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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: F.S. Malan, The Cape Liberal Tradition, and South African Politics, 1908-1924.

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- I -

The nature of the Cape 'liberal' tradition has long posed problems for historians. It can be regarded, in broad terms, as a particular approach to parliamentary government in the South African context, an important defining element being the attitude held by those who claimed to be adherents towards "native policy" and the franchise. That the extent of that 'liberalism' on the question of race policies was often suspect, has been clearly shown in recent years. (1) Phyllis Lewsen has suggested, "the truth is that Cape liberalism was inescapably linked with the white man's belief in his superiority, but this attitude was linked, in the more dedicated of liberals, with a genuine desire to give others the opportunity to rise, and to grant them, when they did, the rights of civilized men, (if not the status)". (2) Other writers, notably Davenport, (3) Garson, (4) and Trapido, (5) have questioned the amount of popular support there was for the Cape franchise policy, and have pointed to the party political need to draw support from Coloured and African voters in the delicate balance of Cape politics as "the chief explanation for the survival of non-white voting rights there." (6) Trapido notes that after the Jameson Raid ...

> "unexpectedly, the doctrine of the Cape liberals which had been presented so uneasily before 1893, became the common currency of political debate on both sides of the Cape parliament. The change was almost entirely due to the development of competitive politics and the emergence of a two-party system. An attitude to non-white participation which began as an expedient, became a political habit, but the habit was easily broken when it threatened the creation of a union of South African states". (7)

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A basic flaw in the handling of the Cape liberal tradition by earlier writers, such as Thompson and Walker, (8) is that they have consistently attempted to single out the ideological and theoretical policy statements of those who claimed to adhere to this tradition, without looking at the socio-economic and political context in which politicians operated. Where there was a clash of economic interests between black and white, where African peasant prosperity challenged the class interests of the white settler community (especially with regard to land and labour policy), (9) and where administrative and legislative efforts were increasingly bent towards enlarging the flow of black labour to the mines and farms, there was little chance of a 'liberal' franchise policy having real political influence.

Where F.S. Malan differed from the other Cape 'liberals' who stood forward to defend their tradition in 1908-10 was that his position as effective leader of the Afrikaner Bond gave him a position of power and influence that none of the others could match. He had been a prominent member of the 'Commissie van Toezicht', the policy-making body of the Bond, since 1905, and as effective leader of the Bond was offered the premiership of the Cape in 1908 by the Governor, Sir W.F. Hely-Hutchinson. He declined in favour of J.X. Merriman but served as minister of agriculture From 1910 to 1924, he held various cabinet posts in the Botha and Smuts governments and was the only prominent representative of the Cape in the South African Party. Although he had sacrificed the principle of extending the Cape franchise policy to the rest of the Union in

exchange/...

exchange for a cabinet post, he does seem to have used that position to pursue policies during the early years of Union to initiate a new approach to industrial and race relations.

His influence allowed for the survival of the Cape liberal tradition in native policy until 1924. Although his role in active party politics ceased at this time, he made a significant stand as a senator from 1927 to 1936 in defence of the franchise rights of the non-whites. From the election of the first Union parliament in September, 1910, to the 1924 defeat of the SAP by the Nationalist/ Labour 'Pact', F.S. Malan held a key position in the Cabinet of the Botha/Smuts governments.

Although Malan only received the portfolio of Minister of Higher Education from Botha in 1910, his influence rapidly increased when he became Minister of Mines and Industries in 1912, and on Sauer's death in 1913, he took the portfolio of Native Affairs until the following session. Subsequent events, such as the Afrikaner Rebellion (1914), the South West Africa Campaign (April - July 1915) and the general involvement of Smuts and Botha with the affairs of World War I, left the day to day affairs of government with Malan. After the 1915 elections, Smuts was away in East Africa and Europe almost continuously until the peace in 1919, and Botha, a sick man by this time, held the portfolios of Prime Minister, Defence and Native Affairs. Malan clearly took a great deal of this work-load, particularly Native Affairs. It was therefore natural for

Malan to become Acting Prime Minister in July, 1917 when Botha retired to his farm for health reasons. From November, 1918 to August, 1919, Malan was Acting Prime Minister while Botha and Smuts were absent at the Versailles Peace Conference, and he again took on this function when Smuts was in Europe from May to June 1921, to attend the Imperial Conference.

