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A F R I C A N S T U D I E S I N S T I T U T E

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Title: T.E. Donges and the Group Areas Act.

by: Wilmot James

No. 316

Eben Dönges and Group Areas

In 1950 the minister of the interior T. E. (Eben) Dönges, introduced group areas legislation in the house of assembly of parliament. The intention of the legislation, he told its white members, was to 'make provision for the establishment of ... separate areas for the different racial groups, by compulsion if necessary.'[1] 'Separate areas' referred to residential neighbourhoods and business districts. 'Racial groups' were defined by the population registration act passed also during 1950 as comprising three populations: white, coloured and African. As such, group areas were the geographical and spatial expression of apartheid (or as Dönges preferred, 'separate development with a vertical colour bar') seeking to draw rigid boundaries between the three main racial groupings the apartheid-minded fraternity desired to see emerge.[2]

At the time of the legislation South Africa's cities and towns were already highly segregated. Africans had been restricted to 'locations' since the 19th century and systematically quarterised to what later became known as 'townships'. Descendants of indentured Indian labour to Natal in the 19th century were the objects of persistent measures to either expatriate them or segregate their residence and trading activities. Individuals classified as coloured were variously found clustered in small pockets surrounded by white neighbourhoods or on the peripheries of cities. In a few cases, Cape Town and Port Elizabeth in particular, mixed settlement patterns had emerged on the fringes of some lower-class white neighbourhoods. On the whole, though, a history of colonialism and segregation bequethed a residential pattern that, according to Anthony Lemon, left the average South African city or town up to 90 per cent racially divided.[3]

In the light of this, why did Dönges and his colleagues in the department of the interior want to go so far as to completely segregate a society that was highly segregated to start with when they knew that this would be a far-reaching exercise? Existing administrative structures left by the United Party administration had to be further extended to regulate the group areas system, with associated staffing and operational expenses. An inspectorate was required to police transgressions of the law.

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[1] House of Assembly Debates (Hansard), Group Areas Bill, 2nd Reading, (19 May 1950), columns 7433-34.

[2] Handwritten notes used during parliamentary address. TE Donges collection, A.1646 v.139 (CAD).

[3] Anthony Lemon ed., *Homes Apart: South Africa's Segregated Cities* (Bloomington, 1991) p.8.

State officials recognised that what was about to transpire would cut deep into society (`*n ingrypende stap*) G de Vos Hugo, the chair of the group areas board, wrote later) and disrupt and displace established communities and families. They understood, too, that those affected would suffer losses in income, wealth, property and overall living standards.[4] What needs explaining is what John Coetzee in his provocative essay referred to as the `madness´ of apartheid, an obsessiveness with race and the finding of totalising solutions to problems believed to be racial in character.[5]

The existing literature on apartheid points in two research directions. A marxist tradition emphasises the importance of capital accumulation and class in apartheid´s construction. While a work on group areas written in this tradition has yet to appear[6], it can be argued that group areas had class aspects and class consequences. It was a (further) response in the long history of state attempts to suppress an Indian trading class in urban areas and the platteland. Its implementation made housing available to property developers who in turn sold them to whites. Property speculators, fed information about which areas were about to be declared white, smelt a quick buck, buying cheaply from coloured people and selling dearly to whites. As this story itself reveals, group areas turned principally around race; class was of secondary consequence.

On the other hand, a literature on ethnic mobilisation and nationalism suggests that group areas are an outcome of the drive

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[4] For example: `It is obvious that the alienation of land is a matter of deep (*lewensbelangrike*) concern for the affected person. No reasonable person shall without resistance agree to part with something that has probably taken him a lifetime to acquire, if there was the slightest chance of keeping it.´ Chairman, Group Areas Board, to Secretary of the Interior, 11 December 1957 (GGR 8/1).

[5] John Coetzee, `The mind of apartheid: Geoffrey Cronje (1907-)´ *Social Dynamics* 17 no.1 (1991), p.2.

