. He knew this:

> The uncontrolled ingress into Urban Areas and residence therein of female natives is not only a very large factor in the slum problem, but also is a large consideration in connection with the amount of accommodation required to be provided by a Local Authority.
>
> The Act... [requires] ... a local authority to provide only for the needs of natives ordinarily employed within its area for normal requirements. In Johannesburg, however, there are resident a large number of native females who are not required in this area for normal requirements and ... are merely resident for the purpose of prostitution, illicit liquor making and other crimes.[101]

Moreover, he continued, there were quite enough married women already living in Johannesburg to accommodate the 'casual domestic requirements' of the white population.[102]

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98 C.A.D, GNLB 402 File 56/11, Pt 2: District Commandant, S.A.P., to Deputy Commissioner, Transvaal Division, S.A.P. Pretoria, 1.3.1927.

99 Johannesburg City Council, *Council Minutes*, 'Report of the Medical Officer of Health', 15.2.1927, p. 50.

100 *Ibid.*

101 *Ibid.*, p. 51.

102 *Ibid.*

Porter's solution came directly from the report of the enquiry into the 1925 Bloemfontein location 'disturbances', a document which held 'unattached women' responsible for much crime in the area, and for April's riot in particular[103]. Both he and Cooke had read the report approvingly and endorsed its brutally simple remedy: remove or repatriate from urban areas all 'unattached women'[104]. Porter now went one better, and called for the removal of every black woman who was not married or in full-time employment 'even though such women cannot definitely be proved to be idle, dissolute or disorderly.'[105] As an added bonus, this measure would curtail the number of applications for family housing through limiting the number of marriageable women in the city.

Although nothing came of Porter's plan - possibly because it might have prompted a plethora of nominal marriages[106] - it highlighted his extreme irritation at being unable to contain the situation. In the cold light of yet another frustrating day, both he and Cooke were acutely aware that the Act delivered a lot less than it promised. There was no way of controlling the entry of either men or women into the town - only their conduct once they had entered - and regulation of women posed almost insurmountable problems. For example, the lynchpin of the Urban Areas Act, Regulation 1 of the Urban Areas Proclamation, required all persons, both male and female, entering the city to look for work to report to the registering authority within 24 hours of their arrival[107]; this immediately exempted all women who claimed they had come to join their husbands.[108] In practice, 2(1) was not enforced at all for women in Johannesburg because it was virtually impossible to administer - without documentation, it was

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103 C.A.D., JUS 412, File 5/86/25, 'Report of the Commission of Enquiry: Native Riots at Bloemfontein, 1925', p. 31. For an account of the Bloemfontein riots, see B. Hirson, 'The Bloemfontein Riots, 1925: A Study in Community Culture and Class Consciousness', unpublished paper presented at the University of London, Institute of Commonwealth Studies, 13 May 1983.

104 C.A.D., NTS 4197, File 51/313, Major H.S. Cooke to the Secretary for Native Affairs, 26.11.1925.

105 *Ibid.*

106 See C.A.D., NTS 4197, File 51/313 Part 2, Secretary for Native Affairs to Major H.S. Cooke, 11.2.1926.

107 Union Government, *Government Gazette* , 20.9.1924, Government Notice 1546 of 1924, 'Proclamations Framed Under Section 23(I) of the Natives (Urban Areas) Act for the proclaimed areas defined in proclamation No 203 of 1924'.

108 C.A.D., NTS 4197, File 51/313, Part 3, Major H.S. Cooke to Secretary for Native Affairs, 20.5.1927.

difficult to differentiate a newly-arrived woman from any other, or to establish when a woman had entered the urban area and thus when the 24 hour period had expired.[109] Similarly Regulation 17, which empowered 'authorized officials' to arrest any persons found outside their place of work or residence who could not prove they had reported, could be used at best only as a relatively mild anti-vagrancy measure against 'the loitering class of women'.[110]

Once women had entered the urban area, officials found it extremely difficult to eject 'surplus' or 'undesirable' women, even under the Act's much-vaunted Section 17 which provided for the expulsion of the idle and dissolute. The Act stipulated that any person who was 'habitually unemployed, not possessed of the means of honest livelihood, or leading an idle, dissolute or disorderly life', or who returned to the urban area once ordered to leave, could be deported, repatriated or sent to a punitive farm colony.[111] Prevailing perceptions held that a married woman could not be deemed habitually unemployed nor lacking the means of an honest livelihood, as the status of wife was presumed sufficient vocation in itself.[112] Moreover, a person could be deemed guilty of 'unsatisfactory character and behaviour' in the eyes of officials, yet not be idle, dissolute or disorderly in the strict sense of the Act.[113] Repatriation in terms of Section 17 was no necessary solution or deterrent either. For a start, if a woman claimed to have lived in Johannesburg always, she clearly had no other home to which she could be sent. There were also cases of women from Basutoland who claimed to have come from the Ficksburg side of the border, or even from elsewhere on the Reef. Once repatriated, they often returned, sometimes under a new name.[114] And, despite the Director of Native

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109 *Ibid.*

110 Union Government, *Government Gazette* , 20..9.1924, Government Notice 1546, 'Regulations framed under Section 23(l)...'; C.A.D., JUS 802 File 1/568/23, District Commandant, S.A.P., to Deputy Commissioner, Transvaal Division, S.A.P. Pretoria, 1.4.1930.

111 Act 21 of 1923, Section 17(1).

112 C.A.D., NTS 7725, File 166/333, R.W. Norden, Native Commissioner, Johannesburg, to Chief Native Commissioner, Witwatersrand, 13.9.1937.

113 C.A.D., NTS 4197, File 51/313, Pt 3, Major H.S. Cooke to Secretary for Native Affairs, 20.5.1927.

114 SC 6a-'29, *Second Report of the Select Committee on Native Affairs: Minutes of Evidence*, G. Ballenden, Johannesburg, p. 6.

Labour's repeated applications, no farm colony for women existed before the late Thirties.[115]

Given these deficiencies in the Act, it is hardly surprising that one of the first tasks undertaken by Johannesburg's municipal Native Affairs Manager on his appointment in April 1927 was a thorough investigation of possible remedies.

The appointment of a Native Affairs Manager was a response to the growing complexity of urban African administration, compounded by an anomaly in Johannesburg's administrative structures whereby jurisdiction over the city's compounds and locations was split between two departments.[116] Applications for the post were invited in late 1926, and the job went to Graham Ballenden, until then a high-ranking police officer in Natal. Ballenden had no formal training for the job nor administrative experience, but - more pertinently, it seems - had a flamboyant, strong-willed character which suited him to the task.[117] Ballenden then formed a municipal Native Affairs Department with three officials, a clerk and a typist. Their head office at the bottom of Eloff Street was a former fish and chips shop, and financial stringency its watchword.[118]

Ballenden's accession to office marked a new phase in municipal administration. In part, the timing was coincedental. The February 1927 court ruling prompted a major re-evaluation of urban native policy, with Major Cooke calling for registration of African women, complete with documentation.[119] This also coincided with the decline in the power of the Public Health Department in native administration. This was partly structural, given the establishment of a new specialist department, and partly because Charles Porter retired in early 1927; his

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115 C.A.D., NTS 7725, File 166/333, G.A. Chiswell (Director of Prisons), to Secretary for Native Affairs, 11.6.1937.

116 The split was prompted by complaints among Klipspruit residents over their Location Superintendent, Charles James; the Parks and Estates Committee subsequently assumed control of the committee, while James took charge of the city's other locations and hostels. Johannesburg City Council, *Council Minutes*, 20.7.1926, p. 504.

117 W.J.P. Carr, Interviewed by K.A. Eales, Johannesburg, 9.1.1989. Amongst Carr's other recollections of Ballenden was this summary: "Always lived beyond his means. Procrastinated. And an optimist."

118 *Ibid.*

119 C.A.D, NTS 4197, File 51/313, Part 3, Major H.S. Cooke to Secretary for Native Affairs, 20.5.1927.

successor, Dr A.H. Milne, deferred to Ballenden.

These changes were soon reflected in a new approach to slum clearance and municipal housing. Whereas Porter seemed to have viewed slum clearance as an end in itself, as a means to rid the town of plague spots - both moral and pathological[120] - Ballenden approached it as the means to control the influx of Africans into the city and remedy deficiencies in the Act.[121] In processing applications for municipal accommodation, 'undesirables' would be screened out; once the useful and necessary section of the slum population was resettled in orderly and hygienic location housing, the Council would halt further permanent urban settlement and accommodate additions to its workforce in single-sex compounds. The motivation for these sentiments was premised almost exclusively on cost: so long as African wages remained below the level necessary to support a family in town, the cost of providing new housing for them would have to be subsidised by Johannesburg's ratepayers.[122]

The scale of the housing project was vast. By late 1928 - the first year for which an estimate was available - the city's African population numbered roughly 136 000; excluding mineworkers, domestic servants and those working for employers of 25 or more Africans, this

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120 Dr Milne reformulated this to be to increase Africans' 'health, well-being and capacity for labour'. *Rand Daily Mail* , 10.11.1927.

121 The 1923 Urban Areas Act did not confer any powers of influx control on local authorities, despite its title which proclaimed its aim 'to provide for the regulation of the ingress of natives into and their residence in proclaimed area.' Local authorities' jurisdiction under the Act was limited to regulating Africans' conduct *once they had entered* the urban area. This power was circumscribed briefly by a judgement in March 1930 in the case of *Shadrack Kutu vs. Rex* (1930 T.P.D), when Justice Saul Solomon ruled that powers conferred in Government Notice 1546 of 1924 were *ultra vires*: Regulations 1 and 17 were not an amplification of powers in the Act, but additional to it and therefore exceeded the authority of the law.
Section 7 of Act No. 25 of 1930 - the Urban Areas Amendment Act - closed this loophole weeks later. It provided for influx control for women, but *not* men. Thus, contrary to the popular wisdom which holds that African men were subject to influx control from 1923, they were in fact exempt *de jure* until the 1937 Native Laws Amendment Act and *de facto* until the late 1940s. Women, conversely, were subject in law to influx control from 1930, although this was not enforced before the mid-Fifties. C.A.D., JUS 802 File 1/568/23, District Commandant, S.A.P., to Deputy Commissioner, Transvaal Division, S.A.P., Pretoria, 1.4.1930; C.A.D., JUS 802 File 1/568/23, Secretary for Native Affairs to Secretary for Justice, 27.5.1931; U.W., AD 1715, Records of the South African Institute of Race Relations: Basement Collection, File 5.21, Memorandum on *Kutu v Rex*; W.J.P. Carr, interviewed by K.A. Eales, Johannesburg, 12.1.1989; W.J.P. Carr, *Soweto. Its Creation, Life and Decline* (Johannesburg, 1990), p. 45.

122 C.A.D., GNLB 402, File 56/11 Part 2, Memorandum by G. Ballenden headed 'Influx of Natives into Johannesburg', 2.9.1927.

left roughly 45 000 people for whose accommodation the municipality was responsible.[123] 15 000 lived in municipal locations or compounds[124], and maybe 12 000 in freehold townships[125]. Even with the most creative arithmetic the Council was unable to reduce its liability below the provision of a further 3 500 houses.[126]

One apparent remedy was to get Africans to subsidise the cost of their housing through profits on the sale of municipal beer, but despite Ballenden's ardent support for the idea, he was unable to swing the support of the majority of Council members behind him before 1937. It was simply too contentious. America at the time was officially 'dry', and internationally temperance was seen as running a close second behind cleanliness to godliness. When, in 1925 and 1928, Council members raised the issue of municipal beer for debate, church and philanthropists silenced the incubus with howls of protest.[127] A lesser factor was the known opposition of most Johannesburg Africans, who demanded the right to brew their own.[128] This was pertinent, given the enabling legislation's stipulation that African opinion must consent to the measure. Thus Ballenden's sole option was to try to limit the number of people the municipality would have to house.

One of Ballenden's first actions as Manager was to survey a part of Ferreirastown preparatory to having it proclaimed. He reported:

> After we had compared the number of natives residing in that part of town with the available accommodation, it was found that we could only ask for the proclamation of

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123 U.W., E.N.E.C., AD 1438, 1930-31, Box 7, G. Ballenden, Memorandum, Schedule "A", 1928.

124 *Ibid.*, Schedule "B", 1928.

125 This is an estimate. See K.A. Eales, 'Patriarchs, Passes and Privilege. Johannesburg's African Middle Classes and the Question of Night Passes for African Women', *in* P. Bonner, I. Hofmeyr, D. James and T. Lodge (eds.) *Holding their Ground* , p. 134, footnote 39.

126 SC 6a-'29, *Second Report of the Select Committee on Native Affairs, 1929: Minutes of Evidence* , G. Ballenden, Johannesburg, p. 5.

127 Most prominent in co-ordinating opposition was the Witwatersrand Church Council, the Transvaal Women's Temperance Union, the Joint Council of Europeans and Natives and prominent local individuals like Bishop Clayton, J.D. 'Rennie' Rheinhallt Jones and Winifred Hoernle. Johannesburg City Council, *'Report of the Native Affairs Committee: The Establishment of Municipal Kaffir Beer Canteens and Eating Houses* , 17.10.1928, p. 801; W.J.P. Carr, interviewed by K.A. Eales, Johannesburg, 12.1.1989.

128 *Rand Daily Mail* , 22.12.1928; Johannesburg City Council, *'Report of the Native Affairs Committee: The Establishment of Municipal Kaffir Beer Canteens and Eating Houses* , 17.10.1928, p. 801.

> one-eight part of it, and the cost to the Council of the accommdation we are holding ready is £40 000. It seems to me, therefore, that the piecemeal proclamation of Johannesburg coupled with the unrestricted influx of natives in Johannesburg as at present is an absurd proposition.[129]

This prompted his call for sweeping reforms of the Urban Areas Act, giving priority to influx control. He did not call for a generalised prohibition on the further entry of Africans into Johannesburg, but rather for selective control over who entered the city and on what terms. Ballenden's argument was, apparently, cogent and appealing to the city's councillors, because, as he concluded,

> as long as the unrestricted influx of women and children is permitted into Johannesburg, the Council will never reach finality in the segregation and housing of natives in this area.[130]

In October, 1927, Ballenden, along with Milne and the head of the Parks and Estates Committee, met with J.B.M. Hertzog, Prime Minister and Minister of Native Affairs, to lobby for the appropriate amendments. Hertzog promised his support.[131]

Ballenden's views dominated a conference of managers and superintendents of Reef urban Native Affairs departments, convened in November 1927 to discuss amendments to the Act[132]. Much emphasis was given to the "enormous" influx of Africans to the Rand, whose entry into urban areas was not regulated and whom municipalities were obliged to house.[133] This had very particular implications for the future of municipal housing schemes, as Johannesburg's South African Party Mayor, W.H. Port, pointed out in his opening address: if the influx was not checked, the over-supply of labour would lead to a fall in wages. This in turn would further undermine the ability of Africans to pay an ecomonic rent. Johannesburg was 'the Mecca of the natives', he claimed, and the high wages paid in the city explained the influx.[134]

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[129] C.A.D., GNLB 402, File 56/11, G. Ballenden, memorandum entitled 'Influx of Natives into Johannesburg, 1927.'

[130] *Ibid.*

[131] Johannesburg City Council, *Minute of the Mayor, 1928* , 'Report of the Native Affairs Department', p. 83.

[132] *Rand Daily Mail* , 10.11.1927.

[133] *Ibid.*

[134] *Ibid.*

b) Rural distress and urban influx

Port's assumption that Africans were flooding the white man's cities prompted largely by avaricious self-interest was widely shared. It overlooked the widespread distress in rural areas, and particularly the effects of severe drought in the Eastern Cape, Ciskei and Transkei between 1923 and 1925 and in the northern and north-western Transvaal in 1926-27.[135] Many African tenant farmers and share-croppers were hit hard by deteriorating conditions of tenancy and anti-squatting drives, compounded by poor rains which affected black and white farmers alike.[136] A tiny minority was attracted to the Reef by the prospect of buying land in freehold townships such as Alexandra, Sophiatown or Evaton[137]; a small number of rural parents sent their children to school in Johannesburg and, in time, followed them to town to settle[138]; but for many, voluntarism played a minor part in their movement to town.[139] In some instances, hardship in one region had a ripple effect on another. In the mid-1920s, for example, distress in Basutoland prompted Basotho migrants to seek work in Free State towns and on farms in return for just enough cash to pay their £1 tax. Non-migrant Free State residents found they could not compete on these terms and many left with their families for the Reef.[140] From the mid-1920s contemporary observers noted a distinct new trend evident on the Rand. Where previously a man might come to town and send for his family only once he had organised relatively secure work and accommodation, increasingly entire families were arriving to settle together.[141]

The increasing number of African women on the Reef frequently had more particular causes.

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135 *Umteteli wa Bantu*, 29.1.1927, 5.3.1927.

136 *Umteteli wa Bantu*, 5.3.1927; Johannesburg Joint Council, *General Hertzog's Solution to the Native Question. Memorandum No. 1*, (Johannesburg, n.d. [c. 1927]), p. 3.

137 U.W., E.N.E.C., AD 1438, Box 10, Statement by Archdeacon F. Hill; U.W., Archives of the S.A.I.R.R., AD 843, B 74.5, G. Kark, 'Alexandra Township: a Study of a Pocket of Ill-health. A Report on a Survey undertaken in the Township from November 1944 to June 1946', p.6.

138 U.W., E.N.E.C., AD 1438, 1930-31, Box 10, Statement by Archdeacon F. Hill.

139 U.W., Archives of the S.A.I.R.R., AD 843, B 74.5, G. Kark, 'Alexandra Township: a Study of a Pocket of Ill-health. A Report on a Survey undertaken in the Township from November 1944 to June 1946', pp. 4-9.

140 U.W., AD 1438, E.N.E.C, 1930-31, R.V. Selope Thema, Johannesburg, p. 7596, W. Ballinger, Johannesburg, p. 8145.

141 SC 6a-'29, *Second Report of the Select Committee on Native Affairs, 1929: Minutes of Evidence* , E.O. Leake, Johannesburg, p. 1.

"Natives say hunger drives their women to the Reef. Europeans think the large male native population attracts them," summarised a Randfontein Native Affairs official.[142] One of the most common factors cited in a 1923 survey of the effects of the 1913 Land Act was the widespread obligation of women in labour tenant families to work in the homes and kitchens of the white farmer. The prospect of cash wages in town was a major factor attracting women dissatisfied with conditions on the farms.[143] Elsewhere, the damage wrought by migrant labour on family structures was evident in the number of women abandoned by their husbands. Files on destitute women kept by the Government Native Labour Bureau reveal widespread distress, most acutely in the Transkei and Eastern Cape.[144] Indeed, commented a Fort Hare academic in 1931, the exodus of women headed for the Rand was 'a striking feature' of the region in the late Twenties.[145] The majority of women who appealed for relief had been abandoned by their husbands or the father of their children and had come to the Reef on their own to seek work. The significance of supportive female kin networks in their endeavours is striking - most had left their children in the care of mothers and sisters, and sought shelter on the Rand with relatives.[146] Once on the Reef, a large number entered informal relationships with men living there and set up home with them. All too often this buttressed the number of rural families abandoned by the male breadwinner.[147]

Between 1924 and 1929, Johannesburg experienced an unprecendented surge in industrial development and commercial expansion with the result that jobs for African men were

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142 C.A.D., GNLB 153, File 224/14/216, 'Responses to Circular Minute C 1/23 of 22.1.1923', Inspector of Native Labourers, Randfontein.

143 C.A.D., GNLB 153, File 224/14/216, 'Statement by Gilbert Mdungane', enclosed in A.W. Rawlinson, Inspector, Native Affairs, Boksburg, to the Director of Native Labour, 26.1.1923; C.A.D., GNLB 153, File 224/14/216, 'Statement by A.M. Rakale', enclosed in Inspector, Native Affairs, Springs, to Director of Native Labour, 25.1.1923.

144 C.A.D., GNLB 361, Various files numbered 12/25, 1924-6.

145 U.W., E.N.E.C., AD 1438, 1930-31, W.M. Macmillan, p. 7519.

146 See the case histories located in C.A.D., GNLB 361, File 12/25 'Repatriation of Destitute Women, 1925', GNLB 364, File 12/26, 'Repatriation of Destitutes, 1926'; and see, for example, GNLB 284, File 52/18/72, 'Census of Women Living at Lemon St, George Goch, 27.10.1925'.

147 D.W.T. Shropshire, *Primitive Marriage and European Law* , pp. 2-12.

plentiful.[148] Ironically, though, employers exploited the prevailing labour shortage to justify their refusal to pay higher wages. As a representative of the Native Recruiting Corporation put it,

> any increase in the level of native wages would be followed, to only a small extent, by an increase in the native standard of living; the main result would be that the native would work for a shorter period than at present; and that presently the native labour available to industry in the union would be reduced.[149]

Wage levels were thus determined by the putative needs of migrants and bore little relation to the requirements of African families living in town. Urban living costs were relatively high, particularly as import duties were levied on items like clothing and blankets to shelter nascent local industries.[150] At a time when conservative estimates set the cost of supporting a four-member urban African family at £6.11.8 per month - excluding medical care, education or clothing - the average wage for non-mining urban workers was £4.2.0.[151] As one observer noted, 'they are paid as natives but they have to buy as white people.'[152]

Despite the growth in demand for men's labour, the number of jobs for women did not increase significantly during the twenties, and certainly not in proportion to the expansion of Johannesburg's black female population. Although more employers were employing black women as domestic servants, black men still dominated over 70% of the domestic service market in 1931.[153] Women's wages, between £1 and £3 a month, with food and lodgings,

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148 The number of industrial jobs in the Transvaal increased by 25%, from 34 908 in 1924/25 to 43 601 in 1929/30; most of this was concentrated on the Rand. See Union Government, *Annual Report of the Department of Trade and Industry*, 1924-1930.

149 UG 14-'26, *Report of the Economic and Wage Commission*, p.38, para. 58. Five years later, the Joint Chambers of Industry and Commerce in Johannesburg were still using this argument. See U.W., E.N.E.C., AD 1438, F.C. Williams, Transvaal Chamber of Industries and [illegible], Johannesburg Chamber of Commerce, to the I.C.U. of Africa, 24.1.1930, loose memorandum filed with G. Ballenden's verbatim evidence, after p. 8 329.

150 N. MacVicar, 'Health Conditions among the South African Natives', *in* J.D. Taylor, *Christianity and the Natives of South Africa* p. 20.

151 C.A.D., E.N.E.C., AD 1438, 1930-31, Box 10, Memorandum by Archdeacon F. Hill, p. 3.

152 N. MacVicar, 'Health Conditions among the South African Natives', *in* J.D. Taylor, *Christianity and the Natives of South Africa* p. 22.

153 G. Ballenden estimated that women comprised just over a quarter of Johannesburg's 26 000 domestic workers. U.W., E.N.E.C., AD 1438, 1930-31, G. Ballenden, Johannesburg, p. 7 712.

were roughly half those paid to men.[154] Given the deficit between wages and need, informal and illicit activities played a crucial part in urban African subsistence. Laundry work and liquor selling were the most popular options as both, being home-based, facilitated child-care.[155]

Notwithstanding the steady growth of family settlements, women suppporting themselves through prostitution and liquor selling remained the most visible sector of Johannesburg's adult female population, said to number 15 000 by 1927.[156] They remained the target of harassment and police raids, particulary in settlements adjacent to the mines where compound managers complained that fights between men over woman sparked frequent brawls. One particularly notorious area was in Denver, adjacent to the northern boundary of the massive Nourse Gold Mine, where a row of old stables and shacks stretched for almost a mile along the southern side of the Main Reef Road. Some were inhabited by the wives and families of men working at Nourse, and the remainder by women who sold liquor and sex.[157] Despite frequent police raids, their trade continued. "The police start at one end," complained an officer, "and by the time they finish at the other end, there is a fresh lot of *skokiaan* ready for sale at the place where they commenced the search."[158]

The single most infamous identifiable group of women on the Rand in the 1920s were those from Mozambique - known derisively among their countrymen on the mines as the *magelegele*.[159] Various factors explain their presence on the Rand, many of them related

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154 U.W., Karis and Carter Microfilm Collection, A 1454 Mfm, Reel 13B, 2:LI 1:41/2, Secretary, Industrial and Commercial Workers' Union, to the Special Committee, House of Assembly, May 1925; South African Institute of Race Relations, 'The Employment of Native Girls Trained in Domestic Service at Native Training Institutions', *South African Outlook*, 2.1.1932, p. 8.