Even when Botha and Smuts were in Cape Town, Hansard and the Cape Times Parliamentary Debate (1915-23) show that Malan spoke for the Minister of Native Affairs (10) (a portfolio that was always coupled to that of the Prime Minister after 1914) in routine parliamentary business between 1914 and 1924. The lack of a full-time Minister of Native Affairs was often criticized both in parliament and out (11), and members argued repeatedly that this resulted in misgovernment. This issue clearly gained some degree of prominence in the 1923 debate on the Native Affairs Vote when Smuts was absent without reason, and the government was attacked by Hertzog, Creswell and others for inconsistent pronouncements on native policy because of this division of authority between Smuts and Malan. Smuts argued that some division was essential because of his work-load, but Malan agreed with the Opposition "that a whole-time Minister of Native Affairs was desirable" since "it was no longer practical politics for the prime minister to hold an important portfolio like Native Affairs".(12) Smuts was not a good administrator and shirked the sheer volume of administrative work

connected/...

connected with this area of government for which he had little taste. (13) [Only in 1917, 1920 and 1923, when major policy Bills were being tabled, did the respective Prime Ministers lead the debate.] For the most part F.S. Malan was the man who stood behind the day to day affairs of the Department of Native Affairs.

The truth is that South Africa suffered under 'one-man' government in the sense that every crisis that arose was dealt with by Smuts (or occasionally by Botha), often to the exclusion of the actual minister in charge, and as a result there was a lack of continuity in policy, and a degree of uncertainty concerning ministerial responsibilities.

Thus F.S. Malan held a great deal of administrative power behind the scenes, and was in a stronger position than most other ministers to direct immediate policy in two vital sectors of government - namely Native Affairs and Industrial Relations. Firstly, lack of government policy concerning native affairs during the decade (with the sole exception of the Land Act of 1913), (see below), gave him scope to implement his own policies based on the ideas he had advocated at the National Convention. There was therefore clearly no major break with earlier, pre-Union policies in the Cape - indeed there was an attempt to extend those policies to the north.

Secondly/...

Secondly, in the field of industrial relations, Malan played a major role in the setting up of machinery for industrial conciliation at a time when "parliament had as yet not provided the machinery necessary to deal with industrial disputes, and what was even more ominous, the majority of the members, being totally unacquainted with industrial problems, were unsympathetic towards the trade unions and their methods". (14)

In addition, the whole approach to the 'colour-bar' in industry, despite the 1911 Mines and Works Act, shows signs of having been influenced by the Cape 'liberal' laissez faire approach, as opposed to the more rigid policies of the north. (15)

In short, while Malan did not hold the power in government in the way in which Botha and Smuts did, he had a considerable share of policy-making in the field of native affairs and industrial relations because neither of his senior colleagues took a definite stand on these issues. This explains the significant move towards innovation during these years, which was based on 'liberal' premises, and which sought to adapt these to the urban industrial environment .

Since Smuts hardly spoke a word on the subject of the African's role in South Africa in parliament prior to his premiership in 1920 (16) when the outlines of a policy began to appear, and since Botha and Smuts had little

experience/...

experience of dealing with an articulate African electorate such as existed in the Cape, it is not surprising that they left these affairs to others - in particular to Hertzog, Sauer and Malan. Among these it was only Malan who repeatedly challenged, if not the principles of social and territorial segregation, the working out of those principles in practice. Although he did not oppose the Land Act itself, he joined Sauer in wondering whether it were not ultra vires in that it infringed the rights of Coloured and African citizens in the Cape. His speeches reveal a curious blend of paternalism linked to a concern for the legal rights of 'civilized' Africans on the one hand, and on the other, an increasing degree of insight into the real economic and labour problems that lay at the root of South Africa's need for a comprehensive policy approach to the challenges of industrialisation.

An important factor in F.S. Malan's political education was his realization of his own commitment to a policy which was "against drawing a colour line for political purposes" (17) at the time of Union. As an Afrikaner politician, this was soon to be a major point of difference between him and his northern colleagues, who all backed Smuts when he declared that he did "not believe in politics for them" (i.e. the Africans). (18) In 1909 this issue could easily have wrecked the National Convention, and Botha had even threatened to "go home" if Malan and others insisted on the Cape franchise being extended to the other three provinces. (19) When Smuts stated in the

Transvaal Parliament that "the thing to be feared was not so much the native question, because that question will ultimately be solved by the people (i.e. the white people) of South Africa, but what is already developing in South Africa, is the division of the white people in this country on this native question" as in the American Civil War, (20) he used the argument that ultimately swung Malan from his long vacillation and led him to express support for Botha as Prime Minister: this secured for Botha and Smuts their needed support from the Bond in the Cape. (21)

But equally important, from as early as February, 1910, Malan was lecturing Botha and Smuts on the necessity for the "fair and sympathetic treatment of the Coloured races".(22) The revised Botha Manifesto, which appeared in June 1910, showed the mark of Malan's redrafting. Whereas Botha's first draft in December 1909 was something of a caricature of northern fears and prejudices, advocating "a cautious native policy which will avoid mere repression and exploitation" and "the prevention of political, social and industrial mixture with whites", (23) Malan introduced the idea of a "sympathetic handling of the colour question in a broad and liberal spirit". (24)

