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There are few moments in history where the divides of class, race, age and gender are collapsed into a common unity against a common grievance. African resistance to South Africa's pass laws is no exception. Without close attention to the class basis of protest action, one can easily be lulled into perceiving such action as a cross-class phenomenon in which the interests and motivation of all participants were the same. The response of Johannesburg's African middle classes to the inclusion of African women in the city's curfew regulations in 1925 and 1931 suggests otherwise. Their opposition was not merely to the subjection of African women to a form of pass control. To a large degree, it was a plea for the defence of their status as a differentiated elite, a stratum not subject to the same legislative constraints as the majority. It was also a rejection of state interference in the right of African men to determine the affairs of their household. The authority of African patriarchs was being undermined by the state. The purpose of this paper is to explore the context of the introduction of a curfew for African women, and the responses of the African middle classes to the measure.

Julie Wells' and Cheryl Walker's pioneering studies have done much to rectify the omission of women from most accounts of African anti-pass campaigns.[1] Wells' account of the vehemence of the Orange Free State anti-pass campaign of 1913-1917, for example, is an important contribution to our understanding of at least one reason why African women were not included in the pass laws until the 1950's. Along with many revisionist historians, however, her analysis tends to focus on class exploitation and national oppression, and at times even to collapse the two. Unless handled sensitively, this approach carries

with it the potential for two major inadequacies.

Firstly, it tends to conceal the more discreet tensions at play over the politics of age and gender. Wells' essentially 'heroic' paradigm appears to preclude her from either mentioning or exploring why, despite a 'tradition' of defiance, certain African women in Bloemfontein specifically requested women's inclusion in the city's night pass regulations in 1923.[2]] Secondly, this approach can obscure the shifting class distinctions among the African protagonists of protest action. African resistance to women's inclusion in the pass laws, whether in Bloemfontein between 1913 and 1917, or elsewhere subsequently, did not collapse African inter- and intra-class distinctions into a common unity against a common grievance. 'Sisterhood', moreover, does not necessarily transcend class. Many middle class African women supported restrictions on 'women of low morals' as vigorously as their spouses did.

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For South Africa's ruling classes the 1920's was a period of economic growth once the post-war recession of 1921-22 had been weathered. This expansion occured across virtually all sectors of the economy, and on the Rand, manufacturing industry was taking off, aided by the sheltered markets provided by the trade disruptions of World War One and boosted by protectionism from 1926.[3] More revealing than the increase in the number of manufacturing establishments was the growth in the non-mining industrial workforce, particularly its African component - from 17 046 African men in 1916 to 35 142 in 1923.[4] Yet, mine workers aside, the proportion of African men in industry relative to other sectors was relatively small. Many worked in the

commercial, service or municipal sectors, and domestic service outranked any other single type of employment in Johannesburg. The number of industrial workers did not exceed that of domestic workers until 1941.[5] Table 1, based on 1928 figures, illustrates this: [6]

ESTIMATED TOTAL POPULATION.	DISTRIBUTION ACCORDING TO EMPLOYMENT.					
	MINES WITHIN JOHANNESBURG.	MUNICIPAL SERVICE.	DOMESTIC SERVICE.	EMPLOYED BY EMPLOYERS OF OVER 25 NATIVES.	ALL OTHER EMPLOYERS.	WOMEN AND CHILDREN UNEMPLOYED OR ONLY CASUALLY EMPLOYED.
136,000.	53,238.	5,000.	26,000.	10,000.	18,948.	22,814.
	Housing, food, medical service and recreation provided by employers.	Minimum daily wage 2/-. Housing, food, medical service and recreation provided by employers.	Average monthly wage about £3. Housing, food and often clothes, provided by employers. About 6000 not housed by employers.	Average minimum wage about 16/- per week. Mostly housed by employers.	Average minimum wage about 16/- per week. A few housed by employers. Some living in municipal hostels or villages or finding accommodation for themselves in back yards, slums, etc.,etc.,	Living in back yards, slums or native townships or villages.
TOTAL, EXCLUDING MINES: 83457						

African wages remained relatively static throughout the 1920's at levels little changed since pre-war days.[7] At a time when conservative estimates set the cost of supporting a four-member urban African family at L6.11.8 per month, - a figure which excluded such 'luxuries' as medical care, education or clothing - the average wage for non-mining workers was L4.2.0, a figure based on the alleged cost of providing for the immediate needs of a single, migrant worker.[8] Yet statistics from the 1911 and 1921 censuses reveal a significant demographic shift - however imprecise the ennumeration may have been. The number of men working in Johannesburg rose by only 5% between the 1911 and 1921 censuses, yet the number of women nearly trebled - from 4 357 to 12 160 - which suggests that an increasing number of African women were moving to town to settle and establish their families there.[9]

An urban African family simply could not subsist on the average monthly wage of L4.2.0 paid to working men. It was thus imperative for other members of the family to contribute to the household income. Most children took some part in this, selling newspapers, hawking fuel or doing odd jobs in the neighbourhood, but the most important supplement came from adult women.[10] Many resorted to illicit - and allegedly immoral - ways of making money.

Adequately paid jobs for women were scarce in Johannesburg. The one sector of the labour market where women might expect to find work - domestic service - was dominated by men.[11] "In town," protested a prominent member of Johannesburg's African elite, Charlotte Maxeke, in 1919,

> the work of the women has been taken over by the men. There are houseboys, washboys and boys nursing the babies, and the women are outside unable to get anything to do. If they do get work the amount they receive is so small that they are unable to live, all on account of the competition of the men in the women's field of work.[12]

In 1925, wages paid to African women domestics ranged from 5s to 15s a month, with food and lodgings; men, conversely, were paid between L2 and L4.[13]

Employers were apparently reluctant to hire African women for domestic work.[14] African women did not carry a pass and hence could not be tied as effectively into a service contract as a pass-bearing African man. Secondly, there was little imperative to draw on female labour given the fairly plentiful supply of migrant men available for domestic service, and African men could presumably be used in a far broader range of manual household chores than women. Thirdly, and possibly most significantly, urban African women were said to be

immoral and liable to pass on diseases to their young white wards. The immorality of African female domestics was perceived as being integrally related to the accommdation provided for them. Where it was provided - domestics frequently had to make their own lodging arrangements - servants' quarters were generally squalid.[15] An 'eminent physician' warned sternly:

> If the 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.[16]

Men, apparently, were not seen as harbingers of disease, and the chastity of male servants was rarely questioned; yet they at least were not subject to pregnancies that could disrupt their employers' household routine.

By 1931, despite a rapid increase, African women comprised a little over a quarter of Johannesburg's 26 000 domestic workers.[17] This was due not only to employers' reluctance to hire them, but because of the lack of childcare facilities for women who went out to work. Although young children could be entrusted to the care of older siblings or friends, most women seem to have opted for home-based industry, of which washing for white families was the most common form.

The returns on this back-breaking labour were small. The standard rate for doing washing at an employer's home was 2/6d a day and for those who laundered from their own homes, 10/- per month. Once soap, blue, water, coal and tram fares had been paid for, women could be left with profits of less than a shilling per washing bundle per week.[18] Not altogether surprisingly a high percentage of urban women

resorted to more lucrative ways of supplementing their earnings, such as illicit liquor selling and prostitution.

Reliable statistics on the incidence of prostitution are hard to come by at the best of times, and particularly so for African women living in Johannesburg in this period. White authorities and several African commentators alleged prostitution assumed alarming proportions - 'even when the carnal promptings of a quarter-million unattached Native males is taken into account' [19] - and pointed to the prevalence of venereal disease as proof. Claims that 80% of Johannesburg Africans suffered from V.D. were not borne out by medical testimony, though. [20] Nonetheless, the fact that 15% of all patients coming for treatment at the city's clinics were venereally infected - the vast majority of them coming because of other ailments - suggests a fair degree of promiscuity.[21] But promiscuity is not necessarily the same as prostitution, and it seems that the endemic immorality described by municipal officials and missionaries referred broadly to any union outside the sanction of formal marriage.

Far more common than prostitution as an illicit form of commodity exchange was liquor selling. In a survey of African family budgets in Marabastad, Pretoria, in 1933, Eileen Krige found that about 70% of location dwellers derived some income from liquor sales.[22] Ellen Hellman's study of a Johannesburg yard, Rooiyard, in the same period suggests that the incidence of women selling liquor in Johannesburg was comparable, if not higher.[23]

Women who brewed beer in urban areas were not motivated purely by economic considerations. In rural African societies, the sexual

division of labour allocated to women the task of making beer, and sorghum beer - or kaffir beer, as it was more commonly termed - played an integral part in many African customs and ceremonies.[24] In urban areas it remained the duty of obedient wives to brew for their husbands. Despite the ban in most South African towns on brewing and possession of kaffir beer by Africans, Hellman noted that

> there are very few men who, in order to protect their wives from the constant danger of arrest to which they expose themselves by the brewing of beer, will forego the pleasure of having their beer in their own homes where they can entertain their friends.[25]

The complexion of beer brewing underwent certain significant changes in its relocation to an urban milieu. Firstly, it was frequently a commodity, produced for sale. Secondly, if brewed in the customary way from malted sorghum, mealie meal and water, beer took up to four days to ferment and gave off a distinctive sour smell which was immediately discernable to police on the prowl. Adulterating the brew by adding yeast, sugar and other ingredients not only accelerated fermentation - making its producers less vulnerable to police harassment - but also raised its alcohol content.[26] For customers paying for liquor that had to be downed quickly in case of a police raid, concoctions like _skokiaan_, _skomfana_, _babaton_ and _Isiqataviki_ provided the desired effect fast.