155 See K.A. Eales, 'Patriarchs, Passes and Privilege', *in* P. Bonner, I. Hofmeyr, D. James and T. Lodge (eds.), *Holding their Ground* , pp. 107-111.

156 C.A.D., GNLB 370, File 51/27/25, Director of Native Labour to Secretary of Native Affairs, 28.2.1927; U.W, Archives of the S.A.I.R.R., AD 1715, File 13.13, Helping Hand Club, *Annual Report of the Helping Hand Club, 1928*, (Johannesburg, 1928), p. 2.

157 C.A.D., GNLB 402, File 56/11, Part 2, Secretary of Rand Mines, Ltd, to Secretary for Native Affairs, 4.2.1927.

158 C.A.D., GNLB 402, File 56/11, Part 2, Sub-Inspector, S.A.P., Jeppe, to District Commandant, S.A.P. Johannesburg, 25.2.1927.

159 C.A.D., GNLB 373, File 65/28/75, 'Explanatory Programme for Monster Native Dance', 28.4.1928.

to famine, disease and proletariansation in the territory in the late Teens and early Twenties.[160] Some came to the Transvaal's gold, coal and platinum mines in search of men who had abandoned them[161] while others, more marginalised, sought refuge from domestic tensions.[162] In the opinion of the Portuguese Curator, such distinctions were spurious: "we all know that they only emigrate to the Transvaal for one purpose: prostitution."[163] Their entry into the Transvaal was prohibited, but this seemed to have barred relatively few from embarking on the surreptious journey through Swaziland, Barberton and Witbank to the Rand[164], with sporadic stops en route to make money to continue.[165] In late 1926, government Native Affairs officials embarked on a vigorous programme across the Eastern Transvaal to the Reef to repatriate them, claiming they 'do not follow legitimate occupations, are under no adequate control and are ordinarily engaged in liquor selling and other immoral practices.'[166] As pertinent were two other factors. The first was an earlier comment by the Curator that the incidence of venereal disease amongst some of them was a threat to the health and fertility of all Mozambicans.[167] The other was that these women were all illegal immigrants, and thus no loophole in the Urban Areas Act could prolong their stay.

Repatriation proved less simple than anticipated by the Department. In each mining centre,

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[160] See Chapter Two above, pp. **.

[161] See various case histories located in C.A.D., GNLB 407, File 60/76, 'Repatriation of Undesirable Native Women'; C.A.D., GNLB 377, File 17/30, 'Undesirable women, 1930'; GNLB 406, File 60/1, 'Repatriation of Undesirable Women, 1920-31'; GNLB 406, File 60/2, 'Repatriation of Undesirable Women in the Witwatersrand Area, 1927-31'; GNLB 407, File 60/42, Repatriation of Undesirable Women in the Rustenburg Area, 1930-31'; and see GNLB 407, File 60/42, Native Commissioner, Rustenburg, to Immigration Officer, S.A.P., Rustenburg, 12.12.1930.

[162] A popular song among Mchopi mine workers, loosely translated as 'The Bird has Flown', concerned a woman who had lost her husband's favourite stick and fled to Johannesburg. C.A.D., GNLB 373, File 65/28/75, 'Explanatory Programme for Monster Native Dance', 28.4.1928.

[163] C.A.D., GNLB 406, File 60/2, Portuguese Curator to Director of Native Labour, 10.1.1929.

[164] C.A.D., NTS 1169, File 57/333, Secretary for the Interior to the Secretary for Native Affairs, 28.5.1926; C.A.D., NTS 1169, File 57/333, Affidavit by K. Mabila, 3.1.1927.

[165] C.A.D., NTS 1169, File 57/333, Native Commissioner, Barberton, to Secretary for Native Affairs, 3.1.1927.

[166] C.A.D., GNLB 406, File 60/2, Director of Native Labour to the General Manager, Transvaal Chamber of Mines, 16.9.1927.

[167] C.A.D., GNLB 406, File 60/1, Portuguese Curator to Director of Native Labour, 21.12.1920.

officials were provided with the names of women by disapproving Mozambican men.[168] However, as soon as word got out that a purge was underway, the women affected frequently either scattered[169] or were able to produce irrefutable evidence of a lawful husband.[170] Nor was it wise for Native Affairs Department officials to over-ride such claims of marriage, despite the Curator's instructions to deport all women, married or not, as illegal immigrants. The actions of Witbank officials, for example, prompted a strike at Douglas Colliery in March 1927, when the I.C.U. successfully mobilised local outrage over the repatriation of Mozambican women, many of whom were married - some for several decades.[171] By the end of 1927, though, repatriation of Mozambican women from Johannesburg was well under way, and by January 1929, 215 women, roughly a quarter of the total deported from the Transvaal, had been sent 'home'.[172]

Although strong arm measures such as the repatriation of illegal immigrant women were extremely important at a public and symbolic level, they achieved little in broader terms. By 1930, Mozambican women on the Rand were being eclipsed - in terms of overt undesirability - by the arrival of women from Basutoland[173] and, in any case, repatriation could never amount to more than a knee-jerk response to the entry of women. The fundamental problem,

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168 A 'Portuguese Native Women's Restitution Committee' existed on the Rand between 1919 and 1921 with the specific purpose of repatriating Mozambican women who, it was believed, would 'break up the East Coast native nations' through their immorality. It is not clear whether this body still existed in the late Twenties and was responsible for assisting in the deportations. See C.A.D., GNLB 406 File 60/1, Portuguese Curator to Director of Native Labour, 21.12.1920, and *The Star*, 23.4.1921.

169 C.A.D., GNLB 406, File 60/2, Native Sub-Commissioner, Benoni, to Director of Native Labour, 13.8.1927.

170 Some evidence was more refutable. In late 1927, Supai Sikundulume hired a Benoni lawyer, E.C. Barrett, to defend her claim that she was lawfully married to Chemist Njaro of Van Ryn Estates Gold Mine. Her case collapsed when subsequent Native Affairs Department investigation revealed she was also married to a man at George Goch Gold Mine, as well as one working at the State Mines. See C.A.D., NTS 1169, File 57/333, E.C. Barrett to Secretary for Native Affairs, 3.2.1928, and Sub Native Commissioner, Benoni, to Director of Native Labour, 23.2.1928; see also Director of Native Labour to Secretary for Native Affairs, 17.12.1926.

171 C.A.D., NTS 1169, File 57/333, Principal Immigration Officer, Transvaal, to Secretary for Interior, 15.3.1927, Director of Native Labour to Secretary for Native Affairs, 2.4.1927.

172 C.A.D., GNLB 406, File 60/2, Portuguese Curator to Director of Native Labour, 10.1.1929.

173 P. Bonner, '"Desirable or Undesirable Basotho Women?": Liquor, Prostitution and the Migration of Basotho Women to the Rand, 1920-1945', *in* C. Walker (ed) *Women and Gender in Southern Africa to 1945*, p. 230.

claimed officials, remained the unregulated influx of African women into the towns.

c) Hostels and single women

While Cooke and the government Native Affairs Department expended energy removing illegal immigrants, Ballenden and his municipal Native Affairs Department continued their war of attrition against the residents of Johannesburg's slums. Within weeks of the *Hodos v Rex* ruling, the city was reproclaimed.[174] The landlords countered swiftly once again, and succeeded in getting the proclamation thrown out on a technicality on the last day of 1926.[175] In February, 1927, the Council rejoined the fray, proclaiming a large section of Ferreirastown - headquarters of the Communist Party, the I.C.U. and a large number of shebeeners - and giving its tenants a month to leave.[176] Buttressed by a new system of night courts, inaugurated to process the large number of eviction-related prosecutions and operating between 8 p.m. and 12 p.m. nightly,[177] the Council was now firmly on the offensive.[178]

The last of these proclamations was challenged by Joseph Zoch, a Syrian general dealer and major property owner in Ferreirastown, who was charged with harbouring Africans illegally.[179] The implications of his appeal were potentially devastating for the Council. Amongst the technicalities raised in his defence was the fact that no hostel for single women had been provided in terms of the Act, and thus he could not be prosecuted for "harbouring" women for whom no other accommodation was provided.[180]

In July 1927 the Town Clerk wrote a despairing note to Major J.F. Herbst, Secretary for Native

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174 *Rand Daily Mail* , 7.2.1927.

175 *Ibid.*

176 *Ibid.*, 21.4.1927.

177 *The Star*, 8.3.1927.

178 This new drive impelled a wave of ejected tenants into backrooms and shacks in the town's south-eastern suburbs, prompting howls of outrage from Nationalist and Labour Party supporters in those areas who claimed they were the 'selected victims for revenge' of the newly-elected South African Party-dominated town council. See, for example, C.A.D., GNLB 284, File 52/18/72, C. Lombard to J.B.M. Hertzog, 23.5.1927.

179 *Rand Daily Mail* , 21.4.1927.

180 *Ibid.*, 31.1.1928.

Affairs; the municipality, he wrote, was feeling "discouraged and concerned at the repeated failure of its efforts" and appealed for some assurance that future proclamations would hold up in court.[181] If Zoch now won his appeal, the Council's entire slum programme would grind to a halt until a hostel, as laid down in the Act, was built to accommodate single women displaced by slum clearance.

Two factors had conspired against the early establishment of a municipal hostel for single women. One was the fact that in 1925 Porter and Cooke had believed that the influx of single women to town was a temporary phenomenon. As slum clearance progressed without any sign of a decline in the number of single women requiring accommodation, the Council reconsidered its position and by late 1926 was casting around for an appropriate site.[182] The second factor then came into play. No suitable site was available. One proposal to build in Fordsburg was abandoned in mid-1927 when the Mayfair Ratepayers' and Welfare Association protested that there were already 'quite enough natives and coloureds in the western districts of Johannesburg'[183]. It was precisely at this juncture that Zoch took the Council to court. As an interim measure, Ballenden was keeping ten houses in each of the new townships, Western and Eastern Native Township, available to accommodate single women evicted from town,[184] but in a case that went as far as the Bloemfontein Appeal Court, Zoch claimed this was inadequate. Zoch lost his case.[185]

With its dignity intact, the Council resumed its clearance of Ferreirastown - this time on the basis of a shrewd strategy designed to thwart all further legal challenge. Ballenden's subordinates would survey a particular area in town, and then issue notices in precise relation

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181 C.A.D., NTS 5306, File 51/313E, Town Clerk, Johannesburg, to Secretary for Native Affairs, 5.7.1927.

182 *The Star*, 28.7.1926.

183 In April, 1928, the council was offered the premises of the former Government Miners' Training School at Wolhuter. After extensive renovation, the 100-bed hostel opened in July 1929. T.I.A., Records of the West Rand Administration Board (hereafter WRAB), WRAB 199/3, H.J. Couzens to Town Clerk, Johannesburg, 16.5.1927, 'Report on the Government Miners' Training School', 19.11.1928; *The Star*, 19.10.1929.

184 Johannesburg Cown Council, *Council Minutes*, 'Report of the Manager of the Parks and Estates Committee', 5.7.1927, p. 181; Johannesburg Town Council, *Council Minutes* , 19.7.1927, p. 530.

185 *The Star*, 13.6.1928.

to the number of houses available in Western Native Township. To avoid accusations of insufficient housing, he deliberately kept literally hundreds of houses vacant for months at a time while the evictions proceeded.[186]

What Ballenden had not taken into account adequately was the cost of lost rent on up to 700 houses empty sometimes for six or nine months, compounded by the refusal of many evicted tenants to move into regulated municipal housing as long as other options - closer to town, or more amenable to lucrative and generally illicit money-making schemes - remained open to them.[187] Consequently, the municipal N.A.D. was obliged to swallow its pride and accept applicants for housing more liberally. In a glorious irony, the Council found itself letting houses to precisely the 'type' of people the slum clearance programme was designed to eject - 'unattached' women. W.J.P. Carr, one of Ballenden's deputies in the late Twenties, explained:

> We sat with three to four hundred empty houses and we were sweating blood to find tenants for them. So you were not going to be terribly critical about the antecedents and the qualifications. [A woman] came to you and said, "I've been here for so many years," and she'd have a couple of children with her (which were frequently borrowed for the occasion). And she'd say, "I want a house." "Where's your husband?" "Well, he's at work now." "Bring his papers, if he can't come."
>
> So tomorrow she'd come. Who knows whose papers they were? Impossible to say. So you'd say, "alright". Rather have a tenant with a dubious claim, than have an empty house. An empty house was money down the drain.[188]

Alternatively, an 'unattached' woman facing eviction from a room in town would arrange to go to Western Native Township as the lodger of an authorised tenant and, if challenged, she could claim to be a relative visiting briefly.[189] In time she might, too, apply for and be granted a house in her own right.[190]

These practices were a far cry from the hardline policy statement issued by the Secretary for

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186 *Ibid.*, 13.6.1928, 3.7.1928.

187 SC 6a-'29, *Second Report of the Select Committee on Native Affairs: Minutes of Evidence*, Major H.S. Cooke, Johannesburg, pp.10-11.

188 W.J.P. Carr, interviewed by K.A. Eales, Johannesburg, 12.1.1989.

189 Unlike other Reef towns, lodgers' permits for sub-tenants were not required in Johannesburg as the municipal Native Affairs Department acknowledged there was insufficient accommodation and believed a permit system would involve 'unnecessary hardship'. C.A.D., NTS 4199, File 51/313, J.M. Brink to Director of Native Labour, 14.3.1940.

190 *Ibid.*

Native Affairs less than a year before. Municipalities were being taken for a ride, he said, by unmarried African couples claiming municipal housing. The onus of proof of marriage should be on the couple. As they were seeking accommodation in a European area, they should provide proof of European marriage.[191] On this basis, numerous families were denied housing.[192] Ballenden's department, clearly, had lost this round, but they were pinning their hopes on amendments to the Urban Areas Act.

Influx Control and the 1930 Amendment

When Ballenden and two Council officials had met with Hertzog in October, 1927, the Prime Minister had promised to amend the Act to provide for a check on the influx of women. The 1928 parliamentary session ended before his draft Bill was published and the 1929 general election disrupted the Bill's passage. Hertzog's solution, published in a February 1929 draft Bill, required all women joining their husbands in town to provide proof that approved accommodation was available for them.[193] This measure was all very well, argued Cooke, but what steps were envisaged to contain the influx of single women - women who commonly moved in with local men, established families and demanded housing?[194] Such women, he continued, drifted into town 'without let or hindrance'.[195] Unlike pass-bearing men, they could not be deported if unemployed and once in town they were hard to remove. In itself, this caused local authorities 'embarrassment and expense'. But worse still were the long term implications of women's unfettered settlement: they were 'the people who produce the detribalised family', destined to live in white-designated towns forever.[196]

Representations of African women among white officials and bureaucrats had undergone a significant shift by 1930. Where, previously, the dominant motif had been 'women: undesirable *qua* prostitutes', a new characterisation was gaining ground alongside it, based

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191 C.A.D., GNLB 402, File 56/11 Part 2, E.R. Garthorne to Major H.S. Cooke, 17.3.1927.

192 C.A.D., NTS 4197, File 51/313, Director of Native Labour to G. Ballenden, 15.10.1927.

193 Union Government, *Government Gazette Extraordinary*, No. 1757, 5.2.1929, 'Native (Urban Areas) Act, 1923, Amendment Bill, Section 3 (a).

194 SC 6a-'29, *Second Report of the Select Committee on Native Affairs: Minutes of Evidence*, Major H.S. Cooke, pp. 11-12.

195 *Ibid.*, p. 52.

196 *Ibid.*

on women's reproductive potential. Increasingly, appeals for influx control and tighter regulation of their conduct were premised as much on women's child-bearing capacity (and hence their ability to swell the size of the urban African population) as on their alleged immorality. One implication of this was the spectre of African children growing up amidst crime, vice and disrepect for the law, who would make poor citizens and worse workers.[197] Even more alarming was the fact that the influx of women entrenched the permanence of urban African settlement. This made a mockery of the government's stated policy that Africans were welcome in urban areas only for as long as they ministered to the white man's needs. Although there was already widespread acceptance amongst N.A.D. officials and local authorities that there was a sizeable permanent urban population, unless some control was exercised over the ongoing ingress of African women, there was no means to check the exponential growth of this sector.

A survey of key contributors to the debate over influx control for women reveal subtle but important variations on this theme. Ballenden's argument, for example, was largely technocratic. He had a job to do - housing Johannesburg's Africans - and without influx control, he was destined to labour like Sisyphus without ever completing his building programme.[198] Until all Africans in Johannesburg were provided for, he could not proclaim the entire city under the 1923 Natives (Urban Areas) Act, thereby compelling all Africans to live in a compound or location. Access to compound or location housing would then be contingent on Ballenden's permission, and that would depend on whether accommodation was available. In Ballenden's scheme, therefore, housing was the key to influx control, yet influx control was necessary to limit the the Council's liability for providing housing. Moreover, without some limit on the ingress of workseekers into town, wages, already well below the level needed to support an urban African family, would never rise. Wage levels were pegged at the lowest levels migrants would accept, and employers refused to distinguish between the differential wage needs of urban families and those of migrant workers. There were more Africans in Johannesburg, argued Ballenden, than were required by industry,[199] and this

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[197] *Ibid.*, G. Ballenden, p. 5.

[198] *Ibid.*, p. 6.

[199] It is possible that this was true only in the most literal sense. A 1929 survey found no more than 500 unemployed men out of a total adult male African population of over 60 000, excluding mine workers. C.A.D., GNLB 390, File 37/19, Chief Native Commissioner, Johannesburg, to the Secretary, Inter-Departmental Committee on Labour Resources in the Union, 19.7.1930.

'surplus' held wages down. Not only were Africans unable to pay an economic rent, but their low wages meant many defaulted - 'and once he gets into arrears he very seldom pulls up again.'[200] Families, therefore, resorted to illegal means to subsist, and this compounded vice and crime. All these issues reinforced the need for orderly housing.

Accommodating single men was no problem, he argued. What was needed was some check on the influx of women and families.[201] The problem was that under the existing system of piecemeal proclamation, Ballenden was unable to catch up with the backlog in housing, and newly-arrived families, whom the Council would eventually have to house, were free to settle in unproclaimed areas. He estimated that between 500 and 600 families were arriving annually, and that it cost the municipality £187 to build each house.[202] Moreover,

> It is not so much the cost of houses that we want to check, but what the Council fears is that it will have too big a native population mixed up with the white population which will be a danger to both the European and the native.[203]

The spectre of non-racial 'combination' among the disaffected under-classes - and Communist Party-inspired marches of white and black workers through Johannesburg were not uncommon at the time[204] - compounded Ballenden's resentment at 'being saddled with natives who are crying out for land.' The Council was being left to foot the bill for deficiencies both in the legislation, and in a government policy that had failed to address 'the land question' adequately. He wanted to check the settlement of families, and that required influx control for women.[205]

Approaching the issue from a very different perspective was a governmental Inter-departmental Committee on Labour Resources, appointed in 1929 to explore remedies for the allegedly worsening labour shortage in two of the country's key industries - agriculture and the mines. The 1928 Mozambique Convention had reduced the annual quota of

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200 SC 6a-'29, *Second Report of the Select Committee on Native Affairs: Minutes of Evidence*, G. Ballenden, Johannesburg, p. 4.

201 *Ibid.*, p. 3.

202 *Ibid.*, p. 5.

203 *Ibid.*, p. 6.

204 E.E. Koch, 'Doornfontein and its African Working Class', p. 171.

205 SC 6a-29, *Second Report of the Select Committee on Native Affairs: Minutes of Evidence*, G. Ballenden, p. 5.

Mozambican mine labour by over 20%, while the development of new mines and deeper workings on old mines had virtually doubled the mines' labour requirements since 1919.[206] Agriculture, too, was expanding, largely as a result of improved farming methods, more intensive cultivation and the opening of export markets for new commodities.[207] Yet, while these sectors were crying out for labour, 111 361 men - over 13% of the available male African labour force - were being 'wasted' in domestic service. As the Committee noted,

> It does not require the masculine vigour of a sturdy native to peel potatoes, wash dishes, sweep floors or cook a dinner. This system tends to reduce the national income by starving the industries of labour and thereby reducing their productive power.[208]

The obvious solution was to replace them with African women - yet the Committee was acutely aware that if African women were encouraged to seek domestic work in towns, many would stay on, thereby 'increasing detribalisation.'[209] This had dire implications for the future of industries dependent on migrant or rural labour, and thus the committee recommended stricter controls over the terms on which African women lived and worked in town.[210]

Organised industry and commerce, conversely, had little time for any scheme that might impede their quest for the cheapest labour, and even less for notions of 'civilised' labour.[211] Quite possibly they supported Kadalie's view that 'civilised labour' was a misnomer - 'they are not poor whites but lazy buggers.'[212]

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206 A.W. Rogers, President of the Transvaal Chamber of Mines, quoted in *The Star*, 25.6.1928.

207 An. 89-'31, *Report of the Inter-Departmental Committee on the Labour Resources of the Union, 1930*, p. 7, para. 22; UG 36-'36, *Report of the Cost of Living Commission* , p. 17.

208 An. 89-'31, *Report of the Inter-Departmental Committee on the Labour Resources of the Union, 1930*, p. 15, para. 86.

209 *Ibid.*, p. 15, para. 89.

210 *Ibid.*, p. 16, para. 91.

211 D. Yudelman, *The Emergence of Modern South Africa. State, Capital and the Incorporation of Organised Labour on the South African Goldfields, 1902-1939* (Westport, 1983), pp. 39-41, 232-243; B. Freund, 'The Social Character of Secondary Industry in South Africa, 1915-1945', p.14.

212 C.A.D., JUS 267, File 3/1064/18 Part 3, C. Kadalie, quoted in S.P. Bunting, 'Statistics of South African Labour: A Report to the R.I.L.U.', p. 6.

Officials of the Native Affairs Commission - entrusted with formulating 'native policy' in the best interests of all Africans - argued strongly against precipitate action. The Natives (Urban Areas) Act had been in effect for only a short period; it was a period

> remarkable for new influences in SA arising from the industrial expansion and changes in the political and social outlook - and the experience gained during that short time may perhaps lead to undue stress being placed upon certain developments. There is therefore sound reason for moving slowly in making drastic changes in an Act which has been on trial for such a short period.[213]

The Commission opposed blanket controls on influx into urban areas, self-consciously citing 'the modern view that legislation should not be passed to prevent the free flow of labour to centres of employment.'[214] It acknowledged that while urbanisation was a worldwide phenomenon, in South Africa local authorities were obliged to house locally-employed urban Africans. For this reason it accepted that some kind of check was legitimate in order to limit municipalities' housing responsibilities. Noting that as soon as single men 'linked up' with women, families were created who then had to be housed as a unit, it recommended that municipalities should only be compelled to house the families of Africans employed in the urban area, and that women authorised to live in urban areas should be registered.[215]

The Commission's support for a form of passes for women was unprecedented, and highlighted the seriousness with which the settlement of women in urban areas was being viewed. At the same time, though, its recommendation was phrased in extremely defensive, apologetic tones, alongside an acknowledgement that the measure would be strongly opposed by Africans given their belief in 'the sanctity of their woman-kind' and 'the dangers of their being tampered with by police'.[216] Accordingly, the commissioners made a concession: no African woman would be compelled to carry the document and any European official who doubted her credentials could take her name and address and make the necessary enquiries himself.[217] With this concession, the potential effectiveness of the proposal in a

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[213] C.A.D., NTS 179, File 1/1929/F438, 'Report of the Native Commission on the Amendment to the Natives (Urban Areas) Act, 1923', appended to R.S. Metford (Secretary of the Commission), to the Minister of Native Affairs, 23.11.1929.

[214] *Ibid.*, para. 21.

[215] *Ibid.*, para. 29. Dr A.S. Roberts, a member of the commission and supporter of Godley's call for a simplication of the pass laws, opposed this and submitted a minority report stressing the 'temporary nature' of the problem. *Ibid.*, para 30.

[216] *Ibid.*, para. 27.

[217] *Ibid.*, para. 28.

densely-settled, largely unproclaimed urban area - such as Johannesburg - was instantly negated.

