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ORGANIZED NON-VIOLENT REJECTION OF THE LAW FOR POLITICAL ENDS:

THE EXPERIENCE OF BLACKS IN SOUTH AFRICA

DAVID CARTER

Thesis Submitted for the
Degree of Doctor of Philosophy

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ABSTRACT

Organized Non-violent Rejection of the Law for Political Ends
The Experience of Blacks in South Africa

DAVID CARTER

The study sets down and assesses the record of organized militant non-violent rejection of the law for political ends by Blacks in South Africa. Its approach is historical. The study is intended to help meet a lacuna in South African historiography; it is thus not primarily concerned with the theory of non-violent resistance.

The study focuses on the three main instances of sustained non-violent resistance in South Africa. The "Satyagraha" campaign of 1906-1914 led by M. K. Gandhi; the "Passive Resistance" campaign of 1946-1948 and the Defiance of Unjust Laws (1952-1953). To permit comparison, each phase is examined under the same headings: background; aims; planning and organization, leaders and participants, resistance, reaction.

At its proscription in 1960, the African National Congress (ANC), and its Indian counterpart, had not succeeded in stemming the flow, let alone reversing the tide, of racial legislation. There was, as a consequence, disillusionment with the (non-violent) tactics on which the Congresses had traditionally relied. Moreover, the commitment of the Congress leadership and its organizational ability were called into question. This study seeks to redress the balance, in the belief that the shortcomings in tactics and organization have been allowed unduly to overshadow the real achievements of the resistance campaigns and those who led them.

The progress made was essentially of a "preparatory" nature. The leaders succeeded, in difficult circumstances, in involving large numbers of people, of diverse background and persuasion, in co-ordinated political activity, in many cases for the first time, with important longer-term implications within and outside South Africa.

Militant non-violence has played a crucial role in black political development in South Africa, it has a continuing relevance there in conjunction with violent tactics and international pressure in bringing about fundamental change.

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THE INTRODUCTION

At its proscription in 1960, the African National Congress (ANC), and its Indian counterpart, had not succeeded in stemming the flow, let alone reversing the tide of racial legislation. There was as a consequence disillusionment with the tactics the Congresses had traditionally employed. This feeling was subsequently reflected in the title of Edward Feit's work, African Opposition in South Africa The Failure of Passive Resistance, though he reserves his strongest criticism for the leadership and quality of organization.

In the aftermath of Sharpsville, consideration of the use of the tactics of non-violent resistance for political ends within South Africa was increasingly overshadowed by consideration of alternative strategies for action, relying principally on international pressure against South Africa and recourse to violent means, though these have been little used in practice (1).

This study reappraises the use of non-violent resistance for political ends by the black population in South Africa in the period from 1906 till 1960 in the belief that it made a significant contribution at the time to furthering the respective interests of the African and Indian Congresses and the people they represented. If the tactic did not succeed, directly, in bringing about favourable radical change in South Africa it has played a vital preparatory role and may yet have a further part to play in the replacement of the existing economic, political and social systems.

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- (1) On the occasions since 1960 in South Africa when there has been substantial politically-motivated violence by blacks it would appear generally to have been largely spontaneous, the number of incidents, for example, of organized urban guerilla activity have been very few.

Any assessment of the campaigns of non-violent resistance in South Africa must have particular regard to the circumstances in which they were conducted to appreciate why their tangible achievements do not perhaps compare with those in pre-Independent India or even occupied Europe (1). In his dismissive approach towards the "non-violent phase" of black South African political history, Feit has argued that, "the espousal of non-violent policies, however commendable for humanitarian reasons, is an example of the embourgeoisement of a radical movement ... The ANC leadership was inhibited by its tendency to think in respectable forms of political action as much as by the Government's restrictive legislation. Neither the leaders nor their followers were real revolutionaries" (2). The import of these remarks, and others by Feit, is that the ANC, as a "bourgeois" organization was divorced from the mass of the people it claimed to represent, that neither the leadership nor its followers were really committed to the cause of radical change and that the non-violent tactics they adopted was confirmation of this. It is the contention of this study that these criticisms were not applicable to the periods during which the Congresses were engaged in militant non-violent resistance which achieved as much as could be expected from any available tactic in the circumstances. The "dormant" years when the Congresses confined their activities to the drawing up of petitions should not be taken, as Feit would seem to do, as being representative of the entire "non-violent phase".

The study focuses on the three principal instances of sustained militant non-violent intervention against the law by

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- (1) For case studies see, A. Roberts (ed), Civilian Resistance as a National Defence Non-violent Action against Aggression.
 - (2) E. Feit, African Opposition in South Africa, pp 31.32.

Africans and Asians in South Africa the campaigns by the Asian population in 1906-1914 and 1946-1948 and the African led, multi-racial, defiance of unjust laws campaign of 1952-1953. It assesses the achievements of militant non-violent resistance by blacks in South Africa in the period to 1960. In doing so, the study offers an insight into the potential and pitfalls of the use of non-violent action by groups, weak in conventional terms, in confrontation with organizations having at their disposal an increasingly powerful and pervading, repressive apparatus which they are ready to deploy. But the relevance of the experience in one particular environment to another should not be overstressed, there is perhaps a tendency to excessive generalisation about the applicability of non-violent tactics, arguably the result of the greater attention given to the theoretical opportunities presented by non-violent resistance than to its use in practice.

This study is not concerned with theories of non-violent action and their potential role as panaceas of conflict resolution. Nor is it confined to an examination of tactics of non-violent, per se. Much of the study involves an analysis of the issues associated with the use of non-violence in South Africa, to gain an overall understanding of the Campaigns. It is thus, in considerable measure, an historical study of an important, but under-researched aspect of South African political experience.

The principal elements of the study, which is divided into three parts examining each of the Campaigns in turn, are considered under the following broad headings Background, Aims; Planning and Organization, Leaders and Participants, Resistance, and Reaction

The purpose of the background chapters is to examine contemporary domestic and foreign circumstances which may have had a bearing on the Campaigns, influencing, for example,

levels of participation, the timing of the Campaigns and the precise tactics adopted. Common elements between the circumstances of the three campaigns are considered.

The aims of the Campaign are considered from various viewpoints and are not always as straightforward as they might at first appear, thus presenting problems in assessing their achievements. This applies with equal force to the organization and planning of the Campaigns, where the formal "machinery" was supplemented (and on occasions seemingly almost substituted for) by ad hoc personal contacts. The themes examined include, the forms the planning and organization took, its importance to the outcome of the Campaigns and to regional variations in performance. Theodor Ebert has argued, in the light of his assessment of the organizational weaknesses of the defiance campaign, that, "non-white resistance can develop into an alternative to violent resistance only in so far as it assumes visible organizational shape and is adequately prepared" (1). This depends, in part, on what the resistance is intended to achieve, but the implication of Ebert's remark is that the tactic of non-violent resistance can only be used "successfully" in "liberal democratic" circumstances and that even then it is a rather cumbersome form of action. The examination of the Campaigns forming the basis of the current study suggests this view requires some modification.

The leaders of the Campaigns and the people who participated with them were diverse in their beliefs, motivations, origins, occupational and educational levels and their political experience. Regrettably, it is no longer possible

(1) T. Ebert, "Organization in Civilian Defence", Civilian Resistance as a National Defence, p 297.

to establish with certainty the precise and full details of the participants, but the available fragmentary evidence permits a reasonably comprehensive analysis. In each of the Campaigns certain groups were absent amongst the participants but there was nevertheless a broad spectrum involved in each case and the study reveals how successfully people of widely varying backgrounds participated and interacted.

Non-violent rejection of the law took many different forms during the three Campaigns, from petitions, through boycotts and deliberate breach of specific laws to a mass-strike. The study sets out the circumstances in which they were employed and the precise form they took. Shortcomings, both in the tactics and the way in which they were used, are considered.