This may appear to be little more than a verbal change, but it epitomised the difference in tone between Malan and the northerners. As 'acting' Minister of Native Affairs during the following years of SAP government, he

perpetuated/...

perpetuated the Cape 'liberal' approach within the Native Affairs Department, (25) and attempted to introduce a settlement of race and labour policy within the limitations of his position as a member of the cabinet. That he did not succeed with these policies was due to the fact that Smuts and Botha were more in sympathy with the Hertzog approach to these issues than they were to his. It was thus by default that Malan made some headway in applying his ideals to the realities of South African politics. Between 1912 and 1924, Malan was to a large measure responsible for the legislation tabled in the House of Assembly connected with the portfolio of Native affairs, even if Botha and Smuts introduced the legislation on major policy issues. As Garson has indicated, these "formal statements (in parliament) on Native Policy over the period are not very enlightening" (26) for "native affairs" were on the whole left to take their own course .... unless some sectional white interest became involved and made itself heard or unless a threat was posed to law and order". (27) It was in just such a situation that Malan was able to influence the day to day handling of affairs, but it took some time before a new policy began to appear on the statute books as a result of these pressures, and this was the signal for greater white political involvement in this issue.

This accounts for the fact then that the fragile tradition of paternalism and conservatism which is known as 'Cape liberalism' in fact lasted for a long time after Union

especially with reference to native policy, and that every parliamentary debate on the franchise issue or on native affairs divided not along party lines, but along the lines of 'Cape liberals' versus the rest. Malan and Merriman, the latter now in his old age, defended their various interpretations of that tradition. What is particularly fascinating about Malan's role is the subtlety with which he defended the traditions of the Cape within a hostile political climate, and the ability with which he adapted his views to South Africa's changing economy.

After 1913, Malan repeatedly found his loyalties divided on the question of support for the SAP policy of territorial segregation that was embodied in the Land Act, and his defence of the entrenched franchise rights of Coloureds and Africans in the Cape. During the debates on the Land Act he had been silent, but as the minister partly responsible for the 1917 Native Administration Bill, which grew out of the former legislation, he came to defend the principle of rural territorial segregation as "the only possible way of arriving at a uniform Native Policy".(28) Unlike Hertzog, however, Malan did not have a 'dual motive' in mind when supporting this legislation i.e. territorial and political segregation. (29) For better or for worse, Malan wished to keep the franchise issue separate and sacrosanct.

According/...

According to Tatz, the 1913 Land Act, based on the recommendations of the S.A. Native Affairs Commission 1903-05, and the Select Committee on Native Affairs of 1910, was largely the work of General Hertzog, drafted during his brief tenure of office as Minister of Native Affairs in 1912, (30) but later piloted through parliament by Sauer. The contradictions and speculations surrounding Sauer's position have become part of the liberal mythology and need not be expanded here.

Despite their silence throughout these debates, Malan and Sauer subsequently approached the Beaumont Commission (31), requesting it to "discuss the question of the franchise from the point of view of the 1913 Act". (32) Malan and Sauer were anxious to ensure that neither this Act nor any future Act, would in any way interfere with the entrenched clauses in the South Africa Act concerning the franchise rights of non-Whites in the Cape, but they did not raise this vital question until after the legislation had been enacted. The only explanation for this behaviour must be sought, as Tatz suggests, in their need to preserve South African Party unity in a cabinet already wracked by three major upheavals in the two years of its existence. (33) Be this as it may, a point of principle was nonetheless conceded to the Hertzog/Botha/Smuts view on native policy, as expressed at the National Convention, and this served as the foundation for future legislation.

In 1917, when Botha introduced the Native Administration Bill, Malan thought that the government was on the right lines for a "definite, comprehensive and final measure" to

set up a satisfactory and uniform Native Policy. He defended the Bill in the debate on the second reading in parliament "because the Bill gave effect throughout the Union to the good sound policy which had been applied by the Cape Province in the past, and in addition gave Natives certain rights in connection with their land".(34) The second reading of the Bill affirmed the principle of segregation, but the Bill was withdrawn after being referred to the Select Committee (which included F.S. Malan and Botha), partly because it conflicted with the entrenched franchise clause in the South Africa Act. The only way in which the Bill could be made law was for it to be passed by a two-thirds majority of a Joint Sitting of both Houses of Parliament, as laid down in Clause 35 of the Act. The matter was then completely dropped until after Hertzog became Prime Minister.

The white political establishment (including Smuts) rejected the stand made by the 'Cape liberals' as naive, "for this policy [of defending and wishing to extend the Cape franchise to the north] was thought to be the thin end of the wedge which could lead to the 'swamping' of the whites", and they scorned those who defended these policies "as hypocritical when they denied that they advocated an end to White domination". (35) By 1918, despite his fight to protect the franchise of non-whites, Malan (as Acting Prime Minister) admitted to a South African Native National Congress delegation:

"I/...