The parliamentary debate concerning amendments to the Urban Areas Act during the first three months of 1930 was vitriolic, with both Labour and Nationalist members accusing Hertzog of abandoning the principle of the 1923 Act and permitting 'unregulated swamping' by blacks in white-designated areas. This, they argued, went against the spirit of the Act, and left thousands of poor whites unemployed - the losers in competition for jobs with Africans.[218] Hertzog responded by quoting a British historian, Thorald Rodgers, at them: "the rush to the towns ... cannot be stopped."[219] He opposed influx control, and argued that the remedy lay in improving African agriculture.[220]

The reality was that in the late twenties when the amending Bill was drafted, South Africa's secondary industrialisation, particularly on the Rand, was taking off. Its growth was contingent on a plentiful supply of cheap labour, and the 'surplus' of black labour alleged by farmers to be lounging on the Rand seems to have been grossly exaggerated.[221] Politics and rhetoric notwithstanding, it seems reasonably clear that Hertzog had little desire to deprive this nascent industry of its lifeblood.[222] As Major H.S. Cooke, Director of Native Labour, argued late in 1930, it was 'a dangerous thing' to check the stream of labour to the towns, 'as the labour stream, when once stopped or deflected, takes a long time to get back to normal.'[223] Moreover, a limited labour pool would concentrate wages among a relatively small group of employees and curb the market of local retailers and manufacturers.[224] For this reason, the government chose to address specific symptoms of disorder rather than using a blanket

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218 *South African Parliament: House of Assembly Debates*, 30.1.1930, Col. F.S. Stallard, col. 228.

219 *Ibid.*, J.B.M., Hertzog, col. 221.

220 *Ibid.*

221 See p. 134, footnote 199.

222 *Cf.* D. Yudelman, who warns observers to look beyond the rhetoric of the Pact government and take note of the extraordinary growth of black employment in the private sector. See D. Yudelman, *The Emergence of Modern South Africa: State, Capital and the Incorporation of Organised Labour on the South African Goldfields, 1902-1939* , pp. 39-41, 232-243.

223 C.A.D., GNLB 403, 56/11 Part 2, Major H.S. Cooke to D. Penry Roberts (Chairman of the municipal Native Affairs Committee), 18.12.1930.

224 *Ibid.*

formulation to constrain influx. In response to the rise in national black urban militancy in the mid- and late twenties, Oswald Pirow, Minister of Justice, for example, included an anti-sedition clause in the 1927 Natives Administration Act[225], while an amendment to the Riotous Assemblies Act sanctioned the deportation of 'agitators'[226]. It is in this context of determinate action that the 1930 Amendment's clauses relating to women must be seen.

Section 12(a) of the 1923 Urban Areas, as amended in 1930, required all women entering an urban area to provide documentary proof, issued by the urban local authority, that accommodation was available for them, and to produce that document to an authorised officer on demand. No certificate would be issued to a legal minor without the consent of her guardian, nor to any woman going to join her husband or father unless she could prove that he had worked in the area continuously for at least two years. In this way, women were targetted as the means to contain the settlement of a 'surplus' African population in Johannesburg.

Beyond the 1930 Amendment

Ironically - given their clamour for wider powers over women - Reef municipalities did not implement the new influx controls for women, nor were they to do so for a further 27 years.

In part, the reason for this was technical, stemming from the loose wording of the 1930 Act. In August, 1930, Ballenden requested Major Cooke to draw up the necessary regulations to enact Section 12.[227] When, two months later, Cooke's only response was a comment that such a task presented 'no little difficulty'[228], Ballenden took the task upon himself and drew up a form requiring copious details of the applicant's name, address, destination, length of stay, reason for coming, consent of guardian if a minor, satisfactory proof of relation to guardian/husband/father, father/husband's period of employment and return railway ticket.[229] Ballenden's form was rejected on a technicality, but its fate was no worse than the subsequent attempts of legal officers working in tandem with the Director of Native Labour and municipal

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225 E. Roux, *Time Longer than Rope*, p. 159.

226 *Ibid.*, p. 228.

227 C.A.D., GNLB 404, File 46/35A, G. Ballenden to Major H.S. Cooke, 13.8.1930.

228 *Ibid.*, Major H.S. Cooke to G. Ballenden, 29.10.1930.

229 *Ibid.*, 31.10.1930.

N.A.D. who were determined to come up with an invincible regulation.

The first formal draft was rejected as *ultra vires* for making no exception for exempted women; then there was a dispute over the precise identity of 'the urban local authority' cited in the Act - it seemed this task could not be delegated to the Town Clerk, and so the issue of each document required the consent of the full City Council. How was a woman then to satisfy this body that her husband or guardian had been employed in the city for two or more years? Where was she to stay while awaiting their decision? How were police and other officials to distinguish between new arrivals and other women who might have arrived before the promulgation of these regulations, particularly as women were not required to carry their documents with them? And what about a woman who wanted to come to town for the day only - would the same documentation be required for a woman coming to town in a medical emergency as for a mother with her extended family who intended to settle?[230]

Given these practical difficulties, several Reef municipalities - Johannesburg, Randfontein, Brakpan and Benoni - rejected the proposed regulations as 'absurd' and 'impracticable'[231]. This made the entire scheme unworkable, as women without the necessary permission would then flock to areas where documentation was not required. Consequently, the idea was abandoned at the end of 1932.[232]

In part, this explains why the influx controls were not utilised: the wording of the 1930 Amendment had been carelessly drafted and no watertight regulation proved possible. This raises larger questions. Was it not possible to amend the 1930 Amendment when these relatively petty flaws were discovered? Was the government not serious about checking the influx of women in 1930? If it was not, why did it go through the motions of promulgating unworkable legislation? And how did Hertzog envisage his segregation policy panning out if there was no check on the settlement of families in white-designated urban areas?

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230 C.A.D., GNLB 404, File 56/35B, Secretary for Native Affairs, to Director of Native Labour, 18.9.1931, Director of Native Labour to Secretary for Native Affairs, 12.12.1932; C.A.D., JUS 802, File 1/568/23, Secretary for Native Affairs, to Secretary for Justice, 4.6.1931.

231 C.A.D., GNLB 404, File 56/35A, Town Clerk, Johannesburg, to Chief Native Commissioner, Witwatersrand, 13.10.1931; Town Clerk, Brakpan, to Chief Native Commissioner, Witwatersrand, 20.10.1931, Town Clerk, Randfontein, to Chief Native Commissioner, Witwatersrand, 27.1.1932; Director of Native Labour to Secretary for Native Affairs, 30.11.1932.

232 *Ibid.*, Director of Native Labour to Secretary for Native Affairs, 30.11.1932.

One route out of this morass is to return to the basic premise of this chapter. Much as the government and its officials might have wanted a more efficient urban order, with fewer African families and less 'unattached' women, it was not yet prepared to follow through on the ruthless logic of its policies. As W.J.P. Carr commented in a recent interview when asked about the absence of influx controls for women in this period -

> There was a desire to do it, and a realisation of the need for it, but to do it - that was a different matter.[233]

In this chapter it has been argued that that 'different matter' related to white officials' ambivalence about the risk attached to targetting the broad mass of urban African women. They might have been 'natives', possibly undesirable and immoral, but they were also women, and the wards of African men. In the context of economic distress and uncertainty which characterised the Great Depression period, officials of the state proved reluctant to tread too heavily across the hearth of black men's jurisdiction. These factors held women inviolate from the workings of the pass laws, and without formal documentation, influx controls were not viable.

Conclusion

This chapter has explored three of the ways local officials tried to deal with the presence of black women in white-designated areas. Each was formulated by an administrative body whose function influenced the way it perceived both the nature of the problem and its remedy. The municipal Public Health Department, for example, proposed to examine the bodies of all black women entering the town to screen out those showing evidence of venereal diseases, while local officials of the central Justice Department called for a curfew to keep black women off the streets at night. The scheme favoured by the new municipal Native Affairs Department was premised on spatial control, through selective accommodation and regulated housing.

Each of these remedies was premised on a particular formulation of what a black woman signified; each foundered on contradictions inherent in that formulation. Yet, as will be suggested in the next chapter, that contradiction was easily resolved by reinserting men as the inarticulate premise of that good woman / wicked whore dichotomy: a woman with a 'respectable' relationship to a man, or men, qualified as a decent loving mother, or chaste wife, or nubile virgin; if her relationship was 'unrespectable' she was deemed a whore. Formal pass laws were not the only means to regulate the presence in, and conduct of, black

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[233] W.J.P. Carr, interviewed by K.A. Eales, Johannesburg, 12.1.1989.

women in Johannesburg; rehabilitating men's authority over women provided a less contentious route. The next chapter explores this in more detail.

At a second level, it has been shown that there is no necessary relation between the powers conferred by statute and the practice of local government. Logistical factors aside, no attempt was made in Johannesburg in the 1920s to enforce regulations which required women entering towns in search of work to stay in labour depots until employed, and which provided or their expulsion from the urban area if they failed to find work.[234] An important recent study of state policy in the apartheid era[235] has pointed to the importance of differentiating between the *intention* of legislation, and its unintended consequences; perhaps even more importance is prior verification that the policy in question was, in fact, implemented.

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234 Union Government, *Government Gazette*, 9.9.1924, Government Notice 1547, *Regulations framed under Section 23 (1) of the Natives (Urban Areas) Act ...'*, Regulation 2(1).

235 D. Posel, 'Influx Control and the Construction of Apartheid, 1948-1961', (Unpublished Ph.D. thesis, Oxford University, 1987).

Chapter Four

Black women, the family and influx control on the Rand 1930-1939

The Great Depresssion, lasting from late 1929 to the first months of 1933, and the surge in industrial development which followed it, profoundly influenced the way policy makers perceived urban African women. In a context of lay-offs, wage cuts and widespread unemployment, the station of black women in urban areas, as perceived by white officials, appears to have been more marginal than ever. To many white officials, including Graham Ballenden, the majority of black women were simply surplus to the needs of Johannesburg, and considerable effort was devoted to prosecuting or deporting 'undesirable' women. Yet, as one liberal pragmatist observed at a conference in Johannesburg in October 1938,

> We may today pass a hundred Urban Areas Acts, but not even steel fences and police guards will keep the Bantu from our cities.[1]

The clauses in the 1930 amendment to the 1923 Natives (Urban Areas) Act providing for influx controls for African women were not promulgated on the Witwatersrand. The reasons for this will be explored below in the context of developments in the mid-1930s.

As Johannesburg's African population began to expand more rapidly than ever before, municipal authorities were obliged to grapple with the social impact of rapid urbanisation within the city itself. In this chapter it is argued that the socio-political crises of the early 1930s - initially high unemployment, escalating urban setttlement and inadequate housing, in tandem with crime, disease and political uncertainty, heightened the significance of order and stability in what was regarded as the primary unit of society - the family. Indeed, the metaphors of white authority throughout this period - paternalism and trusteeship - was a profoundly familial one. Reference to women's role within this was rarely spelt out in policy formulations; it was, nonetheless, both implicit and critical to the rehabilitation of urban order.

Contemporary social doctrine assigned women responsibility for safeguarding the domestic welfare of their families - from ensuring that the diets of their husbands were adequate, to keeping their children from harm. A discernible trend in the mid-1930s was the growing

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1 U.W., Archives of the S.A.I.R.R., AD 1715, File 14.10, Notes from a speech delivered by J.D. Rheinhallt Jones at the Conference on Urban Native Juvenile Delinquency, Johannesburg, 10 - 12 October, 1938.

inscription of African women in urban areas in this convention.

Significantly, it was a formulation which hinged on their status as wives and mothers, compliant, subordinate and selflessly nurturative. It actively buttressed male authority through prescribing the parameters of permissible female conduct. Thus a tacit compact between men of all races was formalised; its effect was to promote the purposes of white administration. From this perspective pass laws and documentation were an extreme remedy, to be utilised by white officials only once more traditional sanctions had broken down.

Part 1: Johannesburg and the call for influx control

The single most important fact informing native administration on the Rand in the 1930s was the dramatic surge in the size of the black population. Johannesburg's black population soared from an estimated 150 000 in 1932 to 219 893 in the 1936 census.[2] Contrary to popular white opinion, Africans were moving to white towns not through perversity, but because of the erosion of their ability to subsist in rural areas. The scale and nature of calamity varied across region and between individuals, but the themes were often the same: drought, disease and pestilence, exclusion from credit facilities and ready markets, and deteriorating conditions of service for farm labourers.[3] However bleak the chance of formal urban employment, the towns at least promised relief through activation of kin networks and less subtle variants of resource redistribution involving crime. A feature noted by several observers was the growing tendency of male workseekers to arrive in town with their families - rather than making preliminary forays to seek work and find accommodation.[4] Indeed, it was the scale of family settlement that distinguished the mid-Thirties from any preceding period.

The significance of family settlement was the permanence it implied. Formal administrative policy, as laid down in the Natives Urban Areas Act and its 1930 amendment, was to discourage further urban settlement. In theory, industry and commerce would be powered by

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2 Johannesburg City Council, *Minute of the Mayor 1932*, 'Report of the Manager, Native Affairs Department,' p. 111; Johannesburg City Council, *Minute of the Mayor 1936*, 'Report of the Manager, Native Affairs Department,' p. 190.

3 See, for example, R. Morrell, 'Competition and Cooperation in Middelburg, 1900-1930' in W. Beinart, P. Delius and S. Trapido (eds.) *Putting a Plough to the Ground. Accumulation and Dispossession in Rural South Africa 1850 - 1930*, pp. 373-419, *passim.*

4 U.W., E.N.E.C., AD 1438, Box 10, Statement by G. Ballenden, p. 2.

an all-male residentially-segregated workforce. Settlement by women, both individually and in family units, cut directly across that policy. The presence of women increased the pressure on local authorities for housing and amenities and placed demands on men's wages that employers refused to accommodate. In consequence, the black housing crisis intensified in a sprawl of urban slums while a large number of women - married or otherwise - resorted to informal and often illegal means of subsistence. State officials consequently drew a direct causal link between crime, lawlessness and the spread of slums and the presence of unwanted women.[5]

The Johannesburg municipality was ill-equipped to deal with the scale of the influx. Its powers and resources were limited, and it was obliged to resort to ineffective ad-hoc measures to contain the consequences of demographic pressure. In broad outline, it resorted to three expedients: an appeal for a policy of local labour preference, deportation of undesirables, and an attempt to regulate further influx through linking new settlement in the city with the provision of approved accommodation.

a) Local Labour Preference

Despite widespread retrenchment and shutdowns in local enterprises, the Depression had little impact in lessening the number of new families coming to Johannesburg.[6] At the depression's nadir a record 11 000 men a week applied for work-seeking passes.[7] Occupancy statistics in municipal hostels and compounds showed an unprecedented 469-man drop by mid-1932, chiefly among laid-off and jobless migrants who returned home.[8] There was no similar decline in family settlement. For the first time, Ballenden noted, Africans from Natal were bringing their families to the Reef on a large scale, whereas before settled families

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5 C.A.D., NTS 7725 File 166/333, Director of Native Labour to Secretary for Native Affairs, 20.11.1930; see also Johannesburg City Council, *Council Minutes*, 27.4.1937, p. 1703, and Johannesburg City Council, *Council Minutes* , 22.2.1938, p. 223.

6 U.W., E.N.E.C., AD 1438, Box 10, Statement by G. Ballenden, p. 2; Johannesburg City Council, *Minute of the Mayor 1933,* 'Annual Report of the Manager, Native Affairs Department, 1933', p. 126.

7 Union Government, *Report of the Committee Appointed to Investigate the Question of Residence of Natives in Urban Areas and Certain proposed Amendments of the Natives Urban Areas Act No 21 of 1923* (1935), p. 14.

8 Johannesburg City Council, *Minute of the Mayor 1932* , 'Annual Report of the Manager, Native Affairs Department', p. 109.

had belonged primarily to the seSotho and siXhosa language groups.[9] In desperation the Native Affairs Department issued strict instructions to all local authorities and issuers of travelling passes to warn those in rural areas that there were no jobs in the towns.[10] These deterrents to urban settlement failed, and were destined always to fail as long as rural subsistence was not viable.

As wages declined - the average was a minimum drop of 20% between 1929 and 1931[11] - so too did the ability of Africans to pay the Council rent for housing in municipal townships. Unemployment,[12] rent-defaulting and the steady procession of newcomers to the city prompted Ballenden to conclude in mid-1932 that 'the depression brings home forcibly the necessity for a very serious consideration of the present system of employing native labour.'[13] In a vain bid to compensate for the absence of influx controls, he appealed to employers to act 'responsibly' by respecting a policy of local labour preference.[14] This, he hoped, would check the 'drift' of 'casuals' to the towns:

> Wherever possible, preference should always be given to our permanent native residents. It is not only not sound practice to continue to employ natives from the native reserves, when those natives who have become permanent residents and have their wives and families here, are out of employment, but it is wasteful as it simply means that sooner or later we will have to provide relief for the permanent sector.'[15]

With this in mind, Ballenden posited the development of peri-urban settlements to facilitate the growth of a stable urban working class - for whose housing the local authority would not be responsible.[16] Stabilised and settled, this population would be able to compete powerfully

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9 U.W., E.N.E.C., AD 1438, 1930-31, G. Ballenden, Johannesburg, p. 8309.

10 C.A.D., GNLB 380, File 11/11 'Annual Report of the Native Affairs Department, Johannesburg 1932', p. 5.

11 U.W., Records of the Johannesburg Joint Council, AD 1433, Cj2.1.10 'Memorandum on Unemployment by the Johannesburg Joint Council', 3.9.1931.

12 For the first time in nearly 30 years, the mines had a full complement of labour - despite accepting 20 000 fewer Mozambicans than usual. *Ibid.*

13 Johannesburg City Council, *Minute of the Mayor, 1932*, 'Annual Report of the Manager, Native Affairs Department,' p. 112.

14 *Rand Daily Mail*, 22.11.1931.

15 *Ibid.*

16 U.W., E.N.E.C., AD 1438, 1930-31, G. Ballenden, Johannesburg, pp. 8310-1.

with less-skilled migrants, and local wages would rise.[17]

Ballenden's plan lacked the crucial elements necessary for its success: a commitment from local business to opt for anything but the cheapest labour, and a willingness by the government to intefere with the flow of labour to the Rand in any way. Without this support, he was powerless. Thus his control over urban settlement was confined to expulsions from the urban area. Women, as the least welcome and most expendable sector, were his major target.

b) Deportation of Undesirables

There is little evidence to suggest that the settlement of marginalised black women who supported themselves on the proceeds of prostitution and liquor selling was, proportionately, any greater than the overall increase in total population on the Rand. Nonetheless, they were an inevitable and highly visible fraction of the overall increase, and provided a useful scapegoat for a multitude of urban evils.

The most infamous sector of urban 'undesirables' in the Thirties, loathed by officials without exception, were women from Basutoland, with those from Portuguese East Africa a poor second.[18] According to Reef officials, the former 'came with the intention of getting freedom from tribal control and making money through liquor and absolute immorality.'[19] They were said to hire rooms with some ease on arrival, and 'soon had plenty of men visitors, mostly Basotho labourers, from whom 'husbands' for local and temporary purposes were picked'.[20] Local officials credited them with being 'the greatest individual vitiating influence' in the areas

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17 Compare this with the recommendations of the *Report of the Committee Appointed to Investigate the Question of Residence of Natives in Urban Areas and Certain Proposed Amendments to the Natives Urban Areas Act No. 21 of 1923*, published three years later. See pp. 162-163 below.

18 GPS 5510-1939-250 *Report of the Native Farm Labour Committee, 1937-9*, p. 80, para 458; C.A.D., CIA 19 M249, 'Deportation of Native Women to Portuguese East Africa, 1927-42'.

19 C.A.D., NTS 7725, File 166/333, Native Commissioner, Far East Rand, to Director of Native Labour, 13.9.1939; see P. Bonner's '"Desirable or Undesirable Basotho Women?" Liquor, Prostitution and the Migration of Basotho Women to the Rand, 1920-45' *in* C. Walker (ed.) *Women and Gender in Southern Africa to 1945,* pp. 234-241, for a slightly different perspective.

20 C.A.D., NTS 7725, File 166/333, Native Commissioner, Far East Rand, to Director of Native Labour, 13.9.1939; see also C.A.D., NTS 7725 File 166/333, Director of Native Labour to Secretary for Native Affairs, 12 September 1930.

they frequented.[21] Migrant men in the cities were said to abandon their rural families to set up home with these women; apart from the contributions of the 'undesirables' to disease and crime, they were thus held responsible for 'detribalising' and contributing the 'worst element' to urban settlement.[22]

Reef authorities tried a number of expedients to constraint their settlement, with limited success. In 1931 Basutoland's Government Secretary informed the Secretary of Native Affairs that, by arrangement with the paramount chief, all native women would be prevented from leaving Basutoland except with a certificate of permission from their parents or husbands.[23] In practice, this proved impossible to enforce, not least because of the scale of the territory's border with the Union.[24] Another tack was to appeal to railways' officials to refuse to issue tickets to Basotho women destined for the Rand. The railways authorities refused, asking how they could be expected to recognise a Mosotho woman and, secondly, on what basis they were to distinguish a legitimate from an illegitimate desire to visit the Rand.[25] Thus officials relied on crude deportation - rounding up suspected illegal aliens and physically deporting them across the border. The major problem here was one of initial identification, but, as with the expulsion of Mozambican women a decade earlier, the authorities relied on the co-operation of disapproving BaSotho men.[26]

Officials experienced even more difficulty in dealing with 'undesirable' women who were Union nationals. At best, repatriation merely displaced problems of anti-social or criminal behaviour, without redressing any of them. Section 17 of the Urban Areas Act prescribed a term at a farm colony or prison farm, for habitual offenders, but no such facility existed for women

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21 GPS 5510-1939-250, *Report of the Native Farm Labour Committee, 1937-39*, p. 80, para 458.

22 C.A.D, NTS 1169, File 57/333, W. Gemmill, Manager, Gold Producers' Committee, Johannesburg, to Secretary for Native Affairs, 8.11.1938.

23 C.A.D., NTS 7725, File 166/333, Government Secretary, Basutoland, to Secretary for Native Affairs, 21.1.1931.

24 C.A.D, NTS 7725, File 166/333, Government Secretary, Basutoland, to Secretary for Native Affairs, 2.1.1931; *Ibid.*, 24.3.1931.

25 C.A.D., NTS 7725, File 166/333, T.H. Watermeyer of the South African Railways and Harbours, to the Secretary for Native Affairs, 3.10.1934.

26 C.A.D., NTS 7725, File 166/333, Native Commissioner, Far East Rand, to Director of Native Labour, 13.9.1939.

before 1937.[27] Prison sentences for liquor offences or prostitution were relatively short, and thus repatriation was the most severe penalty available for this category of offenders. Section 17 of the Act - the 'idle and undesirable' clause - stipulated that any woman convicted more than twice for possession of liquor was to be repatriated. In practice, this proved difficult to enforce; women frequently jumped bail before they could be convicted, or, if brought to court, lied about their identity or number of convictions. The police, moreover, simply lacked the resources to comb the court registers for previous convictions.[28] Alternatively, the courts could simply pronounce a woman 'idle and undesirable' and deport her. However, by definition no married woman could be declared idle and undesirable, and, in *Elizabeth v Native Commissioner, Benoni*, the Supreme Court ruled that even three convictions for liquor possession was not conclusive proof that a women was idle or undesirable.[29] Even if police or other officials did find grounds to deport a woman, their mission was not necessarily accomplished. Authorities in the woman's home area generally refused to have her back for fear of her contaminating influence;[30] alternatively, once banished, she could commute daily from some place just outside of Johannesburg to premises rented by friends, or, simpler yet, return under a new name and continue to operate as before with virtual impunity.[31]

Women who brewed liquor spanned a broad continuum from part-time prostitutes to respectable wives. Two case histories, drawn from field work conducted by Gertrude Kark in Alexandra township in the late 1930s, illustrate the pitfalls of lumping women brewers into one of two categories - one comprised of otherwise respectable women who brewed to supplement their husbands' income, and another comprised of single, divorced, deserted or marginalised women (categorised by officials as 'the queen type') who depended almost entirely on liquor

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27 C.A.D., NTS 7725, File 166/333, Native Commissioner, Witwatersrand, to Chief Native Commissioner, Witwatersrand, 6.12.1935; C.A.D., NTS 7725, File 166/333, G.A. Chiswell, Director of Prisons, to Secretary for Native Affairs, 11.6.1937.

28 *Ibid*, Director of Native Labour to Secretary for Native Affairs, 19.10.1937.