The analysis of the forms which the resistance took is complemented by an assessment of the reaction the Campaigns provoked from those against whom they were primarily directed and others, both within and outside South Africa. One aspect of particular concern is the reaction of successive Governments in South Africa and white public opinion there to the spectacle of non-violent resistance per se. The study suggests there is little cause for encouragement. With participants of "average" commitment (no more can be expected from the majority other than in quite exceptional and extreme circumstances) the tactic of non-violent resistance would seem to evoke no "special" reaction of conscience from those against whom it is directed in circumstances such as prevail in South Africa.

Certain elements of the title, "Organized non-violent rejection of the law for political ends The experience of blacks in South Africa 1906-1960", require explanation. The word "blacks" is used in preference to "non-whites" or "non-Europeans", though these were the expressions most commonly

used during the period covered by this study in referring collectively to Africans, Asians and Coloureds. The term "non-violent rejection of the law" is qualified both by the word "organized", in order to exclude spontaneous acts of resistance, except where such acts are inextricably bound up with the Campaigns, and the phrase "political ends" which limits the scope of the study by eliminating, for example, industrial action of a primarily non-political nature, which, nevertheless, could be seen, inter alia, as constituting rejection of certain laws. "Non-violent rejection of the law" may be interpreted by reference to Gene Sharp's explanation of non-violent action, .."(it) is a generic term. It includes the large class of phenomena variously called "non-violent resistance", "Satyagraha", "passive resistance", "positive action", and "non-violent direct action". Whilst it is not violent, it is action, and not inaction, passivity, submission and cowardice must be surmounted if it is to be used. It is a means of conducting conflicts and waging struggles, and is not to be equated with (though it may be accompanied by) purely verbal dissent or solely psychological influence. It is not "pacifism". The motives for the adoption of non-violent action may be religious or ethical, or they may be based on considerations of expediency ... Certain forms of non-violent action may be regarded as efforts to persuade by action, while others are more coercive" (1). In one sense the term "non-violent action", as defined by Sharpe, is not broad enough for the present study in that what he refers to as "verbal dissent", whilst certainly being distinguishable from non-violent action, is nevertheless an integral part of the three Campaigns to be studied. Hence, the use of the wider term, "non-violent rejection", though in fact the study, as regards tactics, is primarily concerned with "non-violent action". The action was against individual racial and politically-discriminatory laws, both in their own

(1) G. Sharp, "The Technique of Non-Violent Action", Civilian Resistance as a National Defence, p 109.

right and as symbols of a wider discontent with the body of the law and the economic, social and political structure from which they evolved. The period from 1906 to 1960 embraces the principle examples to date of militant non-violent resistance for political ends by blacks in South Africa.

PART I. NON-VIOLENT RESISTANCE 1906-1914

CHAPTER I. BACKGROUND

This chapter sets out the principal disabilities faced by Asians (1) in South Africa which have some bearing on the campaign of non-violent opposition to the law organized between 1906 and 1914 by M. K. Gandhi.

President Kruger is said to have told a group of Indian petitioners who called on him, "you are the descendants of Ishmael and therefore from your very birth bound to slave for the descendants of Esau" (2). For the white South African, the only justification for the presence of Asians in South Africa was to further his own economic well-being. The Asians must never compete with the whites, nor, it would seem, question what few spoils they were offered in return for their labours. Conflict between Europeans and Asians in South Africa stemmed from supposed economic, social and racial incompatibilities, to which whites referred with growing force from the 1880's asserting that their dominant position was being threatened by the increasing number of ex- and non-indentured Asians.

Following the passage of enabling legislation in Natal and India the first indentured labourers arrived in Natal in 1861 to work on sugar plantations and later also in the Colony's coal

- (1) The contemporary phrase was "Asiatic". Indentured Indians were officially termed "coolies", a word also used, derogatorily, of all Indians in South Africa, including those who arrived as free men - the so-called "Arab" or "passenger" Indians. The term "British Indians" was commonly used by the Indians themselves and outside South Africa. There were in the Transvaal in the early 1900's some 1000 free Chinese a number of whom took part in the 1906-14 campaign.
- (2) M. K. Gandhi, Satyagraha in South Africa, p 56.

mines (1). The indentured workers, who were of both sexes went only to Natal (within South Africa) and came mainly from the Madras Presidency, the Malabar coast and the areas around Calcutta. The majority were tamil speaking hindus, over 60% coming from the Sudra and untouchable castes. By the early 1890's there were over 40,000 Indians in Natal, and more than 100,000 by 1910, the vast majority being of indentured origin. Normally a labourer was indentured in the first instance for 5 years. At the end of 10 years in the Colony he was eligible for a free return passage to India. Alternatively, ex-indentured workers could remain in Natal as free agents (2), and, until 1891, might, at the Governor's discretion, be given a strip of land in lieu of passage. Attempts by the Natal Government to increase the length of compulsory indenture to 10 years and to compel indentured workers to return to India were thwarted by the British and Indian Governments. Nevertheless, after 1891, no more land grants were made to freed Indians and in 1895, under Act 17 of that year, ex-indentured workers and their families became liable to a crippling annual tax of £3 per head (3). These measures appear to have had a marked effect on the numbers who remained in Natal at the end of their contracts (4). The coming of the Union in 1910 finally spelt

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- (1) For comprehensive accounts of the pre-1907 phase of South African Indian history see, for example, R. Huttenback, Gandhi in South Africa British Imperialism and the Indian Question 1860-1914, B. Sacks, South Africa - an Imperial Dilemma, M. Palmer, The History of Indians in Natal. Natal Regional Survey, P. D. Pillay, 'The Imperial Government and British Indians in the Transvaal' (unpublished Ph.D. Thesis (London); H. M. Adamson, 'The Indian Question in South Africa 1900-1914' (unpublished M.A. Thesis Cape Town). For a detailed sociological study see H. Kuper, Indian People in Natal.
- (2) Less than one third of the earliest groups eligible for a free passage - in 1871 - took advantage of the offer. But see footnote (4)
- (3) An Indian male's annual income as a free labourer, pre-1914, would generally not have much exceeded £12.
- (4) In 1908 of 7735 people completing their indentures 3389 returned to India and 3304 re-indentured (avoiding the £3 tax, though this was a "loophole" of uncertain validity). The balance remained as free workers. Adamson, op. cit., p 50.

the end of the indentured system, for, much as elements in Natal continued to favour it, it was not seen to be in the interests of the Union as a whole. In this changed situation an understanding was reached with the Indian Government through the Colonial office to terminate the supply of indentured workers from 1911 on the expectation of enhanced safeguards for the existing Indian population in South Africa (1).

From the 1880's "free" Indians arrived in South Africa mostly from Bombay Province settling in Natal, the Transvaal and the Cape, but not in the Orange Free State from which they were excluded by law (2). They were usually traders (merchants or hawkers) and comprised both muslims and hindus. In general they had little social or political contact with the indentured class in the period of this study.

Agitation in Natal, primarily directed against the trading class, led to the passage of a measure excluding Asians from the franchise (3), severely restricting their freedom to trade (4) and imposing administrative limitations on their entry to Natal (5). Cape Indians faced increasing restrictions on immigration and in trading. "Passenger" Indians began settling in the South African Republic (Transvaal) shortly after the signing of the Pretoria Convention (6).

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- (1) For an account of the manoeuvres between the Union, British and Indian Governments on this matter see Gandhi in South Africa, p 270ff.
 - (2) Chapter XXXIII of the Orange Free State Law Book prevented Asians farming, trading or holding land.
 - (3) Act 8, 1896. An earlier Bill had been disallowed by HMG, as were attempts in 1905 to exclude Natal Indians from the Municipal franchise.
 - (4) Under Act 18, 1897, the issue of licences was at the discretion of municipal licensing officers, described by Neame, Asiatic Danger in the Colonies, p 35, as "the Servant(s) of a body of white storekeepers".
 - (5) Immigration Acts No 1, 1897 and 30, 1903.
 - (6) 1881. The Convention accorded the Transvaal "Complete self-government subject to the Suzerainty of Her Majesty".