> 'I do not think that the white people will be satisfied with the competition of the Native people. I think the solution will be in giving the Native a chance of developing his own people, but this cannot be done in a day'. (36)

It was not just his stand on the franchise and land issues that increased Malan's alienation from the mainstream of white politics, for as I have shown, these differences were often not great. Much more important was his whole approach to the industrial and race relations problems of urban areas. In these spheres, Malan, as Minister of Mines and Industries and 'substitute' Minister of Native Affairs, attempted for the first time to attack native policy in a global context and not, as had usually been the case previously, as a problem to be isolated from all other affairs of government. In particular, he aimed at creating a stable middle class of non-Whites in industrial areas, as an attempt to counter the growing labour unrest that, particularly since 1918, had been endemic among the Coloured and African populations of the cities. (37)

As early as the 1913 industrial crises, soon after Malan became Minister of Mines and Industry, labour militancy among white miners threatened to spill over and create even greater problems for the government among Black miners and industrial workers. Although Smuts praised the conduct of the African miners during the strike, (38) both he and Malan undoubtedly recognised the potential danger of militant African trade unionism. If Smuts's intervention in the crisis led to the calling in of

Imperial/...

Imperial troops and the deportation of the strike leaders, it was left to Malan to patch up the harm done by officially recognising white trade unions (39) and to advocate a whole new policy to deal with industrial disputes, including compulsory arbitration and the use of the ballot prior to strikes.

Malan appealed to parliament "not only to pass measures enabling the government to deal effectively with disturbances of the peace, but also to enact remedial legislation providing the necessary machinery both for the prevention of industrial disputes and for dealing with them should they unfortunately arise". (40) Although it was some time before this was fully achieved with the passing of the Industrial Conciliation Act in 1924, it seems that the Native 'urban areas' policy was part of this wider scheme for a settlement of labour problems.

Even prior to the upheavels of 1913, Malan had shown an active interest in the role of the African on the gold mines of the Witwatersrand, and had been responsible for two Commissions of enquiry, one to investigate "the alleged grievances of Native Labourers on the Crown Mines Ltd"(41) and another to examine "the conditions in Native Mine Hospitals on the Witwatersrand". (42) As early as 1913 Malan had also seen the need for a comprehensive economic policy, if South Africa were to develop an economy that

was/...

was as self-contained as possible. (43) This would require a stable labour force of black as well as white workers.

Malan remained equivocal on the question of increased 'colour-bar' legislation in the mining industry. In 1914, in parliament, he pleaded for a 'practical approach' (i.e. allowing non-Whites to do skilled work and semi-skilled work under certain circumstances), (44) and by 1922 his views appear to have been very much the same, despite the intervening years of white labour militancy over the job colour-bar.(45) He saw the difficulties entailed in reconciling poor-white claims, voiced loudly through the Labour Party and the Nationalists, with the declining productivity of many mines, at a time of economic depression and increasing demands by African labourers. He repeatedly stated that the industrial 'colour-bar' was probably ultra vires, as the Low Grade Mines Commission (1920) had suggested (46), but as a politician grappling with the problems of the poor-whites and dependent on the white vote, he could not give this view practical effect (47). Nevertheless, his stand in parliament in defence of his labour policies on the mines is significant.

> "He had," he said, "after discussions and conferences, made a definite statement that the government did not contemplate or could not countenance the alteration of the regulation regarding the 'colour-bar',... It was degrading to the White man to say that [he] should be artificially protected against the native and coloured man, and facts and figures showed that there was no necessity for such artificial protection. The reason why a number [of white miners] were in danger today was that so many were not efficient miners." (48)

Hard words from a South African Minister of Mines.

The refusal of the South African Mine Workers Union to recognise Africans as semi-skilled workers in 1916, in addition to the economic crisis which the Low Grade Mines Commission Report (49) had predicted, all pointed to an era of crisis which culminated in the 1922 Rand Revolt.

In addition to White labour militancy, the establishment of the infrastructure of a non-white Labour movement in the post-war years, and a succession of 'disturbances' in urban (50), and rural areas (51), revealed the urgency of the need for a comprehensive labour and 'native' policy. Not only did 1918 and 1919 see an upsurge of A.N.C. militancy, but the establishment and rapid expansion of the I.C.U., marked the beginning of a significant African labour movement that made itself felt in most South African cities in protest against the 'pass laws' and the 'colour-bar' in industry. It is this which explains the rash of industrial legislation promulgated by Malan between 1918 and 1924, (52) which, though it applied primarily to Whites, sought to create better conditions for all workers. (53) Equally, it throws light on the rationale which underlay the SAP policy towards Africans during these years. The coalition of the SAP and the Unionists, the party of big business, in 1920, was an additional reason for the quickened pace of industrial legislation in the following years, and also explains the peculiar nature of the legislation during this period,

which/...