Profits on the sale of liqor were high - a gallon of skomfana which fermented in two hours could be produced for 6d and sold for 400% profit, and a woman's weekly beer revenue could be as much as L3.[27] In the absence of well-paid employment for African women, liquor selling could provide a crucial supplement to the income of urban families trying to subsist on a wage not intended to sustain an urban

family. African liquor sellers were not confined to the ranks of the idle and dissolute. 'Many an honest girl and woman' was tempted into the liquor trade 'because she had nothing else to make her living from', argued Charlotte Maxeke, [28] and for most it was just a sideline.[29] As Krige noted, 'over 90% of the evil is caused by absolute necessity on the part of the Bantu housewife to augment her husband's wages in some way or other ... selling intoxicating concoctions is the most convenient way, so she follows it.'[30]

While it is impossible to delineate neatly the class composition of the liquor brewers, it seems that few women who were members of, or aspired to, the elite traded in liquor. Given the formal prohibition on liquor for Africans, liquor selling carried with it very particular connotations of illegality that were inimical to the status of the elite and aspirant elite. Temperance was a strong strand in contemporary missionary teaching, and, for those seeking assimilation and acceptance into white society, kaffir beer seems to have represented a token of the world of 'heathen' rituals and tribalism.[31] Yet the temptation to brew was there. The comment of an African women aspiring to the comforts middle class life is revealing:

> It is almost impossible for us to live decently in Johannesburg. The temptation to sell this illicit liquor is almost too strong. All the women around here are making a lot of money, buying pianos and gramaphones and silk dresses. Because I am a Christian and try to go straight, I have to stand here day after day and kill myself washing.[32]

In the eyes of white officials, the prevalence of liquor brewing was the most overt indication of the growing number of African women living in town. Liquor brewing and prostitution were usually mentioned in the same breath, or used interchangeably, and 'wherever

women are found, large quantities of beer are brewed.'[33] Johannesburg was said to be 'riddled' with African 'women of bad repute, who come here not to work, but to brew'.[34] The illicit liquor traffic was said to be 'one of the most disastrous features of native life in Johannesburg' [35], particularly given its allegedly close connection with crime. [36] Despite police vigilance, there was no way the authorities could suppress the illicit liquor trade and less than 10% of offendors were ever caught.[37] The key to the solution of this and other problems of urban African administration was seen to lie in regulated housing.

Throughout the 1920's the municipality grappled with the housing issue. Space does not permit an adequate discussion of municipal policy or the housing options taken by African residents of Johannesburg; in summary, while the municipality realised that adequate accommodation for Africans was an urgent priority - if only for reasons of social control - it claimed to lack the necessary funds to provide it. More specifically, as Councillor Harry Kroomer informed a Native Affairs inquiry in 1923, 'the whole point is that the Johannesburg municipality has no desire to have to provide for natives ... that should be the duty of the employers.'[38]

Access to housing in municipal townships was strictly regulated, and only male heads of families who could prove they had lived and worked in Johannesburg since January 1924 - when the 1923 Native Urban Areas Act was promulgated - and were 'fit and proper' persons could add their names to the waiting list for the tiny two or three roomed houses there. By 1925, no more than 17 000 people lived in township housing. The tenaments, yards and slums of inner Johannesburg,

conversely, housed an estimated population of between 30 and 40 000. [39]

The Council wanted the slums cleared. It was not so much that thousands were living there illegally, or that the slums were a major health hazard, or even that they were the 'lurking places of the criminal classes'.[40] The problem was that they afforded a space where the unemployed, the underemployed, the criminal and the respectable labourer all dwelt side by side, fairly free of official regulation. It was illegal space. As Cooper points out, the slums did little to socialize people into a world where labour and commodity markets determined access to resources. They simply reproduced the wrong kind of workforce, and however much illegal beer and sex contributed cheap services to male, low paid workers, they both literally and figuratively infected the working class.[41]

Providing an alternative to slum accommodation was a problem that plagued the Council for many years. At a formal level, only Africans with exemption certificates, and those who could prove they were needed by their employers after hours, were granted permits to live in town. Anyone else was obliged to live in hostels, if they were single men, or municipal houses, if their families lived with. No specific provision was made for single women until 1930.[42] Hence informal marriage was a tactic frequently adopted as a legitimate way out of single-sex hostels and into family accommodation in the yards or in townships.[43] Customary marriage was not recognised in Roman Dutch law, and thus there no way white authorities could disprove the claim of a couple that they were married and thus technically entitled to

muncipal housing.[44]

One way of limiting the growth of the housing crisis and checking the spread of slums was to introduce influx controls for women. 'The crux of the situation,' concluded Rand Native administrators at a conference in 1924, '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.'[45] The government, however, was unsympathetic to their demand that African women be included in the pass laws. The South African party government, headed by Smuts, had accepted the conclusion of the 1920 Godley Commission into the Pass Laws that passes exposed women to the risk of molestation, and maintained that control should instead be achieved through 'suitably controlled housing accommodation' and the removal of 'undesirables' from urban areas.[46]

The report of the 1922 Stallard Commission into Transvaal Local Government took a harder line regarding the control of urban African women, and, for reasons beyond the scope of this discussion, many of its recommendations were subsequently included in the 1923 Natives (Urban Areas) Act.[47] The Act enshrined the principle that 'natives - men, women and children - should only be permitted within municipal areas in so far and for so long as their presence is demanded by the wants of the white population.'[48] It laid down that all Africans - men and women - had to report at a reception depot immediately on their arrival in town, and stay there until assigned a job.[49] African women were not included in its pass regulations. It is probable that influx controls for women were not seen as a priority, given that there were comparatively few women in the urban areas

before the 1930s.[50]

Municipal officials soon discovered serious defiencies in the Act. The 'idle and undesirables' clause provided for the deportation of anyone not formally employed, but the Council found this to be of little use in deporting women it considered undesirable. As long as women did not carry passes, it was difficult to prove who was unemployed. As one administrator noted irritably, 'a woman may say, "I am a washerwoman, and can show you that I am washing for Mrs Jones", but in the meantime she is living anyhow'.[51] In addition, the intention of the clause requiring all Africans - men and women - to report at a reception depot immediately on arrival in town and stay there until assigned a job was thwarted by the fact that not only was there no reception depot for African women in Johannesburg before 1930, but there was no way of proving when a woman had arrived in town.[52]

In the absence of any formal powers to regulate the influx of African women, the Johannesburg municipality considered other measures to regulate what 'type' of African women lived in town. One possiblility was the medical examination of women entering the urban area.[53] City officials knew full well that African women would object to being examined for venereal and other diseases by white men. As Stallard had noted shrewdly in 1922,

> 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 villages or residing on the premises of their masters or mistresses, works for evil.[54]

The Johannesburg Public Health Committee's strong motivation for adoption of the measure in 1924 was overruled by the Council only when it was pointed out that women were more likely to contract venereal diseases after they had lived in Johannesburg for several months, by which stage it would be impossible to recall them for examination.[55]

Local officials could thus treat only the symptoms of the presence of 'undesirable women' in town. A curfew designed to keep women off the streets of 'white' Johannesburg at night was one way to do it.

In October 1924, the Joint Council, a liberal inter-racial forum, convened a broad-ranging Conference on Native Affairs in Johannesburg for Native administrators, municipal officials, representatives of church and welfare bodies and Joint Council members. The problem of young women 'escaping' parental control and coming to lead 'immoral lives' in the towns was discussed at length; no solution was arrived at, and the conference resolved to consult African opinion on measures to minimise the 'evils arising from unattached women living in town.' [56]

The intentions of this resolution were pre-empted by the central government. In late November, 1924, Tielman Roos, Minister of Justice, told African delegates at a state-convened Native Conference in Pretoria that he wished 'to put a stop to natives moving about the street at night without passes'. He made no reference to women, and there was no dissent.[57] Two weeks later, Reef police received orders to arrest all Africans not in a location and out of doors between 9 pm and 4 am without a permit signed by their employers, from February 1, 1925.[58] The official reasons given for extending the

curfew to women were, firstly, 'to keep natives off the streets at night' where they might cause offence to white citizens, and secondly, to prevent 'immorality' by African women.[59] If the second justification is to be believed, it had little chance of success as police had little jurisdiction over what took place indoors.