29 C.A.D., JUS 538, File 7934/29 Part 2, Commissioner of Police, to Secretary for Justice, 2.2.1934.

30 C.A.D, NTS 7725, File 166/333, Native Commissioner, Witwatersrand, to Chief Native Commissioner, Witwatersrand, 6.12.1935.

31 *Ibid*; C.A.D. NTS 7032, File 31/322/6, Evidence Before the Native Affairs Commission Enquiry into the workings of the Provisions of the Natives (Urban Areas) Act relating to the Use and Supply of Kaffir Beer, Major Horak of the S.A.P., Johannesburg, 1942, p. 87.

for their living.[32] A Mrs Siko, noted Kark, had settled in Alexandra in 1912 with her husband and had, over the following 20 years, paid for her property; as she held the freehold title, she was adamant that she did not want police crossing her threshold and thus, once widowed, supported herself and her three children through washing laundry. It was only after many years of taking in washing, when her hands were too swollen and painful to continue, that she turned to brewing.[33] Another case was that of the Nxenye's. Archibald Nxenye, a former mine clerk, used his savings to purchase a trolley and horse and set up his own cartage business. When his horse died, he was too old and weak to find employment; his wife then took over the role of breadwinner and turned to liquor brewing to support the family.[34] Had either Mrs Siko or Mrs Nxenye been convicted more than twice for their troubles, they could have been summarily deported to their place of origin. Technically, as brewers, they contributed to the culture of crime and defiance of the law, and enabled their families to maintain their foothold in the towns without ministering to the needs of whites.

c) Housing

Subsequent to the passage of the 1930 Amendment to the Urban Areas Act, proclamation of the whole of Johannesburg was seen as being the key to influx control. No African would be allowed to live in a proclaimed area without special permission and new settlement would be permitted only in those areas controlled and sanctioned by the municipality. By controlling the scale of settlement, it would be possible to limit the liability of the local authority for housing. Securing proclamation of the city as a whole was the difficult part, and prompted intervention by the government Native Affairs Department.

In Johannesburg, all matters concerning native affairs or 'native' legislation were referred to Major H. S. Cooke, Chief Native Comissioner for the Witwatersrand, for his sanction. Cooke, in turn relayed pertinent information directly to the Secretary for Native Affairs. Thus when Ballenden and the Council's Native Affairs Committee[35] proposed that the entire city be

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[32] See, for example, A.L. Epstein, *Urbanisation and Kinship: The Domestic Domain on the Copperbelt of Zambia 1950-56* (London, 1981), p. 62.

[33] U.W., Archives of the S.A.I.R.R., AD 843, B 39.1, G. Kark's 'Field Notes', n.d.

[34] *Ibid.*

[35] Established in June 1928 as a subcommittee of the City Council charged with formulating policy and overseeing the Native Affairs Department. Johannesburg City Council, *Minute of the Mayor, 1928*, 'Report of the Manager, Native Affairs Department', p. 85.

proclaimed *prior* to providing alternative housing, Cooke intervened, predicting chaos.

Cooke maintained that it would be impossible to maintain the desired level of order in Johannesburg once it had been proclaimed *unless* the population had first been screened adequately and alternative accommodation provided to approved residents. He therefore targetted black women as the soft underbelly of urban black settlement: curb the settlement of single women in the towns and one could limit the number of people claiming municipal housing, as opposed to accommodation in municipal hostels which was more amenable to strict regulation. The elaborate certification procedure outlined in the Act, described in the previous chapter, was one tack; another was to ban 'concubinage' and restrict housing to couples who could prove they were married. The onus would be on women to provide proof.[36] Complimenting these proposals would be tighter controls on peri-urban settlement to deny women access to the city without permission. This, he hoped, would put an end to the practice of black women (here he singled out women from Basutoland) setting up home with male squatters on sites rented to them by 'unscrupulous' white farmers.[37]

As for housing, Cooke believed the municipality should eliminate its backlog by providing low cost accommodation for the estimated 50 000 Africans who needed it, and then prohibit new settlement. He recommended that the Council erect housing on a vast scale as the only means of controlling further influx; encourage Africans to build their own houses wherever possible, if necessary with loans from the Council; build 500 or so cheap houses as a temporary clearing station for Africans building their own housing, or for those waiting for more permanent accommodation; condemn as few buildings as possible under the Public Health bylaws outside proclaimed areas, so as not to add to the demand for municipal housing unnecessarily; segregate selected areas as rapidly as possible to gain experience in large-scale evictions and discover pitfalls in the existing legislation; and improve control over existing locations to prevent 'undesirables' settling there.[38] Neither the provision of adequate

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[36] C.A.D, GNLB 403, File 56/11 Part 2, Major H.S. Cooke, 'Natives (Urban Areas) Act 1923: Suggestions in Regard to the Future Policy of the City Council of Johannesburg', 31.10.1930. Although there is evidence that the government considered banning concubinage and making municipal housing contingent on formal marriage, only the anti-squatting measures were incorporated into 1930s urban areas legislation.

[37] *Ibid.*

[38] *Ibid.*

hygienic accommodation for the city's African population, nor regulated, segregated housing were ends in themselves. The sole rationale and underlying principle was proclamation of the entire city under the 1923 Act, the prerequisite for the Governor-General's permission to ban further black settlement in Johannesburg.

Cooke's plan was contingent on an intensive four-year building programme to clear the housing backlog. What it did not accommodate was a further population increase. Ballenden, supported by the Native Affairs Committee, endorsed Cooke's plan with enthusiasm, but added a crucial rider: the whole of Johannesburg should be proclaimed and influx control instituted *before* the housing programme got underway. Without this, argued Ballenden and the committee, there would be no end to the building programme. Accordingly they formulated an elaborate licensing strategy which involved technical compliance with the Urban Areas Act through exempting landlords on a large scale from its provisions. Ballenden argued that the entire city should be proclaimed as soon as possible; clearance would get underway as and when new housing became available. In the interim, all persons renting accommodation to Africans in proclaimed areas would be issued with licenses permitting them to do so, provided they met certain minimum standards of health and good order. In this way the Council could control conditions of black housing in town at minimal cost to itself or ratepayers, peg the size of the black population without first providing adequate accommodation and improve housing and amenities for blacks in the city without those very facilities serving (as it predicted) as an attraction to newcomers from other areas. Indeed, there was even a suggestion that the plan might remove some of the urgency of providing alternative accommodation.[39]

The central N.A.D., however, refused to countenance Ballenden's scheme. Pointing out that it would be impossible to monitor the landlords it licensed on such a vast scale, it predicted chaos.[40] In its place the Council was left with a poor compromise - piecemeal proclamation, now bolstered by limited licensing powers. While it was not permitted to proclaim the entire city, it could license landlords in specific proclaimed suburbs provided some new housing was available. This meant it was no longer obliged to proclaim sections of the city in strict

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[39] C.A.D, GNLB 403, File 56/11 Part 2, Johannesburg Municipal Native Affairs Committee, 'Minutes of a Special Meeting of the Above Committee held on Thursday, 20th November 1930', p. 15.

[40] *Ibid.*

proportion to the amount of housing ready and waiting in the municipal townships.[41] It was on this basis that the Council resumed its attempts at segregating the city.

The key site for new municipal housing was at Orlando, a new township adjacent to Klipspruit, south-east of the city. Funds had been set aside for the new development in 1930 and thus the project was barely affected by the Great Depression. Indeed, the Council exploited the high rate of white unemployment to great advantage by hiring the pick of the laid-off artisans and obliging them to work at great speed.[42] Spurred by the prospect of long-term relief from further liability for housing by addressing the short-term need, the municipality built 5 891 houses in Orlando, accommodating an estimated 35 200 people, by mid-1938.[43]

Despite the vigour of its housing programme, the Council's resettlement scheme met with limited success. Less than one in eight people evicted from proclaimed areas actually moved to the housing provided for them at the new 'model township'.[44] In large part this was due to the distance of Orlando from Johannesburg - 18 kms from the city centre. Public transport was slow and, at two shillings and sixpence a week, relatively expensive.[45] The railways administration stubbornly refused to improve the service until the number of residents in Orlando warranted it.[46] Amenities in the township were poor; as late as 1933 there was no school, while the closest alternative - Klipspruit Government School - was severely overcrowded.[47] For women, in particular, commuting from Orlando drew on time and income in a world that could spare neither. The alternative was isolation - from friends, from employers, and from the suburbs and the mines for those selling liquor and other wares to migrant men.

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41 *Ibid.*

42 W.J.P. Carr, interviewed by K.A. Eales, Johannesburg, 9.1.1989.

43 Johannesburg City Council, *Minute of the Mayor, 1938*, 'Report of the Manager, Native Affairs Department,' p. 249.

44 Johannesburg City Council, *Minute of the Mayor, 1937*, 'Report of the Manager, Native Affairs Department,' p. 244.

45 E. Hellman, *Rooiyard. A Sociological Survey of an Urban Native Slum Yard*, p. 18.

46 Johannesburg City Council, *Minute of the Mayor, 1933*, 'Report of the Manager, Native Affairs Department,' p. 126.

47 U.W., Records of the Joint Council Movement, AD 1433 Cj 2.1.13, Correspondence Files, (unsigned) Joint Council correspondent to the Administrator of the Transvaal, 13.11.1933.

The municipal N.A.D. anticipated roughly a third of Johannesburg's African population leaving town once life in the slums was no longer viable, thereby ridding the city of its liquor traders and all the other embarrassments to its plans.[48] To a small extent this expectation was met. When the notorious Rooiyard was cleared, more than a third of its former tenants returned to former rural homes.[49] But this number was more than matched by those who moved to other yards and townships, picked up the threads of their lives and continued to trade there.

The case of Denver, for example, illustrated the capacity of former residents to cling to their livelihoods in the face of municipal action. The site of timber mills and several light industries, located in the morning shadow of the Nourse gold mines, Denver became a popular settlement area for people evicted from the city centre from the mid-twenties; local landlords did well rack-renting old stables and shanties.[50] In early 1932 it was proclaimed and 400 families served with notices of eviction; after protracted litigation, most families were removed. Yet despite these large-scale removals and continuous monitoring of erstwhile landlords, there was little evidence of a decline in the vigorous local liquor trade. Police surveillance and night-time raids revealed a new adaptation. Tenancy in Moddergat, a complex of yards in Denver set aside by the municipality for 'coloured' men married to African women,[51] was booming, much of it the result of nominal marriages of convenience carried out in the interests of continued trade. Shrewder yet was the new class of commuting brewers who took the early morning George Goch trains to Denver. Denied access to a permanent base in the township by landlords under pressure from the police, they left home daily in Prospect and Eastern Native Township to avoid arrest for sleeping over in the proclaimed zone. Some brought their beer in with them while others brewed on site. They sold to mine workers on their way into town or former residents come to visit their old haunts, before catching the night train home.[52]

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[48] C.A.D., GNLB 403 File 56/11, Pt 2, Native Affairs Committee Meeting, 'Minutes of a Special Meeting of the Above Committee held on Thursday, 20th November 1930,' p.11.

[49] E. Hellman, *Rooiyard. A Sociological Survey of an Urban Native Slum Yard*, pp. 19-20.

[50] *Rand Daily Mail*, 30.6.1926.

[51] T.I.A., WRAB 71/2/69, Inspector J.A. Campbell, 'Report on the Present Position in Denver', 3.2.1933. After 1924 no new 'coloured' settlement was permitted in 'native' areas in Johannesburg. *Rand Daily Mail*, 30.6.1926.

[52] T.I.A., WRAB 71/2/69, Inspector J.A. Campbell, 'Report on the Present Position at Denver', 3.2.1933. Inspector F. Paterson, 'Report of a Special Investigation at Denver', 6.2.1933; T.I.A., WRAB 71/2/69, Natives Affairs Committee, Minutes of a Meeting, 1.2.1933; T.I.A., WRAB

By June 1932, 93 out of Johannesburg's 133 townships were proclaimed; most were far from segregated.[53] The success of its slum clearance programme was set back severely by a continual re-influx of Africans into cleared areas, encouraged by both poor whites who let out rooms, and blacks who sublet further.[54] More disturbing yet was the bigger question of new African settlement in town.

In mid-1933 a deputation from the City Council met with the Minister of Native Affairs and presented an elaborate memorandum on the fate of its housing programme.[55] What it required now was the Minister's permission to proclaim Sophiatown, Martindale and Newclare under the Act; once this was achieved, proclamation of the entire city would have been achieved, and influx control would be within reach. As long as those three freehold townships remained untrammeled by licensing arrangements to regulate new arrivals, they would thwart all other plans to limit new settlement and serve as a back door into city settlement. For once the Department was sympathetic, and provided its conditional assent.[56] It proved to be a another Pyrrhic victory. Influx control was not part of the agreement, nor was there any prospect of a policy change in the foreseeable future. Indeed, it seems unlikely that the government had had Johannesburg in mind at all when it drafted the influx control provisions of the 1930 Amendment. By 1935, only 12 municipalities countrywide had been permitted to exploit this provision; of these, the two largest were Bloemfontein and Kroonstad, both distinguished by 'excessive influx' but negligible industrial growth.[57] Johannesburg, in

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71/2/69, Natives Affairs Committee, Minutes of a Meeting, 8.2.1933.

53 Johannesburg City Council, *Minute of the Mayor, 1932,* 'Annual Report of the Native Affairs Department' p. 108.

54 *Ibid.*; W.J.P. Carr, interviewed by K.A. Eales, Johannesburg, 12.1.1989.

55 C.A.D., GNLB 403, File 56/11, Part 2, 'Memorandum to be presented to the Honourable the Minister of Native Affairs by a deputation of the City Council of Johannesburg in regard to the Proclamation of the Whole of Johannesburg under Section 5 of the Natives (Urban Areas) Act', n.d.

56 Johannesburg City Council, *Council Minutes,* 16.6.1933, p. 495.

57 Union Government, *Report of the Committee Appointed to Investigate the Question of Residence of Natives in Urban Areas and Certain Proposed Amendments to the Natives Urban Areas Act No. 21 of 1923* , p. 23. Housing policy in these Free State towns differed from that on the Reef, and was characterised by 'the Bloemfontein system' whereby the municipality loaned prospective tenants the money with which to erect their own housing. Thus the emphasis here was more on curbing unemployment and 'undesirable' settlement than on limiting municipal liability for housing. UG 22-'32, *Report of the Native Economic Affairs Commission 1930-32,* p. 63, paras. 42-421.

contrast, was already experiencing the start of a major surge in industrial development, spurred by dramatic economic recovery, that would double the size of its black workforce in four years.[58]

Without checks on new African settlement, the Council's rehousing schemes proceeded fitfully through the mid-Thirties, premised on the growth of legalised, licensed slums. Street by street as the clearance advanced, ejected tenants moved to as-yet unproclaimed zones or townships beyond the sweep of those laws. Prospect and Alexandra Township swelled; likewise, the freehold settlements of the Western Areas, despite the formality of municipal licensing.[59] In the municipal townships, officials waged a losing battle against backyard shanties erected by the homeless.[60] In mid-1935 Ballenden estimated that there were 89 000 Africans living as families in the city - of whom 42 000 were provided for in municipal locations, 24 000 in Sophiatown, Newclare and Martindale, 13 000 in Prospect Township and Malay Location, and the remainder in smaller settlements in and around the city centre. Of this number, he estimated, 46 000 were under 21; the majority, he grimly concluded, would marry and bear children in the city.[61]

Conditions in Prospect Township were by no means atypical: a complex of 64 yards, every one of its 1 800 rooms was licensed by the municipality at a fee of a shilling a month. Several rooms housed three or four families.[62] Noting this, Johannesburg's Native Commissioner concluded that

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58 Between 1933 and 1939, the gross value of manufacturing rose 140% and the production of capital goods was becoming established as the largest sector. In the Southern Transvaal (no separate figures are available for industry in Johannesburg), the African industrial labour force grew from 36 153 to 80 722 between 1932-6. See B. Hirson, 'The Re-Organisation of African Trade Unions in Johannesburg, 1936-42', Collected Seminar Papers, *The Societies of Southern Africa, Vol. 7* (London, 1976), p. 183.

59 C.A.D., GNLB 405 File 59/93, Native Commissioner, Johannesburg, to Chief Native Commissioner, Witwatersrand, 8.11.1935; U.W., Archives of the S.A.I.R.R., AD 843, B 31.2, J.D. Rheinhallt Jones, 'Notes for a speech,' n.d. (c. 1935).

60 In the year to June 1935, 757 illegal structures were demolished in the council's four municipal townships. Johannesburg City Council, *Minute of the Mayor, 1935*, 'Report of the Manager, Native Affairs Department', p. 150.

61 *Ibid.*, p. 149.

62 C.A.D, GNLB 405, File 59/93, Native Commissioner, Johannesburg, to Chief Native Commissioner, Witwatersrand, 8.11.1935.

> All kinds and classes of Natives, good, bad and indifferent, are living so intimately together and under such unhealthy conditions, that the example of the bad contaminates the rest. ... The environment itself merely serves to sap their moral courage to resist breaking the law.[63]

Nor could the Council claim ignorance of this 'squalor and filth and sordidness'. Indeed, a municipal enquiry in mid-1934 revealed the full extent of municipal complicity. Aside from a network of bribery by landlords which extended into the Native Affairs Council itself, Public Health Department officials admitted that they were reluctant to compel landlords to provide adequate sanitation and water, lest conditions improve sufficiently to thwart subsequent attempts to declare the property a slum.[64] The consequences of this policy of willful neglect were spelled out by a city councillor after a tour of the area; Johannesburg's freehold areas, and settlements like Prospect, had degenerated, he declared, into 'horrible holes of death, horrible holes of incubation of plague.'[65]

The Johannesburg City Council had made its point. Without major wage increases, the vast majority of the city's African population could not afford anything but sub-economic housing. Without massive infusions of government money and a means of regulating new black settlement - particularly settlement by black women - the municipality refused to provide cheap housing on the scale required. Instead, it had allowed large sections of the city to develop into a mire of overcrowded slums. In 1935, against this backdrop of disease, overcrowding and gross mismanagement of black urban settlement, the government appointed a commission of enquiry to investigate the practicalities of influx control.

Part II: Approaches to 'the native question'

Two dominant models informed approaches to native policy in urban areas in the 1930s. Both supported the limitation of black urban settlement; at issue was the best means to achieve this, and what degree of permanent settlement to permit.

The first was articulated most clearly in the *Report of the Native Economic Commission*, released in 1932. Organising the report around the question of how best to lead 'the native

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[63] *Ibid.*

[64] Johannesburg Municipal Reference Library, Union Government, 'Report of the Commission of Enquiry into the City of Johannesburg Public Health and Native Affairs Committees' (1935), p. 17.

[65] Quoted by Major F.J. Roberts in *House of Assembly Debates*, 3.5.1935, col 6385.

population' 'onward step by step in an orderly march to civilisation',[66] its Chairman, John E. Holloway,[67] mapped out a new way forward; adopting the watchword of the chief government ethnologist, G. P. Lestrade, Holloway lauded 'adaptation'[68] - whereby the state would forge a 'Bantu future' for 'the native races' through 'joining what was good, or merely neutral, in the Bantu past with what was good in European culture.'[69]

The ambit of the government-appointed commission's enquiry was vast, and called for nothing less than an assessment of the effects of current native affairs policy and a model for future development. The subsequent report, authored primarily by Holloway, was probably the most sophisticated exposition of a set of principles underlying native administration yet presented to the government.

The report shied away from the crudities of Stallardism; in their place the Native Economic Commission placed the blame for the 'grave ills of urban housing, administration and native morality,'[70] on casual 'rural' labourers working in the towns. These labourers, who retained a base in rural areas, undercut 'urbanised' workers who were entirely dependent on their wages for their living. This explained, in part, the low level of urban black wages, and the poverty of most urban African families. These low wages were also an inducement to employers to substitute black labourers for white wherever possible. This engendered competition with 'a section of the Europeans who are already struggling hard to maintain their own standards'[71] and gave rise to 'serious misgivings as to the future of the white race in

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66 UG 22-'32, *Report of the Native Economic Commission 1930-32* , p. 3, paragraph 14.

67 John Holloway was Director of Census and Statistics. Ashforth writes:
'[T]he Commission contained members of both major political parties. A majority of members spoke Afrikaans as their first language, four were farmers, two were members of the Native Affairs Commission, one was Chairman of the Wages Board, and, according to Edgar Brookes, "only two could be described as being in any sense expert economists."'
A. Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa*, p. 74.

68 For a discussion of the notion of 'adaption', see S. Dubow, 'Race, Civilisation and Culture: the Elaboration of Segregationist Discourse in the Inter-war Years', *in* S. Marks and S. Trapido (eds.), *The Politics of Race, Class and Nationalism* , pp. 71-94.

69 UG 22-'32, *Report of the Native Economic Affairs Commission 1930-32* , p. 31, para. 200.

70 *Ibid.* , p. 13 para. 84.

71 *Ibid.* , p. 15 para. 94.

this country.'[72] Indeed, as a prominent white liberal, William Ballinger, had already noted, more chilling yet than the sight of poor whites drifting destitute to the towns was the spectre of poor blacks.[73] Faced with these problems, Stallard had proposed strict influx controls and a stringent pass system; Holloway, on the other hand, rejected this option and directed attention to the rural areas.[74] 'Rural natives' did not venture to the towns by choice, he argued, but by force of economic circumstance. Were rural subsistence to be made more viable through further grants of land and improved agriculture, fewer Africans would look to the cities for survival. As the urban labour reserve declined, wages would rise and a more stable, skilled - and less volatile - black urban workforce would emerge. This in turn would deter the bulk of casual unskilled labourers from even seeking work in town. Accordingly, state policy, he argued, should 'be directed to the object of giving more permanence, more stability, to the various classes of labour, and reducing in so far as possible its casual nature.'[75]

The Holloway Commission thus made two points very clearly: calls for influx control did not address the underlying causes of large-scale urban settlement, and hence relief of the ills of the towns should be sought in the rehabilitation of the reserves. Significantly, Holloway recognised the permanence of a sector of the urban black population - and acknowledged its political and economic benefits. Yet, while the logic of his argument recognised the possibility of *de facto* economic empowerment, political enfranchisement was not at issue. The urban population he saw as a small, marginal minority;[76] the overwhelming majority were, in his

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72 *Ibid.*, p. 14, para. 91.

73 Quoted in S. Dubow, 'Race, Civilisation and Culture: the Elaboration of Segregationist Discourse in the Inter-war Years' *in* S. Marks and S. Trapido, *The Politics of Race, Class and Nationalism*, p. 75.

74 UG 22-'32, *Report of the Native Economic Affairs Commission 1930-32* , p.15, para. 96.

75 *Ibid.*, p. 80 para. 557. In itself, this idea was not new - see UG 14-'26, *The Report of the Economic and Wage Commission* , (1925), paras. 127-32, and An. 89-'31, *The Report of the Interdepartmental Committee on the Labour Resources of the Union, 1930*, paras 64-70.

76 Holloway emphasized in his report that Native policy was 'not primarily a problem of a small vocal, dissatisfied, semi-civilised group of urbanized Natives; it is primarily a problem of millions of uneducated tribal Natives, held in the grip of superstition and of an anti-progressive social system.' UG 22-'32, *Report of the Native Economic Affairs Commission, 1930-32* , p. 3 para 16.

opinion, simple, somewhat backward, rural people.[77]

Opposing this model of market forces and rural rehabilitation regulating influx were the Stallardists, who called for formal controls to keep the scale of urban black settlement in check. Its most vocal proponent in the 1930s was George Heaton Nicholls - South African Party M.P. for Zululand, and the dominant member of the Native Affairs Commission in the Thirties - who mobilised eugenic principles to embellish Stallard's hoary maxim. Nicholls' basic premises were akin to Stallard's: the towns were white, and Africans had their 'own areas' in the reserves. Yet Nicholls recognised that total segregation was impossible.[78] Europeans depended on native labour, and natives, he believed, depended on Europeans to raise them from their primitive state. However, while urbanised, 'so-called detribalised' Africans were indeed living permanently in 'European towns', Nicholls maintained stoutly that 'the soul is the soul of the native; the clothing is that of the white man'.[79] For their own good, Africans should be deterred from settling in European areas and provision of amenities there should be kept to a minimum lest they attract yet further settlement.[80] The key, then, was to institute active measures to regulate the size of the urban population until such time as the reserves were sufficiently developed to hold and sustain their inhabitants - in other words, influx controls.[81]

The rhetoric of Nicholls' segregationism was couched in the language of racial stocks and genes. He believed fervently that racial assimilation was both morally and physiologically reprehensible; indeed, a common voters roll was a danger 'to civilisation'. The primary divide in South Africa, he argued, was and should remain along lines of race rather than class. Thus he harnessed the superficialities of biological difference to legitimate the political subordination of Africans. South Africa, he declared, had to face:

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77 *Ibid.*, especially pp. 3-10.