[6] Marxists have tended to focus on the cheap labour system and its reproduction; thus on the effects of segregation and apartheid on Africans. Communal or social apartheid have, for the most part, escaped their attention. See Dan O´Meara, *Volkskapitalisme* (Johannesburg, 1980) and Stanley B. Greenberg, *Race and State in Capitalist Development* (New Haven, 1980).

for power and self-actualisation among Afrikaner nationalists.[7] In these terms, group areas shored up the residential privileges of whites in general and Afrikaners in particular. In a forthcoming paper, Hermann Giliomee argues that group areas and other aspects of social apartheid are a result of three processes (1) the search for group identity and cultural privilege among Afrikaner nationalists (2) the flowering of white and particularly Afrikaner racism, which projected a particularly strong aversion to people of colour, and (3) a cultural pluralism which celebrated cultural and pseudo-cultural differences between populations.[8] While this direction of inquiry seems right, it does not give the appropriate weight to race, racial hierarchies and racial domination in apartheid's construction.

Marxists have cast their net too narrowly, and scholars in the ethnic mobilisation/nationalism tradition theirs too broadly. In looking at the role of some key state officials in the administration of social apartheid, this paper suggests a somewhat different emphasis. For these officials, apartheid was in the first instance a racial and not an ethnic or nationalist doctrine. In their practical behaviour they shored up racial hierarchies first, ethnic hierarchies second. They were driven by the desire to entrench white supremacy by putting in place laws and practices that maximised the reproduction of segregated populations, in the hope that over a number of generations these in-breeding populations would become racially distinct.

Eben Dönges

The individuals in this narrative were a small group of senior administrators in the department of the interior whose responsibility was to implement social apartheid. They were the minister himself, Eben Dönges, members of the land tenure advisory board (later the group areas board) who reported directly to the minister, the director of the census, J Raats, and the commissioner for coloured affairs, I D du Plessis. As senior state officials they occupied a critical place in the making and administration of policy; on the one hand by designing and endlessly refining legislation to be put to parliament, and on the other hand managing the administrative bureaucracies which translated policy into practice.

As minister of the interior between 1948 and 1958, Dönges

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[7] See in particular, Hermann Giliomee and Lawrence Schlemmer, *From Apartheid and Nation-Building* (Cape Town: Oxford University Press, 1989).

[8] Hermann Giliomee, 'Racism and apartheid' (Paper presented at an international symposium on racism, Paris, 1991).

established the foundations of a legal and policy framework that survived until the early 1990s. He supervised the passing of laws that established racial registers and prohibited sex, marriage and common residence between legally prescribed racial populations. The implementation of these policies and laws meant the reshaping of the administrative bureaucracies bequethed by the United Party government of Jan Smuts, the creation of some new ones and establishment of principles of coordination between them. Of all the figures involved in these aspects of apartheid, Dönges was certainly the driving force. It is surprising, therefore, that except for a parochially produced but valuable biography nevertheless, no serious study of Dönges and his state bureaucracies has, to my knowledge, been undertaken.[9]

Schooled in law and nationalist politics, Dönges brought some special skills and commitments to his vocation. Born March 1898 in Klerksdorp, he graduated with distinction from what was then Victoria College (now the University of Stellenbosch) with an MA in philosophy in 1921, obtained law degrees from the University of South Africa and the University of London in 1922 and 1923 respectively, and at the relatively young age of 27 earned a doctorate in law from London in 1925. After failing to obtain a professorship in Roman Law at the University of Cape Town[10], Dönges first occupation in South Africa was as editor of the *South African Nation*, a newsletter of the Reunited National Party (RNP) aimed at winning over the largely unsympathetic English-speakers of the Cape to the cause of white unity and republicanism.