There is little evidence that the Johannesburg Council was behind the plan, and it would be unwise to argue that the necessity for employers to sign all night passes was a strategy aimed to co-erce African women into wage labour. This suggests a degree of subtlety conspicuously absent in Council politics. Apart from a desire to minimise its obligations as much as possible, the Council had no definite Native Affairs policy in this period, and no municipal Native Affairs Department until 1927. Jurisdiction over Native Affairs in Johannesburg was divided between the government's Native Labour Bureau, responsible primarily for regulating the supply of African labour, and the City Council's Parks and Estates Committee, responsible for day to day location administration. As late as the early 1920's, the Parks and Estates Committee spent as much on African administration as it did on maintaining the city's zoo.[60]

It is unlikely that the government's Native Affairs Department supported the extension of the Night Pass Ordinance to women. It had endorsed Godley's recommendation that African women should not be subject to any form of pass law, [61] and, by contemporary standards, was a relatively benign and paternalistic body which saw its role as being a kind of 'umpire of the races'.[62] In the absence of more explicit documentation, the evidence suggests that Roos's extension of the 1902 Night Pass Ordinance aimed simply to expand the scope of

police power.

On the surface, the curfew was just another in a range of petty mechanisms which aimed to regulate the lives of urban Africans. African men, who had been subject to a curfew in Johannesburg for many years, had demonstrated that night passes were not a particularly effective restriction. Forgeries were readily available.[63] Its application to African women, though, was met with swift and vocal protest. Letters of protest appeared in the press, and there were terse reports of a 'mass meeting' of African women in Johannesburg on Sunday, January 25, which called on the government to repeal the Ordinance which 'tended to the wholesale degradation of the Native women's honour and prestige'. Significant - in revealing from which social stratum these women may have been drawn - was the fact that it was the ANC to whom they appealed to orchestrate a campaign of passive resistance.[64]

The ANC in the mid-1920's, though, was in no position to take up a mass campaign. It was a small body which seemed to flounder between a refusal to associate itself with the newly formed liberal Joint Council of Europeans and Africans, and a concern to define itself in opposition to the nascent 'Bolshevism' of the Industrial and Commercial Workers' Union. It claimed for itself the role of defender of the limited rights of African people, and, at a meeting in Johannesburg in March, 1925, condemned night passes for African women.[65]

In attempting an analysis of the nature of the protests, one has to tread warily. The records are sparse, and the most comprehensive

surviving account appeared in the pages of Umteteli wa Bantu, a newspaper sponsored by the Chamber of Mines.[66] Umteteli's commentaries need not be discounted, provided one bears in mind that they articulated the views of a particular and limited sector of Johannesburg's African population, the elite, for whom the contradictions of missionary education - equality before God but not the government - were most stark.

As Bonner and Couzens have argued, the closeness to poverty of most Africans living in Johannesburg in this period makes it difficult to differentiate sharp class distinctions within the urban African population.[67] There was not significant difference between the earnings of the elite and the majority, [68] and thus, more useful than purely economic factors in delineating class distinctions, were the perceptions of the elite themselves. As Bonner argues, the key distinction lay between those who thought of themselves as educated and civilised, and those they deemed were not.[69] It was a self-consciously 'ideological' divide. Even the position of those at the very apex of the urban African social hierarchy was tenuous. They were a stratum seeking assimilation with whites in a colonial and racist society, and it was an aspiration repressed and stunted by the complete disregard by most whites for the more subtle nuances of class differentiation among the African population.[70]

On a national level, Couzens' analysis of the entries listed in Mweli Skota's African Yearly Register - a directory of the African elite in South Africa in 1931 - provides a fascinating insight into the self-definition of this stratum, and their occupations and values.[71] One

of the most striking features of the directory is the extremely small number of those acknowledged as worthy of inclusion amongst the elite. Education provided the entree; of the 271 persons described, 114 had gone to mission schools; 48 were teachers, followed, in descending scale, by clergymen and clerks. There was mention of only eight journalists, six doctors and four lawyers.[72]

Couzens draws attention to the repetition of certain words and phrases within the pen-portraits of those included in the who's who. To be termed 'progressive' was a high accolade and, argues Couzens, the term was the ideological touchstone of the whole book. It embraced such values as dilligence and perseverance (particularly in education), charity and kindliness, abstemiousness, and, of crucial importance, a rejection of tribalism and ethnocentrism.[73]

The business of being a gentleman included other codes of deportment - particularly with regard to women. A speech given by D D T Jabavu to an assembly of African teachers in Natal in 1920 is particularly revealing. At the time, Jabavu was a lecturer in Bantu Studies at Fort Hare, and one of the most eminent Africans of his day; a decade later, Mweli Skota was to devote an entire page of his who's who to Jabavu's biography, alongside a full-page photograph of him.

Jabavu pointed approvingly to the chivalry of men in 'civilised society':

> [they] take off their hats when greeting ladies, they remove pipes and refrain from spitting in their presence, give them the correct side in walking on pavements, and use refined language in their presence... In these countries the luggage of ladies is borne by men, with us it is the opposite.[74]

In Jabavu's opinion, the root cause of the low status accorded African

women by men was customary marriage practices. It reduced women to the level of chattels - 'a commodity that is purchased by the highest bidder' - and obliged them to populate the home with as many children as possible 'as a return for the cattle.'[75] Such matrimony was neither holy nor monogamous. The way out of this 'primitive state' would begin when African women were liberated from 'unreasonably heavy' agricultural work. Once freed, women would be able to

> practice 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.[76]

The crucial point was this: 'if we mean to rise in this world and to command the respect of other nations we must begin by raising up our women.'[77]

The notion that 'no nation can rise higher than its womenhood' was expressed repeatedly throughout this period in the speeches and writings of the elite. Jabavu's wife ('Mrs D D T Jabavu') was not merely echoing her husband when she wrote in 1928 that 'no nation 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 the home.'[78]

In part, this veneration of women and motherhood was a reflection of ruling class Edwardian thought. As Davin has argued, English mothers in the early Twentieth Century were urged to do their bit for the cause of Empire by raising strong and healthy sons, and to seek fulfillment in the realm of the ever more private and child-centred home. Married women were not to clog the labour market.[79] These ideas were introduced into South Africa largely by English missionaries, and, with little regard for the practicalities of urban

subsistence, Christian African women were urged to strive for the same ideals.[80] In a leading article in 1922 in The South African Outlook, a journal published by the Lovedale Press, a female English missionary argued that women were to be given new importance as the 'queen of the home':

> 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.[81]

These notions were stressed repeatedly in the pages of Umteteli wa Bantu.[82]

This emphasis by the African elite on morality, motherhood and the 'proper' sphere of female endeavour was not only a reflection of prevailing English values, nor was their rhetoric aimed only at members of their own stratum. It was aimed at Africans generally. The elite strove for assimilation into, and acceptance in, white society, and they recognised that this would not necessarily be achieved on individual merit alone. Much as they wished to distance themselves from the mass of 'tribal' Africans, they perceived that their fortunes, and those of the majority, were not necessarily distinct. Recognition by whites of the humanity of Africans, they believed, would come only with the 'upliftment' of the race as a whole, and, as 'no race could rise above the level of its womenhood', it was essential that the status and behaviour of African women be brought into line with the alleged norm elsewhere.

The majority of African women living in Johannesburg in this period, however, were stereotyped by whites as being immoral. The white

Press, in particular, ran frequent stories on the allegedly prevalent vice and crime among Africans, to which African women contributed as prostitutes and liquor sellers. The elite viewed this characterisation with alarm - as hard evidence made many of these claims difficult to disprove. The lifestyles of many African women living in Johannesburg simply did not accord with the conception of grace, beauty and domestic fulfillment outlined for them. This threatened to jeopardise the status not only of African women as a whole, but of the African elite as well.

This concern of the elite was illustrated neatly in an essay competition run by Umteteli in 1923 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.'[83]

The most striking feature of the response of this stratum to the 1925 night pass amendment was its ambivalence. Night passes for African women were not wholly bad. Indicative of one element of this ambivalence was the issue of declining parental authority, particularly in the towns. At an ANC meeting in March 1925, a number of African women in the audience qualified the meeting's condemnation of night passes with an appeal for more parental control.[84] The declining sanction of parental authority was a refrain that echoed through virtually all strata of Africans at the time, and discriminatory though the regulation may have been, it could potentially constrain the waywardness of young African women by keeping them at home at night.

Those among the elite who opposed the curfew premised their protest on four basic objections. Firstly, the curfew cast a slur on the morality of all African women. And, in the opinion of S M Magkatho, ANC president in 1925, 'European women were the worst prostitutes' - yet few curbs were placed on their mobility.[85]

Secondly, if women were to carry passes, they would be subject to pass checks by police empowered to arrest transgressors. If convicted, offendors faced either a 10s fine or a week in prison. Pass offences thus carried with them the very real threat of criminalising large numbers of African women.[86] A more immediate problem was the potential for verbal or sexual abuse by police, and indeed, there was no lack of evidence of 'acts of indecency and molestation' on women by police.[87]

Thirdly, both the Moffat and Godley reports had come out strongly against any form of curfew regulation for women. The 1920 Native Affairs Act had enshrined the principle that no change would be made to this or any other matter 'affecting natives' without proper consultation with African representatives. That the government had overridden the commissions' recommendations, and furthermore had made no attempt to consult with Africans about the issue, was seen as a serious breach of faith.[88]

At a fourth level, passes for women shifted the fulcrum in the unequal balance of power between men and women, and undermined the right of men to be sole masters of the affairs of their household. This grievance was expressed succintly in an editorial in Umteteli:

> 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 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.[89]

Arguably, this was as much an appeal to the values of the white male elite as it was to fellow Africans. It was an appeal for men to close ranks in defence of their right to determine the affairs of their households.