In the face of growing white opinion (1) the Volksraad passed a Law in 1885 (2) disbarring "persons belonging to any of the Native races of Asia including the so-called coolies (and) Arabs ..." from citizenship and from ownership of fixed property. In addition they were required to present themselves for registration as residents. Newly arriving Asian immigrant traders were to register within 8 days and when the law was first passed to pay a single fee of £25. The charge was waived for existing residents. Finally the Government reserved the right "to point out certain streets, roads and locations for (Asians) to live in". The law contained no punitive provisions and was widely disregarded.

Amending legislation was introduced in 1886 (3) under pressure from the British Government. Their concern was met by justifying the provision of separate areas for Indians on sanitary, rather than, as hitherto, on racial grounds. As an additional gesture the Registration tax was reduced to £3, though HMG was relatively unconcerned with the rights of new immigrants. In practice, the Asiatic Act was not immediately enforced. When moves were made to implement it in 1888 a dispute soon arose between the British and Republican Governments as to whether, under the Act Indians could legitimately be forced not only to reside but trade in separate areas. After fruitless exchanges (4) and following the decision of the Volksraad in 1893 that all persons covered by the Act should move by 29 January, 1894, to racially separate residential/trading areas (known locally as locations or bazaars), the two Governments took the

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- (1) Lord Selborne (Governor of the Transvaal and High Commissioner in South Africa 1905-10) claimed that Asian freedom of entry and employment was questioned "less at the instance of the Boers themselves than of the European traders who were in great part British subjects of British origin". Despatch No 529, 21 May 1906, to Lord Elgin, Colonial Secretary. CO 291/99 (20630):
- (2) Number 3(1885).
- (3) Volksraad Resolutions. Article 1419, 12 August 1886.
- (4) See "Papers Relating to the grievances of HM Indian subjects in the SAR". C 7911, 1895.

dispute to arbitration before the Chief Justice of the Free State who ruled in favour of the SAR. A subsequent court case in the Republic (1) gave added weight to the ruling, but the Act was never widely implemented prior to the outbreak of the South African War as a result of the continuing intervention of the British Agent in the Transvaal and of his Government. Professor Hancock has commented that, thus, whilst Britain was addressing "High minded protests to Kruger's Government" about discrimination against Indian subjects, "the same impulses of racial discrimination were at work next door in Natal, under the British flag" (2).

The rationale behind the British administration's approach to Indians in the Transvaal during the years of direct rule from 1901 till the beginning of 1907, when Responsible Government was introduced, is summed up in a despatch from Lord Selborne to Lord Elgin (3). "The British Government after the War necessarily undertook the administration of the country until such time as the inhabitants were in a position to administer it themselves, but they did so subject to a pledge, in some cases explicit, but in all implied, that the solution of the fundamental and permanent questions should, so far as were possible, be left over until the time when through the medium of their own Responsible Government, they could discuss these questions face to face with the Imperial Authorities ... for these reasons there was, in my opinion, no course honourably open to the Government of the Transvaal other than to maintain the fundamental laws relating to Asiatics for the time being ..., unchanged, and also to prevent the further influx of Asiatics, however distasteful this task might be". (4) The British administration would have faced serious hostility from whites in the Transvaal and probably in Natal if it had significantly eased the legal restraints on

(1) Tayob Hajeer Khan Mahomed v The State, 1898.

(2) W. Hancock, Four Studies of War and Peace in this century, p 63.

(3) Colonial Secretary, 1906-1908.

(4) No 529, 21 May 1906. CO 291/99 (20630).

Indians in the Transvaal. At the same time, the SAR's treatment of its Asian population was purportedly a contributory factor leading to the War and, under the circumstances, Transvaal Indians had some reason to expect an improvement in their lot.

Instead, as a Times Editorial noted, "if the Republican Government chastized the Indians with whips, since the annexation of the Transvaal, they have been chastized with scorpions. Not only have all the old restrictions been maintained but additional disabilities have been imposed" (1). Indians in Johannesburg were required to move into locations by the British as early as 1901 and in 1903 the provisions of Law 3 of 1885 were, in effect, reintroduced (2). Indian bazaars were to be set up forthwith in every town and no new trading licences were to be granted to Asians except to carry on a business in a bazaar. Indians holding Republican licences allowing them to trade outside locations could continue to do so, but the licences could not be transferred.

The Indians found relief from unexpected quarter when, in May 1904, the Transvaal Chief Justice, Sir James Rose-Innes ruled in the case of *Motan v The State*, that whilst Law 3 of 1885 restricted Indian residential rights it could not properly be construed as limiting the areas in which they could trade (precisely the line earlier taken by the British Government). He commented, "The mischief purported to be aimed at was the insanitary mode of life in the midst of an European population - not an inconvenient competition with European traders" .. "Under the circumstances," he said, "it does strike one as remarkable that without fresh legislation the officials of the Crown in the Transvaal should put forward a claim which the Government of the Crown in England has always contended was illegal ... and which

(1) Times Weekly Edition, 10 January 1908.
 (2) By the Administration's notice 365.

in the past it has strenuously resisted." (1) The Transvaal administration had little option in the short term but to observe the ruling, in spite of heavy counter pressure from white traders. Milner's subsequent attempts to restrict the issue of trading licences for Indians were rebuffed by Secretary of State Lyttelton, albeit after some hesitation.

If the Transvaal Indians gained some respite from trading restrictions they did not secure any relief from immigration and registration requirements, the issues which finally precipitated a campaign of non-co-operation.

Before the War, there were perhaps 15,000 Indians in the Transvaal (2), but, according to Pillay (3), citing Colonial Office sources, only about 2,000 remained in the Transvaal during the War, many fleeing to Natal. Serious difficulties arose as the refugees returned, many not being in possession of registration papers issued by the former Republican administration. In any event these were little more than receipts and no proof of identity and they had been issued only haphazardly. The military authorities, till the end of 1901, permitted very few Indians to enter the Transvaal, but under pressure from London, the number markedly increased in 1902, by the end of which over 4,000 permits had been granted to Indians to reside in the Transvaal (4). At that point the nominally non-racial Peace Preservation Ordinance (5)

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- (1) Johannesburg Star (weekly edition), 14 May 1904. Reprinted in Gandhi in south Africa p 147.
- (2) Two contemporary sources of divergent opinion give this total H. Polak, The Indians of South Africa Helots Within the Empire and How they are Treated, p 83, P. Duncan, 'The Asiatic Question in the Transvaal', The State, vol 1(2), Feb. 1909, p 160.
- (3) P. D. Pillay, op. cit., p 211.
- (4) These permits were issued by the permit office (to which white immigrants also had to apply) in conjunction with the Department of Asiatic Affairs, formed in August 1901, and headed by Lionel Curtis one of Milner's "Kindergarten".
- (5) No 38, 1902. It was amended by Ordinance 5, 1903.

was introduced, again placing serious difficulties in the way of Indians wishing to gain entry to the Transvaal, irrespective of whether or not they could prove domicile there. But this did not satisfy European opinion which led itself to believe that large numbers of Indians were nevertheless entering the Transvaal who were not entitled to residence. The situation was very confused. Certainly there was some illegal immigration - at one stage, Gandhi put the figure at 50 a month (1) - but there is no evidence to support allegations of widespread evasion of the law. And amongst the so-called "illegal" immigrants there will have been some who, in fact, even if they could not prove it, had been domiciled in the Transvaal prior to the War. In a move to counter illegal Indian entry Milner, at the suggestion of Curtis, proposed to re-register all Asians in the Transvaal who could prove their right to domicile. Thereafter, any Asian residents found who were not registered would be liable to be charged under the Peace Preservation Ordinance and if convicted subject to deportation and imprisonment. Re-registration was not a legal requirement, but following talks between Milner and Gandhi the latter agreed that the Indian population would cooperate. Some 12,500 presented themselves for registration between 1903 and 1906. Gandhi claimed this was a proof of their "veracity, tact, large-mindedness, commonsense and humility". "It also showed", he said, "that the community had no desire to violate in any way any law in force in the Transvaal"(2). Approximately 8,000 of the Indians who sought re-registration could not prove to the satisfaction of the Registrar that they had paid the £3 tax required under Republican Law (3) and had to meet this fee before they could be registered. At the same time the Transvaal administration was trying to persuade the Indian Government to agree to the recruitment of 10,000 indentured Indians to work in the Transvaal! (4)

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- (1) Letter to Natal Witness, 9 April 1907. Gandhi refuted an inference in the paper that 8,000 Indians had entered the Colony illegally. Collected Works of Mahatma Gandhi, Vol 6 (doc. 422).
- (2) Satyagraha in South Africa, op. cit., p 150.
- (3) Law 3 of 1885, as amended in 1886.
- (4) Nothing came of this proposal, Chinese workers being introduced instead.