After a stint as a sub-editor for the Cape mouthpiece of the RNP, *Die Burger* (The Citizen), Dönges established a private legal practice and was admitted as an advocate to the Cape Bar in 1927.[11] It was a reasonably successful practice, with Dönges defending clients in both criminal and civil cases. None of the cases were particularly noteworthy, except when he successfully

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[9] Anton E. Bekker, *Eben Donges: Lewe en Loopbaan tot 1948* (Stellenbosch: Papirus, 1988).

[10] Records of the University of Cape Town do not reveal why Dönges did not get the position. H M Robertson noted in his meticulous survey that among the applicants was 'a young man of 25 years T.E. Dönges.' *The University of Cape Town 1918-1968* (typescript) p.106. J. Kerr Wylie was appointed to the chair. *University of Cape Town Senate Minutes*, 20 March - 17 December 1923, p.24. (Jagger Library, University of Cape Town).

[11] The position as sub-editor became vacant when D L Geyer was appointed as editor in place of D F Malan, who left the *Burger* to serve as minister of the interior in Hertzog's pact government.

prevented the deportation of a German citizen during the second world war, and as such invited a rush of others in the same position asking for his assistance. In 1937 he was admitted to the Orange Free State bar, and in 1939 became a senior advocate with his admission to the honour of King's Counsel.

These biographical facts establish the background to Dönges' approach to legal processes. His academic training and experience as an advocate made him confident about using the law to restructure society along racial lines. Dönges was undeterred, for example, by the problems the director of the census, J Raats, experienced with racially classifying a heterogeneous population as a basis of the 1951 census. The group areas act posed its own problems of application, too, but Dönges was sufficiently committed to getting it right even if it meant amending the legislation annually. Other examples illustrate that the forbidding administrative problems of trying to fix and freeze a population highly diverse in appearance and descent into legally defined racial categories were not enough reason to detract Dönges from his commitment to using the law as the primary instrument of white supremacy.

If the law was the primary instrument, the law-making institution--the white parliament--was sovereign and its decisions final. Dönges believed that the centre of power resided in parliament, and that extra-parliamentary politics, in which he was also an important player, should complement and not override it. His political life was a demonstration of this belief. He chose, on the one hand, to enter parliament by winning the Fauresmith (Orange Free State) by-election on a RNP ticket in 1939, and went on to win the Worcester (Cape) seat in 1948, when the RNP took power.[12] As a rapidly influential member of the opposition in the 1940s, he used the parliamentary platform to elaborate apartheid ideas and to resist what he thought was the United Party's slow but certain drift to black majority rule. In parliament Dönges decried `mixed living' and `mixed marriages' as intolerable and impermissible evils (*ontoelaatbare euwels*). Indians he did not regard as permanent residents of South Africa, and supported their repatriation to India. He opposed a request put to parliament by the Strand town council to fund the construction of bathing and camping facilities for coloured people, in fear of establishing a unwelcome precendent. He opposed the introduction of old-age pensions for Africans, for that, he argued, would attract people to cities who should remain in the countryside. He added that life-expectancy in any case was higher in rural areas, but questioned `whether the kaffir ha(d)

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[12] Bekker, *Eben Donges*, p.106.

enough intelligence to comprehend this.'[13]

Dönges was a prime mover of extra-parliamentary strategies which promoted white unity and, within its confines, the interests of Afrikaners. He was one of the first members of the *Broederbond*, a secret organisation of political aspirant Afrikaners, and a founding member of the South African Bureau of Racial Affairs (SABRA); of the Federation of Afrikaans Cultural Organisations (*Federasie van Afrikaanse Kultuurverenigings or FAK*), the Language Monument and Study Fund (*Taalmonument and Studiefonds*) and director of the Voortrekker and National publishing houses (*Voortrekkerpers* and *Nasionale Pers*); and he served as executive member of Reddingsdaadbond and was a founding member and director of the Federale Volksbeleggings.[14] These were extraparliamentary organisations seeking to advance the interests of Afrikaners in, respectively, political, cultural and economic arenas of society. For Dönges they complemented, reinforced and aided parliamentary efforts to entrench white supremacy and the dominance of Afrikaners in the state and civil service.