78 It seems that the only true segregationist in this period who was prepared to follow through the logic of his arguments was Walter Madeley, prominent leader of the whites-only Labour Party.

79 G. Heaton Nicholls, *The Problem of the Native in South Africa* (Johannesburg, 1935), p. 5. This racial difference legitimated and explained the need for stern adminiministrative regulation.

80 *Ibid.*

81 See UG 48-'37, *The Annual Report of the Native Affairs Commission, 1936*, pp. 5-14, which was almost certainly written by Heaton Nicholls. This report is noteworthy primarily for the gloss of coherence it paints over many years of confused and contradictory policies.

> ... the biological fact that the natives of Africa do not form a separate and lower class of the population of the Union, but a distinct race, differing psychologically from the Europeans, having a different glandular system, with different instincts and racial complexes, but which are not necessarily inferior to Europeans, but demonstrably different. Moreover, there is every reason why these differences should be maintained, not only because they are the racial heritage of the natives, in which is enshrined the ethos of the people, but because in their destruction lie the seeds of bitter conflict between the races.[82]

Thus, only through a combination of strict influx controls to keep the vast majority of Africans out of the urban areas, and benevolent administration of Africans in 'their own areas' in accord with the principles of trusteeship, did Nicholls perceive an alternative to genetic and political disaster.[83] Indeed, influx control was more vital to the future of South African than issues of land or political representation. 'The towns,' he told parliament in 1937, 'constitute the front trenches of our position in South Africa. It is in the towns that siege is being made against our civilised standards.'[84]

Attempting to straddle both models in the realm of practical politics was a Joint Select Committee of the two Houses of parliament, appointed in 1931 to investigate the Native Bills. It was in this committee that Stallard first enunciated the principle of 'limiting the number of natives in urban areas and making provision for restricting the entry into, and for the withdrawal of natives in, urban areas.' His proposal was contentious, and was referred to a second Joint Select Committee, mandated to further investigate conditions in urban areas. This committee duly prepared a Bill 'to further amend the law relating to natives in urban areas'. Before presenting this Bill to parliament, however, the Committee called for a further investigation of material conditions in the urban areas. At the time there was no formal Minister of Native Affairs and the Acting Minister of Native Affairs, Richard Stuttaford, knew little of the discussions within the Joint Select Committee.[85] This explains the irony of the state appointing a fact-finding commission to devise the most effective means of implementing influx control, yet appointing as its chairman John Mould Young, representative of the old

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82 G. Heaton Nicholls, *The Problem of the Native in South Africa* , p. 5.

83 See G. Heaton Nicholls, *The Native Bills: Being an Address before the Bantu Studies Group of the University of the Witwatersrand, September 1935,* (Durban, 1935), pp. 4-9.

84 G. Heaton Nicholls, *House of Assembly Debates*, 4 May 1937, col. 6100.

85 R.M. Christopher, *House of Assembly Debates*, 4 May 1937, col. 6076-77; G. Heaton Nicholls, *House of Assembly Debates*, 4 May 1937, col. 6179-80.

school of Native Affairs officials - the judicious, benevolent 'umpire of the races'.[86]

Young's mandate required him to 'report on the residence of Natives in urban areas regarding legislation' to limit their influx into town, control their entry and to remove those deemed superfluous to its needs.[87] From the start, Young's committee[88] distanced itself from the policies underlying the Commission's frames of reference,[89] and in his report delivered a strident critique of the premises of Stallardism which he branded as unfair and immoral.[90] Yet, despite its humanitarian tone, Young's report contained the harshest proposals to contain urban settlement yet mooted by a government commission.

Embracing Holloway's conclusions with animation, Young argued that 'the right way to check the townward drift is to improve the amenities of the country.' He denied that there was any 'phenomenal inrush' to the towns, or a major labour surplus.[91] Yet, despite his principled objection to the notion of influx control, he acknowledged 'the economic desirability of a reasonable relation between the dimensions of a native location and the requirements of the town.' 'Without this regulation, wages will fall and unemployment rise.' Again endorsing Holloway, he saw salvation in stabilising a small urban workforce. The abundance of migrant labour undermined the wage structure of permanent urban residents and, as a result, municipalities were obliged to subsidize, through sub-economic housing schemes, the cost of urban wages. Thus 'the most cogent reason' for limiting the size of the urban population was the fact that the local authority was obliged to accommodate Africans at sub-economic rents,

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86 Young was a former President of the Native Appeal Court for the Cape and Orange Free State, then Chief Native Commissioner of Natal and subsequently Chief Magistrate of the Transkei Territories.

87 Union Government, *Report of the Committee appointed to Investigate the Question of Residence of Natives in Urban Areas and Certain Proposed Amendments to the Natives Urban Areas Act No. 21 of 1923* , p. 2.

88 Assisting Young were A.L. Barrett, Chief Native Commissioner of the Cape and former Director of Native Labour on the Witwatersrand, and Fred Rodseth, newly appointed to the new post of Inspector of Urban Locations in the government Native Affairs Department.

89 G. Heaton Nicholls in *House of Assembly Debates*, 4 May 1937, cols. 6179-80.

90 Union Government, *Report of the Committee Appointed to Investigate the Question of Residence of Natives in Urban Areas and Certain Proposed Amendments to the Natives Urban Areas Act No. 21 of 1923* , p. 10 para. 20.

91 *Ibid.*, p. 15, para. 28.

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90 Union Government, *Report of the Committee Appointed to Investigate the Question of Residence of Natives in Urban Areas and Certain Proposed Amendments to the Natives Urban Areas Act No. 21 of 1923* , p. 10 para. 20.

91 *Ibid.*, p. 15, para. 28.

because of the inadequacy of wages.[92] More discretely he pointed to the political implications of a large black urban population: a major labour surplus, coupled with low wages, presented a situation 'ripe for agitation which, if marshalled, would make the Witwatersrand the storm centre'.[93]

To lessen the sprawl of city slums - which he abhorred on both moral and political grounds - Young made two proposals. First, employers should pay a levy for their workers' accommodation to lessen the subsidy paid by white ratepayers for black housing. Secondly, major black peri-urban settlements should be developed within commuting distance of white towns where families would be allocated plots of not less than a morgen each. Breadwinners could commute to jobs in town on a weekly basis (thus lessening the damage of migrancy on family life) while their families could grow food to feed themselves and live away from the contaminating influences of urban life.[94] It was a neat strategy; it provided for a pool of urban labour, yet with none of the political rights of acknowledged urban permanence.

The means to reach this new order lay in influx controls. Any local authority should be permitted to institute a *temporary* ban on further influx through an elaborate regime of passes and permits - should local conditions warrant this. All men entering the proclaimed area were to register within a prescribed time, obtain a document certifying they had been granted permission to be in the proclaimed area, and produce this document on demand. If, on the basis of statistics revealed by a new bi-ennial census the local authority could claim a surplus of labour, permission to enter could be refused and a document issued to that effect. Permission could also be withheld from pass-law offenders and minors, while ex-prisoners or those unable to find employment could have their permission revoked.[95] Similar measures existed for women, who would be required to produce this enabling certificate on demand. In line with his concern for the damage wrought on family life by migrant labour, Young stipulated that no woman could be refused entry into town - accommodation permitting - provided she could prove that her husband, or if she was unmarried, her father, had lived and

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[92] *Ibid.*

[93] *Ibid.*, p. 19 para. 38.

[94] *Ibid.*, p. 25.

[95] *Ibid.*, Appendix, pp. 14-15.

worked in the area for at least two years.[96] 'Undesirables', male and female, were to be dealt with through consignment to a labour colony or deportation, and women, in particular, could be placed under the jurisdiction of the chief in her place of origin. According to Young this category of women was a menace to the community: 'they are not necessary to minister to the needs of any section of the community and should be removed.'[97]

With two crucial exceptions, Young's proposals formed the core of what became the 1937 Native Laws Amendment Act.[98] The Act removed all reference to peri-urban settlements, and provided for the expulsion of those deemed surplus.[99] In other words, Africans who had been living in town for some time could, in terms of the Act, be repatriated or consigned to a designated area solely on the grounds of being unemployed.

The final form of the Bill was primarily the creation of George Heaton Nicholls and Charles Stallard, and was propelled rapidly through a parliament already exhausted by a lengthy session. It was presented primarily as a welfare measure that would ease the lot of the native; indeed, Heaton Nicholls had earlier described it as the 'greatest New Deal which has ever fallen to the lot of any nation'[100]; and as the Minister of Native Affairs, P.G.W. Grobler explained,

> this drift to the towns has not only thrown the labour market into a state of chaos, but it is one of the things that is undermining the morality and family life of the natives.'[101]

The new Bill would eject the surplus holding down urban wages, secure the livelihood of those

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96 *Ibid.*, p. 15.

97 *Ibid.*, para 61.

98 The report itself was effectively suppressed, as P.G.W. Grobler, Minister of Native Affairs, refused to table it in parliament. See J.S. Marwick, *House of Assembly Debates*, 4 May 1937, col. 6086, and M. Alexander, 4 May 1937, col. 6114.

99 The Native Laws Amendment Act, No. 46 of 1937, sections 5, 16 and 17.

100 See G. Heaton Nicholls, *The Native Bills: Being an Address before the Bantu Studies Group of the University of the Witwatersrand, September 1935,* p. 21.

101 P.G.W. Grobler, in *House of Assembly Debates*, 5.4.1937, col. 4219.; 'Lack of control in urban areas has led to the ruin of the natives morally', declared another member, W.H. Rood. *House of Assembly Debates* , 4.5.1937, col. 6074.

already there and protect rural innocents who were not, after all, suited to urban life anyway.[102] To curb the manifest ills of the illicit liquor trade, municipalities were now obliged to choose between limited but legal domestic brewing - which, most recognised, would be virtually impossible to monitor - and municipal beer canteens. All proceeds from the sale of liquor would be paid into a Native Revenue Account, administered by the local authority and used to subsidise urban welfare projects.[103]

In summary, the 1937 Native Laws Amendment Act recognised the permanence of a limited sector of the urban working class,[104] made provision for its stabilisation through limiting the size of the labour reserve, and instituted a scheme - paid for by urban Africans - to cover the costs of its reproduction. The majority of urban workers it defined as temporary and subjected to a harsh regime of pass controls and permits. For the first time, the local authority was not obliged to provide adequate or sufficient accommodation for the existing population before barring further settlement.[105]

African women were the subject of an additional regulation: not only did they require a certificate of approval from the urban local authority, but also one from the magistrate or Native Commissioner of the rural district from which they came. This presumably was intended to inhibit women leaving rural areas by making them answerable to the more conservative prescriptions found there.[106]

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[102] Minimal reference to the growing shortage of farm labour was made in the Parliamentary debate surrounding the passage of the Bill. This is surprising, first, given the political mileage the ruling United Party could have made out of a measure which sought to return the urban surplus to the farms and rural areas, and secondly, given the appointment at this time of a commission to investigate the shortage. Perhaps this suggests that the shortage was not absolute - but referred more to *ultra-cheap* farm labour. See *House of Assembly Debates* , 4 May 1937, cols 6129, 6142; GPS 5510-1939-250, *Report of the Native Farm Labour Committee, 1937-39.*

[103] Welfare was interpreted broadly here, with housing targeted as the priority.

[104] In effect, it affirmed a policy of local labour preference.

[105] For the government's perspective on the Act, see UG 56-'37, *Report of the Native Affairs Department, 1936* , 'Notes on a Conference between Municipalities and the Native Affairs Department held on 28-29 September 1937 to discuss the provisions of the Native Laws Amendment Act 46 of 1937', pp. 9-33, UG 54-'39, *Report of the Native Affairs Commission, 1937-38,* 'Copy of General Smuts' Speech at the Conference of Municipal Representatives held in Pretoria on the 28th and 29th September, 1937 to discuss the provisions of the Native Laws Amendment Act 46 of 1937', pp. 28-33.

[106] A point made by D. J. Mackenzie in 'A Social History of African Women in Durban, 1920-50', p. 47.

Yet the influx control provisions of the Act were not implemented on the Rand for some time, despite its reputation as the centre most in need of them.[107] Several factors account for this. Draft regulations were drawn up in terms of the Act, but were never finalised to the satisfaction of key officials.[108] Parallel to this was the outbreak of the Second World War and Smuts' tactical retreat on the subject of passes for natives. Even before the declaration of war, however, industrial development absorbed most 'surplus' male labour. There was thus no urgent imperative to control the influx of black men in urban areas. The same could not be said of black women; family settlement continued to accelerate, as did urban settlement by single, displaced or marginalised women who did not necessarily engage in formal wage labour.

In this chapter it has been argued that the provisions of the 1937 Act were aimed at least as much at women as at men. Yet, despite the overt 'surplus' of black women, none of the checks, pass laws, permits or certificates of permission sanctioned for women under the 1937 Act were ever utilised. As far as the newly appointed Inspector of Urban Locations, Fred Rodseth, was concerned, this constituted 'a new and distasteful policy'.[109] In 1940, the Governor General replied to the persistent requests from local authorities to implement the provisions of the Act by saying that he was not prepared to 'discriminate' between the sexes by introducing influx control for women only.[110]

Commenting on the major influx of women to the Rand in the mid- to late-1930s, the Chief Native Commissioner of the Witwatersrand underlined the need for pass controls for women:

> while their presence may and does act, in some measure, as a safety valve, there can be no question that the uncontrolled prostitution, coupled with the traffic in liquor, constitute a grave social problem and are the direct causes of considerable lawlessness. [Yet it] ... would require close study and delicate handling to avoid unpleasant repercussions, as natives of all grades of society and shades of opinion

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[107] Influx controls over the entry of men into Johannesburg were implemented only in November 1948, and then under an amended version of the 1937 Act. W.J.P. Carr, *Soweto. Its Creation, Life and Decline* (Johannesburg, 1990), p. 45.

[108] See C.A.D, JUS 802 File 1/568/23 part 3, Secretary for Native Affairs to Secretary for Justice, 21.9.1939, and see p. 193 below.

[109] C.A.D, NTS 4151, File 11/313, Quoted in Chief Native Commissioner, Witwatersrand, untitled memorandum on the committee version of the amending Natives Urban Areas Bill, August 1936.

[110] A. Procter, 'Class Struggle', *in* B. Bozzoli (comp.) *Labour, Townships and Protest* , p. 70.

would bitterly resent the application of the pass laws to their women.'[111]

The same themes of unease at the further infringement of black men's rights by white men, and official squeamishness at the idea of subjecting women to an unpleasant sanction that were explored in the previous chapter operated here. But a new dynamic, specific to the 1930s, was overtaking their pertinence. The third part of this chapter explores this.

Part III Black women and the symbolism of 'the family'

The reluctance of the state's leading Native Affairs officials and municipal officials to compel African women to carry passes was rooted, at least in part, in the growing power of the symbolism of 'the family'.[112] Various writers have pointed out that in times of social stress and change, 'the family' attains heightened significance, representing an obvious model of traditional, ordered society with its patterns of established authority and dependence.[113] In South Africa, the Thirties witnessed one of the greatest periods of flux and change in the history of white settlement. At one level, it was a period of severe economic depression, accelerated urbanisation and then rapid industrialisation; at another, it was dominated by the *Report of the Carnegie Commission of Investigation on the Poor White Question* and its conclusion that 'the problem of the poor whites' was 'the acute manifestation of influences and conditions generally prevalent in our social structure'.[114] In this context, the repeated stress of secular and church authorities on the rehabilitative value of sound family life, and particularly on the 'uplifting power' of women, had an established historical trajectory.[115] The Carnegie Report, for example, was particularly insistent on the valuable contribution white women could make to the upliftment of their families and nation:

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111 C.A.D, NTS 7725, File 166/33, Chief Native Commissioner to the Director of Native Labour, Witwatersrand, 27.6.1939.

112 References to 'the family' are not intended to imply in any way that the institution is either universal or uniform.

113 J. Weeks, *Sex, Politics and Society* , p. 58; B. Thorne and M. Yalom (eds.) *Rethinking the Family: Some Feminist Questions* (New York, 1982), contains a number of useful essays on the subject, particularly B. Thorne 'Feminist Rethinking of the Family: An Overview' pp. 1-24, and R. Rapp, 'Family and Class in Contemporary America: Notes Towards an Understanding of Ideology', pp. 168-187.

114 *Report of the Carnegie Commission of Inquiry on the Poor White Question in South Africa* (Stellenbosch, 1932) Vol V. p. vi.

115 J. Weeks, *Sex, Politics and Society*, pp. 58-9.

> The welfare and progress of poor families is influenced by the activities of the women to a degree that is not always realized. Our measures of social welfare ought therefore to be designed far more with reference to the women and their power of raising the social level of the family. A system of adult education ought to devote earnest attention to the mothers and daughters of indigent families. They should be trained not only in matters of health and nursing and the care of infants, but also in the economics of housekeeping and the upbringing of children.'[116]

'Home-training', argued the report, was of the utmost importance to the individual and to the state. Thus, the health of the family was an issue of national interest and concern. It was a responsibility assigned to women.

At one level, this faith in the family was metaphorical. A broad range of interest groups viewed the family as a representative microcosm of society and, indeed, its nucleus. Miriam Janisch, a Johannesburg welfare worker employed by the municipality from 1937 to work in the city's black townships, put it this way:

> Psychologically no less than biologically the family is the vital nucleus of society. Hence a people which has surrendered courage, perseverance and fidelity in their most intimate relations is little likely to bring those indispensable virtues to the aid of any wider community. Citizenship literally begins at home.[117]

The racial politics of the Union at the time, however, infused local notions of 'the family' with a number of subthemes which were pivotal in the prevailing rhetoric of native administration. The first was a sense of 'moral panic', focussed on the perceived rapid deterioration of urban black family stability and sexual mores. Here 'the family' highlighted both the problem and the arena of reform. The second, a theme articulated most clearly by the Native Economic Commission, assigned 'the Native family' a new significance in both rural and urban native administration. Traditional lines of obedience, authority and submission within the black family were to be consolidated and entrenched in rural areas, argued Holloway, in order to halt further 'detribalisation' and its corollary, urban settlement; in urban areas, familial stability was imperative if the urban black working mass itself was to be stabilized. The third was a direct legacy of the Carnegie Commission, which defined the 'healthy' family as that which did not burden the state. In this regard, the state responded to the rising prevalence of infant mortality, malnourishment, juvenile delinquency and destitution with interventions through its social welfare machinery - set up in the mid-1930s - which aimed to teach the poor, and specifically the female poor, how to fend for themselves. Although the Carnegie Commission

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[116] *Report of the Carnegie Commission of Inquiry on the Poor White Question in South Africa* , Vol V, p. xv.

[117] M. Janisch, *Should Bantu Marriages be Registered?* p. i.

was concerned almost exclusively with poor whites, there appears to be little doubt that its conclusions influenced welfare workers active in other communities - notably among Johannesburg's urban African population - as well.[118] Each of these three areas will now be examined in more detail.

a) Moral Panic

The rapid and disorderly growth of Johannesburg urban African working class in the mid-thirties triggered a profound bout of moral panic which, given Johannesburg's inordinately colonial character, was peculiarly compounded by factors of race and gender.[119] Thus African women who lived outside conventional family forms and supported themselves through informal sexual relationships and the sale of illicit liquor found themselves the target of a new surge of public disapproval. Through them was refracted the administrators' concern for the broader population of Johannesburg's sprawling slums.

The number of treatises, expert commissions and special reports on urban black settlement and tensions emerging in conventional forms of African family life written during the 1930s attests to widespread concern over the social evils spawned by industrial development in the country.[120] A number of factors account for this concern: the coming-of-age of the first

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[118] See below, pp. 189-90.

[119] In his seminal study of changing family forms and norms in Britain, Jeffrey Weeks draws on Stan Cohen's notion of 'moral panic':
'Societies appear to be subject, every now and then, to periods of moral panic. A condition, an episode, person or group of persons emerges to be defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops and politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved, or (more often) resorted to; the condition then disappears, submerges or deteriorates ... Sometimes the panic is passed over and forgotten, but at other times it has more serious and long term repercussions and it might produce changes in legal and social policy or even in the way in which societies perceive themselves.'
S. Cohen, *Folk Devils and Moral Panics* , quoted in J. Weeks, *Sex, Politics and Society,* p. 14
Weeks develops the notion further by arguing:
'The moral panic crystallises widespread fears and anxieties, and often deals with them not by seeking the real causes of the problems and conditions which they demonstrate, but by displacing them on to 'Folk Devils' in an identified social group - often the 'immoral' or 'degenerate'. Sexuality has a peculiar centrality in such panics ...'
J. Weeks, *Sex, Politics and Society,* p. 27.

[120] UG 22-'32, *Report of the Native Economic Affairs Commission 1930-32* ; E.J. Krige, 'Some Social and Economic Facts Revealed in Native Family Budgets' in *Race Relations* 1 (1934), pp. 94-108; South African Temperance Alliance and the South African Institute of Race Relations, *The Illicit Liquor Problem on the Witwatersrand: The Report of the Unofficial*

generation of black settlement in Johannesburg; and the emergence of a grouping of individuals concerned for 'native welfare' who cohered around the secular Joint Council Movement and church-based philanthropic movements; the lessons of the Carnegie Report and the Great Depression - and particularly its documentation of instances of relaxed racial barriers in the poorer strata of white society. Most significantly, perhaps, there was a sense across a broad spectrum of opinion that the country had taken a wrong turning in becoming dependent on cheap black labour to power its economy. Concern over mounting evidence of impoverishment, illegitimacy, 'vice', juvenile crime and the breakdown of respect for established law and order were summed up most succinctly in the comment of Ray Phillips, an American missionary active amongst Johannesburg's urban poor, that 'the heart of the native question is *the heart of the native*'.[121]

One striking illustration of this new interest in the moral welfare of the native was the extent of white public alarm over the trade in illicit liquor. A 1935 report on the issue by a high-profile independent commission of inquiry - whose representatives included the South African Temperance Alliance, church officials, a police colonel and members of the Johannesburg Joint Council - drew particular attention to the allegedly close link between liquor and licentiousness. 'Prostitution and drinking go hand in hand', it argued; '[t]he Native customer, after drinking his fill, will make advances to the women around him; nor will he fail to find a woman around him who will, for 2/6, accede to his request.'[122] Moreover, the liquor trade was the cause of 'many young girls going wrong morally.'[123] Alongside casual sex were other vices: rioting, fighting, crime, gambling and juvenile delinquency; all had consequences

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Commission appointed by the South African Temperance Alliance and the South African Institute of Race Relations , (Johannesburg, 1935); Union Government, *Report of the Committee Appointed to Investigate the Question of Residence of Natives in Urban Areas and Certain proposed Amendments of the Natives Urban Areas Act No 21 of 1923,* (1935); E. Hellman, 'Rooiyard: A Sociological Survey of an Urban Native Slum Yard', (M.A. thesis, University of the Witwatersrand), 1936; E.J.Krige, 'Changing Conditions in Marital Relations and Parental Duties among Urbanised Natives' in *Africa* 9 (1936) pp. 1-23; R. E. Phillips, *The Bantu in the City. A Study of Cultural Adjustment on the Witwatersrand* (Lovedale, 1938).

[121] R.E. Phillips *The Bantu are Coming: Phases of South Africa's Race Problem* , (London, 1930), p. 85; emphasis in original.

[122] South African Temperance Alliance and the South African Institute of Race Relations, *The Illicit Liquor Problem on the Witwatersrand: The Report of the Unofficial Commission Appointed by the South African Temperance Alliance and the South African Institute of Race Relations* , (Johannesburg, 1935), p. 17.

[123] *Ibid.*, p. 18.

for efficiency, absenteeism and the spread of venereal disease.[124]

Also symptomatic of prevailing public sentiment was the emergence around this time of a new literary genre, characterized by the moral decay of the protagonist after exposure to the vices of the city; William Plomer's *Ula Masondo*[125] and R.R.R. Dhlomo's *An African Tragedy*[126] are probably the best known of these 'Jim-comes-to-Joburg' stories. Again and again, the novellas pointed to ruin through drink, depravity and disease, and, specifically, the black temptress who woos rural innocents from the path of righteousness and light.