Milner is said to have told the Indian population when they protested at the need to re-register, "once on the register, your position is established and no further registration will be necessary, nor a fresh permit required. This registration gives you a right to be here and a right to come and go" (1). But, for one, Lionel Curtis was not satisfied. Ignoring the view expressed at the end of 1903 by the then Registrar of Asiatics, Captain Fowle, that, "there is no reason to believe that Asiatics are entering the Colony without Authority ... it is (in any event) practically impossible for an unauthorized Asiatic to remain in the Colony for any length of time without being detected" (2), Curtis claimed, in 1906, that a "flood" of unauthorized Indians had entered the Colony (3). He accordingly proposed compulsory re-registration of all Indians in the Transvaal whom he believed should be given the status of legal residents regardless of their prior standing.

Lord Selborne, who had succeeded Milner in 1905, embodied Curtis' proposals in a despatch (4) in which he argued re-registration was in the interests of Indians and Europeans in the Transvaal. What he proposed was essentially a holding operation to allay the concern of Transvaal Europeans (5) pending the grant of Responsible Government. At the same time, presumably to meet sensibilities in London, Selborne put forward proposals which gave the appearance of easing conditions for existing Indian residents. He advocated, for

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- (1) Cited by L. Ritch, British Indians and the Transvaal - A History, 1907. Reprinted in Gandhi Papers, Vol 7 (appendix 8)
- (2) ibid.
- (3) Curtis to Patrick Duncan (then Colonial Secretary in the Transvaal), 3 August 1906. Gandhi in South Africa, p 163.
- (4) No 529, 21 May 1906, to Lord Elgin. CO 291/99 (20630). See also pages 16 and 17 .
- (5) European alarm at the alleged influx of Asian "illegal" immigrants was increased by the verdict in the case of Lucas Trustees v Ismail & Amod (1905) in which the Judge ruled Asian children were not subject to registration. The successful appeal (N. H. Moosa v Rex 1906) on behalf of an 11 year old Indian against conviction for entering the Transvaal without a permit gave added weight to white concern. The judgement in the Lucas case also cast doubts on registration requirements for Asians not trading on their own behalf.

example, the abolition of the £3 registration tax (a gesture of little practical import by 1906) and the revision of the procedure for issuing temporary residence permits. Elgin was sympathetic to Selborne's proposals (1), in what was an embarrassing situation for the British Government, albeit of its own making, given its ^{war} pre-stand on the rights of Transvaal Asians.

The draft legislation which Selborne submitted with his despatch was subsequently extensively rewritten as a single ordinance (2) to amend law no 3 of 1885. It differed in important respects from the draft legislation earlier submitted, in particular by providing for compulsory registration of all Indian males lawfully resident in the Colony. There were special provisions for children, women were exempt. Curtis' proposal to allow for the registration of Indian residents regardless of their legal standing was thus rejected. Registration was to be completed by January 1, 1907, defaulters faced fines of £100 or 3 months imprisonment. After January 1 any Asian required to register under the Act who failed to produce his certificate on demand was liable to arrest and to expulsion from the Transvaal. It was necessary to produce a registration certificate before being granted a trading licence. Elgin refused to sanction the Ordinance, claiming, "I gave my assent to the introduction of legislation distinctly because I anticipated that in the long run the modifications of law would be for the benefit of the British Indian Community .." He criticized, in particular, the compulsory nature of the registration and the absence of right of appeal from the magistrates' Courts in cases of deportation for non-production of permits (3).

The Transvaal Indians, whilst sharing Elgin's view, in particular of the compulsory nature of registration, had

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- (1) Lord Elgin's despatch to Lord Selborne 4 June 1906. CO 291/99.
 (2) No 29, 1906. Text in CD 3251 (doc 1, appendix A).
 (3) Lord Elgin's despatches to Lord Selborne, 27 and 29 November 1906. CD 3308 (docs 39 & 41).

additional substantial criticisms of the ordinance (1) which, unlike the Peace Preservation Ordinance, was avowedly racial. They rejected the need for further legislation, at all, denying that there had been a large unauthorized influx of Indians claiming that the Peace Preservation Ordinance, was "complete and effective" in dealing with illegal immigrants. Nor had they forgotten Milner's Pledge (2) in seeking their co-operation for the 1903 registration exercise. They were bitterly critical of the "humiliating system of passes to be carried by ... Indians resident in the Transvaal" (3) and of the registration requirement for a full set of finger prints, something normally asked only of criminals in India. The Ordinance, which retained the intensely disliked definition of Asiatics given in Law 3 of 1885, was seen to cast a moral taint on the Indian population and to give virtually no relief from the increasing hardships they experienced at the hands of the British administration, in practice often worse than under the Republican Government.

The force of Indian opposition to the Ordinance and the prospect of offending the Government in India had a crucial bearing on the decision/ of Lord Elgin, a former viceroy, to refuse to sanction it prior to the granting of Responsible government in December 1906. Thereafter, Elgin saw his responsibility in a different light. In March 1907, within a day of the opening of the first session of the Transvaal legislature to be held under the new Constitution, the Ordinance of 1906 was re-enacted, virtually intact, as the Asiatic Law Amendment Act (4) - dubbed the "Black Act" by the Indians. Elgin justified his approval of the Act and his apparent volte face in the following terms "The Act which is now submitted has a very different weight of authority (from Ordinance 29, 1906). It has been introduced by the first

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- (1) See, for example, statement of British Indian delegation to Lord Elgin 3 November 1906. CD 3308 (doc 24).
 (2) Page 21 above.
 (3) Statement of British Indian delegation to Lord Elgin. op. cit.
 (4) No 2, 1907. Received Royal Assent April 1907.

Responsible Ministry of the Colony and has been passed unanimously by both Houses of the new Legislature. (Whilst) I consider it my duty to place on record that Her Majesty's Government do not consider the position of Asiatics lawfully resident in the Transvaal as settled by this Act, to be satisfactory ... they feel that they would not be justified in offering resistance to the general will of the Colony clearly expressed by its first elected representatives .." (1). Whatever the force of the reasoning from a narrow constitutional viewpoint, the Indian population felt tricked and humiliated. Their dissatisfaction was compounded late in 1907 with the passage of the Immigration Restriction Act (2) which in intent, if not so much in word, was aimed primarily at Indians. Its operation was inextricably bound up with the Asiatic Law Amendment Act.

On coming to office in 1905 Selborne had urged the Colonial Office to agree to a policy "having the practical effect of preventing all future Asiatic immigration in return for a satisfactory assurance of the proper treatment of all Asiatics already in the country" (3) but his record in office suggests his concern was one-sided. He claimed, in forwarding to London, the draft Immigration Bill, that such legislation was justified, since "the illicit unauthorized influx of Asiatics into the Transvaal is at present proceeding at an alarming rate" (4). Act 15 was intended both to prevent covert Indian immigration and to provide additional penalties against those declared prohibited immigrants. It contained a nominally non-racial language test for would-be immigrants, clearly intended as a barrier to Indian immigration. Of more

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- (1) Lord Elgin to Lord Selborne. Despatch of 9 May 1907. CD 3887 (doc 7).
- (2) No 15, 1907. Introduced in June 1907, it was passed by the Transvaal Legislature in August, receiving Royal Assent in December.
- (3) Lord Selborne to Lord Elgin. Despatch of 21 August 1905. CO 291/84 (32457).
- (4) Lord Selborne to Lord Elgin. Despatch of ~~24~~ June 1907. CD 3887 (doc 9). The allegation was hotly denied by the Indians and appears to have been based on the flimsy evidence of the Government appointed Protector of Asiatics, Mr Chamney.

immediate general concern were sections 2(4) and 5 and 6 of the Act. Section 2(4) widened the definition of prohibited immigrant to include anyone, who, on entering the Transvaal, would be "subject to the provision of any law currently in force which might render him liable to be removed from or ordered to leave the Colony whether on conviction of an offence against such a law or for failure to comply with its provisions". Sections 5 and 6 laid down penalties of fining, imprisonment and deportation for contravention of the Act. Section 6(c) included within the terms of the Act anyone who had been ordered to leave the Colony under any law, but who had failed to do so. To facilitate the working of the Act, the Government was empowered to enter into agreements with "any Colony or territory in South Africa" (1).