When the *Oxwagon Sentinel (Ossewa-Brandwag*, an ascendant pro-nazi organisation of Afrikaners opposed to South Africa's participation in the 2nd World War on the side of Britain) sought to override the RNP's parliamentary role and parliament itself in the early 1940s, Dönges resigned from an organisation to which he had belonged since 1939. Yes, he sympathised with the racial doctrine of the OB and opposed South Africa's participation in the war against Hitler's Germany. He believed, too, that the OB had a place and a role in the politics of white supremacy. At first he tried to play the role of conciliator between the OB and the RNP, but when an accord could not be reached as regards their respective spheres of operation, Dönges withdrew his membership. He had placed his faith in parliament to achieve ends similiar to those the OB wanted by extra-parliamentary and subversive means.

In sum, when Dönges became a minister in Malan's first cabinet, he was well versed in the law, had a commitment to parliament as a sovereign law-making body, upheld the supremacy and unity of whites while promoting the ascendance of Afrikaners, and believed that a racial colour line between whites, Africans and the remaining 'coloured' groups should be drawn in society. For him, the racial line of division (*rasseskeidslyn*) was the central principle of apartheid, along which he and his colleagues would attempt to reorganise and restructure society.

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[13] Quoted in Bekker, *Eben Donges*, p.145.

[14] Catalogue to TE Donges papers A.1646 (CAD).

The Indian Question

Six months into his tenure as minister of the interior, Dönges appointed two committees, the *Asiatic Land Tenure Amendments Committee* (Natal) and the *Land Tenure Act Amendments Committee* (Transvaal), to investigate the effectiveness of past residential and trading segregation measures in the provinces of Natal and the Transvaal. The committees were specifically requested to consider whether urgent amendments to the Asiatic Land Tenure Act of 1946 restricting Indian ownership of property had to be rushed through the 1949 parliamentary session 'pending further amendments of a more radical nature which may be recommended', a reference to the forthcoming group areas act which was in the process of being drafted.[15]

D S van der Merwe of the Land Tenure Advisory Board (LTAB) chaired both the Natal and Transvaal committees. The attorney-general of Natal, W J McKenzie, served on the Natal committee and the chief magistrate of Johanneburg, R Masson, the Transvaal. During 1949, Dönges requested G de Vos Hugo, an advocate and member of the LTAB, to serve as acting chair of the two committees and later appointed him as a full member and vice-chairman.[16] Van der Merwe and de Vos Hugo had been serving on the LTAB since 1946, when the Asiatic Land Tenure Act was introduced, and were therefore involved in the most recent attempts to segregate Indians in Natal. De Vos Hugo later became chairman of the LTAB's successor, the Group Areas Board.

The committee produced a substantial report, one part of which remained unpublished[17] because it contained confidential submissions, the other (published) part[18] consisting of a summary of the evidence and some major recommendations. The unpublished part is a review of the different measures adopted by the Natal and Transvaal authorities to check Indian trading activities and their movement into areas of predominantly white settlement. It also includes a (selective) presentation of the attitudes, opinions and prejudices of individuals and organisations supporting either the repatriation or the total segregation of Indian people. On the basis of this material the committee

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[15] Joint report of the Asiatic Land Tenure Amendments Committee and the Land Tenure Act Amendments Committee (Chapters 4 and 5 published as UG49/50, March 1950) p.1.

[16] Joint Report (published), p.1.

[17] Joint Report of the Asiatic Land Tenure Laws Amendments Committee and the Land Tenure Act Amendments Committee, Chapters 1-3, (Unpublished) TE Donges Papers, A.1646.