As far as white observers were concerned, the rising incidence of venereal disease and illegitimate births suggested only one thing: a severe breakdown in the morality of 'the native races'. Detailed investigation by urban research workers suggested that roughly 60% of all black children born in Pretoria in 1934-35 were born outside the bounds of formal wedlock, a phenomenon that varied little over distinctions of class.[127] Eileen Krige, a social anthropologist doing fieldwork in the Pretoria area, noted that unmarried Church members who fell pregnant had to go through six months of purification classes before their children would be accepted into the church; so common was the phenomenon by the mid-1930s that these classes had become 'almost a functional constituent of, or a necessary prerequisite to, the baptism of the child.'[128] Furthermore, 'practically every girl has one or more children before marriage, a state of affairs that is found even in the best homes, including those of pastors and school teachers.'[129] One veteran Johannesburg philanthropist, Ray Phillips, linked this evidence of growing 'immorality' with the dramatic increase in crime - between 1930 and

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[124] *Ibid.*, pp. 18-20.

[125] First published as 'a short novel' in William Plomer, *I Speak of Africa* (London, 1927), pp. 83-150.

[126] R.R.R. Dhlomo, *An African Tragedy* (Lovedale, 1931).

[127] E.J. Krige, 'Changing Conditions in Marital Relations and Parental Duties among Urbanised Natives', *Africa* 9 (1936), pp. 1-23, p. 4.

[128] *Ibid.*, p. 6 One contributing factor was the fact that the average age at which people married was rising, largely as a consequence of poverty and an inability to afford the wedding celebration; see D.W.T. Shropshire, *Primitive Marriage and European Law*, p. 22, and M. Wilson, 'Xhosa Marriage in Historical Perspective' *in* E.J. Krige and J.L. Comaroff (eds.), *Essays on African Marriage in Southern Africa*, (Cape Town and Johannesburg, 1981), pp. 133-147, p. 142.

[129] *Ibid.*, p. 4.

1940, he estimated an increase of 90% in conviction statistics for 'native crime', a figure which translated into more than 700 convictions per day.[130] While the majority were technical offences, juvenile offenders constituted an increasing - and 'alarming' - proportion.[131] Phillips blamed 'the lack of wholesome home life', and quoted the Johannesburg's Non-European and Native Affairs Department's annual report: 'the tendency has been observed in recent years for the family of a juvenile delinquent to consist of a mother and children.'[132]

Sexual and family decorum, considered a vital part of social stability,[133] appeared to be in jeopardy.

b) 'The family' in the service of native administration

Segregation was the accepted policy of the Native Affairs Department by the late 1920s, and was understood to mean the protection and preservation of the distinctive culture of the Native races through spatial segregation in the rural areas. In the face of the eroding sanction of chiefly authority - an essential part of this distinctive culture - the Native Affairs Department made strenuous efforts to shore up the evident cracks in the edifice of customary law and practice. Perhaps the most significant endeavour in this regard was the 1927 Native Administration Act, which accorded unprecedented national recognition to customary law. Among its features was provision for special Native Appeal Courts in which chiefs and headmen were authorised to settle disputes arising out of native law and custom. It also gave traditional authorities special powers to arbitrate in disputes involving customary marriage, and thereby bolstered the traditionalism associated with *lobola* and *boghadi*.[134]

To some officials within the Department and their advisors, passive recognition of customary

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130 U.W., Gubbins Library pamphlet collection, R.E. Phillips, *The Rising Tide of Native Crime: an Address to the Rotary Club of Johannesburg, 7 May 1940*, (Johannesburg, 1940), p. 4.

131 Johannesburg City Council, *Minute of the Mayor, 1939* , 'Report of the Manager, Non-European Housing and Native Affairs Department', pp. 249-50.

132 R.E. Phillips, *The Rising Tide of Native Crime*, p. 3; U.W., Archives of the S.A.I.R.R., AD 1715, File 14.11, Johannesburg Joint Council Movement memorandum on 'Native Juvenile Destitution and Delinquency', 1936.

133 A point made in J. Weeks, *Sex, Politics and Society* , p. 28.

134 H. Rogers, *Native Administration in the Union of South Africa* (Johannesburg, 1933), p. 222.

law was inadequate; what was required was 'adaptation' of this lore. 'Adaptation', as defined by G. P. Lestrade, a government ethnologist, was the process of 'taking out of the Bantu past what is good, and even what is merely neutral, and together with what is good of European culture for the Abantu, building up a Bantu future.'[135] Effectively the new policy called for the selective revitalisation of aspects of African traditions and authority structures deemed expedient for the preservation of good order and efficient administration by whites. It was endorsed enthusiastically by John Holloway in his *Report of the Native Economic Commission.*[136]

In Holloway's opinion, intervention was required to 'make the dead hand of tribalism relax its grip to convert tribalism into a progressive force; to set the Native mass in motion on the upward path of civilisation.'[137] This would be achieved through 'utilising existing institutions as the stock on which to graft the scion of progress.'[138] Holloway was particularly keen to adapt African family mores. Significantly, and in contrast to earlier views which saw *lobola* as a barbarous custom, Holloway now identified bridewealth payments as a positive moral agent.[139]

On the basis of extensive information about the jurisprudence of African law and society solicited by the Commission in its inquiry, Holloway concluded that 'the laws governing tribal life are mostly the laws governing family life.'[140] Thus, he argued, *lobola* and its sanctions lay at the heart of the social integrity of 'the Bantu people':[141]

> The whole social structure of the Abantu rests largely on *lobola*, since it is an integral part of their life; the social life of families is concentrated around *lobola*. Through it, inter-tribal relations are established by the marriage of Chiefs and of their sons and daughters with person of the blood from other tribes. In the same community it establishes an even closer bond, between various family groups. The tribe is a 'large

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135 Quoted in UG 22-'32, *Report of the Native Economic Commission, 1930-32,* p. 31 para. 200.

136 *Ibid.*

137 *Ibid.*, pp. 12-13, para. 82.

138 *Ibid.*, p. 31 para. 204.

139 *Ibid.*, p. 103, paragraphs 705-710; S. Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36* , p. 213.

140 UG 22-'32, *Report of the Native Economic Affairs Commission 1930-32* , p. 103 para. 704.

141 *Ibid* ., pp. 102-5, paras. 704-19.

family' consisting of an organised community of families.'[142]
Consequently *lobola* should be encouraged, welcomed and in fact registered wherever possible.[143]

Holloway's advocacy of *lobola* underpinned the twin thrusts of his report. He called for reform of the political economy, through vigorous attention to the development and rehabilitation of the rural areas and reserves; here *lobola* was the cement which gave discrete communities their coherence and militated against detribalisation. Alongside this he called for reform of the moral economy. *Lobola* had 'a far-reaching wholesome effect on the morality and character of the society, the tribe, family and of individuals'.[144] To prove his point he cited the fate of 'detribalised Natives' who no longer honoured the custom: denationalization, spiritual decline, disintegration of family ties, 'neglect of what is right and becoming in their society', and 'a forsaking of tribal moral law, leading to moral straying and collapse'.[145] The weakening sanction of *lobola* contributed, he maintained, to a widespread decline in parental authority, and this explained the flight of young people to the towns and its consequences - 'detribalization and a great deal of immorality.'[146]

The rationale beneath this drive for a new moral economy had several elements, First, one should not lose sight of the sense of responsibility many officials of the state shared for the fate of the 'childlike races' - in itself a manifestation of the pervasiveness of the idiom of the family. However patronising, arrogant or paternalistic their presumptions may have been, the earnestness with which many state officials and ideologues shouldered the white man's burden requires formal acknowledgement. A second feature related to pure expedience: diminished 'detribalisation' would retard large-scale urban settlement, safeguard the return of migrant workers to their rural kin, and provide for the care of the aged and infirm.[147] A third

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142 *Ibid.*, p. 102 para 704.

143 In this he went beyond the parameters of the 1927 Native Administration Act, which called for customary marriage to be recognised only for the purposes of succession and inheritance; registration was simply not at issue.

144 UG 22-'32, *Report of the Native Economic Affairs Commission 1930-32* , p. 103 para. 707.

145 *Ibid* ., p.105 para. 717.

146 *Ibid.*, p. 7 para. 41.

147 *Ibid.*, pp. 142-143, paras. 988-90.

weighed in somewhere between these two extremes: stable communities, respectful of law and authority, facilitated orderly administration. At issue, as Holloway pointed out so clearly, was whose law and which authority.

According to the Commission's *Report*, the key to a healthy future for all in South Africa lay in the rehabilitation of the African family. The degeneration of morals and authority structures would be checked, as would the breakdown in customs that had bound together the remnants of traditional rule. Notwithstanding the real benefits and safeguards *lobola* offered women, the attributes of the custom which commended themselves to Holloway were singularly patriarchal, and defined women's worth and value exclusively in terms of their relation to men: *lobola* 'upholds the worthiness of the woman in society',[148] '...guaranteeing wifely conduct',[149] 'holds high the rights and authority and dignity of the head of the family'[150] 'rears a wall against divorce' and 'proscribes licentiousness'.[151]

In the context of disintegrating authority systems and fracturing families, rehabilitating traditional sanctions over the deportment of African women and, indeed, rehabilitating men's authority over women, were regarded as important prerequisites - if not proxies - for the wider project of consolidating orderly native administration.

c) 'The family' as a burden on the community

Addressing parliament in mid-1935, Boksburg North's M.P., Colin Bain-Marais[152], put his finger on the nub of the perceived problem of growing black impoverishment and apparent demoralisation: 'The native population is in grave danger of degenerating into a useless community and will then become a burden on the European section.'[153] Attention has already been drawn to the fact that underlying alarm among politicians and others over the growing poor white population lay the spectre of a population of 'poor blacks'. Poor whites

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148 *Ibid.* , p. 103 para. 704.

149 *Ibid.*, p. 103 para. 705.

150 *Ibid.*, p. 103 para. 706.

151 *Ibid.* , p. 103, para. 708.

152 Bain-Marais described himself as an 'Independent' until 1939, and then joined the United Party.

153 C. Bain-Marais, in *House of Assembly Debates*, 10 April 1935, col. 4719.

had turned to the state for aid; could the state cope with the scale of imminent black need?

The Carnegie report on 'the poor white problem' outlined very clearly its view of a reasonable state response: emphasis on material assistance was inappropriate as charity demoralised the destitute individual further through undermining initiative, pride and independence. Greater attention should be paid to social education instead of elaborate relief schemes. As one of the authors of the report phrased it, 'the state has been at such pains to prepare the soil for the people that they have largely omitted to prepare the people for the soil.'[154] Education and, in particular, 'home-training' for women and their daughters, was now 'of the utmost importance to the individual and to the state.'[155] M. E. Rothman, Organising Secretary of the Dutch Reformed Church's South African Christian Women's Association, and author of a section of the Carnegie report, attributed the 'retrogression' of large sectors of the poor white population to inadequate performance of the duties and functions of mothers. Consequently she defined, in some detail, the responsibilities of mothers: efficient utilisation of the resources provided by the father, child-bearing and rearing, and home and social training of the young.[156] In this scenario, 'those homes are of the most value to the state in which both parents carry out fully their respective duties and functions, and understand and supplement those of the other.'[157] The ideal was now the development of healthy, self-sufficient families who, from generation unto generation, would not become a burden on the state.[158]

To accomplish these aims, the report called for the co-ordination of governmental relief work and social education through a single state agency.[159] In large part, this precipitated the formation of a Social Welfare Department within the Department of Labour in 1935, and then

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[154] J.R. Albertyn, 'Sociological Report; The Poor White and Society' *in Report of the Carnegie Commission of Inquiry into the Poor White Problem in South Africa*, Vol. V, p. 88.

[155] M.E. Rothman, 'The Mother and Daughter in the Poor Family', *in Report of the Carnegie Commission of Inquiry on The Poor White Problem in South Africa* , Vol V, p. 171.

[156] *Ibid.*, pp. 171-2.

[157] *Ibid.*, p. 171.

[158] *Ibid.*

[159] *Ibid.*, p. 135.

an autonomous Department of Social Welfare in 1937.[160] The consequence of this was that the state began to intervene on an increasing scale in the regulation of family life, through social workers, educators and welfare programmes. Moreover, it seems official perceptions of 'the family' were becoming increasingly monolithic and less sensitive to the cultural specificities of the communities they embraced.

By the mid-1930s, then, notions of the 'family' had acquired a discreet but definitely political undertone. Inevitably, the family form deemed most desirable by the state's policy makers was that which most closely resembled their own. Within this, women, as mothers, were assigned a prominent role.

In Johannesburg in the early 1930s, perceptions of 'the urban African family' among municipal administrators were profoundly influenced by the work of Ellen Hellman, whose Masters' thesis - a study of the effects of 'culture contact'[161] on Africans living in a Johannesburg slum, subsequently published as *Rooiyard: A Sociological Survey of an Urban Native Slum Yard*[162] - established her reputation as an anthropologist of note. However, given her training as an anthropologist - a discipline particularly concerned with kinship and 'the family' - Hellman was inclined to view women solely within the context of the family.[163] As such, women's role was seen as primarily domestic - innately, and not as a consequence of prevailing social relations.[164]

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160 D. Duncan, 'The Mills of God: State Bureaucracy and African Labour in South Africa, 1918-1948' (Unpublished Ph.D. thesis, Queens University, Canada, 1990) p. 129.

161 Space does not permit an adequate discussion of the school of anthropologists concerned with studying 'culture contact'; suffice it to note that its proponents rarely acknowledged the approach's inherent relativism. See, for example, G. Wagner, 'The Study of Culture Contact and the Determination of Policy' in *Africa* 9 (1936), pp. 317-331, and I. Schapera, 'Field Methods in the Study of Modern Culture Contacts', *Africa* 8 (1935), pp. 315-327.

162 E. Hellman, *Rooiyard: A Sociological Survey of an Urban Native Slum Yard* .

163 See D. Gaitskell's comments on this in her 'Introduction' to the special issue on women in *Journal of Southern African Studies* 10 (1983), pp. 2-16, p. 6.

164 Bronislaw Malinowski's ideas were pivotal here. In one of the very earliest texts of the new discipline of Anthropology, *The Family Among the Australian Aborigines*, published in 1913, Malinowski concluded that despite its different superficial forms, the family was a universal institution based on a universal function: nurturing children. His perception of what constituted the core familial institution was premised largely on his own cultural heritage. Discounting the complex bonds of household and kin, he focussed on the immediate biological triad of mother, father and child. Women were defined primarily in terms of their nurturing, connective and reproductive roles, in a domain which remained largely unchanged through time. See J.

Hellman's research, begun in early 1932, brought her into close contact with officials of the Municipal N.A.D.. In particular, she formed a close friendship with W.J.P. Carr, then Superintendent of Orlando, and drew him into the small coterie of individuals involved in the South African Institute of Race Relations and the Joint Council Movement - people such as Alfred and Winifred Hoernle, Ray Phillips and J.D. Rheinhallt Jones.[165] All had ties with, or had studied in, the Department of Bantu Studies at the University of the Witwatersrand which, among other projects, provided training courses for native adminstrators.[166] Graham Ballenden contributed regularly to the Bantu Studies programme.[167]

African women and welfare in Johannesburg, 1935-39

If an important thrust of native affairs policy in the Thirties was stabilisation of the urban African population, an obvious starting point was the family, and within that, the role and status of women. As popular wisdom saw little worthwhile role or status for women outside of the family, municipal officials focussed much attention on women who were neither married nor in formal employment.[168] A parallel priority was the encouragement of greater stability and permanence in existing marriages.

One of the routes by which city officials sought to encourage law and order was to try to limit the number of women living in town, and deal harshly with those who transgressed their moral and administrative code. The 1923 Urban Areas Act and its subsequent amendments equipped city officials with the necessary power to fine, imprison and ultimately expel habitual criminals, prostitutes and beer brewers from the city. In the course of the 1930s, however,

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Collier, M.Z. Rosaldo and S. Yanagisako, 'Is There a Family? New Anthropological Views' *in* B. Thorne and M. Yalom (eds.) *Rethinking the Family*, pp. 25-39, pp. 25-33.

165 W.J.P. Carr, interviewed by K.A. Eales, 9.1.1989, 12.1.1989.

166 B.K. Murray, *Wits, the Early Years: A History of the University of the Witwatersrand, Johannesburg, and its Precursors, 1896-1938* (Johannesburg, 1982), pp. 136-139.

167 Ballenden's growing faith in the teachings of 'experts' to remedy the ills of urban administration bordered on the positivist. Writing in 1935, he argued that,
'[t]he changed conditions of life which Natives are experiencing when they settle in urban areas is creating many grave social problems, which ought to be met. These problems cannot be dealt with by the haphazard efforts of social workers. They must be scientifically studied and facts obtained, and then remedial measures decided upon and carried out.'
Johannesburg City Council, *Minute of the Mayor, 1935*, 'Report of the Manager, Native Affairs Department', p. 150.

168 W.J.P. Carr, interviewed by K.A. Eales, 9.1.1989, 12.1.1989.

as city officials began to acknowledge the permanence of a large sector of the urban African population, they evolved a more sophisticated approach to urban governance. Parallel to the strictly punitive approach to female offenders, they devised a three-tined strategy to pin down women in danger of straying from respectability. W.J.P. Carr phrased it this way:

> The problem was threefold. One was employment: to get these women employed, other than just running shebeens. Secondly, to get them decently housed. That was very difficult indeed. The third problem was probably the most difficult - to get them part of a stable family unit; to get them to lead decent lives. It was impossible to draw a line between these three. They were all so intertwined.[169]

The inescapable inference of all three propositions was that single women, living independently, tended towards immorality. Family life, conversely, encouraged clean living, good citizenship and political stability.

'Getting women employed' in Johannesburg in the mid-1930s was considerably easier than it would have been in previous years. Between 1932 and 1938, the number of women in domestic service soared from an estimated 5 000 to 22 765.[170] Explanation for this increase lies largely in the expansion of black family and female settlement in the city; this gave rise to a more stable working population which apparently eased employers' qualms about female servants' morality and reliability.[171] Parallel to this was the emergence, on an increasing scale, of a sector of women servants who migrated between rural kin and urban employment.[172] The more attractive opportunities provided by new industrial and commercial development in Johannesburg, moreover, encouraged a steady movement of men out of domestic service into other labour sectors.[173] The extent of this swing was reflected in a 1938 municipal census which revealed that women, for the first time in Johannesburg, outnumbered men in domestic service.[174]

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169 *Ibid.* , 9.1.1989.

170 U.W., E.N.E.C., AD 1438, Box 10, Memorandum by G. Ballenden; Johannesburg City Council, *Minute of the Mayor, 1938* , 'Report of the Manager, Native Affairs Department', p. 296.

171 U.W., E.N.E.C., AD 1438, 1930-31, G. Ballenden, Johannesburg, pp. 7711-7712.

172 U.W., E.N.E.C., AD 1438, Ds. Penzhorn, Rustenburg, p. 990; S. Gordon, *A Talent for Tomorrow: Life Stories of South African Servants* (Johannesburg, 1986), pp. 173, 233.

173 Johannesburg City Council, *Minute of the Mayor, 1939* , 'Report of the Non-European Housing and Native Affairs Department', pp. 241-2.

174 The figures for men and women were 21 027 and 22 765, respectively. Johannesburg City Council, *Minute of the Mayor, 1938*, 'Report of the Manager, Native Affairs Department', p. 256.

Providing 'decent' housing for women proved more difficult for municipal administrators. In theory, any reputable married woman whose spouse had lived and worked in Johannesburg for a minimum of two years qualified for municipal housing; single women were to live on their employers' premises or in the municipal Women's Hostel at Wolhuter, south-east of the George Goch railway station and a ten minute walk. The reality was somewhat different. It was not until the mid-thirties - when the slum clearance programme was sufficiently advanced to constrain other alternatives - that Africans began to move to Orlando in significant numbers and then the municipality faced enormous difficulties establishing the *bona fides* of reputed marriages. Extremely few single women, on the other hand, opted for the municipal hostel; the majority, it seems, found accommodation privately as tenants and sub-tenants, or on the basis of their relationship with men. In the hostel's first years, the Council had had to drop its tariff from 12s 6d a month in June 1930 to 7s 6d seven months later, and had waged a diligent advertising campaign in *Umteteli wa Bantu*, the weekly black newspaper.[175] Yet, as Ballenden reminded its Board of Control in early 1931, the hostel had to remain open - viable or not - to comply with the fineprint necessary to have Johannesburg proclaimed under the Urban Areas Act.[176] It was only once accommodation in the yards of central Johannesburg, Doornfontein and Bertrams was no longer an option that women - largely cooks, teachers and chars - began to make greater use of the hostel.[177] Even then its uses were limited as it accepted women with babies and children only with great reluctance, and forbade small boys altogether.[178]

The third component of the Council's scheme to stabilise potentially disruptive women - encouraging steady family units - was undoubtedly the most ambitious project the municipality ever took on.

Testimony before the Native Economic Commision provided copious evidence of the rise of informal marriage arrangements, while Ellen Hellman's massive study of living conditions in Rooiyard in 1933-4 exposed the prevalence of short-lived '*vat-en-sit*' relationships in the city. In 1932 Orlando's township manager estimated that fully 50% of the couples occupying municipal housing were not formally married. Of the remainder, he reckoned 40% had married by customary rites, and 10% by

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[175] Johannesburg City Council, *Council Minutes* , 25.11.1930, p. 982; T.I.A., WRAB 199/3, Minutes of a Meeting of the Native Affairs Committee, 4.2.1931.

[176] T.I.A., WRAB 199/3, Minutes of a Meeting of the Native Affairs Committee, 4.2.1931.

[177] T.I.A., WRAB 199/3, 'Census of Residents' Earnings', 16.3.1936.

[178] T.I.A., WRAB 199/3, Minutes of a Meeting of the Native Affairs Committee, 4.2.1931.

civil or Christian rites.[179]

The majority of urban authorities, prompted by the perennial desire to limit municipal housing obligations, believed a solution lay in restricting accommodation to couples who could prove they were married.[180] This, it was hoped, would encourage more formal marriages and diminish the number of tenuous relationships exploited by the homeless to gain access to township housing - a policy summed up in a catch-phrase coined by the Council officials in 1938: 'one man, one wife, one house.'[181]. Unless all customary marriages were registered and all married couples issued with certificates of proof, this strategy was not viable. The state balked at this option, moreover, not least because of the administrative difficulties involved - who would officiate at such rites? How would registration be effected? And what of those married before such registration was enforced?[182] There were other difficulties too. In a landmark decision in 1911 the Transvaal Bench had pronounced *lobola* and *boghadi* repugnant to the principles of civilisation; while this stance shifted somewhat in the mid-1920s - 1927 Native Administration Act granted circumscribed recognition to customary marriage[183] - the state hesitated to extend this to full recognition and obligatory registration.[184]

While registration of marriage might have served the interests of municipal government, it is doubtful

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179 W.J.P. Carr, cited in D.W.T. Shropshire, *Primitive Marriage and European Law*, p. 2.

180 Johannesburg City Council, *Council Minutes*, 23.7.1935, 'Report on a Conference of Reef Municipalities and Pretoria in October 1934 to discuss their submission to the Mould-Young Report', p. 183; Johannesburg City Council, *Council Minutes*, 26.11.1935, 'Notes on a Conference of Reef Municipalities, 15.10.1935', pp. 1292-94.

181 U.W., Archives of the S.A.I.R.R., AD 843, B 56.4 'Conference on Urban Native Juvenile Delinquency, 10-12 October, 1938', address by G. Ballenden entitled 'The Situation as Viewed by Municipal Authorities', quoting H. Henderson.

182 Yet provision for registration existed under the Natal Native Code, which was administered quite effectively by local chiefs and headmen.

183 Customary marriage was recognised for the purposes of succession and inheritance only. See H. Rogers, *Native Administration in the Union*, pp. 237-240, pp. 243-249.