Transvaal Indians were not entirely opposed to a defacto general prohibition on further permanent Indian immigration. Gandhi, for example, proposed a blanket prohibition of Indian immigration under which "every Indian would have to prove his domicile or his right of residence in the Transvaal within a stipulated time, after which he would for ever be stopped" (2). But the form of the proposed Immigration Act offended the Indians in various ways. It appeared to make permanent the "Black Act". It disregarded the residence rights of Indians who had not taken out registration certificates under Act 2 of 1907 yet who might

(1) This may have applied only to British South Africa. The Transvaal and Natal administrations co-operated to harass Indian deportees but so did the Transvaal and Mozambique Governments.

(see p 64).

(2) Transvaal Leader, 7 January 1908. This statement was used in evidence against Gandhi when he subsequently sought agreement for educated Indians still to be allowed into South Africa (see, for example, Despatch of Deputy Governor Methuen to Lord Crewe, 6 October 1908. CO 291/129 (37889)), but Gandhi is here surely only referring to Indians with existing residence rights and not prospective new entrants who could in practice be refused entry except in very few cases on the non-racial education test provided for in Act 15.

be in possession of Republican Certificates or those issued under the Peace Preservation Ordinance (repealed in the Immigration Restriction Act). Previously, Indians who refused to take out registration certificates under Act 2 were liable to imprisonment if they failed to observe a notice of removal from the Colony, but under the Immigration Act they could be deported, a sanction which was to have very serious implications for those involved in the non-violent resistance campaign (1). The Act made no provision for temporary permits to be granted and gave no exemption even to eminent educated Indians from the provisions of the Asiatic Law Amendment Act (2).

Transvaal Indian opinion had been sufficiently incensed by the "Black Act" and subsequently the Immigration Act, as well as by an increasing range of discriminatory administrative practices, to embark for the first time on a campaign of non-co-operation with the law. The key to this development lies with a combination of the legislative disabilities considered above and the presence in the Transvaal, since 1903, of Mohandas Gandhi.

(1) See page 64 .

(2) These and other criticisms were set out in a petition, dated 5 October 1907, from the Transvaal British Indian Association to the Colonial Secretary. CD 3887 (with doc 20).

CHAPTER II AIMS AND ORGANIZATION

Effective Indian political organizations in South Africa date from the time of Gandhi's arrival. He was directly responsible for the formation in May 1894 of the Natal Indian Congress (N.I.C.) and the Transvaal British Indian Association (B.I.A.), active from 1903. Gandhi played a leading role in both from his position first as secretary of the NIC and after his move to the Transvaal in 1903 as secretary of the BIA. If anyone could claim leadership of South African Indians in the period from the 1890's till 1914 it was Gandhi who was the lynchpin of the 1906-14 campaign.

South African Indians were not engaged in continuous resistance from 1906-14 but their acts of opposition to the Transvaal and later the Union Government during that period has an essential unity of purpose, both in respect of internal and external goals and can be seen as constituting a single campaign divided into three principal phases (1). Except in 1913 resistance was confined to the Transvaal. The campaign sought to raise the level of political consciousness, determination and co-operation amongst South African Asians by means of opposition to the law, using non-violent tactics, to be developed and tested during the campaign. The external goals of the campaign were to persuade the Transvaal, later the Union Government, through various channels, to remove, de facto and de jure, certain racial disabilities faced by Asians in South Africa, as a step towards full equality as between Asians and Europeans in the eye of the law. In Gandhi's view equality in law was essential to the self-respect and esteem of Asians, not only in South Africa but throughout the world. He commented in 1908, "the British constitution teaches us ... that every British subject is to be treated on a footing of equality in the eye of the law

(1) The first from 1906 - January 1908, the second from mid-1908 - April 1911, the third from September 1913 - January 1914.

and I do demand that equality in ... the law in the Transvaal"(1). But he also said, "The fact is that legal inequality would be an insult to the Race. Administrative differentiation would be a concession to prejudice and Indian acceptance of it would be a graceful and, shall I say, statesman-like recognition of such prejudice, as also of the fact that, if we want to live in this country, we must submit to the predominance of the European races" (2).

The campaign was organized / through various channels, the sole common link being Gandhi who at times lead virtually a personal crusade. In mid-1907, shortly before resistance began, he established the Passive Resistance Association to supervise the organization of what proved to be the first phase of the campaign(3). The reason he gave for establishing a separate body was that he did not wish to put the existence of the B.I.A. - which was an umbrella political and social organization - at risk from Government proscription. Furthermore, not all B.I.A. members supported Gandhi's tactics and he did not wish to provoke defection from that organization. There were, of course, also some advantages for Gandhi in having a platform of his "own", though in practice he made little use of it as such. The Association was a rather shadowy body closely linked with the B.I.A. (4) possibly intended to be held in reserve should/become hostile to the campaign. Whether the Passive Resistance Association ever held committee meetings is unclear but it may well have done in the second phase of the campaign when it could be said to have had some embodiment in the settlements for resisters and their families at Tolstoy farm near Johannesburg (5) and at Phoenix in Natal.

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- (1) At a public meeting 3 August 1908. Indian Opinion, 12 September 1908.
 - (2) Letter to the Star, 18 September 1908.
 - (3) Details of the background to the formation of the P R.A. are found in Satyagraha in South Africa, pp 199-201.
 - (4) For example, from 1908, the chairman of the B I.A. was also the chairman of the P.R.A.
 - (5) The farm was presented to Gandhi and his fellow resisters by one of his European supporters, Herman Kallenbach.

The principal vehicle used by Gandhi throughout the campaign in the Transvaal was the British Indian Association which enjoyed a broad base of support. Among its leading members were some of the campaign's most active supporters. Its activities were concentrated in Johannesburg-Pretoria where the vast majority of Indians in the Colony lived, but it had branches in other towns offering a province-wide network for mounting resistance (1). The B.I.A. relied on part time officials who were, for example, responsible for the numerous mass meetings arranged by the B I.A. from 1906-14 in support of the campaign.

Many other organizations, permanent and ad hoc, in the Transvaal, worked in support of the campaign. In its first phase, the Hamidia Islamic Society played a particularly significant role. Gandhi used its platform on many occasions, and as an indication of its degree of involvement, the Society organized pickets to dissuade people from registering under the Asiatic Act (2). The Tamil Benefit Society fulfilled a similar function amongst its members. Indian women who took part in acts of resistance - they did so only in the third phase - came from Phoenix and Tolstoy Farm. Those from the Transvaal may have acted partly under the direction of the Transvaal Indian Women's Association which had threatened the Government in May 1913 that its members would defy the law in protest at the Searle judgement (3). Such acts of resistance were to be organized as a part of the mainstream of the campaign (4).

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- (1) As some indication of the B.I.A.'s Colony-wide activity, a petition it organized in October 1907 against the Asiatic Act collected 4,500 signatories (out of a male Asiatic population of not more than 10,000) from the following centres Johannesburg (2,085), Pretoria (577), Germiston (300), Krugersdorp (179), Roodepoort (136), Boksburg (129), Standerton (123), Potchefstroom (114), Newclare (108), Benoni (91), Pietersburg (90), Vereeniging (73), Barberton (68), Heidelberg (66), Zeerust (59), Rustenburg (54), Modderfontein, Klerksdorp, Volksrust, Middelburg, Christiana, Belfast, Bethal, Balfour, Wakkerstroom, Ventersdorp, Lichtenburg, Piet Retief, Ermelo (together 270). Gandhi Papers, Vol 7 (doc 252). See also page 41 (Table 1)
- (2) Ibid, Vol 7 (doc 239).
- (3) See page 78 below.
- (4) Indian Opinion, 10 May 1913.