[18] Joint Report (published).

constructed an account of public (meaning white) opinion, the thrust of which was said to be `overwhelmingly in favour of the compulsory segregation ... as regards ownership and occupation of fixed property and as regards trade and industry.´ Since there was, in the committee´s view, `no justification for not accepting this evidence´, the committee recommended that the Asiatic Land Tenure Act of 1946 should be replaced by a more comprehensive measure.[19] The report and recommendations were duly submitted to Dönges in March of 1949. The Group Areas Act appeared a year later.

The measures proposed by the committee essentially turned on three themes: (a) Indian people were formidable traders and as such a threat to their white counterparts (b) as a people they were foreign to South Africa and unassimilable and (c) they were moving into areas of predominantly white settlement and driving down property values and community standards in the process. The committee´s unpublished report cites a litany of submissions coming from white traders and organisations of commerce in Natal and the Transvaal in protest against the Indian trader.[20] A mere twenty years after their arrival, we are told, Indian traders had locked up the `native trade´.[21] Of the 700 stores in Natal, 75 per cent were now in the hands of Indian traders. Because of their `different habits life´, the extensive use of family labour and thrifty commercial habits, Indians drove white traders out of business: the situation was `impossible as far as Europeans were concerned, whether in trade or agriculture ... .´[22] By the 1940s the story was much the same. A parliamentary select committee of 1936 regretted that trade in the smaller towns of Transvaal was the `monopoly of Asiatics´; in some towns they were said to control `75 per cent of the total trade.´

Dönges´ committee also expressed the view that Indian people were a `foreign´ element (*vreemdelinge*) in South Africa, brought here by the British colonial authorities and sugar plantation owners and not at the behest of the local (white) population. Dönges had made it known five years earlier that to him Indian people were alien to South Africa, and as such should return to India.[23] At the time the Indian population had been in South Africa for at least 80 years, and therefore no less recent a group of arrivals compared to some European immigrants. Past attempt at enabling

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[19] Joint Report, p.4.

[20] Joint Report, (published) p.8.

[21] Joint report, (unpublished) p.60.

[22] Joint report, (unpublished) p.11.

[23] Bekker, *Eben Donges*, p.147.

the return of Indian people had failed. The assisted emigration scheme introduced in the late 1920s in terms of the Cape Town agreement between governments of South Africa and India had not attracted many voluntary emigrants. Thus, until such time as repatriation became feasible, Indian people were to be restricted to their own areas.

As an `alien´ people, Indians were seen to be resistant to and unworthy of assimilation.[24] On the one hand, they were said to have a `foreign´ and closed culture, spoke languages only they could understand, enforced strict marital endogamy, and largely kept to themselves. On the other hand, white, coloured and African people were said to dislike and despise them as a group, by virtue of their exploitative commercial practices, their cultural--especially religious and language--distinctiveness, and a high visibility in spite of small numbers. The director of the census in the 1950s, J Raats, was later to opine their capacity to resist assimilation, and offered some radical solutions which he believed would erode their solidarity and resistance to assimilation.[25] Pierre van den Berghe noted that strong responses such as these to Indian people was an example of a more general phenomenon, where `middle-man minorities´ were despised because of their cultural distinctiveness, resistance to assimilation, highly levels of visibility despite their small numbers, and their monopoly over trading practices which others saw as unfair and exploitative.[26]

Finally, what alarmed the committee was the perception that Indian people were moving in large numbers into traditionally white areas of settlement despite the law. Whether it was by way of using whites as a front for occupation in residential areas, or by residing at their place of trade, Indians, with their `filthy habits and immoral practices´, as one citizen put it, were theatening the safety, culture and property markets of white neighbourhoods.[27] The problem had become intractable in Durban, leading its mayor to urge the state to either repatriate Indian

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[24] *Die Burger* (29 March 1948), TE Donges papers, A.1646 v.443.

[25] Memorandum: J Raats, director of the census, to Secretary of the Department of the Interior, (26 September 1952), p.2. (TE Donges papers, A.1646 v.126).

[26] Pierre van den Berghe, *The Ethnic Phenomenon* (New York: Praeger, 1981) pp.138-9.