> increase to an ever greater extent as the industrial future of the country develops. It is in the town that the Native question of the future will in an ever-increasing complexity have to be faced. (63)

After the disastrous reaction to the 1917 Bill, the government was much more careful this time and published the Bill in English, Afrikaans, Sotho, Xhosa, Zulu and Tswana - an unusual move in itself towards 'consultation' - and awaited public reaction. The fact that no further action was taken until the return of Smuts in 1920 seems to be a further indication that it was the work of Malan, since he had neither the power nor the authority to proceed with such a vital issue on his own. He did, however, take a small step in the direction of launching a new policy for urban areas in 1919, with the Natives Reserves Locations Act Cape of Good Hope Amendment Act (64) which provided for the transfer of African urban locations in the Cape Province to the municipal authorities, and for the establishment of new 'locations'.(65)

In 1920, both the passing of the Native Affairs Act, and the establishment of the Inter-Departmental Committee on the Native Pass Laws set the tone of the new Malan/Smuts policy initiative. Smuts broke his silence on native policy by taking the unusual step of speaking as Minister of Native Affairs in the second reading debate on the Native Affairs Bill. In April, for the first time ever, he sat on the Select Committee on Native Affairs while the

endorsed, and which Smuts implicitly accepted.

The establishment of the Inter-Departmental Committee on the Native Pass Laws (72) was the government's response to a number of years of acute labour unrest among non-Whites, in urban areas in particular. (73) As a result, F.S. Malan, in November, 1918 as acting Prime Minister, had met a South African Native National Congress delegation and had expressed sympathy with their demands for the relaxation of the Pass Laws and the industrial 'colour-bar', but had pointed out quite bluntly that "the reason why I cannot remove [them] at present is that public opinion among the white people in the Transvaal and Orange Free State [and, he may have added, the Cape and Natal] will not allow me to do it". He did hold out the possibility, however, that increasing numbers of Africans would qualify for exemption from the pass laws, and the future contingency of "a better feeling among the [white] people than there is today" towards African advancement.(74) On this occasion Malan's liberal clichés were not enough to silence Black dissent, and the dissatisfaction of the delegation led to a passive resistance campaign in the Transvaal and Orange Free State, which ended in violence in Bloemfontein (March 1919) and in Johannesburg (April 1919).

Pressure for a new approach to race relations came also from white 'liberal' sources, notably from churchmen. In December 1918 Malan (as acting Prime Minister) met a

delegation/...

delegation from the Transvaal Free Church Council to discuss these issues, (75) and when Smuts returned from Europe in the following year, the Bishop of Pretoria approached him with requests for a change of heart regarding native policy. (76)

These combined pressures led to the appointment of the Pass Laws Committee early in 1920, under the Chairmanship of Colonel Godley. The Commissioners were all Native Administrators, four of the six being from the Cape, and their relatively liberal recommendations for modifying the pass laws were to figure prominently in the drafting of the 1923 legislation, particularly with respect to the Natives Registration and Protection Bill. (77)

The Native Affairs Commission took the 1918 draft Bill as a basis for urban policy, and toured the country in an attempt to gain support for it. While the Commissioners agreed with the general principle of territorial segregation, like the 1918 Minute, they realized that:

> whatever views one may hold as to the desirability of having natives as co-dwellers with Europeans in the cities, it must ... be admitted that the Natives are there and that they are likely to remain there, and that it is our duty both for their sake and for the sake of the Europeans, to improve the conditions under which they live.(78)

In a meeting with African leaders in May, the views of the Native Affairs Commission on the question of land tenure in urban areas gained a good deal of support, as indeed did Godley's recommendations for a uniform system of

as distinct from the usual 'locations', where the so-called 'civilized' Africans could obtain freehold land. A general programme of rebuilding and social welfare was envisaged to counteract the "lamentable results of the African influx into the towns". (82)

In 1923, when Smuts did take on his mantle as Minister of Native Affairs in the Select Committee to review the legislation, and in the second reading debate in particular, he sabotaged the entire initiative towards setting a new policy in motion by dropping the issue of freehold land tenure, which D.D.T. Jabavu stated was "one of the fundamental facts in the Bill which the Natives cannot afford to forego", (83), and by scrapping the Native Registration and Protection Bill almost in its entirety - and with it the more liberal recommendations of the Godley Commission. (He incorporated the clauses concerning the influx of Africans into urban areas, into the Urban Areas Bill against the wishes of the Native Affairs Commission).