The Transvaal Chinese Association, the principal mouthpiece of the Colony's 1,100 free Chinese, is the only other major group known to have helped in the organization of resistance. Under Leung Quinn, it co-operated with the Passive Resistance Association and the B.I A, mobilizing some of the campaign's most determined resisters. It does not appear to have been active in the final phase.

Other associations in the Transvaal, whilst not helping directly to organize resistance, or doing so only marginally, nevertheless contributed to the running of the campaign or in some other way set out to assist its ends. Reference has been made to the Transvaal Indian Women's Association, it comes into this category, but more prominent was the committee of European sympathizers, under the chairmanship of William Hosken, a member of the Transvaal Legislature and an industrialist, whose members were active both collectively and as individuals (1). The British Indian Conciliation Committee, under Hajee Habib, was briefly in the public eye in the second half of 1909. It was formed "to help the cause of the satyagrahis" and drew support from those sympathetic to Gandhi's cause but not prepared, at least by 1909, to defy the law on the campaign's behalf. It had Gandhi's initial backing, and, against his better judgement, he went to England on its behalf, with the Committee's chairman, in 1909, to plead with the Secretary of State for the Colonies and others on behalf of Transvaal Indians (2).

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- (1) Satyagraha in South Africa, pp 268-282. Amongst the Europeans most committed to Gandhi in the Transvaal/Natal were HSL Polak, Herman Kallenbach, Sonja Schlesin, L. Ritch (for much of the campaign in London, see page 32) and Albert West. As individuals, the first three were directly involved in helping to organize resistance in 1913.
- (2) For further detail see Gandhi Papers, Vol 9 (docs 163, 165 & 169).

Indian political organizations in Natal and even more in the Cape were on the peripheries of the campaign though several of their leaders were prominent as resisters particularly in the second phase. Gandhi certainly consulted leaders in both provinces (1) and frequently visited Natal but there was no formal joint consultative committee to prosecute the campaign even in the third phase, which Gandhi apparently envisaged as being Union-wide (2). Both the N.I.C. and Cape Indian organizations voiced support for the campaign and made some financial contributions but seem to have dissipated much of their energy in internal disputes. For example, in October 1913, following Gandhi's call to indentured workers in the Newcastle district to go on strike against the £3 tax, elements in the N.I.C. (a body made up overwhelmingly of the "passenger" Indian group), probably in league with representatives of the Natal Indian Patriotic Union (most of whose members were ex-indentured workers), bitterly attacked Gandhi's handling of events. Gandhi and his supporters thereupon formed a breakaway organization, the Natal Indian Association (the N.I.C. remaining as a rump). The N.I.A. played a role in the strikes in Durban and Maritzburg and in interceding between the striking sugar workers and the armed forces but their capability was necessarily limited. The result of the internecine dispute was to diminish Gandhi's chances both of exploiting the rapidly spreading strike as he might have wished, and of ^{ensuring} it remained non-violent.

The external dimension of the campaign is an important one, given the continuing, if diminishing, influence in the period 1906-14 of the British and Indian Governments over South African

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- (1) See, for example, Gandhi's letter to Abdul Gool (joint sec. Cape British Indian Union), 2 March 1911, and the petition Gandhi drew up in conjunction with the N.I.C. in criticism of the 1911 Immigration Bill. Gandhi Papers, vol 10 (docs 374 and 405 respectively).
- (2) See Article "How to organize the struggle", M. K. Gandhi, Indian Opinion (gujerati section), 20 September 1913. Reprinted in Gandhi Papers, vol 12 (doc 134).

administrations. Gandhi made use of the good offices of the Indian National Congress (I.N.C.) both in India and London, maintaining close ties with the I.N.C. whose cause he considered he was furthering in South Africa. Additionally, from the end of 1906, Gandhi had at his disposal in Britain a new organization which he and his fellow delegate to England in 1906, H. O. Ally, had promoted. This was the South Africa British Indian Committee (SABIC) (1), whose president from 1907, Lord Ampthill, former Governor of Madras, and Secretary, L. Ritch, a lawyer who had been articled to Gandhi in South Africa, were indefatigable in support of the campaign, frequently badgering the Colonial Office and publicizing the South African Indian cause. Gandhi was a member of this committee which was, in effect, an integral part of the organisational structure of the campaign.

The organization of campaign finances was largely on an ad hoc basis managed by Gandhi who made frequent appeals for funds within and outside South Africa. The bulk of funds, unlike in later campaigns, in 1946 and 1952, came from abroad prominent amongst the benefactors was the Indian industrialist R. S. Tata. An "anti-Indian Law Fund Committee" was set up in 1906 or 1907 but little is known of its activities (2).

The fund, usually called the "Passive Resistance Fund", remained in existence probably till 1914 (3). There is no evidence of local fund raising activities by the committee. The B.I.A. provided funds for use in connection with the campaign, leading to the Association's near bankruptcy in 1909 and urgent,

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- (1) For a short time the SABIC was known as the South Africa British Indian Vigilance Committee. Its terms of reference were very wide - including to work generally for the amelioration of hardships faced by Transvaal and Natal Indians. Gandhi Papers, Vol 6 (doc 344).
- (2) The committee is referred to by Gandhi in his regular article "Johannesburg Letter", Indian Opinion (gujerati section), 30 March 1907. Reprinted in Gandhi Papers, Vol 6 (doc 410).
- (3) It is referred to, for example, by Gandhi in August 1912. (ibid, vol 11 (doc 254)) and again in 1913 in reference to a donation from the Nizam of Hyderabad, Indian Opinion, 11 January 1913.

appeals for funds from Gandhi. Gandhi himself contributed at least £5,000 from his income as a lawyer, but this source dried up as Gandhi became fully embroiled in the campaign. A significant proportion of expenditure from the latter half of 1908 was used for providing relief for resisters and their families, primarily through the organizations at Tolstoy farm and the Phoenix settlement (1).

Gandhi's concern with organizing finance for the campaign was matched by his efforts to ensure it was well publicized, he and his supporters being highly successful in this. The cornerstone of his propaganda effort was the weekly journal Indian Opinion, founded in 1903. Produced at Phoenix, it was edited from 1906 by Henry Polak, a European who was one of Gandhi's closest confidants. During the campaign it had a subscription of almost 3,500. Gandhi was the chief contributor, using the journal for both political and moral education as well as the dissemination of news. It had both English and Gujarati sections aimed at various levels of opinion in both Natal and the Transvaal (2). To a far greater extent than in 1946-48 or 1952 Gandhi and his colleagues were able to secure a hearing both in the South African press and abroad, notably in Britain and India, through interviews and correspondence columns, openings they used to the full. They also produced journal articles and pamphlets in support of their cause (3). The South Africa British Indian Committee was prominent in this work.

Finally, the organization of the campaign relied heavily on ad hoc personal contacts, not only when the number of

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- (1) A detailed breakdown of income and expenditure, furnished for Gokhale, early in 1910, is set out in the Gandhi Papers, Vol 10 (doc 162).
 - (2) See B. Pachai, "The History of Indian Opinion 1903-14", M. A. Thesis, Archives Year Book of South Africa, 1961.
 - (3) Various examples are cited in the bibliography.

participants was small but also, for example, at the time of the strike of Natal indentured workers in 1913. The organization of the march from Newcastle to Balfour by 2,000 of the workers was a masterpiece of improvisation by Gandhi and a number of hastily gathered assistants. In this instance time did not permit planning through a formally structured organizing committee. Gandhi had to rely on makeshift proposals, drawing on resources available through informal personal contacts. Once in prison, following the march, he issued numerous instructions related to the campaign, transmitted on a personal net (1).