[27] Cited in Joint Report (unpublished) p.26.

people or segregate them by force to the outskirts of the city.[28] And in other cities and towns in Natal and the Transvaal where Indian people had some presence, the committee was inundated with evidence to the effect that Indian 'infitration' had gone much too far despite the laws of government.

The Shaping of Racial Groups

Had the Indian question been Dönges' only problem, a series of amendments to the Asiatic Land Tenure Act of 1946 restricting trade and residential settlement would probably have done the trick. Dönges put through amendments to this law in 1950, but left the questions of segregated trade and residence untouched. The desired changes came with the Group Areas Act, but the new law dealt with all people of colour, not only the Indian population. That it was deemed necessary to introduce a 'more comprehensive measure' suggests that something greater than the albeit critical Indian question was here at stake.

The Group Areas Act was part of a larger package of racial legislation. The Immorality Amendment Act of 1950 extended the prohibition of 'illicit sexual intercourse' between 'European' and 'Native' contained in the original 1928 legislation to 'European', 'Coloured' and 'Native'. The Mixed Marriages Act of 1949 prohibited marriage between these state-defined groups and declared all inter-racial marriages null-and-void unless the parties affected changed their racial status. The Population Registration Act provided the definitions of these racial groupings and established a basis for population registers accordingly. The Group Areas Act minimised the opportunities in spatial terms for inter-racial sex and marriage to occur and maximised opportunities for unique racial populations to emerge, each with their own culture and social identity.[29]

The principal mechanism by which state officials sought to intervene in the shaping of racial groups was the classification of the population along guidelines contained in the Population Registration Act . Once classified into a certain category, the affected individual could only have sex with, marry and live with others of the same group. The classification of individuals whose parents were from different groups worked with and certainly assumed a racial hierarchy. Children of such parents were typically assigned the status of lesser group. Coloured if the one parent was white and the other coloured; 'Bantu' if the one

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[28] Cited in Joint Report (unpublished), p.60.

[29] Verslag van Komitee insake woordomskrywing en klassiefikasie van nie-blankes - Bevolkingsregistrasiewet, 1950 (20 November 1954), p.14. (TE Donges papers v.126).

parent was coloured and the other African; and so on. The classification system was not entirely cast in stone, as individuals could petition against their classification which was, at times, granted.

It was the task of the Census and therefore of its director, J Raats, to give some body and detail to the racial boundaries established by Dönges in the Population Registration Act. Using as criteria skin colour and social identity, the law very broadly specified that `Europeans´ had to be white in appearance and by social reputation, `natives´ black in appearance and generally accepted by others as decendants of any `original tribe of Africa´. `Coloured´ people were neither white nor black, and included those white in appearance but normally accepted by others as coloured. In preparation for the 1951 census, Raats had to develop some working definitions for those who did not fit into these categories, especially since he wanted to use the census as a test run. Other state departments had turned to the Census for some clarity about racial definitions. The department responsible for the disbursement of state pensions wanted to know, for example, whether the recipient was coloured or white, so as to determine the amount paid.[30] Similarly, the group areas board was hoping to have more precise working definitions.[31]

For the purposes of the 1951 census, Raats developed the following specific definitions:

> * Asiatic means a person both of whose parents are or were members of a race or tribe whose whose national or ethnical home is Asia, and shall include a person of partly Asiatic origin living as an Asiatic family, but shall not include any Jew, Syrian or Cape Malay;
>
> * Bantu means a person both of whose parents are or were members of an aboriginal tribe of Africa, and shall include a person of mixed race living as a member of the Bantu community, tribe, kraal or location, but shall not include any Bushman, Griqua, Hottentot or Koranna;
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> * Cape Malay means any person who states that he is a Cape Malay, unless and until the contrary is proved;
>
> * Coloured means any person who is not a white person,

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[30] Sekretaris van Volkswelsyn aan Sekretaris vir Binnelandsesake (31 January 1950) TE Donges papers A.1646 v.126.