The whole question of the setting up of African 'villages' as opposed to locations was clearly a selling point for the Bill in the second reading speech by Smuts on 7th February, 1923, (84) and it was just this issue which Hertzog attacked as the thin end of the wedge for an assault on the position of the White man in South Africa. The stress on housing and better living conditions was largely contingent on the provision of freehold tenure to Africans in these areas.

In the Select Committee, Roberts, Loram and Lemmer of the Native Affairs Commission, Selby Msimang and D.D.T. Jabavu, among others, made a strong stand on the land tenure issue. In view of the apparent changes in policy that were intimated by the Select Committee (the questions were not printed, only the answers of those interviewed), Jabavu was eventually prompted to retort:

> We look to the Committee to recommend legislation which will protect our interests and legal rights, and not to recommend legislation which is designed to curtail our rights or dispossess us of the little property we possess. (85)

There is no account of the debates of the Select Committee, but Davenport notes considerable differences of opinion among members of the Select Committee in the Committee of the Whole. Smuts now showed himself to be opposed to the legislation respecting freehold land tenure and the 'pass-laws', and this leads one once again to suspect that it was Malan's legislation, and not his.

Smuts supported his volte face with the lame plea that the municipalities had opposed the land tenure recommendations, which was enough of a half truth to be accepted, but in fact he had gone back on his own advice of 1920, repeated again during the first part of the Second Reading debate in 1923, that there was an "urgent need to foster a better spirit" between the government and the Africans. By taking the stand he did in June, he had not only gone

contrary/...

contrary to the recommendations of the Native Affairs Commission and the Godley Commission Report, but also as he was soon to discover, the wishes of the South African Natives National Congress, which strongly condemned the government's change in policy and called it "utterly unacceptable", protesting that the Select Committee had created a completely new Bill to that discussed in the previous year with the Native Affairs Commission. A deputation of African leaders which met Smuts to plead that the Bill be withheld, ended in a sharp exchange between T.J. Gumede, a member of the A.N.C. deputation to England in 1919 and future A.N.C. leader, and the Prime Minister. (86)

The initiative was over, and whatever hope there may have been for a broad 'liberal' policy towards the solution of industrial and race relations problems in South Africa's cities faded with it. Malan was to fight an extended though rather fruitless battle to save the 'Cape franchise' during the following twelve years, which culminated in failure with the passing of the 1936 Act. From 1924 his stand was much more narrowly based on the franchise alone, and out of contact with the broader political, social and economic issues of the time.

Though "in the last analysis Cape liberalism did not depart from the major consensus of white South African politics, that power shall be retained by the White group" (87) Malan's

stand in defence of that tradition did in the long run deprive him of an effective role in the politics of white South Africa, even though he had always agreed with the main tenets of the argument for white control. This suggests that there was indeed a separate tradition of Cape politics which was in the end irreconcilable with post-Union native policy, and there is little doubt that this also explains Malan's exclusion from an effective role in politics after 1924.

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(1) See in particular Stanley Trapido, 'White Conflict and Non-White Participation in the Politics of the Cape of Good Hope.1853-1910', Unpublished PhD Thesis, (London, 1970.)

(2) Phyllis Lewsen, 'The Cape Liberal Tradition - Myth or Reality?', Race, Vol XIII, i , 66-80. July,1971.

(3) T.R.H.Davenport, The Afrikaner Bond 1880-1911 , (Cape Town, 1966)

(4) Noel G. Garson, 'Party Politics and and the Plural Society.1910-29', Collected Papers of the Seminar on the Societies of Southern Africa in the 19th and 20th Centuries, Vol I, 133. (Institute of Commonwealth Studies, London, 1970).

(5) S.Trapido, 'White Conflict and Non-White Participation...'.

(6) N.G.Garson, 'Party Politics...'.

(7) S.Trapido, 'White Conflict and Non-White Participation...', 159.

(8) L.M.Thompson, The Unification of South Africa, (Oxford,1960).
E.A.Walker, A History of South Africa, (London,1962).

(9) Colin Bundy,'The Response of African Peasants in the Cape to Economic Changes 1870-1910: A Study of Growth and Decay', Collected Seminar Papers, Vol.III, (I.C.S., London, 1973).

(10) Malan was constantly required to take over the business of government at moments of crisis - see 'Autobiography of F.S.Malan', Unpublished, circa 1938. This is to be found in the 'New' Malan Papers in the Cape Town Archives. These Papers have recently been added to the original Malan Papers.

(11) Cape Times Parliamentary Debates,
27st May, 1920. Merriman's speeches.
31st May, 1923. Hertzog's speech.

(12) ibid. 1st June for 31st May, 1923.

(13) This makes nonsense of Hancock's argument that Smuts was responsible for the so-called 'wave' of 'liberal' legislation in the early 1920's.
(W.K.Hancock, Smuts Vol II : The Fields of Force, 111, Cambridge, 1968).