184 The reasons for this remain unclear. Shropshire suggests one reason was that government officials were reluctant to prescribe a set ritual as they believed the collapse of customary law had advanced too far. D.W.T. Shropshire, *Primitive Marriage and European Law*, p.65. While it was patently undesirable to codify customary law - given its character as a *shifting* body of law - Shropshire's argument is surely spurious, given white administrator's demonstrated insensitivity to other canons of customary law. For an introduction to the jurisprudence of African customary law, see J. L. Comaroff and S. Roberts, *Rules and Processes: The Cultural Logic of Dispute in an African Context* (Chicago, 1981).

whether it would have wrought any significant change in the state of relationships among urban Africans. The roots of marital instability lay in conditions that were not made, and could not be unmade, by the law alone.[185] Contemporary observers blamed the rising incidence of unstable and informal marriages on the evils of the city.[186] Yet even in the rural areas among relatively settled, stable communities - where Heaton Nicholls and others sought the panacea for the city's ills - the bonds of customary marriage were far from strong.[187] Though both *lobola* and *boghadi* were still widely practiced in the Thirties, their integrity had been eroded by factors largely external to the societies in which the customs had evolved. Of these factors, Christian missionary teaching, which deliberately undermined customary marriage practices as heathen and barbaric,[188] and migrant labour, which warped the power relations and coherence of traditional family forms, were probably the most significant. Young men, for example, traditionally indebted themselves to their household head for the cattle used in bridewealth exchange; yet, in many areas migrant labour, and the access it afforded migrants to new forms of wealth and status, enabled individuals to challenge the established gerontocracy and with it the sanctions of traditional authority structures.[189]

More pertinent in this context, perhaps, were the effects of migrancy on the relationship between intending or actual marital partners. Evidence before the Native Economic Commission suggests that a large number of young men found work in town to earn money for *lobola* and 'something to get married with' and, for any one of a number of reasons, did not return. Some found it harder to save than anticipated and chose to stay in town rather than face the ignominy of returning without

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185 A point made by J. Lewin in 'Some Legal Aspects of Marriage by Natives in South Africa', *Bantu Studies* 15 (1941), pp. 13-24, p. 23.

186 See, for example, R.E. Phillips, *The Bantu in the City*, p. 89-92; D.W.T. Shropshire, *Primitive Marriage and Customary Law* , pp. 2-12.

187 I. Schapera, 'Premarital Pregnancy and Native Opinion: a Note on Social Change', *Africa* 6 (1933), pp. 59-89.

188 D.D.T. Jabavu, *The Black Problem* (Lovedale, n.d.), pp. 145-53.

189 Patrick Harries and Philip Bonner have demonstrated how Tsonga and Basotho traditional authorities exploited migrant labour to consolidate and enhance their own power. Evidence before the Natives Economic Commission, however, suggests that by the 1930s, this was exceptional; more common were subtle shifts in local power structures. P. Harries, 'Kinship, Ideology and the Nature of Pre-colonial Labour Migration: Labour Migration from the Delagoa Bay Hinterland to South Africa, up to 1895', *in* S. Marks and R. Rathbone (eds), *Industrialisation and Social Change in South Africa* , pp. 142-166; P. Bonner, "Desirable or Undesirable Basotho Women?' Liquor, Prostitution and the Migration of Basotho Women to the Rand, 1920-1945' *in* C. Walker (ed.), *Women and Gender in Southern Africa to 1945* , pp. 221-250; U.W., E.N.E.C., AD 1438, 1930-31, Ds. Stegmann, Rustenburg, p. 1031; E.N.E.C., 1930-31, Box 10, Statement by Rev. H.M. Maimane, Spitzkop, p. 1.

the necessary cash to finance a marriage and its rituals; some formed relationships with women in town, while others preferred the comparative freedom the city offered them from communal and kin obligations.[190] The options facing the female partners of these migrants who stayed away were limited. The anthropologist Isaac Schapera painted a bleak picture of the real choices facing women abandoned in these ways among the BaKxatla community he observed in the early 1930s: they could either become the mistresses of older men (missionaries having dissuaded the majority from polygamy) with none of the rights and privileges accorded formal wives, or lead a life of celibacy, childlessness and ridicule, or they could leave for the city themselves.[191]

In urban areas, the rising incidence of unmarried mothers brought particular problems in its wake. By custom, no man was obliged to support any children borne of a woman for whom he had not paid *lobola*, except his sisters'.[192] On the Rand, observers noted instances where men could not afford to formalise their own marriages because of financial responsibility for their sisters' children; their own children, ironically, remained the liability of their lovers' brothers.[193] Even the hallmark of customary marriage - the passing of cattle - was inappropriate to an urban milieu where, with rare exceptions, cattle-keeping was forbidden. Other forms of exchange, primarily cash, were poor substitutes. Money could simply be spent, without there being any ongoing symbolic reminder of the union, nor security for a woman if her husband deserted her.[194] In the idiom of the day, 'money bears no calves, nor does it cry like oxen.'[195]

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190 See, in particular, U.W., E.N.E.C., AD 1438, 1930-31, Ds. Stegmann, Rustenburg, p. 1031; E.N.E.C., 1930-31, Box 10, Statement by Rev. H.M. Maimane, Spitzkop, p. 1; R.E. Phillips, *The Bantu in the City*, p. 89-92; D.W.T. Shropshire, *Primitive Marriage and European Law*, pp. 2-12.

191 I. Schapera, 'Premarital Pregnancy and Marital Opinion: a Note on Social Change', (1933) *Africa* 6 p. 86.

192 E. Krige, 'Changing Conditions in Marital Relations and Parental Duties among Urbanised Natives', *Africa* 9 (1936), pp. 1-23, p. 9.

193 U.W., AD 1433, Records of the Johannesburg Joint Council, Cj 2.1.15, O. Clark to the Secretary, Johannesburg Joint Council, 10.5.1935; E.J. Krige, 'Changing Conditions in Marital Relations and Parental Duties among Urbanised Natives', *Africa* 6 (1936), p. 10.

194 A point made informally by S. Berman at the Lawyers for Human Rights' 'Putting Women on the Agenda' Conference, Johannesburg, 25-27 November, 1990.

195 D.W.T. Shropshire, *Primitive Marriage and European Law*, p. 6; E. Hellman, *Rooiyard. A Sociological Survey of an Urban Native Slum Yard*, pp. 79-88. See also U.W., E.N.E.C., AD 1438, 1930-31, Box 10, Comments of the Assistant Native Commissioner, Johannesburg, on customary marriage practices in Johannesburg.

Civil and Christian rites were not a popular alternative among couples avoiding the cost or formality of customary marriage - although some women clearly recognised that these two options protected their status against usurpation by a second wife. As one explained to Ellen Hellman, 'If a man *lobola* a woman, he can *lobola* many more. If he married her in court, he can't take more wives.'[196] Civil marriages appear to have been particularly unpopular among urban couples. Magistrates performed the ceremony with few formalities and required little more than payment of the 2s 6d fee. Consequently they were known as 'half crown marriages' and viewed with derision - for what self-respecting man would pay two-and-six for a wife?[197] Christian marriage, on the other hand, involved a tedious legalism that deterred all but the most determined. A prospective husband had to take his minister or priest a letter from his parents, guardians or chief stating that no legal impediment to the marriage existed - such as another wife. The minister would provide him with a canonical form and publish banns. Armed with a banns certificate, the man would then have to present himself before a magistrate - available for this purpose on only one day a week - who would scrutinise his pass and tax certificate before issuing an 'enabling certificate'.[198] This achieved, he could return to the minister for the ceremony. Anyone with the slightest problem with his pass or taxes would simply avoid the whole procedure.[199] The state did little to encourage lawful marriage contracts and, inevitably, many couples took the line of least resistance by never formalizing their relationships.

Consequently, however much Johannesburg's Native Affairs Department may have wanted to neaten the connubial landscape, strong factors militated against this. The result was a plethora of informal relationships, the majority of which were short-lived. In a survey of 129 informal marriages in Johannesburg in 1939, for example, Will Carr found the average duration to be no more than two years.[200] Yet, notwithstanding evidence of the prevalence of informal marriage, it is doubtful whether these in fact constituted the majority. Arguably, it was the visibility of unions at the lower

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196 E. Hellman, *Rooiyard. A Sociological Survey of an Urban Native Slum Yard* , p. 81.

197 D.W.T. Shropshire, *Primitive Marriage and European Law* , pp. 68-71.

198 The theory behind the enabling certificate allegedly was that 'a man contemplating the responsibilities of marriage should be in a position to have paid his tax.' U.W., AD 1433, Records of the Johannesburg Joint Council, Cj 2.1.15, O. Clark to the Secretary, Johannesburg Joint Council, 10.5.1935.

199 *Ibid.* See also H.J. Simons, *African Women: Their Legal Status in South Africa* (London, 1968), p. 168.

200 W.J.P. Carr, quoted in D.W.T. Shropshire, *Primitive Marriage and European Law* , p. 2.

end of the continuum which gave rise to the widespread view that the institution of marriage among Africans had simply broken down.

The prevalence of unorthodox marital relationships had very particular implications for orderly administration. The most obvious was access to municipal housing which, in Johannesburg and most urban centres, was technically restricted to married couples. Much to the despair and frustration of local authorities, many couples exploited the non-recognition of customary unions to their own advantage.[201] And, once children were born to a couple, the grouping constituted a family whom the Council was loath to evict.[202]

Expert observers - officials, anthropologists and welfare bodies - believed the consequences of informal relationships manifested themselves most clearly in the realm of parenting. Police records and court registers attested to the growing problem of juvenile delinquency, which most social workers viewed as the inevitable consequence of unstable marriages. Underplaying the critical shortage of schools, juvenile employment and recreational facilities[203], welfare workers fixed on the relationship of the offenders' parents. Pointing to evidence of children being raised by a succession of 'fathers', one asked, 'what sort of children might one expect such parents to produce?'[204] The long-term prospects for amelioration looked dim. 'There being little promise of improvement in the environment of these people, who can predict the children of our urban native population two generations hence?' asked Miriam Janisch.[205] In tandem with the demise of orderly administration, juvenile delinquency raised with it the spectre of the economic order itself jeopardised by an increasingly lawless black urban rabble little concerned with the niceties of formal employment.

Allegedly aggravating the rise in juvenile delinquency was the pressure on women to work to supplement the household income - even where there was a male breadwinner with a full-time job.

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201 M. Janisch, *Should Bantu Marriages be Registered?* , *passim.*

202 *Ibid.*

203 For a full catalogue of these, see E. Hellman, *Problems of Urban Bantu Youth* , pp. 35-52, 94-142.

204 M. Janisch, in Johannesburg City Council, *Minute of the Mayor, 1939,* , 'Report of the Manager of the Non-European and Native Affairs Department 1939', p. 253.

205 *Ibid.*

In a survey subsequently published in *Problems of Bantu Youth,* Hellman found that two-thirds of a sample group of one hundred black mothers in Johannesburg were wage-earners;[206] 'acute distress' was apparent in families where a woman could not work and, during pregnancy, she claimed, 'the poverty is often appalling.' Hellman fervently believed that better wages for men were the essential prerequisite to the reform of urban black family life:

> If we are to effect any rehabilitation in the Bantu family life, [we must] begin by improving the economic state of that family. We must release women from this onerous burden of wage-earning. We must not allow ourselves to go on thinking that the Bantu wife and mother can support her family and effectively perform the duties of wife and mother.'[207]

The idea that wage-earning was a travesty of women's true sphere of employment was deeply entrenched; the director of a 1937 survey of family income in Alexandra Township, for example, refused to include women's contributions to family budgets on the grounds that 'I do not consider that in any scheme of existence a wife, or at any rate a mother, should be required to produce a taxable income.'[208] At a time when most of a woman's adult life corresponded with the years of pregnancy and child-rearing, and when it required the co-operation of everyone within the household to support a family, it was appropriate that the notion of a single family wage for a single breadwinner should have been viewed as extremely desirable.[209] Yet there was an ugly corollary to the view that women should not be required to work. In Ballenden's view, access to an income afforded women an undesirable taste for independence:

> Circumstances necessitate the almost general employment of married women who, as they frequently earn more than their husbands,[210] rebel against their control. ... Children brought up in such an atmosphere have little respect for their parents or for established law and order.[211]

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206 Thirty-one described themselves as unemployed, 32 had one to two washing jobs, 11 had more than two washing jobs, nine depended solely on beer sales, 12 did 'other work' - such has domestic service, and five were not working because of sickness or pregnancy. E. Hellman, *Problems of Urban Bantu Youth*, p. 20.

207 U.W., Archives of the S.A.I.R.R., AD 843, B 56.4, 'Conference on Urban Juvenile Delinquency, 10-12 October, 1938', address by E. Hellman.

208 U.W., Archives of the S.A.I.R.R., AD 843, B 74.5, H.G. Falwasser, 'Memorandum on Alexandra Township', 1937.

209 E. Zaretsky 'The Place of the Family in the Origins of the Welfare State' *in* B. Thorne and M. Yalom (eds.), *Rethinking the Family*, pp. 188-224, p. 216.

210 There is little evidence to support this proposition.

211 *The Star*, 21.1.1940. Presumably, then, in the interests of good citizenship, women owed it to their impressionable children to conform to a model of meek motherhood. And, extrapolating from Ballenden's stated beliefs, there are grounds to argue that the maintenance of African women's subordination in the home was viewed as an essential component of maintaining the

In sum, by the mid-1930s, an extraordinarily broad range of social problems found their fulcrum in the need to 'adapt' and reform the demeanour of African wives and mothers.

The politics of intervention

From the mid-1930s, officials of the Johannesburg municipal Native Affairs Department consciously intervened in urban African domestic politics, or, as J.D. Rheinhallt Jones put it at a 1937 Conference on Urban Juvenile Delinquency:

> It is our duty to a dependent race and in our own interest to see that this family life, this essential foundation of the community, should be preserved in its healthiest form.[212]

This was 'adaptation' at its best. However, for intervention at the level of cultural practice and practical morality to succeed, a degree of resonance must exist between the ideas and values being introduced and those already present. Here Christian teaching, both through mission schools and evangelism, provided the bridge, and gave existing assumptions of patriarchal might among indigenous communities enhanced legitimacy.

More significant, in this context, was the appeal of the Christian order to many African women: despite the secular realities of life on earth, the gospels accorded women a role and status rarely acknowledged them in other spheres of life. Thus reformist programmes outlined in the name of social welfare had the benefit of several decades of compatible missionary teaching which had impressed on its followers two canons. The first was the notion that 'no nation can rise higher than its womenhood.'[213] The second was that a woman's true realm of service to community lay in her family and her home.[214] A leading article in the missionary periodical *South African Quarterly* in 1922 provides an exemplary exposition of these views:

> The man has his kingdom in his home. That gives him the impetus to work.... His wife is the queen of that dwelling, and all that is best and sweetest in life reigns there. [Her] work is symbolised by the letter H - Humanity, Homes, Husbands, Housewives, Hygiene, Happiness, and lastly, Heaven.[215]

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subordination of Africans in general.

212 U.W., Archives of the S.A.I.R.R., AD 843, B 9.5, J.D. Rheinhallt Jones, 'Notes on Natives in Urban Areas', 1937.

213 See, for example, D.D.T. Jabavu, 'Native Womanhood', in his *The Black Problem*, pp. 145-53.

214 See A. Davin, 'Imperialism and Motherhood', *History Workshop* Issue 5 (1978), pp. 9-57; D. Gaitskell, 'Housewives, Maids or Mothers: Some Contradictions of Domesticity for Christian Women in Johannesburg, 1903 - 1939', *Journal of African History* 24 (1983), pp. 241-256.

215 M.M. Walters, 'The Need Today of Native Women and Girls', *South African Outlook* 1 May 1922, p. 7.

Press reports and parliamentary speeches well into the 1930s attest to the prevalence of these views.

One prominent exponent of this dogma was Dr A.B. Xuma, who subsequently led the African National Congress through its critical transformation into a popular body between 1944-1949; in the preceeding decade his profile was shaped primarily by his stature as a medical specialist with extensive overseas training. In 1930 he published a lengthy tribute to the social worker and political leader, Charlotte Maxeke, entitled *What an Educated African Girl Can Do*, in which he extolled her manifold achievements. Quite apart from her university education, which was quite extraordinary for a black woman in her day - particularly a South African black woman - she was 'an exceptional mother' ('raising nine strays' in addition to her own) and community leader, characterised by such qualities as being 'loving, patient, sympathetic and magnanimous'.[216] However:

> Leadership, public service, and even the exercise of the new freedom by women receive our applause, but it is the woman as *wife* and *mother* that we admire most. Such a woman was Charlotte. ... Charlotte is an argument for the education of African girls to lead exemplary lives as wives and as leaders of our womanhood to do better things. To me she is a daily inspiration and reason for hope about the future of African womanhood.[217]

Another proponent of these ideas was Professor D.D.T. Jabavu, an academic at Fort Hare prominent in the politics of the African elite throughout the 1920s and Thirties. In his opinion, 'if we mean to rise in this world and to command the respect of other nations, we must begin by raising up our women.'[218] Women should be liberated from 'unreasonably heavy' agricultural work; once freed, they would be able to

> practise better cooking, to beautify their homes, to bring up their children under their personal attention, to improve their own health and that of the race in general.'[219]

Jabavu's wife, Florence Jabavu, expanded on this further:

> No race can advance without race pride, and such pride depends on the motherhood of the nation and the self-confidence that can be engendered only by the mother in her home.'[220]

Thus even before the interventions of social workers in the homes of black Johannesburg, this view

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[216] A.B. Xuma, *Charlotte Manye (Mrs Maxeke): What an Educated African Girl can Do* (Johannesburg, 1930) p. 23.

[217] *Ibid.* , pp. 26, 27; emphasis added.

[218] D.D.T. Jabavu, *The Black Problem* , pp. 153.

[219] *Ibid.*, p. 152.

[220] Mrs D.D.T. Jabavu, 'Bantu Home Life' *in* J.D. Taylor (ed.) *Christianity and the Natives of South Africa* (Lovedale, 1929) p. 123.

of women was well established in many black homes. For women, it offered a new status, and for men, a means to enhance the power of their politics.

These assumptions informed the work of welfare workers and social scientists documenting conditions of family life in Johannesburg in the early- to mid-1930s, and the reports of 'expert' commissions of enquiry. They moulded the ideal against which 'demoralised' black women were compared and found lacking. With the formation of a social welfare section within Johannesburg's municipal Native Affairs Department in 1937, observation was superceded by active intervention when its officers took on the task of rehabilitating black families.

From the time of his appointment in 1927 as Manager of Municipal Native Affairs, Ballenden had initiated a number of welfare projects within his department, relating primarily to sport and recreation. Developments in the early 1930s - the depression, accelerating black urban settlement and growing evidence of dysfunctionalism in urban black families - added impetus to his ambition to expand social services in the city's townships. The major obstacle in Ballenden's path was inadequate funding. This fuelled his persistent calls for municipal beer canteens, the profits from which could finance native administration and, in particular, welfare schemes. By 1936 the government had resolved that urban Africans would finance their own welfare services and amenities through profits on the sales of beer in municipal canteens and, on the strength of this, Ballenden announced the imminent formation of a social welfare department and called for staff.[221] 'The new official would have to be an expert anthropologist and social worker', he noted in a 1936 report; 'to find a man suitable for the job', he acknowledged that he might have to look 'as far afield as America.'[222] The eventual appointee was in fact a woman, Miriam Janisch, recently returned from Oxford with a Masters degree in social sciences, and an active member of the National Council of Women of South Africa.[223] Her assistant, Helene Henderson, raised on a French mission station in

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221 Again Ballenden's positivist beliefs were evident in his faith in the power of the new social welfare section:
'The Council has authorised me to create a social service section in my department to make a scientific study of the social and economic problems of the natives and to apply, where necessary, the proper remedies.'
C.A.D., NTS 4152 File 11/313, 'Natives Urban Areas Act Amending Bill, 1937'; Memorandum by G. Ballenden, n.d.

222 *The Star*, 27.7.1936.

223 Winifred Hoernle, a prominent participant in the activities of the Johannesburg Joint Council and South African Institute of Race Relations, was also a member. See U.W., Gubbins Library Pamphlet Collection, E.E. Munro, *N.C.W. - Johannesburg: 1912-1962. An Impression of Fifty Years of Service to City, Province and Nation* (Johannesburg, 1962), p. 10.]

Basutoland, was a trained social worker with exceptional fluency in SeSotho.[224]

Miriam Janisch's first task as Social Welfare Officer was to undertake a vast empirical study of living conditions in Johannesburg. In her first year in the post she conducted a survey of Reef and other locations, of income and expenditure of families and single men, indigence and malnutrition, juvenile delinquency, Bantu education, juvenile employment and transport.[225] Her second was to make contact with township women. This involved the establishment of 'mother and housecraft clubs' in Orlando, Western Native Township and Pimville, and a knitting class in Orlando. Although there is no record of how often these met, average attendance was put down as 20. Given the fact that gastro-enteritis was the biggest killer of African babies in Johannesburg,[226] and that many women were cutting back on breast-feeding so as to resume paid work sooner,[227] supplementary health instruction was a pressing need. Alongside these activities, the department organised cookery and knitting demonstrations for gatherings of women in the township,[228] and co-ordinated the establishment of a creche in Orlando. By mid-1939, Janisch was able to report a doubling in attendance at the house-craft clubs and good support for the knitting and cooking classes, now held every Thursday morning in Orlando. Increasing attention was given to community service - albeit in a very white middle class form - collecting clothes for the poor and aged, and raising money through bazaars and concerts for charity.[229] A third aspect of her work included lobbying councillors and concerned officials to press for higher wages for men to enable more women to stay at home and concentrate on their families, help foster a climate of opinion that discouraged informal marital unions and improve educational and recreational facilities for adults.[230]

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224 W.J.P. Carr, interviewed by K.A. Eales, Johannesburg, 12.1.1989.

225 Johannesburg City Council, *Minute of the Mayor, 1938*, 'Annual Report of the Manager, Native Affair Department', p. 255.

226 U.W., Archives of the S.A.I.R.R., AD 843: A.B. Xuma Papers, ABX340718, A B Xuma, 'Changes Taking Place in the Health and Diet of Natives in Urban Areas and their Effects', 18.7.1934.

227 *Ibid.*

228 Johannesburg City Council, *Minute of the Mayor, 1938*, Report of the Manager, Native Affairs Department, p. 254.

229 Johannesburg City Council, *Minute of the Mayor, 1939*, 'Annual Report of the Manager, Non-European and Native Affairs Department', p. 245.

230 *Ibid.*, pp. 249-250.

Two objectives characterised these interventions. The first was the policy that Africans should pay for their own welfare services - directly, through devices such as the municipal beer monopoly, and indirectly, through families and communities taking responsibility for the care of the marginalised such as unmarried mothers, the sick and the aged.[231] A revealing illustration of this policy was the decision of the Department of Social Welfare in 1939 to deny maintenance grants - the so-called 'mother's pension[232] - to black mothers under the Children's Act of 1937, lest it attract women to the urban areas.[233]

The second objective was to provide women with useful homely skills to make them more competent home managers, equip them to make do on meagre incomes, and wean them from less savoury pastimes like liquor brewing which were not merely illegal, but fostered contempt for the law among their children. At times, Janisch succeeded admirably in her aims:

> A young woman M. eloped from Basutoland with a man who brought her to Orlando. After a time, before the union was regularised, this man abandoned her. Not daring to go back home, M. started brewing beer as a means of earning her living. She could not be a successful liquor seller unless she also sold her body; so, for several months, she lived a life of degradation. She was not happy when I met her but said to me, 'I must live, pay my rent, bring up my child; I do not know how to work, therefore cannot seek domestic work in town, besides what should I do with my small child if I had to work away from home?'

By way of an experiment, Janisch invited the woman to join a knitting class to see if it was possible for her to earn a living without having to brew. She was soon sufficiently skilled to produce and sell pullovers at a small profit:

> At the end of two months, during which I followed her closely enough to assure myself that she was not brewing and that no man was supporting her, she came to me triumphant. She had not only been able to pay her rent and buy food, but had bought herself new clothes and had also been in a position to help a neighbour who had been abandoned by her husband a few weeks before the birth of a child.[234]

It is worth noting that these welfare classes were, for the most part, designed to make urban wives improve their management of domestic affairs. The skills offered were those that equipped them for domestic service, or for the private application of those skills at home.

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231 UG 38-'37, *Report of the Interdepartmental Committee on Destitute, Neglected, Maladjusted and Delinquent Children and Young Persons, 1934-37*, pp. 52-3.

232 *Ibid.*, p. 8.

233 U.W., Archives of the S.A.I.R.R., AD 843, B 78.2.1, 'The Children's Act of 1937: Circular from the Department of Social Welfare on Maintenance Grants under the Act, 1939'; see also material filed in AD 843, B 9.8, 'Natives in Urban Areas - Child Welfare', n.d.