[31] Report and recommendations of the Natal Committee (Group Areas Board), 10 June 1955 (GGR 3/1/6 v.4); Report and recommendations of the Eastern Cape Committee (Group Areas Board), 29 June 1955 (GGR3/1/6 v.4).

Asiatic, Bantu or Cape Malay as defined ... , and shall include any Bushman, Griqua, Hottentot or Koranna;

* A white person means a person both of whose parents are or were members of a race whose national or ethnical home is Europe, and shall include any Jew, Syrian or other person who is in appearance obviously a white person unless and until the contrary is proved.[32]

The Population Registration Act required the Governor-General, nominally, to provide definitions for the ethnic sub-division of coloured and `native´ people. In practice this responsibility fell upon the census. Raats´ division of the general category coloured into `Asiatic´, Cape Malay and coloured was in line with this requirement. Raats did not bother at this time to sub-divide `Bantu´ people, because he claimed that it would be too expensive to include them in the 1951 enumeration. It is worth noting that the budget for the census was way in excess of monies actually spent.[33] More likely an explanation was that priority in racial definitions was to given to the `coloured´ category first, since here was where most the definitional problems lay; Africans could simply added to the register as time passed. As for the position of people of Jewish and Syrian descent, they were considered white only if their appearance was white. The Population Registration Act did not require the Governor-General to sub-divide white. divisible as they no doubt were along ethnic lines, for unity among the dominant group was much more important in this strategy of divide and rule.

The political logic became much clearer when Raats had to deal with the racial classification of marginal cases. Most of the cases--and there were many, close to 100 000--fell between the definition of whites and coloureds, although there also ones between coloured and African as well as Indian and African. Raats complained that in his attempt to develop a clear racial line of division (*rasse-skeidslyn*) on the basis of apartheid principles the marginal cases proved to be a `major and immensely difficult task´ (*geweldige en uiters moelike taak*).[34] The categories developed for the 1951 census did not provide clear enough guidelines when dealing with the classification of individuals who had parents from different groups, or where there was

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[32] Typescript of bill to make provision for a national register and the issuing of identity cards (nd 1951?) TE Donges papers v.125.

[33] Letter: Population Registrar to Secretary of the Interior (19 February 1957) TE Donges Papers v.126.

[34] Memorandum: Raats to Secretary of the Interior (Personal and Confidential) (26 September 1952) TE Donges papers v.126.

information missing, or when the system simply had so much slippage that individuals snuck into the white category.

Raats cited the instance of Anthony Jooste, a coloured teacher at Krugersdorp, whose mother's death certificate indicated that she was coloured, the father's race unknown. Jooste's marriage certificate indicated both he and his wife as coloured, but her death certificate said white. Their three children were classified as white and attended white schools. 'They were therefore accepted as white despite the fact that their descent was coloured', Raats noted.[35] To deal with instances such as this one, Raats wanted to know the political terms by which the classification device could be used to drive racial populations in given directions.

Raats offered his recommendations, some of which even his colleagues found a little too fanciful. They were agreed that a rigid racial line should be drawn around whites as the dominant group, and that blood-mixing with coloured people should not be allowed to further corrupt (*verydel*) the already impure white race. However, coloured people who looked like whites were a problem. Many of them, in anticipation of the passage of the racial laws, moved into white residential areas, made white friends, and therefore met the legal criteria of both appearance and social recognition. Many fair-skinned coloured people were no different in appearance to whites who, in their line of descent, had coloured blood. Raats feared that if this group was not allowed into the ranks of the whites, they might, given their high fertility rate, regrettably become a competing white group. It would be better, he noted, to classify all marginal cases where the individuals involved looked white, as white. This argument was accepted by Dönges, and in the 1950s was used as rule of thumb in such cases.