(14) F.S.Malan, 'The Union of South Africa, 1910-1921', in Cambridge History of the British Empire, Vol.VIII , 653. (Cambridge, 1936).

(15) Of course, such policies were also to the liking of the Chamber of Mines, as it wished to cut the costs of production by paying lower wages to African and Coloured workers than they did to whites. What are 'liberal' policies from one point of view, may be capitalist exploitation from another.

(16) Outside parliament too, Smuts had not said a great deal on the subject. The Savoy House speech in 1917 can hardly be taken seriously as a policy statement.
(W.K.Hancock, Smuts Vol I, The Sanguine Years, 318-19, Cambridge, 1961).

(17) Speech by F.S.Malan on 17st January, 1908, quoted U.G.54 - 1937, 224.

(18) N.Garson, 'Party Politics..', 134, and W.K.Hancock and J.van der Poel, Selections from the Smuts Papers, Vol.II, 488-499, (Cambridge, 1966).

(19) F.S.Malan, Konvensie Dagboek van F.S.Malan, Van Riebeeck Society 32, 49-59 (Cape Town, 1951)

(20) Hancock and v.d.Poel, Smuts Papers, Vol II, 561.

(21) Merriman had also expressed reservations about standing firm behind the Cape tradition. See, P.Lewsen, Selections from the Correspondence of J.X.Merriman,1905-1924, 136, V.R.S. (Cape Town, 1969).

(22) Davenport, Afrikaner Bond, 299, and Malan Papers,1910.

(23) Hancock and v.d.Poel, Smuts Papers,Vol II,452.

(24) These changes were incorporated in Malan's Draft Constitution for the S.A.P. which was eventually adopted in 1911. See Malan Papers,1910.

(25) The Native Affairs Department was effectively under the control of F.S.Malan from 1913 until 1924, and during those years 'the Cape tradition achieved prominence, although not without a struggle, at administrative headquarters in Pretoria'(W.K.Hancock, Smuts,II,90). Burton,Dower and Moffat,who were prominent Cape men, played a significant role in the Department until 1919, and when Smuts became Prime Minister he chose another Cape man, E.E.Barrett as Permanent Secretary of the Native Affairs Department. It was therefore easy for Malan to work with these men who shared his views and directed the formulation of policy.

(26) N.G.Garson,'Party Politics...', 130.

(27) ibid.

(28) Cape Times Parliamentary Debates, 13 Mar.,1917.

(29) C.M.Tatz, Shadow and Substance in South Africa, 32, (Pietermaritzburg,1962).

(30) ibid. Davenport,however,disputes this point. Personal conversation.

(31) Commission to Investigate and Report on the Native Land Question, U.G.19 - 1916.

(32) Tatz, Shadow and Substance.. ,28.

(33) a) The clash between Malan and Hertzog on the Select Committee on Education nearly led to Hertzog's resignation (1912) (F.S.Malan,'Autobiography.')
b) The clash between Hull and Sauer which led to the resignation of Hull in 1912. (ibid.)
c) The government's eventual ejection of Hertzog after the de Wildt speech.(1913)

(34) Cape Times Parliamentary Debates,3 April,1917. Burton,a Cape liberal who had been closely involved with native policy since Union, also praised the Bill as 'a signal triumph for the Cape tradition' and argued that it in no way abrogated the rights of Africans in the Cape.

(35) S.Trapido, 'White Politics...',206.

(36) F.S.Malan to South African Native National Congress delegation,12 November, 1918. See Malan Papers,1922 and U.G.41 - 1922.

(37) e.g. 1917 Dec - Riots in Kimberley.
1918 Jan - Riots in Johannesburg.
Feb - Boycott by Africans of East Rand stores against rises in food prices.
- A.N.C.pass burning campaign.
1919 Mar - I.C.W.U.demonstrations in Bloemfontein.
Apr - Africans and Police clash in Johannesburg (Boyes Report)
Dec - I.C.U. strike on Cape Town docks.
1920 Feb - 40,000 African miners strike on the Witwatersrand.
Oct - Port Elizabeth riots and shootings.

(38) Hansard, 1914.

(39) e.g. the Transvaal Miners Assn. ~~16 Jan.,1913~~.

(40) F.S.Malan,'South Africa from 1910-1921', op.cit., 667.

(41) Malan Papers. June,1913.

(42) ibid.

(43) Cape Times Parliamentary Debates, 22 Sept.,1913, and Malan Papers,1913.

(44) Cape Times Parliamentary Debates, ~~1913~~ , 12 May, 1914. 'F.S.Malan on the Colour Bar '.

(45) Cape Times Parliamentary Debates, 25 Feb., 1922. 'Colour-bar' debate in parliament. This seems to indicate that there was no strict application of the earlier legislation.