There was another issue at stake as well. The curfew cut across class. Most female members of the elite were not exempted, and were thus subject to the curfew. There were less than 600 exempted Africans in Johannesburg in 1925, and most were male.[90] Women who met the educational and property criteria - independently or through their spouses - could qualify for exemption, yet few seemed to apply; in the absence of pass laws for women, they brought few privileges women could not enjoy through their spouses' exempt status.[91]

The night pass issue was hotly debated in the pages of Umteteli. On the one hand, womanhood was said to be sacred - 'the natural modesty of women makes it unecessary for them to carry a pass'.[92] On the other, 'we know it is no longer the case with a large number of women in our towns':

> It has been said that passes are uneccesary 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.

Quite simply, 'the Transvaal town [was] no place for Native women.'[93]

There was thus support for some constraint on the unseemly conduct of many African women; but, in the opinion of middle class Africans wanting to distinguish themselves from the masses, was it necessary for all women, regardless of status, to be treated alike?

The Joint Council, meanwhile, had taken matters into its own hands. It condemned the arbitrary manner in which the curfew had been imposed, and demanded a meeting with the Prime Minister.[94] Hertzog, head of the newly-elected Pact government, subsequently agreed to a four month moratorium on the understanding that the Joint Council would put forward a viable alternative to passes for women by May 1.[95] The Johannesburg Joint Council then began work on a counter-proposal, based on consultation with 'representative' Africans. The committee that set to work was not particularly representative. The ANC and ICU refused to work either with the Joint Council, or each other, in putting forward an alternative,[96] and the members of the Joint Council committee were drawn from the ranks of the eminently respectable - the Native Mine Clerks' Association, the Transvaal Native Teachers' Association, the Transvaal Native Ministers' Association, and the Bantu Women's League.[97] The Ministers' Association's 'fierce objection' to the curfew was particularly interesting - 'it will give license to evil doers to accomplish their evil desires with the connivance of the Government.'[98]

By mid-March the Joint Council's proposals were ready. More far-ranging and restrictive than anything ever proposed by the government, they hinged on bolstered parental control - 'the only way we can see of stemming the flowing tide'.[99] If the influx of young women into

the cities led to their downfall, they should be stopped before they left home.

The Joint Council proposed that no woman, unaccompanied by her husband or natural guardian, was to leave her parents' home for the towns without a permit signed by the local magistrate which certified her parents' permission, and proof that she had both work and accommodation waiting for her. Without this permit, she could be returned to her parents at any time. On arrival in town, she was to report to a Native Rest House and wait there until claimed by an employer. The proposal's sub-clauses were worse. Cohabitation without marriage was to be made a criminal offence, and wives who deserted their husbands in urban areas were to be treated as idle and undesirable, and repatriated.[100]

Premising the proposals on parental control was an astute move. It resonated deeply with the complaints of many African parents who bemoaned their declining control over their children and diminishing filial respect, issues which were themselves symptomatic of broader dislocations in traditional authority systems.[101] The loss of rural women to the towns had particular significance for rural families. Women played a crucial role in rural subsistence, particulary as men were drawn into the migrant labour nexus in increasing numbers.[102] In purely functionalist terms, it was necessary for married women to be kept at home by their husband's kin to serve, effectively, as hostages for the return of their migrant spouses and the repatriation of their earnings.[103] And for families living as labour tenants on white-owned farms, the desertion of adolescent children - from whom the farmer could claim terms of unpaid labour - could lead to

eviction. Thus the efflux controls proposed by the Joint Council must surely have struck a chord with many rural African parents. And, judging from the correspondence sollicited from 'representative' Africans at the time by the Joint Council, there was indeed virtually unanimous support for the stern reinforcement of parental control

This bolstering of traditional authority structures was not without its drawbacks. Parents would indeed be provided with greater sanction over the movement of their daughters, but this permission needed the seal of white officials. Arch Mbelle, a prominent member of the elite, spelled out the consequences. If implemented, 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.[105]

Once again, the message was clear: domestic politics were not to be tampered with by officials of the state.

The problem that seemed to have escaped the attention of the Joint Council in its attempt to find an alternative to a system of passes for women was that it proposed a pass system more stringent than the Night Pass Ordinance itself. This was particularly ironic given the participation of the Bantu Women's League in the drafting committee and its stance as defender of the rights of African women. The League had been formed in 1913 specifically to oppose proposed health checks for women and the Free State women's pass laws. A G W Champion, a member of Mine Clerks Association and an ICU leader, however, later claimed he was 'reliably informed' that 'no meeting of the Bantu Women's League was ever held to determined the opinion of native women.'[106] Either the League acted without a mandate in calling for

bolstered parental control - or it was simply the issue of government regulation, and not control of women per se, that was at stake.

The government was not prepared to enforce or administer such a far-reaching control measure, and rejected it as impractical.[107] The Joint Council's endeavours were not entirely wasted, however, as Hertzog did agree to one modification. The curfew for women would be enforced not from 9pm but 10.30pm, as of June 1, 1925.[108]

The ANC responded to the severity of the Joint Council's proposals with anger and derision. More significantly, at its annual conference in Bloemfontein in April, 1925, it used the issue to berate the ICU by accusing it - erroneously - of endorsing the Joint Council's proposals. 'Here the ICU were playing the part of Judas Iscariot right through,' declared Makgatho.[109] Lengthy discussion ensued as to the best course of protest against the curfew. Makgatho appealed to all African women in the employ of whites 'to give notice ('so as not to be in opposition to the law') at the end of April, 1925, so that at the end of May, 1925, there would be no native females working.' This proposal was rejected flatly on the grounds that many women were working to support their parents, and it would be their parents who would suffer. Delegates eventually resolved to appeal to the Minister of Justice to repeal the regulation, and, if necessary, take the matter before the Privy Council.[110]

By early May, protest rhetoric was flowing thick and fast. The Industrial and Commercial Workers' Union was said to be threatening passive resistance, (which it later changed to a strike call and

subsequently abandoned) 'as a protest against the unwarranted inteference with Native women', and a number of African congregations on the Rand observed Sunday, May 3, as a day of mourning.[111] The only hint of concrete action came from a meeting of women in Doornfontein who resolved to elect ten women to 'give themselves for test case purposes'.[112]

It was ultimately court action that succeeded. In August, two African women appeared in the Pretoria Supreme Court to appeal against their conviction under the Ordinance - Helena Detody from Pretoria, and Sinah Ngema, possibly one of the Johannesburg volunteers.[113] Their defence took two tacks; Ngema's, which argued abrogation of the Ordinance's applicability to women through disuse, was dismissed immediately. Detody was defended by the eminent barrister, A B Davis KC, whose services were hired by the ANC at a cost of L300.[114] Her defence was dismissed initially, but subsequently upheld in February 1926 when a bench of three judges reconsidered and agreed that the original Ordinance had not been intended to include African women.[115] African women in Johannesburg were now legally exempt from the curfew.

While the Detody case was being debated in court, a struggle of a different order was being waged in the streets of Johannesburg. Slum clearance had begun. 6 000 Africans were ordered out of inner-Johannesburg between January 1924 and December 1925. [116] All pretence of being able to regulate the number of people living in town by controlling the number of permits issued was now abandoned. Intead, officials planned to proclaim 'white areas', suburb by suburb, and systemmatically clear them of their African residents. Only

exempted Africans would be spared. For workless women unable to prove they had a husband who had been living in Johannesburg since January 1924 when the Urban Areas Act was promulgated, slum clearance posed problems of subsistence that the formality of night passes could never rival. Removal could spell repatriation, and hundreds were repatriated.[117]

The Urban Areas Act had laid down that 'no extension of the permanent [urban African] population should be encouraged or even permitted.'[118] By the mid-1920's, factors beyond the control of municipal officials were at play that overrode legislative fiat and extruded thousands of newcomers into the city. 1924 marked the beginning of a decade of drought which exhausted the resources of many rural families - white and black - who had managed to weather earlier crises, and many abandoned their land for the towns. Compounding the impact of this natural disaster for Africans was the fact that the government was channeling massive funding into white farming, while tightening the noose of farm labour and anti-squatting legislation. [119]

The number of immigrants from the reserves was increasing too. Many migrants did not return from the mines or towns.[120] The fact that hundreds of women from all parts of the country and beyond were said to be coming to Johannesburg in search of their husbands in this period cannot be ascribed to sentimental reasons alone.[121] It was sheer economic necessity for those dependent on the wages of migrants. Many arrived only to find their husbands living with other women, and were obliged to make independent subsistence arrangements. Municipal officials noted with alarm the number of women who turned to other

men, or liquor brewing, or both, to survive:

> 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. The Johannesburg City Council has spent over a million and a half in housing natives, but, unless we can control the influx, to what purpose? [122]

Women living in town were 'an embarrassment' to the municipality. Worse still, 'they are the people who produce the detribalised family'.[123] More serious than the horrors of urban women brewing liquor, prostituting their bodies, tempting respectable men and contributing to vice and crime was the spectre of their 'detribalised' children who, through improper socialisation and early exposure to vice and crime, would make poor workers. Native administrators were acutely aware of this: 'it is the infantile population that is going to create trouble. They will only make very cheap labour, and you can never send them back to their tribal conditions.'[124]