They were also agreed that Cape Malays should be protected as a sub-group of coloured people partly at their request, and because I D du Plessis, the Commissioner of Coloured Affairs, was their benefactor.[36] Du Plessis had invested a great deal of time developing his anthropological interests in the Cape Malays, wrote a greal deal about them, and went out of his way to put

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[35] Verslag van Komitee insake woordomskrywing en klassiefikasie van nie-blankes - Bevolkingsregistrasiewet, 1950.

[36] Memorandum from the Cape Malay Board of Deputies (GGR27/3).

their case.[37] Dönges had indeed come to an understanding with du Plessis that Cape Malays would get special and favoured treatment, which is why *Schotsekloof* and the *BoKaap*, situated on prime property in downtown Cape Town, remained relatively unscathed by group areas removals. As for coloured people who were neither Malay nor of sufficiently fair complexion, they were to be nurtured and protected so that a strong sense of national pride emerged. He believed that they already were developing a consciousness as 'racially distinct' (*rasegte*) people. The state should protect them against bastardisation (*verbastering*) with Africans, especially to check the growth of the gangster-native-child (*Skollie-naturel-kind*) who was, in Raats' eyes, its product.

Raats came into his own when discussing the Indian population. As noted earlier, he found their cultural distinctiveness, their apparent aloofness, and their endogamous marriage practices threatening. Indians, he observed, kept their race pure, but the men were promiscuous with coloured and African women, taking no responsibility for their mixed offspring, who were then absorbed into either the coloured or African communities. He recommended that the state should deliberately break down their racial cohesiveness, by classifying the mixed offspring as Indian and not as coloured or African as was typically the case. A process of *verkaffering* (to make kaffir) was suggested:

> Many bastards are born of parents one of whom is Indian, and this bastard should go to the Indian community, be treated as one and live in the same neighbourhood, even though he might speak Zulu, Sotho or any other language. These bastards will be the medium of disintegration by which the solidarity of the Indian will be eroded, and will turn the Indian into a coloured group with a view of life more compatible with the conditions of our country.[38]

Raats' colleagues from the departments of justice, native affairs and the interior found this argument to be far-fetched, and

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[37] Among others, *Die Bydrae van die Kaapse Maleier tot die Afrikaanse Volkslied* (Cape Town: Nasionale Pers, 1935); *The Cape Malays* (Cape Town: Maskew Miller, 1944); *The Malay Quarter and its People*, with Carl Luckhoff (Cape Town: Balkema, 1953). Du Plessis was also a prolific poet and essayist.

[38] Memorandum: Raats to Secretary of the Interior.

failed to directly respond to it.[39] In reviewing his recommendations, they suggested that he be given greater investagive powers into the descent lines of marginal cases (descent was not normally a criteria for race in the legislation), that the various departments of state develop a consistency in the use of racial classification, and that the 30 000 or so fair-skinned coloured people be absorbed into the white group.[40]

Out of this process emerged a picture of the racial future state officials premeditated--a society divided along racial lines with distinct cultural and colour characteristics. As a phenomenon, group areas was one of three central mechanisms responsible for the creation of such a future: (1) racial classification provided the definition of the races to which the officials wanted to move society towards (2) sex and intermarriage laws invoked humiliating criminal penalties against those individuals who broke the emergent rules of colour and race (3) group areas put put an end to `racial mixing´, as the state officials saw it, by circumscribing the propinquity of sexually available populations and minimising points of social and interpersonal--especially sexual--contact. In these terms, the guiding principle of social apartheid was endogamous reproduction, which if permitted to continue for some decades, result in the emergence of racial distinct populations.

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[39] Population register report to 31 March 1954. Director of Census to Secretary of the Interior (March 1954); Verslag van Komitee insake woordomskrywing en klassiefikasie van nie-blankes -Bevolkingsregistrasiewet, 1950.

[40] Verslag van Komitee insake woordomskrywing en klassiefikasie van nie-blankes - Bevolkingsregistrasiewet, 1950.