234 Johannesburg City Council, *Minute of the Mayor, 1937*, 'Annual Report of the Manager, Native Affairs Department', p. 248.

Intentional or not, a third dynamic was operative here as well: the inscription of women within a fairly narrow definition of familial decorum. This was particularly marked in the increasing scale of missionary and philanthropic activity directed at women, which aimed to bolster their moral fortitude. One aspect of this was the Wayfarers movement, modelled loosely on the whites-only Girl Guides. Six years after its establishment in 1927, it claimed 14 000 members, the majority of which were concentrated in the Transvaal.[235] Its overt aim was to encourage 'service, fellowship and purity'; in the words of one of its patrons, J.D. Rheinhallt Jones, its aims translated thus: 'the syllabus is designed to make these girls into useful wives, homemakers and also clean healthy members of society.'[236] Given the growing gap between school and formal marriage, such training was deemed essential. A number of variants existed alongside this, such as the 'Bantu Youth League' which a prominent Natal social worker, Sibusisiwe Makanya, initiated 'to help boys and girls to live good and useful lives'.[237] In large part, the success of these movements can be attributed to the members' mothers' encouragement, for teenage chastity was a major concern of women's prayer groups and one that needed little external encouragement.[238] But what should be noted here is the extent to which the issues they addressed paralleled those of social workers and Native Administrators.

Parallel to this growth in organisations for adolescent girls was the new National Council of Women:

> When it became evident to a group of African women within the ranks of a men's organisation, the 'All-African Convention' .. that it is not possible for difficult problems to be solved in discord but in harmony, they decided to form an independent women's organisation. They decided to use their inherent weapon and special gift, intuition, to tide the affairs of their race and their men-folk over a difficult period.[239]

The organisation was closely modelled on the National Council of Women of South African - in which both Miriam Janisch and Edith Rheinhallt Jones (married to J.D. Rheinhallt Jones) were

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[235] 'Minutes of the Special Women's Conference on Work amongst Bantu Women and Girls', *in* the *Report of the Fifth National European-Bantu Conference, Bloemfontein, July 5-7 1933. Minutes. Findings. Addresses.* (Johannesburg, 1933), p. 58-67, p. 62.

[236] U.W., E.N.E.C., AD 1438, 1930-31, J.D. Rheinhallt Jones, Johannesburg, p. 9032.

[237] 'Minutes of the Special Women's Conference on Work amongst Bantu Women and Girls' *in* the *Report of the Fifth National European-Bantu Conference, July 5-7 1933,* p. 62.

[238] See D. Gaitskell, 'Wailing for Purity': Prayer Unions, African Mothers and Adolescent Daughters 1912-1940', *in* S. Marks and R. Rathbone (eds.) *Industrialistion and Social Change,* pp. 338-357.

[239] U.W., Gubbins Library pamphlet collection, National Council of Women, *Coming of Age Conference: 1937-1958* (Johannesburg, 1958), p. 6.

prominent; indeed, the N.C.A.W. credited Edith Rheinhallt Jones with instigating the formation of the first branch of the N.C.A.W. in Kimberley in 1933.[240] The N.C.A.W. exhorted its members to uphold the organisation's motto: 'Do unto others as you would they should do unto you' and pointed approvingly to the activities of its first General President, Charlotte Manye Maxeke, and convener, Mina Soga.[241] The rhetoric of the N.C.A.W. distilled the very essence of middle-class White Anglo-Saxon Protestant thinking on the role and mission of women: to devote oneself to community service and good works, to strive for excellence as wives and mothers and to refine the crafts of domestic science and home management.

More significant - for the purposes of this argument - than the impact of these developments on African men and women was their impact on white officialdom. African women were being inscribed - and inscribing themselves - in an avowedly conservative definition of femininity, which actively buttressed the sanction of male authority. In some respects, this new conservatism rendered redundant some of the cruder expedients of white administration. The purposes of a pass law for women, for example, could be far better met by discretely buttressing traditional authority structures which set fixed limits on women's mobility and conduct. In town, public opprobrium could serve the purposes of civic propriety at least as well as any general curfew or permit system. Moreover, pre-existing ambivalence about what was reasonable and acceptable in the treatment of African women, as opposed to African men, was now compounded by their diminishing 'otherness' as native and female. Their increasing incorporation into the symbolic order of the middle-class W.A.S.P. family and their identification as wives and mothers rather than the shadowy domestic appendages of units of male labour, emphasized the complementary bounds of black *male* domestic authority - which officials were not yet willing to transgress.

In practice, draft regulations *were* drawn up to implement the influx control provisions of the 1937 Native Laws Amendment Act. These were discussed in some detail in June 1938 at a Conference of Reef and Pretoria Officials Native Affairs, but were returned to the drawing board on a number of counts.[242] The draft service contracts fared little better, and were rejected on the grounds of a confusing overlap between the functions and responsibilities of government and municipal native affairs officials. A revision published in 1940 was still inadequate - one part of the regulation

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[240] *Ibid.*

[241] *Ibid.* pp. 1, 5.

[242] Johannesburg City Council, *Council Minutes* , 8.6.1938, p. 247.

required a woman to be in possession of her certificate of permission before she entered an urban area, while another section contradicted this with the assertion that she could obtain the necessary document once in town; yet another section permitted her to visit an urban area without any document at all.[243] As the regulations' drafters noted at the time, the only way to enforce these rulings would be to register women's service contracts - yet 'there would undoubtedly be objection to this form of pass.'[244]

One might argue, therefore, that while officials of the state were serious about restricting the free movement of black women in urban areas, they were hampered by bureaucratic red tape. This explanation, however, is unsatisfactory. If officials of the state had been more determined in their efforts, they could have made considerably more progress before Smuts declared his moratorium on all pass laws in 1943 in the interests of wider domestic stability. More to the point, this line of argument ignores the ongoing reluctance of officials to subject *women* to the pass laws. Accommodation of the shifting politics of gender, on the other hand, permits a more nuanced analysis of state policy in this period.

Conclusion

As argued above, calls for increased control over black women in Johannesburg were precipitated by two factors: the growth in permanent black urban settlement, and the parallel increase in the number of women living in town whom the authorities perceived as undesirable. Alongside the development of prison colonies and stricter deportation provisions to deal with conspicuous offenders, a more broad-ranging prophylactic policy emerged which aimed to restrict black settlement itself in the towns to a minimum. Black women were the major target of influx control.

This policy was not implemented, despite formal provision for it in the 1937 Native Laws Amendment Act. It has been argued in this chapter that alongside the growing number of 'undesirable females' in urban areas, native affairs officials were obliged to acknowledge the existence of *more pressing* social problems - chiefly the disintegration of traditional authority structures on which effective rural native administration hinged, and rapid urbanisation in a context of inadequate wages and minimal social services.

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[243] See also C.A.D, JUS 802, File 1/568/23 Part 3, Secretary for Native Affairs to the Secretary for Justice, 21.9.1939.

[244] T.I.A., WRAB 210/1, 'Minutes of a Monthly meeting of Reef Managers and Superintendents', 18.1.1940; see also JUS 802, File 1/568 Part 3, Secretary for Justice, 21.9.1939.

State officials responded to this discord by encouraging the inscription of African women in more traditionalist definitions of femininity, directed inwards on family and home. In the reserves, women would safeguard the return of their migrant husbands and safeguard the survival of customary law; in the cities, women - defined as wives and mothers - would help stabilise the lives of working men and conserve the resources of the state; as more sedulous mothers, they would curb the lawlessness of their children and foster in them greater respect for established authority. Each formulation was premised on black women's subordination to black men; in this reading, formally subordinating black men's authority over black women to white men's was regarded both as unnecessary duplication, and political folly. Consequently the sanctions of the 1937 Law were applied to individual transgressors - liquor brewers, prostitutes and other reprobates - not the broad mass of urban women.

Conclusion

Black female settlement in Johannesburg from the turn of the century to World War Two was blamed for an extraordinarily broad range of urban malaises, ranging from crime to liquor abuse, miscegenation, the growth and spread of slums, disease, rising juvenile delinquency and 'detribalisation'. 'The native question' - particularly as it played itself out in the country's urban areas - was reduced in some respects to one of morality, in which black women played the dominant vitiating role. Not for nothing did the stalwart Reef missionary Ray Phillips point out in 1930 that 'the heart of the native question is *the heart of the native.*[1]

Tackling the conduct of black women in Johannesburg was a useful proxy for addressing a range of issues over which local government had less control. Worries over the growth of slums and the acute shortage of black housing might be lanced through initiatives to exclude black women from the cities 'for their own protection'. Concern over vice and crime could be allayed through campaigns to rid the towns of female liquor sellers. Fears of miscegenation and eugenic disaster could be eased through moralising campaigns against prostitution and the forcible eviction of scores of black women from the towns. Indeed, in the period surveyed in this thesis one sees the rise of a veritable social purity consensus in which supposedly perverse black women were scapegoated for a multitude of urban ills. To return to Weeks' formulation of sexuality as a symbolic battleground,[2] alarm over the spread of venereal disease amounted, quite literally, to fear for the health of the body politic.

Given the widespread disapprobrium with which municipal and government officials viewed black women in urban areas, their exemption from the pass laws and, indeed, from any form of *de facto* influx control, is odd. Quite apart from specific problems of deviant, criminal or anti-social behaviour, urban settlement by black women was the single greatest factor responsible for enlarging the black urban population; if women had been subjected to influx controls before World War Two, fewer African families would have established themselves in white-designated towns, and male migrant labour, arguably, would have continued to dominate the labour market; moreover Johannesburg's municipality would probably have been spared

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1 R. Phillips, *The Bantu are Coming: Phases of South Africa's Race Problem*, (London, 1930), p. 85. Emphasis in original.

2 J. Weeks, *Sexuality and its Discontents*, p. 74, quoted above on p. 13.

the cost of extensive sub-economic housing.[3]

In her wide-ranging study of black women's struggles against the pass laws, Julie Wells suggests two possible reasons why African women were not subjected to the pass laws before the 1950s: fear of black women's protests, particularly given the lengths to which black women in the Orange Free State had been prepared to go to in 1913 and thereafter to embarrass state officials, and the fact that women's unfettered mobility benefitted capital in the period of rapid industrial development from the 1920s.[4] Both explanations are probably valid, but in themselves are inadequate. There is little before the mid-1930s to suggest that capital recognised that its best interests lay in fostering a stable urban working class - and there is an important distinction between an active policy of permitting unfettered urban settlement, and what was regarded as 'a twilight of purpose'.[5]

More importantly, if a fear of black women's protest was an important factor, it is curious that there is little reference to the sentiments of black *women* in the government's recorded deliberations on this subject. The problem is articulated as one between men: white men, and black men. Giving evidence before the Native Pass Law Commission in 1920, T.W.C. Norton, a senior Transkei Magistrate and official of the Native Affairs Department, was asked whether he believed African women should be made to carry a pass; he replied emphatically:

> The government should have nothing to do with the regulation of women - the government will certainly be blamed for everything that happened to them. We must let the native burn his own fingers ... *They* should look after *their* women and I see no reason why we should accept the responsibility.[6]

His comment underlines the pervasiveness of the perception amongst white officials that

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3 'There is a considerable influx of natives into Johannesburg. The males are being absorbed in employment and it would be unwise at present to tamper with the free flow of labour. 'The objectionable feature is that native females are coming into the city in increasing numbers. The majority of them are the wives and families of male natives employed in the city. It is highly desirable that steps be taken to restrict the increase in families as, unless this is done, there will be no end to the need for sub-economic housing.' T.I.A., WRAB File 210/1, G. Ballenden to the Native Affairs Committee, Johannesburg City Council, 6.1.1938.

4 J. Wells, 'The History of Black Women's Struggle Against the Pass Laws in South Africa', p. 360.

5 UG 54-39, *Report of the Native Affairs Commission for 1938* , p. 22.

6 C.A.D., K 357, E.C.N.P.L., 1920, T.W.C. Norton, Umtata, (Acting Resident Magistrate, Umtata, and Acting Assistant Chief Magistrate, Transkei Territories), p. 3. Emphasis added.

African women were the wards of African men; African men should be held responsible for the conduct of 'their women', and any state interference in this domestic regime would backfire. Thus it sought other expedients, aimed at those transgressing specific laws. J.B. Moffat, a senior Native Affairs Department official,[7] made this clear in 1918; passing judgement on the question of passes for women, he concluded:

> There does not appear to be sufficient ground to justify imposing this disability on *all* native women. The ordinary law is sufficient to deal with women of bad character.[8]

Godley endorsed this view.[9]

The fact that J.B. Moffat's views retained support throughout the 1920s and 1930s, despite accelerating urban settlement and its attendent socio-political dilemmas, suggests a greater degree of ambivalence by the government about the desirability of permanent black urban settlement than is generally recognised. The rhetoric of avid segregationists like Stallard and Heaton Nicholls emerged to *contradict* the pragmatists who called for a settled, stable urban workforce; notwithstanding the ruthless logic of the 1937 Native Laws Amendment Act, Stallard and Heaton Nicholls' arguments were contradicted by Douglas Smit, Secretary for Native Affairs after Herbst, who chaired the Inter Departmental Committee on the Social, Health and Economic Conditions of Urban Natives in 1942-43. Smit supported the complete abolition of the pass laws, and effectively endorsed Moffat.[10]

Complementing the specific laws which were invoked against individual female offenders was the lore informing contemporary representations of women. There is substantial evidence that one of the ways in which state and municipal authorities sought to regulate the presence and conduct of black women in Johannesburg - throughout the period described in this thesis -

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7 Moffat was Chief Magistrate of the Transkeian Territories. In 1919 he was appointed to succeed Edward Dower, the first Secretary for Native Affairs, but died on the day he accepted the post. UG 34-'22, *Report of the Native Affairs Department for the Years 1919 to 1921*, p. 5; S. Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36*, p. 79.

8 Union Government, *Government Gazette* No. 915, 6.9.1915, 'Report of the Commissioner Appointed to Inquire Into and Report Upon the Causes which Led up to the Partial Cessation of the Municipal Sanitary Services at Johannesburg, on the 6th and 8th June, 1918, and the Threatened Strike on the 1st July, 1918', p. 388. Emphasis added.

9 UG 41-'22, *Report of the Interdepartmental Committee on the Native Pass Laws, 1920*, pp. 14-15, para. 63.

10 Union Government, *Report of the Interdepartmental Committee on the Social, Health and Economic Conditions of the Urban Natives* (1942), p. 24, paras. 305-6.

was through rehabilitating men's authority over women. The institution of *lobola* was given an unprecedented boost in political status both by the 1927 Natives Administration Act and in the report of the Native Economic Commission, where Holloway argued that the rehabilitation of *lobola* as an institution - and a singularly patriarchal one at that - would check the degeneration of morals and traditional authority structures.[11] More specifically, it seems there was a widely-held belief that stronger assertions of women's traditional role and subordination might check their exodus from the rural areas. From 1930, the law provided that women's entry into urban areas required the sanction of a sponsor or guardian, and access to authorised accommodation was made contingent largely on their relationship to a qualified male relative. These provisions were extended in the 1937 Native Laws Amendment Act. That these measures do not appear to have been implemented is less significant for the purposes of this argument than the thinking which informed them.

Municipal officials had a very clear sense of what was required to improve control over errant women. The precise syntax of order was summarised in the neat formulation 'one man, one wife, one house', coined by municipal officials in 1938.[12] It is worth repeating a statement made by W.J.P Carr in a recent interview, already quoted, when describing the municipal Native Affairs Department's approach in the thirties:

> The problem was threefold. One was employment: to get these women employed, other than just running shebeens. Secondly, to get them decently housed. That was very difficult indeed. The third problem was probably the most difficult - to get them part of a stable family unit. To get them to lead decent lives. It was impossible to draw a line between these three. They were all so intertwined.[13]

The unmistakeable inference of all three propositions was that single women, living independently, tended towards immorality. Housed by the municipality, employed and married, on the other hand, their conduct was more readily amenable to regulation by the state and, moreover, established male authority. Few women qualified for municipal housing in their own right; houses were allocated primarily to men with families.

In this formulation, then, it is not coincedental that the major female targets of harassment and scrutiny by municipal and state authorities throughout the period surveyed by the theisis were

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[11] UG 22-'32, *Report of the Native Economic Commission, 1930-32*, pp. 102-5, paras. 704-19.

[12] U.W., Archives of the S.A.I.R.R., AD 843, B 56.4, 'Conference on Urban Native Juvenile Delinquency, 1938', address by G. Ballenden, quoting H. Henderson.

[13] W.J.P. Carr, interviewed by K.A. Eales, Johannesburg, 9.1.1989.

precisely those women who were not readily amenable to conventional male authority - independent liquor brewers, prostitutes, and women who remained single for a number of reasons by choice. In other words, those whom state officials targetted for deportation or confinement were those who had rejected many of the conventions of the prevailing patriarchy; that patriarchy, in turn, refused them its protection.

In this manner, black men were effectively recruited as ideological allies of the state in its efforts to assert control over black women in urban areas. Nor were the majority reluctant; a variety of sources underline the extent to which many African men abhorred the growing assertiveness of African women.[14] Perhaps one can even propose that this tenuous alliance played a role in tempering the state's enthusiasm for passes for women. Again it is helpful to remember the view of the Chief Native Commissioner of the Witwatersrand when considering the merits of pass controls for women in 1939:

> 'While their presence may and does act, in some measure, as a safety valve, there can be no question that uncontrolled prostitution, coupled with the traffic in liquor, constitute a grave social problem and are the direct causes of considerable lawlessness. [Yet it] ... would require close study and delicate handling to avoid unpleasant repercussions, as Natives of all grades of society and shades of opinion would bitterly resent the application of the pass laws to their women.'[15]

There is no suggestion here that women might resent influx controls; this was an arrangement between men, and one best shelved.

The state was far from clear about the answer to the 'native question' by the end of the

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14 'I wish to write and tell all men about modern wives. They are all bad, but the worst are those who live in towns. Their actions are disgraceful, so is their speech.
'Forget that "wives must honour and obey". But does stubborness make them happy? No. The only royal road to happiness in any home is mutual understanding between man and wife and a man with a willful wife is to be pitied indeed.
'My only advice to all my friends is that they must not marry town girls.'
'My only advice to all my friends is that they must not marry town girls.' This was not an isolated view. At a meeting with municipal NAD officials in February 1942, the body of 3 000 Orlando residents requested the department to include the following in the new schedule of location regulations: 'If a woman is found using obscene language in the streets or misbehaving herself in public, she shall be reported to the committee who, on finding her guilty, will recommend that she be transferred from her house.'
Bantu World, 23.3.1935, E.B. Rakgomo to The Editor.
T.I.A., WRAB File 210/1, 'Minutes of a meeting of Municipal Native Affairs Department Officials with Orlando Residents', 17.2.1942. See also P. Bonner, '"Desirable or Undesirable Basotho Women?" Liquor, Prostitution and the Migration of Basotho Women to the Rand, 1920-45' in C. Walker (ed.) *Women and Gender in Southern Africa to 1945*, pp. 249-50.

15 C.A.D., NTS 7725, File 166/33, Chief Native Commissioner to the Director of Native Labour, Witwatersrand, 27.6.1939.

thirties, despite increasingly determined attempts to formulate a viable response. Given this uncertainty - and the inadequacy of the existing bureaucratic infrastructure - perhaps one can conclude that the reason there were no pass controls for women was simply because the state was not fully convinced of their merits, and believed that their disadvantages - at a *political* level, as viewed by African *men* - far outweighed any material or administrative advantage. In this reading, formal influx controls for women, based on pass laws and documentation, were an extreme remedy, to be utilised only once more traditional sanctions had broken down, or when the scale of female urban settlement was perceived to leave no alternative. This stage was not reached before World War II. Instead, the state sought to consolidate its administrative structures through encouraging the rehabilitation of traditional authority structures expedient to its purposes.

This study has shown that influx control is a much abused concept. One needs to distinguish between controls over the terms of African settlement in urban areas, and control over the entry of Africans into an urban areas. The 1923 Natives (Urban Areas) Act did not provide for the latter.[16] It provided for regulations to control pass-bearing Africans once they had entered a designated urban area. That control was premised on the pass laws, from which women were exempt. Control over the ingress, or actual 'influx', of Africans, was a different matter altogether.

Notwithstanding the pervasiveness of Stallardist rhetoric in certain quarters, or the provisions of the 1937 Native Laws Amendment Act, the government was opposed to ingress/influx control for the Witwatersrand throughout the period before World War II. The labour resources on which industry relied were not believed to be sufficiently secure or stable to accommodate artificial intervention, and Hertzog, for one, was reluctant to tamper with an economy whose development was uneven and vulnerable to foreign trade cycles. Indeed, there was no perceived need for influx control for men, because it was felt that the pass laws provided sufficient control. Ironically, this explains the persistence of calls for influx control for women - *because* they did not carry a pass; however, as has been argued in this thesis, influx controls were not workable without a system of documentation such as the pass laws. And, in a bizarre twist of logic, state officials declined to implement influx controls for women in 1940, saying they did not want to 'discriminate' against women with respect to influx controls.

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[16] A Supreme Court decision in early 1930, argued in *Shadrack Kutu v Rex*, confirms this. [See p. 121, footnote 121.

This call for attention to the meaning of influx control is not semantic pedantry. It is significant for the way the co-ordination and allocation of black labour resources is viewed, and it illuminates the changing relationship between the local state and central state. The 1923 Natives (Urban Areas) Act, for example, effectively bolstered municipal administration by laying down certain rights and obligations. The 1930 Amendment to this Act provided for a form of influx control by proxy, through proclamation of residential areas as a bar to further settlement. Significantly, this was implemented in only a few towns; each was distinguished by a perception of over-crowding *and* a stable and adequate local labour supply. The 1937 Natives Laws Amendment Act, however, suggested a far more comprehensive approach to urban African governance. It was as much an attempt to provide the means to limit urban settlement as re-allocate labour. Arguably, it was the first major intervention by the state to regulate the labour resources of the country on a national level, as well as to oversee the division of labour between the various sectors of the economy. It marked a new conception of labour resources, and of urban management. However, because of logistical difficulties exacerbated by the outbreak of war, it did not have the resources to implement this new grand scheme until the late 1940s. By then, the scale of the state's bureaucratic apparatus had grown significantly; in tandem with this, the autonomy of local authorities was declining. Overall, the state was assuming a much stronger managerial role.

By the late 1940s, the metaphors of native policy were shifting decisively. As Ashforth points out, the singular 'native' was now being supplanted by a heterogeneity of 'Bantu races', each accorded status and autonomy within a prescribed geographical realm.[17] The paternalist premise of native administration was giving way to the spurious logic that separate was equal. This was the new policy which underwrote passes for women. They were introduced on the Rand from the mid-1950s.

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[17] A. Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa*, pp. 153-155.

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1. Manuscript Sources
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1.2 Unofficial

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4.2 Select Book and Journal Articles
4.3 Unpublished Papers
4.4 Unpublished Theses

1. Manuscript Sources

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Central Archives Depot, Pretoria

CIA Archives of the Commissioner of Immigration and Asiatic Affairs
GG Archives of the Governor General
JUS Archives of the Justice Department
K 357 Minutes of Evidence before the Commission appointed to Enquire into the Native Pass Laws (1920)
K 358 Minutes of Evidence before the Native Grievances Enquiry, 1913.
K 373 Minutes of Evidence before the Commission appointed to Enquire into Assaults on Women, 1912-1913
GNLB Archives of the Government Native Labour Bureau
NA Archives of the Transvaal Native Affairs Department (pre-Union)
NTS Archives of the Native Affairs Department (post-Union)
MPA Archives of the Pretoria Municipality
SNA Archives of the Secretary for Native Affairs (pre-Union)
SAP Archives of the South African Police
TP Archives of the Secretary, Transvaal Police

Archives of the Town Clerk of Johannesburg (unsorted at the time of research)

Transvaal Intermediate Archives, Johannesburg

SGJ Archives of the Johannesburg City Health Department
WRAB Archives of the West Rand Administration Board

1.2 Unofficial

University of the Witwatersrand, Department of Historical Manuscripts, Cullen Library

AB 767 Records of the Diocese of Pretoria Board of Missions
AD 843 Archives of the South African Institute of Race Relations: B Boxes
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Kate Manye (the sister of Charlotte Manye Maxeke)
Interviewed by M. Nixon, 1963.
Thanks to J. Campbell for this transcript.

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