(1) See, for example, his instructions to Miss D. West, 14 December 1913. Gandhi Papers, vol 12 (doc 196).

CHAPTER III LEADERS AND PARTICIPANTS

Mohandas Gandhi arrived in South Africa in 1893 (1), aged 23, to conduct a law suit for a firm of Transvaal Indian merchants. He remained there till 1914. Said to be a political innocent about South Africa, Gandhi soon experienced at first hand the discrimination suffered by his fellow countrymen (2) and within weeks began to stiffen their ranks with far-reaching consequences. For without his intervention South African Indian political activity would have long remained effete and at a low ebb.

But why did Gandhi stay and what precepts guided his actions thereafter? Erikson talks of a moment when "political passion seized the young lawyer" (3). This "cataclysmic" explanation of Gandhi's entry into politics may have some basis but he was a man in search of a cause with a well developed sense, if Erikson is to be believed, of being no ordinary person. It is too much to believe that the diligent Gandhi had to be "told the whole fantastic story of race relations in South Africa" (4) after his arrival there. He may well have had a presentiment that there would be opportunities for him there beyond the pursuit of his profession as a lawyer. Gandhi's "other worldliness" was only one part of his character, in an equal measure he was down to earth and extremely shrewd. He is said to have remarked to

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- (1) For his earlier life see Gandhi Papers; M. K. Gandhi, an Autobiography The Story of My Experiments with Truth, B. R. Nanda, Mahatma Gandhi A Biography, Pyarelal (Nayar), Mahatma Gandhi (Vol 1) The Early Phase.
- (2) Gandhi's early mistreatment in South Africa, including during his first journey from Durban to Pretoria is recounted in Satyagraha in South Africa, p 64ff.
- (3) E. H. Erikson, Gandhi's Truth On the origins of Militant non-violence, p 169. Erikson writes of Gandhi in the manner of a disciple rather than as a dispassionate psychoanalyst, to the detriment of his study.
- (4) Ibid, p 164.

Henry Polak, "men say I am a saint losing myself in politics. The fact is that I am a politician trying my hardest to be a saint" (1). The beliefs to which Gandhi gave public expression in South Africa are in essence explicable in terms of his childhood upbringing (2) but he drew inspiration from individuals as diverse as Thoreau, Ruskin, Tolstoy (3) and Christ (particularly the Sermon on the Mount). Against this backcloth Gandhi developed in South Africa a framework of principles for his guidance and that of his followers in the conduct of their everyday lives. Central to this framework is the concept of "satyagraha", first given expression by Gandhi early in 1908 on his release from prison. "Satyagraha" is the compound of two Sanskrit words "satya" meaning truth and "agraha", firm grasping(4). He explained satyagraha thus "The world rests on the bedrock of satya or truth. Asatya meaning untruth also means non-existent ... if untruth does not so much as exist its victory is out of the question. And truth being that which is can never be destroyed. This is the doctrine of Satyagraha in a nutshell" (5). Truth Gandhi equated with God. It was, as Horsburgh observes, "to be attained through self realization, a process which only

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- (1) R L Fischer, The Life of Mahatma Gandhi, p 120-1
- (2) Born in Porbandar, in western India, Gandhi a gujerati speaker, had a hindu upbringing and was of the Vaisya Caste. His forebears had long been senior officials (ministers) in minor principedoms.
- (3) Gandhi and Tolstoy corresponded. See, for example, Gandhi's letter to Tolstoy of 10 November 1909. Gandhi Papers, Vol 9 (doc 345). One of Tolstoy's letters, dated 8 May 1910, is reproduced in the Gandhi Papers, Vol 10 (appendix III).
- (4) There is no satisfactory English expression for "satyagraha". Neither "passive resistance" nor "militant non-violence" convey the right flavour. Close translations include "truth-force" and "holding firmly to the truth". Erikson, op. cit., p 198, uses the term "leverage of truth". For an assessment of "Satyagraha" see H.J.N. Horsburgh, Non Violence and Agression: a study of Gandhi's moral equivalent of war, J.V. Bondurant, Conquest of Violence, W. Morris-Jones, 'Mahatma Gandhi - Political Philosopher?' (postscript), Political Studies 8(1) 1960, and S. Panter-Brick, Gandhi against Machiavellianism.
- (5) Satyagraha in South Africa, p 433.

reaches completion when that which draws man to God is wholly satisfied - a consummation that cannot occur in this life. In the meanwhile we must be guided by the truth as we see it, that is to say, our own relative truths, where the truths referred to are not our beliefs about the physical world but those which have a direct bearing on the pursuit of self realization. These are our beliefs about the nature of human need and the form of community which would satisfy it most fully. It is upon these beliefs that we should act striving to enlarge and deepen our grasp of truth and to create the society which in our estimation comes nearest to meeting the needs of human beings" (1).

Many political leaders besides Gandhi could claim to be experimenting with Truth but one of the factors making his position and that of his followers distinctive was his belief that, "the end is contained within the means" (2). The only means conceivable for Gandhi were those embraced by the concept of "ahimsa" (non-violence). As Morris-Jones comments, "there is no real choice between violence and non-violence for the achievement of the end Gandhi has in mind. When violence is described as a wrong means this signifies quite simply that its use leads to a wrong end. The objection to violence is that it simply will not do a particular job of transforming social relations" (3). Gandhi asserted that those who genuinely practised ahimsa as he conceived of it, were invincible, it was an all powerful means, utterly at variance with orthodox

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- (1) Non Violence and Aggression, p 35.
(2) W. Hancock, Four studies of War and Peace, p 59.
(3) Morris-Jones, op. cit., p 27.

passive resistance which, he pointed out, tended to be the weapon of the weak - a means to be discarded as soon as their strength increased. Attachment to ahimsa for satyagrahis was to be no such passing phenomenon. Nor did it permit passive acquiescence in what was considered wrong doing, "love, the active state of ahimsa, requires you to resist the wrong doer by dissociating yourself from him, even though it may offend him or injure him physically" (1). The task of the satyagrahi was to present, "a mental and, therefore, a moral opposition to immoralities". "I seek", said Gandhi, "entirely to blunt the edge of the tyrant's sword not by putting up against it a sharper edged weapon, but by disappointing his expectation that I would be offering physical resistance. The resistance of the soul that I should offer instead would allude him. It would at first dazzle him and at last compel recognition from him, which recognition would not humiliate him, but would uplift him" (2). This of course means acceptance of Gandhi's belief "that even a Nero is not devoid of a heart" (3). It also demands, as this study of non-violent resistance in South Africa will show, a preparedness on the part of the satyagrahi for suffering.

"Tapasya" (self suffering) completes the trinity with satya and ahimsa. Horsburgh describes it thus "all serious conflict must lead to suffering; and the satyagrahi with his devotion to justice is sometimes forced to act in ways that must result in a great deal of suffering. Tapasya is a vital expression of ahimsa because it embodies a resolution to shoulder, as far as possible, this burden of suffering, instead of attempting to shift it over to one's opponent" (4). Tapasya is not

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- (1) Gandhi Young Indian, 19 January 1921, cited by Bondurant, Conquest of Violence, p 24.
- (2) M. K. Gandhi, Non-Violence in Peace and War, Vol 1, p 50. Gandhi in the role of a political philosopher had no need to secure the defeat of his opponents; for him fraternization with the opposition jointly to advance the cause of truth was far more important.
- (3) ibid, p 362.
- (4) ibid, pp 39-40.

to be equated with cowardice, for its acceptance by satyagrahi was intended as a mark of their, "capacity for sacrifice of the highest type in order to be free from fear" (1).

Satya, ahimsa and tapasya are thus the main "spiritual" principles which can be said to have guided Gandhi in his relations with his political opponents. But it must be stressed that his achievement in uniting these concepts as a force for political action is spread over a long period, involving much experimentation which only began during Gandhi's period in South Africa. And far from all of the participants in the campaign of 1906-14 can be described as satyagrahis. Those that really were, were an elite, the shock troopers. Nevertheless Gandhi, through his beliefs and his personality, gave the non-violent resistance campaign of 1906-14 a character quite distinct from, though not unrelated to, subsequent campaigns in South Africa considered below.