Regulated housing as a form of influx control was a farce. The number of municipal houses fell far short of the demand, and slum clearance was halted in 1926 by a court ruling which prevented the Council from prosecuting those who lived in town because of insufficient alternative accommodation.[125] Nor were the pass laws particularly effective in controlling the influx of Africans into Johannesburg. Control over the number of Africans issued with passes permitting them to look for work in Johannesburg was in the hands of the Government Native Labour Bureau, which, to add insult to injury, consistently refused to hand over pass revenue to supplement housing costs.[126]

Underpinning this acute unease over the growth in the size of Johannesburg's African population was the pitiful inadequacy of basic

ameneties, of which the housing shortage was merely the most overt illustration. The obvious solution to the crisis, in the eyes of the municipality, was influx control for women. If the number of women in town could be controlled, there would be fewer men demanding family housing, and fewer 'detribalised' families for whose accommodation the Council was responsible. Housing could be restricted to bona-fide workers, and it would be easier to deport 'idle and undesirable' women whose passes would show they were not employed. There was a further factor too. Men's wages were not intended to provide for the needs of urban families, and it was frequently the financial contribution of women - often by illegal means - that made urban subsistence viable.[127]

In October 1927 three City Councillors were despatched to Cape Town to plead their case before the government. [128] Hertzog, then Minister of Native Affairs, was reported to be 'sympathetic' to their pleas for greater control measures for African women; yet, when the bill amending the 1923 Act was presented in Parliament, there was no reference to passes for women.[129] There was, however, provision for a curfew for both men and women, included at the specific request of the Johannesburg municipality. Despite the protests of the Joint Council and the condemnation of the liberal National European-Bantu Conference which met in Cape Town in October 1929, the night pass regulation remained.[130]

The Nationalist Party romped to victory in the 1929 general election. It maintained its coalition pact with the conservative white Labour Party, as Hertzog needed this added support to push through new Native policies.[131] The 1930 amendment to the 1923 Natives (Urban Areas)

Act was but small part of Hertzog's grander plan, but, for the Johannesburg City Council, it was adequate. No African woman would be admitted to an urban area without proof that she was going to join her husband or father. Accommodation had to be available, and her relative had to have been resident and continuously employed in the area for at least two years. Any woman unable to produce a certificate issued by the local authority to this effect could be prosecuted and repatriated.[132] The 'idle and undesirable' clause was amended to allow for repatriation of anyone convicted more than once for selling or possessing liquor, and the 1902 Night Pass Ordinance, declared ultra vires for women in 1926, was given new legislative effect.[133]

For reasons that remain unclear, the municipality did not enforce the provisions requiring women to report to the local authority on arrival until the late 1930s. But, on May 22, 1931, a small notice appeared in the Government Gazette proclaiming Johannesburg under Section 19 of the amended Act. From June 1, all unexempted Africans in Johannesburg would be subject to a 10pm curfew. Ten days after this notice appeared the first arrests were made.[134]

The new curfew was symptomatic of the state's dis-ease over control of the burgeoning urban African population. By 1931, the depression in Western economies - triggered by the collapse of the Wall Street stock markets in October 1929 - was taking its toll within South Africa. African wages, which had barely risen in over a decade, were cut.[135] Unemployment soared, compounded by the fact that Johannesburg's African population had swelled from an estimated 83 457 people in 1928

to 96 000 by 1931.[136] For the first time since the recession and drought of 1906-7, the mines had more labour than they could use, and unemployed urban workers who volunteered in desperation for mine work were turned away.[137] Hundreds of African workers in the municipal and state sectors were replaced by whites as a result of 'civilised labour' policies, introduced in 1926. [138] Even paltry washing profits were no longer secure; a petition signed by more than a thousand women from Western Native Township in May 1929 had claimed that the increasing number of commercial laundries in town was depriving them of their living. [139] By mid-1931, over half the residents of that township were consistently behind in their rent.[140] More alarming to the state was the fact that a small number of white and black workers were taking to the streets in displays of inter-racial protest against unemployment.[141] It was in this context of growing unemployment, accelerating urbanisation and rising militance that night passes for women were re-introduced.

The protests the new curfew precipitated were more bitter and vociferous than anything seen in 1925, and for a while the Council was forced onto the defensive. It pleaded ignorance of the fact that the new curfew would include women, and hastily made interventions to ensure that the police suspended arrests until further notice.[142] It was 'unfair', stated the mayor, G. W. Nelson, that African women should be 'pestered by the police for passes.' 'Instead of advancing, we would simply be going back to the old days when the natives were oppressed.'[143] Contemporary accounts described the whole affair as a most unfortunate administrative error, and Ballenden, manager of Municipal Native Affairs, was said to have made 'a bloomer'.[144]

Although he had been the architect of the scheme - 'wanting a grip on these questionable women' - Ballenden did little to dispel this view, and piously denied any premeditation.[145]

In late June a Council deputation was sent to interview the Ministers of Native Affairs and Justice to appeal for a suspension of the measure. It was there that the Ministers pointed out that there was no question of exempting women. Four years earlier, the Council itself had specifically requested the curfew and 'in black and white it says male and female'.[146] The curfew would remain, unaltered. On June 26, the arrest of transgressors was resumed.[147]

Johannesburg's African middle classes were outraged by the new regulation. At both a political and economic level, their status was under attack. The African middle classes sought acceptance among their white counterparts. Not only were they rebuffed, but the lines of demarcation on the basis of race were being reinforced by legislation. 'It is an unhappy coincidence,' wrote I Bud Mbelle in a letter to Umteteli in August 1931, 'that just when the European women are given the franchise the Bantu women are subjected to such humiliation.'[148] 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.[149] Now he was trying to force through parliament a package of Bills that aimed to 'settle' the Native Question.[150] As R V Selope Thema - a prominent African politician and frequent contributor to Umteteli - commented, 'all hope of getting full citizenship rights was now closed.'[151] The curfew was a further example of their betrayal by the government. 'It does not pay

to be loyal,' wrote Mweli Skota.[152]

Economically, the depression compounded new legislative measures affecting the middle and aspirant middle classes. The 1926 Apprenticeship Act specifically excluded Africans from training and certification in artisan trades, thus blocking the passage of many from the working into the middle classes. They were particularly vulnerable to civilised labour policies. Their frustrations emerged clearly in this statement, in 1931, by a representative of the Sophiatown and Martindale Ratepayers' Association:

> Our teachers are the worst paid public servants, education for our children not only neglected but starved, and the rest of the revenue derived from us goes to provide jobs for European lads now employed in all Pass offices and Native Commissioners offices, mutilating our language and keeping imperfect records.[153]

With the resurrection in June 1931 of night passes for all unexempted Africans, their very status as the elite, distinct and separate from the majority, was once again placed in jeopardy.

The fact that so few middle-class women were exempted meant that once again the curfew cut across the differentiated status of the elite:

> The night pass regulations do not affect only the wives of ordinary men, but the wives of chiefs and ministers of religion too. We are all put and boiled in one pot. It does not matter whether one is a respectable native or not.[154]

The curfew was a blanket racist restriction which collapsed the distinctions of class within Johannesburg's African population. 'I can't express myself politely on this subject,' A B Xuma, a doctor trained in Edinburgh and Budapest, told members of the Johannesburg Rotary Club. 'This is the grossest insult.'[155]

A further factor tending to collapse the distinction between the elite and the rest was the assumption that all women had an employer to sign their night passes. It was a point of pride for many 'respectable' African women that they were not employed and did not need to work outside their homes.[156] Furthermore, night passes carried with them the more insidious presumption that any woman out at night did so for immoral purposes unless she could prove otherwise by means of a pass. Having 'failed to weed out undesirables' the authorities were now 'burdening even respectable natives with this degrading badge of inferiority.'[157]

The African National Congress assumed leadership in the campaign of protest, and called for urgent, militant and mass action. The organisation's General Secretary, Mweli Skota, urged women to defy the law, and called for 'a day of demonstration' when neither men nor women would go to work. Elaborate preparations were said to be underway throughout the Reef to inform the authorities that 'the time has come for all passes to go'.[158] At a mass meeting in central Johannesburg on Sunday, June 21, the ANC executive was mandated to organise a national campaign.[159] Other protest meetings were held in Western Native Township, Eastern Native Township, Evaton and Klipspruit, and evidence of a petition from as far afield as the 'Native Community of Zeerust Town and Marico District' in August suggests widespread opposition to the Johannesburg curfew.[160]

Once again, the regulation was portrayed not merely as the imposition of further controls on the free movement of the African population, and specifically on the movement of women, but an attack on the

'manhood' 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.[161]

Again, this was an appeal to cross-cultural assumptions of male supremacy, and the need for the strong to defend the weak. This paternalism and sense of betrayal was echoed in a statement issued by the Independent Industrial and Commercial Workers' Union (Independent ICU). Pointing out that neither the 'wildest savage' nor 'wild animal' would 'allow its female to be tampered with', it warned that 'this regulation will convert sober-minded and moderate native leaders into extremists and enemies of constituted law and order.'[162]

It was an inaccurate prediction. By September, 1931, even letters of protest to the Press had stopped. The ANC lacked the mass base necessary to sustain large-scale action in this period and the proposed anti-pass campaign was quietly shelved. The ICU, by 1931, was a spent force, wracked by leadership disputes and its failure to deliver the goods it had promised its members. It is possible that the recent demise of the ICU had had broader repercussions, in that those who could potentially be mobilised were disillusioned with formal political activity and were wary of further rhetoric.