(46) This view was later confirmed by the judgement of Mr Justice Krause in November,1923,in Rex vs Hildick Smith.

(47) Cape Times Parliamentary Debates, 4-5 July,1920.

(48) ibid. 25 Feb., 1922.

(49) The Low Grade Mines Commission Report,1920 (U.G. 34 - 1920)

(50) See footnote (37) above.
~~Also, P.Kallaway, 'F.S.Malan, the Cape liberal tradition and the Politics of Union, 1900 - 1910', (unpublished typescript,1973)~~

(51) The neglect of the rural areas and the need for an efficient system of consultation between the government and Africans was spotlighted by the disastrous misgovernment which resulted in the tragedies of Bulhoek, 1921 ,(See W.K.Hancock, Smuts II, 97-8, and U.G. 44 - 1921) and Bondelzwarts,1922. (W.K.Hancock, Smuts II, 89 - 110)
Even here there were meagre signs of change in the passing of the Orange Free State Native (Baralong) Land Relief Act, although this was vehemently opposed by Hertzog, (Hansard,7 Apr., 1924)
Also see Cape Times Parliamentary Debates, 19 - 21 June,1919 and U.G. 48 - 1919.

(58) New Malan Papers,1919.
In particular, see the correspondence between Botha (in London) and Malan (as Acting Prime Minister) in July,1919, concerning the incorporation of Swaziland.

(59) Malan Papers,1922.
Secret papers concerning the admittance of Rhodesia to the Union; terms of incorporation; correspondence with the B.S.A.Co. and the British Government. May-July,1922.

(60) ibid. Papers concerning the Mozambique Convention. 12-13 June,1922.

(61) T.R.H.Davenport, 'The Passing of the South African Natives (Urban Areas) Act',1923', (Unpublished I.C.S.paper)

(62) This Bill was published in the Government Gazette Extraordinary, 19 Jan., 1918, Government Notice No 114 of 1918, Vol XXXI, No 863.

(63) Report of the Department of Native Affairs for the years 1913-1918 , in U.G.7 - 1919, 17.

(64) U.G. 48 - 1919.

(65) This was linked to a whole programme of slum clearance that was envisaged. It is interesting to note that this Bill was introduced two days before the end of the parliamentary sitting, perhaps an indication of the insecurity felt by the government even on such a relatively minor issue involving policy on race relations.

(66) Second Report of the Select Committee on Native Affairs, June,1920.
U.G. 34 - 1922.

(67) Cape Times Parliamentary Debates,
17 May,1920 for 26 May,1920.
These remarks are all the more interesting in view of Smut's volte face in 1923. (See below)

(68) For a critique of this view see :
A.L.Epstein,'Urbanization and Social Change in Africa',
Current Anthropology,VIII,4,
4,Oct.,1967.

(69) For a masterly study of the ideas which underlay the Phelps-Stokes ideology of 'education for subservience' which gained much currency at this time, see K.J.King, Pan-Africanism and Education, (Oxford, 1971).

(70) The members were Senator A.W.Roberts, Dr.C.T.Loram and Genl.L.A.S.Lemmer.

(71) Cape Times Parliamentary Debates, 27 May, 1920.

(72) (The Godley Commission) U.G.41 - 1922.

(73) See footnote (37)

(74) Report of F.S.Malan's interview with SANNC delegation - 12 Nov., 1918. Malan Papers,1918 and U.G.41 - 1922.

(75) Interview of the Transvaal Free Church Council with Hon the Minister of Native Affairs, 12 Dec, 1918. Malan Papers, 1918.

(76) W.K.Hancock, (Smuts,II, p118-119) has the role of the Bishop of Pretoria completely out of perspective when he gives him the sole credit for persuading Smuts to undertake a new approach to native policy.

(77) This is well summarised in Davenport, 'The passing of the ...Urban Areas Act'. op.cit.

(78) The Report of the Native Affairs Commission, Chapter III, 'The Native in Town', U.G. 15 - 1922.

(79) U.G. 36 - 1923.

(80) Cape Times Parliamentary Debates,5 July,1922.

(81) ibid. May, 1923.

(82) ibid. 7 Feb., 1923.

(83) Select Committee 3 - 1923, 17.

(84) Cape Times Parliamentary Debates, 8 Feb.,1923.

(85) Select Committee 3 - 1923, 17.

(86) The SANNC deputation interviewed by Smuts (as Prime Minister) on 1 June,1923, in the presence of Sir W.Stanford and Col Godley, comprised T.J.Gumede, R.V.Selope Thema , F.Mapetla and others.
(see Davenport, 'The passing of the ... Urban Areas Act', op.cit.)

(87) S.Trapido,'White conflict and Non-White Participation....' op. cit.,206.