This leaves unanswered a crucial question: why was there virtually no evidence of resistance to the measure outside of institutional politics, particularly from African women? For night passes for women to have become the focus of organised resistance assumes that there was unanimous and unqualified rejection of the measure by the

majority. This was not necessarily the case. It would be facile and presumptious to suggest that the majority of Africans supported the curfew, yet one should bear in mind that it could benefit sectional interests.

In Bloemfontein in 1923, 'the better class' of African women specifically requested the inclusion of all African women in the city in local curfew regulations, 'with a few to assist the young girls to become respectable and useful.' They argued that 'being free to go where and when they will, Native women and girls have abused their privileges and have developed undesirable night practices.'[163] From this perspective, curfews could clearly be exploited by parents in the interests of morality and discipline.

Night passes could also be used to buttress male authority. Certainly, the curfew allowed the state a foot in the door of household politics. Equally, however, it had the net effect of keeping women at home and indoors at night. The available evidence suggests that while women's contributions to the majority of urban household incomes were recognised as important, they could also potentially undermine the pre-eminence of the male household head. [164] Furthermore, women in traditional African societies were denied the means to accumulate wealth through their exclusion from control over cattle, the primary indicator of stored wealth.[165] It would be naive to imagine that many Africans who lived in Johannesburg did not retain at least some of the assumptions that informed rural customs, even in an urban context far removed from a cattle-based economy. Through domestic work, liquor selling and a range of other activities,

the towns afforded women an opportunity to accumulate wealth - and one many seized with fierce pride.[166]

This surely must have had some impact on African men's perceptions of the changing status of women. The comments by ICU leader A W G Champion that 'the working woman has more money than the working man' and 'the wives do support the men rather than the men support their wives in town here' suggest some unease, [167] as do perjorative references to 'kept husbands' and 'gentlemen of leisure' supported by their wives.[168] Marriage arrangements, too, were changing. In a complete inversion of customary norms, some urban African women were said to have earned the money with which their spouse's paid their lobola.[169] Many insisted on church weddings in addition to customary marriage, [170] suggesting not merely a desire for a public formalisation of marriage, but a marriage that barred their husbands from taking a second wife, and made them legally accountable for household maintenance.[171]

In the face of this growing assertiveness by African women, there seems to have been a backlash - argued most explicitly in the black Press - which posited a return to traditional values of wifely submission and obedience. African women were said to be

> using every opportunity to break asunder the chains of tradition and custom ... This claim of equality with men by Bantu women is at the root of the destruction of Bantu family life. It is not the right kind of equality... No community in which the men are without control over their women can hope to build up a healthy social system.[171]

One may speculate that these sentiments were inspired by men wanting to preserve a niche of power within the family in the face of eroded power beyond. Significantly, it was articulated not only by men, but

by women too, concerned to check the declining morals of their daughters, distance themselves from 'fallen' women, and establish a respectable sphere of authority for themselves. This was the context of the implementation of the night pass regulations. Those women who succeeded in circumventing its aims were beyond the power of the existing laws already.

African responses to state control measures cannot be understood simply through collapsing national oppression and class exploitation. The inclusion of African women in Johannesburg's curfew regulations in 1925 and 1931 occurred in the context of a colonial and racist state grappling with the management of industrialisation and social change. The state's responses to issues of social control among Africans were crude and blatantly racist. It wilfully ignored the distinctions of class and status asserted by the African elite itself. The protest of the African elite was framed in terms of 'natural guardianship' over their wives and daughters, in which the state had no right to intervene.[173] Yet, more important to the male members of the African middle classes than the fact that 'their' women were now obliged to carry passes, was the erosion of their status as a distinct and privileged elite. It was an appeal for the retention of privilege, both in the politics of gender - as men over women - and the politics of class - as the elite over the majority. It was an appeal dismissed by the white state on the basis of race.

NOTES

ABBREVIATIONS:
CAD Central Archives Depot, Pretoria
DNL Director of Native Labour
ENEC Evidence before the Natives Economic Commission
GNLB Government Native Labour Bureau
JUS Department of Justice Archives
RDM Rand Daily Mail
SGJ Stads Gesondheids Departement (City Health) Archives, Johannesburg
SNA Secretary for Native Affairs
TIAD Transvaal Intermediate Archives Depot, Johannesburg
UWB Umteteli wa Bantu
UWL University of the Witwatersrand Library, Department of Historical Papers

1 J Wells, 'The History of Black Women's Struggle against the Pass Laws in South Africa', unpub. PhD thesis, Columbia University, 1982; C Walker, Women and Resistance in South Africa, Onyx Press (London), 1982.

2 Umteteli wa Bantu (UWB), 19.5.1923.

3 A Procter, 'Class Struggle, Segregation and the City: a history of Sophiatown 1905-40', in B Bozzoli (ed.), Labour, Townships and Protest: Studies in the Social History of the Witwatersrand, Johannesburg (Ravan) 1979, p. 53.

4 Union of South Africa, Office of Census and Statistics, Special Report 26 of 1925: Industries on the Witwatersrand 1915 -1923, p. 12.

5 B Freund, 'The Social Character of Secondary Industrialisation in South Africa, 1915-1945', unpub. African Studies Institute seminar paper, April 1985, p. 8.

6 G Ballenden, Memorandum submitted to the Native Economic Affairs Commission, 1930 -1931, Annexure B, in Evidence before the Native Economic Affairs Commission (ENEC), University of the Witwatersrand Library, Department of Historical Papers (UWL), AD 1473, Box 7 (Memoranda submitted to the NEC are cited by reference to the box, and verbatim evidence by page number).

7 Archdeacon Hill, Memorandum, p. 3, ENEC, Box 10.

8 Ibid.

9 Gaitskell, 'Female mission initiatives: black and white women in three Witwatersrand Churches, 1903-1939', unpub.

PhD thesis, University of London, 1981, p106.

10 See, for example, D Maud, ENEC, pp. 7611-12.

11 It was not until 1937 that the number of African women in domestic service in Johannesburg outnumbered that of men; see Johannesburg Non European and Native Affairs Department, Survey of the African in Industry in the Municipal Area of Johannesburg, 1939, p. 12; see also Charles van Onselen, 'The witches of suburbia: domestic service on the Witwatersrand, 1890-1914' in his Studies in the Social and Economic History of the Witwatersrand, 1886-1914, Vol. 2, Johannesburg (Ravan), 1982, pp. 1-73.

12 Quoted in Rand Daily Mail (RDM), 19.5.1919.

13 Letter from the Industrial and Commercial Workers' Union, Johannesburg, to the Special Committee, House of Assembly, May 1925, in Karis and Carter Microfilm Collection, UWL, Reel 13D, 2:LI 1:41/2.

14 For a fuller discussion, see Van Onselen, 'The witches of suburbia', passim.

15 Ballendon, ENEC, p. 7712; Dorothy Maud, ENEC, p. 7619, H G Falwasser to the Medical Officer of Health, Johannesburg, 12.5.1925, in Joint Council Papers, UWL, AD 1433, Cj2.1.5;

16 Lieut Col F A Saunders, quoted in the Star, 13.5.1920.

17 Ballenden, ENEC, p. 7712.

18 Hill, Memorandum, ENEC, Box 10.

19 UWB, 22.9.1928.

20 Rand Daily Mail (RDM), 14.5.1928.

21 Witwatersrand Committee for Health Work among Non-Europeans, 'Venereal Disease', in Report of the National European-Bantu Conference, 1929, Cape Town (Lovedale), 1929, p. 187.

22 E Krige, 'Some Social and Economic Facts revealed in Native Family Budgets', in Race Relations, 1:6 (1934), p. 96.

23 E Hellman, Rooiyard: a Sociological Study of an Urban Native Slum Yard, Cape Town (Oxford University Press), 1948, pp. 40-42.

24 E Krige, 'The social significance of beer among the baLobedu', in Bantu Studies, 6:4

25 Hellman, Rooiyard, pp. 39-40.

26 Ibid., p. 47.

27 Ibid., p. 41; Superintendent of Location's Report 1922-25, in Records of the Johannesburg Municipality, CAD, Minute Books of the Special Native Affairs Committee.

28 Evidence before the 1918 Moffat Commission of Inquiry into the Witwatersrand Disturbances, p. 151, quoted in Gaitskell, 'Female Mission Initiatives', p.129.

29 M Janisch, 'Some administrative problems of Native marriages in urban areas', Bantu Studies 15 (1941), p. 4.

30 E Krige, 'Some Social and Economic Facts revealed in Native Family Budgets', in Race Relations, 1:6 (1934), p. 96.

31 Editorial in Imvo Zabantsundu, 12.5.1922; A J Cooke, Why Not the Durban System? Cape Town (SA Temperance Alliance), 1922, pp. 13-14.

32 Quoted in R E Phillips, The Bantu are Coming, New York, 1930, p. 126.

33 Report of the Director of Native Labour, 1925, GNLB, CAD, File 137, 2756/13/54.

34 Star, 22.2.1919.

35 Ibid.

36 Johannesburg Native Affairs Department Report, 1922-5, p. 7, in GNLB, CAD, 380, 11/11.

37 Union of South Africa, Report of the Select Committee on the working of the Transvaal Liquor Laws (SC 2-'18), 1918, p.40.

38 Councillor H Kroomer, evidence before the Special Committee on Native Affairs (SC 3a-'23), 1922, p. 201.

39 These figures are estimates as there was no official census between 1921 and 1936. In 1923, there were 6 548 people living in the municipal townships of Western and Eastern Native Townships and Klipspruit and, allowing for new housing and population growth, the 1925 figure was probably around 8 000. [Col S A M Pritchard, Evidence before Select Committee on Native Affairs, SC 3-'23, p. 200.];
Sophiatown, Martindale and Newclare housed an estimated population of 4 000 people, a figure based on a generous increase on the 1921 figure of 2 643 [A Proctor, 'Sophiatown', p. 58];
Alexandra had a population of roughly 5 000 in 1925 [Aston Key, 'Memorandum on Alexandra Township', 10.11.1925, in GNLB, CAD, 419, 8514; see also RDM 6.5.1919; Star 12.1..1927.

40 The phrase was a headline in The Star, 16.8.1937.

41 F Cooper, 'Urban Space, Industrial Time and Wage Labour in Africa', in F Cooper (ed), The Struggle for the City: Migrant labour, Capital and the State in Urban Africa, California, 1983, pp. 32-33.

42 Kagan argues that the city council's plans for a municipal hostel for African women, first mooted in 1921, stemmed from a recognition of the growing number of African women working in Johannesburg for whom accommodation should should be provided. This suggests a degree of altruism which is not strictly accurate. It had more to do with Stallard's proposal that hostels could serve as a form of influx control, through compelling all African women arriving in Johannesburg to register at a reception depot and stay there until assigned work. If the supply of women at the depot exceeded the demands of employers, no further women would be admitted. Any woman who did not report could then be prosecuted, and possibly repatriated as well. (Noreen Kagan, 'African settlements in Johannesburg, 1903-1923', unpub MA thesis, University of the Witwatersrand, 1978, p. 69; Transvaal Local Government (Stallard) Commission (TP 1-'22), 1922, p. 49, paras 275-276.

43 Report of the Medical Officer of Health to the Public Health and Parks and Estates Committees, 26.1.1923, in Pim Papers, UWL, A 881, Fa 9; M Janisch, 'Some administrative problems of Native marriages in urban areas', in Bantu Studies, 15 (1941), p. 2.

44 Nalana v. Rex, 1910, and supported in Rex v. Mboko, 1910; and see J. Lewin, 'Some Legal Aspects of Marriage by Natives in South Africa', in Bantu Studies, 15 (1941). D W T Shropshire, Primitive Marriage and African Law: A South African Investigation, (London) 1946, 1970 edition, pp. 18-19, and passim.

45 'Report of the Conference of Native Affairs Officials, Muncipal Representatives and Location Superintendents, Johannesburg, 11.9.1924', in Joint Council Papers, UWL, AD 1433, Cj2.1.4.

46 Report of the Interdepartmental Committee on the Native Pass Laws 1920 (UG 41-'22), p. 15, para 63.

47 See D. Hindson, 'The pass system and the formation of an urban proletariat in South Africa: a critique of the cheap labour power thesis', unpub. D.Phil. thesis, University of Sussex, 1983, pp. 27-72; Wells, 'The history of black women's struggle against the pass laws', pp. 193-201.

48 Report of the Transvaal Local Government (Stallard) Commission (TP 1-'22), 1922, p. 47, para 267.

49 cf. Report of the Transvaal Local Government (Stallard) Commission (TP 1-'22), 1922, p. 49, paras 275, 276.

50 Wells argues that another reason for women's exclusion from the pass laws was the fact that the post-war period was one of industrial expansion, a prerequisite of which was a settled urban African workforce. ['The history of black women's struggle against the pass laws', p20.] It remains to be proved that employers in this period viewed a settled urban workforce as essential to industrial growth; thus there is no evidence to suggest this was a conscious policy - and there is a significant difference between a deliberate policy of promoting industrial growth and a 'policy' of drift.

51 Ballenden, Evidence before the Select Committee on Native Affairs (SC6a-'29), 1929, p. 7.

52 Ibid.

53 This was first proposed for Johannesburg in the June 1912 Draft Municipal Government Ordinance, Sub-section 26 of Section 75.

54 Report of the Transvaal Local Government (Stallard) Commission, TP 1-'22, para. 279.

55 RDM, 1.9.1924, Star 1.9.1924; Johannesburg City Council Minutes, 2.9.1924.

56 Resolution 12 in 'Resolutions of the Conference on Native Affairs, 30.10.1924-1.11.1924', Johannesburg City Health Archives, TIAD, SGJ 24, File A 3554.

57 Star, 19.1.1925.

58 UWB, 27.12.1924.

59 Star, 19.1.1925; J B M Hertzog to the Secretary, Johannesburg Joint Council, 22.1.1925, in Pim Papers, UWL, A 881

60 J P R Maud, City Government: The Johannesburg Experiment, Oxford (Clarendon), 1938, p. 101.

61 Herbst, SNA, to W Webber, 17.6.1925, in Joint Council Papers, UWL, AD 1433, Cj2.1.5.

62 Saul Dubow, 'Holding "a just balance between white and black": The Native Affairs Department in South Africa c.1920-33', in Journal of Southern African Studies, Vol 12:2 (1986), p. 225, and passim.

63 UWB, 3.9.1927; ICU Memorandum, printed in UWB, 25.8.1928

64 UWD, 31.1.1925

65 RDM, 14.3.1925

66 I am still waiting for permission to consult Communist Party of South Africa's SA Worker; the few copies of the ICU's Workers' Herald that remain do not cover the period comprehensively, and there is no mention of the campaign.

67 Tim Couzens, The New African: A Study of the Life and Work of H I E Dhlomo, Johannesburg (Ravan), 1985, p. 43; Phillip Bonner, 'The Transvaal Native Congress, 1917-1929: the radicalisation of the black petty bourgeoisie on the Rand', in Marks and Rathbone (eds), Industrialisation and Social Change in South Africa: African class formation, culture and consciousness, 1870 - 1930, Longman (London), 1983, pp. 276-277.

68 Bonner, 'The Transvaal Native Congress', p. 276.

69 Ibid., p. 277.

70 Ibid.

71 Couzens, The New African, pp. 3-14; and see T D Mweli Skota, The African Yearly Register: Being an Illustrated National Biographical Dictionary (Who's Who) of Black Folks in Africa, Johannesburg, 1930.

72 Couzens, The New African, pp. 5-6

73 Ibid., p. 7

74 D D T Jabavu, 'Native Womanhood', in The Black Problem, Lovedale, n.d. (1921?), pp. 150-151.

75 Ibid., p. 145.

76 Ibid., p. 152.

77 Ibid., p. 153.

78 Mrs D D T Jabavu, 'Bantu Home Life', in J Dexter Taylor, (ed) Christianity and the Natives of South Africa, Lovedale, 1929, p. 173.

79 A Davin, 'Imperialism and Motherhood', in History Workshop, 5 (Spring, 1978), pp. 9 - 57.

80 D Gaitskell, 'Housewives, Maids or Mothers: Some contradictions of domesticity for Christian women in Johannesburg, 1903-39', in Journal of African History, 24 (1983), passim.

81 M M Waters, 'The need today of Native Women and Girls', in South African Outlook, 59, May 1922, p. 7.

82 See, for example, H Selby Msimang in UWB, 27.8.1927, and R V Selope Thema, UWB 20.6.1931; see also Mrs C M Maxeke, 'The Progress of Native Womanhood in South Africa', in J Dexter Taylor (ed), Christianity and the Natives of South Africa, pp. 177 -182.

83 UWB, 3.11.1923

84 J D Rheinhallt Jones to W A Russel, 28.4.1925, in Joint Council Papers, UWL, AD 1433, Cj2.1.5

85 Quoted by the by the Divisional Criminal Investigation Officer, Witwatersrand, 25.4.1925, in JUS 3/1064/18, CAD, 'Report on Bolshevism on the Rand'.

86 UWB, 10.1.1925, 25.1.1925.

87 UWB, 3.1.1925; Report of the Interdepartmental Committe on the Native Pass Laws, 1920 (UG 41-'22), p. 15, para 63.

88 See, for example, Editorial in UWB, 25.1.1925

89 Editorial in UWB, 3.1.1925

90 SNA to R V Selope Thema, 13.7.1926, in Joint Council Papers, UWL, AD 1433, Cj2.1.6a

91 J D Rheinhallt Jones, Misc. correspondence, 1933-36, in SA Institute of Race Relations Archives, Basement Collection, UWL, AD 1715, Box 5, 'Exemption Certificates'.

92 UWB, 10.1.1925

93 Ibid.

94 Star, 19.1.1925

95 Prime Minister's Office to the Secretary, Johannesburg Joint Council, 22.1.1925, in Pim Papers, A 881.

96 Ibid.; Clements Kadalie to T D Mweli Skota, 14.2.1925, in Karis and Carter Microfilm Collection, UWL, Reel 13B, 2:LI:41/1.

97 RDM, 14.3.1925.

98 UWB, 6.6.1925

99 J D Rheinhallt Jones to W A Russel, 28.4.1925, in Joint Council Papers, UWL, AD 1433, Cj2.1.5.

100 'Passes for Native Women', in Joint Council Papers, UWL, AD

1433, Cj2.1.5; RDM 14.3.1925.

101 See W Beinart and P Delius, ' "The Family" and Early Migrancy in Southern Africa', unpub. seminar paper presented to the African History Seminar, University of London, School of Oriental and African Studies, 9.5.1979; Gaitskell, 'Wailing for purity: prayer unions, African mothers and adolescent daughters, 12-1940, in Marks and Rathbone (Eds), Industrialisation and Social Change, pp. 338-343; J Guy, 'The destruction and reconstruction of Zulu Society', in Marks and Rathbone (eds), Industrialisation and Social Change, pp. 175-80.

102 See B Bozzoli, 'Marxism, Feminism and South African Studies' in Journal of Southern African Studies, 9:2 (April 1983); M Kinsman, 'The abuses and abuses of Anthropology', unpub. paper presented at the Precolonial History Conference, University of Cape Town, 1986, pp.6-9; M Hunter, 'Results of Culture Contact on the Pondo and Xosa Family, in South African Journal of Science, 1932.

103 A point made by Kenneth Little, in African Women in Towns, London, 1973, p. 18.

104 See Correspondence File, 1925, in Joint Council Papers, UWL, AD 1433, Cj2.1.5.

105 Ibid., Arch S. Mbelle to J D Rheinhallt Jones, 6.4.1925.

106 Ibid., A G W Champion to Rheinhallt Jones, 24.3.1925.

107 Ibid., Herbst to W Webber, 9.5.1925, Herbst to the Secretary of the Johannesburg Joint Council, 17.6.1925.

108 Ibid.

109 Quoted by the by the Divisional Criminal Investigation Officer, Witwatersrand, 25.4.1925, in JUS 3/1064/18, CAD, 'Report on Bolshevism on the Rand'.

110 Ibid.

111 UWB 9.5.1925.

112 Ibid.

113 UWB, 8.8.1925; ROM, 5.8.1925.

114 UWB, 27.6.1931, and reprinted in T Karis and G Carter (eds.), From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882-1964, Volume 1, Protest and Hope, 182-1934, Stanford, 1972, p. 310

115 Ibid.; UWB, 27.6.1931; Pretoria Appeal Court Register, CAD, 1925-6; Rex vs Detody, SA Law Reports, Appelate Division,

1926, p. 202; South African Outlook, March 1926.

116 Star, 11.12.1925.

117 See correspondence, 1925, in GNLB, CAD, 284 52/18/72; a report in UWB, 16.3.1929, noted that 'a further 200 Native women were deported from Johannesburg on Tuesday this week. This brings the total number of women deportees to 384'; it is not clear whether this refers to only 1929.

118 See especially H Selby Msimang, 'Addendum to Paragraph 2 of the Report on the Natives (Urban Areas) Act, n.d., in Pim Papers, A 881, Fa 9.

120 See, for example, A B Xuma, Memorandum, pp. 5-6, ENEC, Box 10.

121 Ibid.

122 E O Leake, (Chairman of the Johannesburg Native Affairs Committee) before the Select Committee on Native Affairs, quoted in the Star, 25.3.1928.

123 H S Cooke, evidence before the Select Committee on Native Affairs, SC 6a-'29, pp.1-11

124 E O Leake, quoted in the Star, 25.3.1928

125 Proclamation 301, issued on 25.11.1924 was declared ultra vires by W C Lawrence, in the Johannesburg magistrate's court ion 12.1.1926, and upheld in the Supreme Court on 15.6.1926; it was replaced by Proclamation 166 of 23.7.1926, which was also declared ultra vires on 31.12.1926; [RDM, 13.1.1926 and 7.2.1927]; for a discussion of later court action, see Laura Menachemson, 'Resistance through the Courts: African urban communities and litigation under the Urban Areas Act 1923-59', unpub. BA Hons. dissertation, University of the Witwatersrand, 1985.

126 See correspondence between the Magistrate, Johannesburg, and the Director of Native Labour, 1920-23, in Department of Justice Archives, CAD, JUS 289, 3/127/20; see also evidence of H Kroomer before the Select Committee on Native Affairs, SC 3a-'23.

127 See evidence of E O Leake and G Ballenden before the Select Committee on Native Affairs, SC 6a-'29, pp. 1-11.

128 Johannesburg Mayor's Minute, 1928

129 Ibid.

130 UWB, 20.6.1931

131 See M Lipton, Capitalism and Apartheid in South Africa,

Aldershot, 1985, p. 264

132 Act No 25 of 1930, Section 7, amending Section 12 of Act No 21 of 1923.

133 Ibid., Section 19

134 'Night Passes', in South African Outlook, July 1931

135 Union Statistics for Fifty Years

136 Both figures exclude mineworkers; Ballenden, Memorandum, ENEC, Box 10

137 Taberer, ENEC, p. 7396

138 Hill, ENEC, p. 9704

139 RDM, 17.5.1929

140 Ibid.; Ballenden, ENEC, p. 7739

141 E Koch, 'Doornfontein and its African working class, 1914-1936', unpub. MA thesis, University of the Witwatersrand, 1983, p. 173.

142 Star, 10., 11., 16., 26.6.1931

143 RDM, 13.6.1931

144 'Night Passes', in South African Outlook, July 1931, p. 3; Gaitskell echoes this view, erroneously, in 'Christian Compounds for Girls: Church hostels for African women in Johannesburg, 1907 - 1970', unpub. paper presented at the History Workshop, University of the Witwatersrand, February 1978, p. 9; Holloway, ENEC, p. 9051.

145 J D Rheinhallt Jones, ENEC, p. 9051.

146 Johannesburg Council Minutes, 3.7.1931; J D Rheinhallt Jones, ENEC, p. 9051.

147 RDM 29.6.1931.

148 UWB 1.8.1931.

149 E Roux, Time Longer Than Rope: The Black Man's Struggle for Freedom in South Africa, Wisconsin (University of Wisconsin Press), 1948, 1978 ed., p. 287; Walker, Women and Resistance in South Africa, p. 13.

150 See Roux, Time Longer Than Rope, pp. 286-287.

151 Quoted in T R H Davenport, South Africa: A Modern History, Johannesburg (Macmillan), 1977, 1978 ed.,p. 208.

152 Star, 10.6.1931.

153 Sophiatown and Martindale Ratepayers' Association, Memorandum, ENEC, Box 7

154 Rev L S Matsepe (General Secretary of the African Native Ministers' Association) to the Star, 26.6.1931.

155 RDM, 12,6,1931.

156 Rev A B L Karney to the Star, 13.6.1931.

157 T D Mweli Skota (General Secretary of the African National Congress) quoted in the Star, 10.6.1931.

158 Star, 10.6.1921.

159 Star, 19.6.1931; RDM, 22.6.1931.

160 Star, 15.6.1931; RDM, 16.6.1931 and 22.6.1931; UWB, 27.6.1931; 'Petition presented to His Excellency the Earl of Clarendon by the Native Community of Zeerust Town and Marico District', 21.8.1931, in Governor General's Record, CAD, GG 1185 50/1414 (thanks to Graeme Simpson for this referehce).

161 UWB, 27.6.1931, and reprinted in Karis and Carter, From Protest to Challenge, Vol. 1, pp. 310-311.

162 Independent ICU Memorandum to the Minister of Native Affairs, Mr E J Jansen, quoted in the Star, 16.6.1931.

163 UWB, 19.5.1923.

164 For a discusion of the benefits to men of the family wage, see Heidi Hartman, 'The Unhappy Marriage of Marxism and Feminism: Towards a more progressive union', in L Sargent (ed.), The Unhappy Marriage of Marxism and Feminism: A Debate in Class and Patriarchy, London, 1981, pp. 21-23.

165 For a discussion of the subordination of women in pre-colonial Tswana polities, see M Kinsman, 'The Uses and Abuses of Anthropology', unpub. paper presented to the Precolonial History Conference, Cape Town, July 1985.

166 See, for example, E Mphalele, Down Second Avenue, London (Faber and Faber), 1973, p. 41

167 Champion, ENEC, p. 8233;

168 Ibid.; H I E Dhlomo, An African Tragedy, Lovedale, 1931, p. 8.

169 Champion, ENEC, p. 8237

170 See Krige, 'Changing conditions in native marital relationships and parental duties among urbanised natives', in Africa, 9:1 (1936).

171 A point made by H Bradford in '"We are now the men": Women's beer protests in the Natal Countryside, 1929', unpub. paper presented to the History MA Seminar, University of the Witwatersrand, August 1984, p. 9.

172 R V Selope Thema, in UWB, 20.6.1931

173 UWB, 27.12.1924