The campaign of 1906 to 1914 in the Transvaal and latterly Natal embraced Indians, free Chinese and a few Europeans, the levels of participation in the three phases of opposition varying greatly. In the first, from September 1906 till the temporary settlement of January 1908, virtually the whole adult male Transvaal Asian population required to register under the Asiatic Law Amendment Act deliberately failed to do so in support of the campaign for its repeal (2). The leadership thus

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- (1) M. K. Gandhi Harijan, 1 September 1940 cited by Bondurant, Conquest of Violence, p 29.
- (2) Only 630 people took out certificates under Act 2, whereas 9,158 residents applied during the period of voluntary registration in 1908, 6,449 receiving their certificates by 1910, another 1,842 were registered, by 1910, under Act 36, 1908. Government minute No 570 of 3 October 1910. Enclosure with despatch of 10 October 1910 from Lord Gladstone, first Governor General of the Union of South Africa, to Lord Crewe (Colonial Secretary 1908-1910). CO 551/2 (33273). In a statement during the second reading of the Asiatics Registration Amendment Bill on 21 August 1908 Smuts said that of 9,158 voluntary applicants, 7,773 had at that stage been accepted as valid for registration, 1,214 had been rejected (and were thus liable to deportation), 171 applications were pending. Indian Opinion, 29 August 1908.

succeeded in sustaining non-co-operation from a socially disparate and geographically scattered population, comprising hindus, muslims, christians and those of many other religions, from various parts of India and elsewhere, engaged in employment as diverse as hawking, wholesale trade and the professions.

The second phase, from June 1908 till the suspension of resistance in April 1911, saw a falling off in the number of participants as a consequence of steadily mounting penalties. In August and September 1908 nearly 2,000 Asians took part in the public destruction of their registration certificates, and in some cases trading licences, as a mark of protest at the Government's failure to repeal the Asiatic Law Amendment Act - as Gandhi claimed Smuts had promised to do. The destruction of certificates was not, however, an offence in itself and as Gandhi pointed out duplicates could be obtained quietly after the event (1). Essentially it was a publicity exercise, which was the precursor to a period of renewed resistance during which some 2,500 - 3,000 sentences of imprisonment were meted out to resisters, the great majority of whom were from the Transvaal which had an adult Asian male population at the time probably well under 10,000 (2). Predictably, the majority came from Johannesburg, but as Table 1 shows resisters were drawn from many other parts of the Colony as well, and the figure for Volksrust includes participants from Natal and the Cape. The ranks of resisters from outside the Transvaal were further strengthened by arrivals from India, claiming to be returning residents, who co-operated with the campaign by refusing to comply with registration requirements under the Asiatic Act or Asiatics Registration Amendment Act (3).

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- (1) By February 1909, 677 had applied for replacements. Indian Opinion, 27 February and 6 March 1909.
- (2) There was endless dispute between Indians and Europeans as to the true figure. It was certainly declining during the period 1906-14, partly as a result of the strictures on the Indian population, particularly in trading. See minute by Mr. Hartman Just, Assistant Under Secretary, of 12 August 1908, with despatch of 20 July 1908 from Lord Selborne to Lord Elgin. CO 291/127 (28881).
- (3) See, for example, the celebrated case in September 1908 of a group of returning residents arrested at Komatipoort, p63.

TABLE I

Transvaal Indian (1) Registration and Hawking Offences:
1 January 1906 - 30 June 1910 (2)

	Non-Compliance with Registration Laws	Trading or Hawking without Licences	
Barberton	46	7	
Bethal	-	-	
Benoni	-	2	
Boksburg	18	3	
Belfast	-	8	
Carolina	3	2	
Christiana	21	1	
Ermelo	5	-	
Germiston	-	182	
Klerksdorp	-	4	
Krugersdorp	11	93	
Lichtenburg	-	-	
Lydenburg	-	-	
Louis Trichardt	4	-	
Middelburg	7	2	
Nylstroom	1	4	
Potchefstroom	1	-	
Pilgrims Rest	4	-	
Piet Retief	-	-	
Pietersburg	4	5	
Rustenburg	-	-	
Roodepoort	9	-	
Standerton	53	12	
Vereeniging	7	19	
Volkswater	265	9	
Wakkerstroom	2	1	
Wolmaranstaad	-	-	
Pretoria	-	-	
Heidelberg	3	3	
Johannesburg	287	1016	
TOTAL	751	1373	2124 (3)

NOTES

- (1) The term "Indian" is used in the original document (see below). Presumably Chinese participants - numbering at least 200 in the second phase - are excluded.
- (2) The numbers in the table refer to cases of imprisonment, the standard though not invariable punishment. Some resisters were imprisoned many times.
- (3) (1) The totals given in the table whilst offering a valuable breakdown, available from no other source, should be treated with caution as a basis for estimating the number of acts of resistance leading to conviction in the second phase because
- (a) the table is incomplete, e.g. no cases are recorded for Pretoria for breach of registration or licensing laws, yet they did occur (see, for instance, reference in Indian Opinion, 21 November 1908 to the jailing of 60 "hawkers"),
- (b) it is unclear whether or not the totals include Chinese resisters,
- (c) some of the hawking offences recorded may have been unconnected with the campaign,
- (d) approximately 200 of the cases included in the table should relate to resisters sentenced in phase I,
- (e) the table does not cover the last 9 months of the second phase,
- (f) in a letter to the press on 5 November 1909, Gandhi claimed Indian resisters had been given jail sentences on 2,500 occasions since the campaign began. Gandhi Papers, Vol 9 (doc 337). In September 1913, Gandhi (in a memorandum from the B.I.A. to the Government) said "as is well known over 3,500 imprisonments were suffered by my countrymen during the struggle", Indian Opinion, 20 September 1913. It would be surprising if 1,000 acts of resistance leading to convictions did take place from the end of 1909 till April 1911 as this latter figure would suggest.
- (11) The available evidence taken together suggests that about 2,500-3,000 successful convictions leading to imprisonment were brought against Indians and Chinese during the second phase.

Source of table Union Government minute No 570 of 3 October 1910. Enclosure with despatch from Lord Gladstone to Lord Crewe, 10 October 1910. CO 551/2 (33273).

Volunteers from the Cape were of the trading class, as were those from Natal, other than a few 'Colonial-born' Indians (1). They, like all other participants were male (2). Resident Transvaal participants in the second phase were drawn from a wide cross section. A group of deportees whose cases were brought to the attention of the Colonial Office by the SABIC included artisans, domestic servants, hawkers, general dealers, wholesalers, a municipal official and a student, of widely differing ages and backgrounds (3). There is no reason to believe such diversity was unrepresentative of participants in the phase as a whole. Though Gandhi complained in 1910 ———

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- (1) Indian Opinion, 19 March 1910, refers to the campaign receiving backing from Colonial born Indians (i.e. indentured class offspring). The few who participated may have been organised to do so by the South African Indian Committee, jointly set up in 1908 by the N.I.C. and the Natal Indian Patriotic Union.
- (2) Women were not required to hold the registration certificates against which the first and second phases of the campaign were in practice principally directed. They could have resisted the 1907 Immigration Act (see the case of Mrs. Sodha - though her breach of the law was not an act of the campaign) but Gandhi was reluctant for women to participate.
- (3) SABIC (L Ritch) letter to Colonial Office, 7 June 1910. CO 55/117 (17311).

that educated Indians were failing to play their part in the campaign, thereby discouraging others (in particular hawkers) from resisting (1), professionals did take part in the second phase (2). The hard core of the second phase was drawn from the tamil community, parsees and the Chinese, the first two groups being said by Gandhi to have borne the "brunt of the battle" (3). Certain predominately muslim groups, most notably the memoms (and the kankanis) have a poor record of participation throughout the campaign. But the claim of the Star in January 1909 (4) that the muslim community (as a whole) was critical of it is too sweeping, Gandhi continued to receive support from members of the Hamidia Islamic Society, the chairman of which, Imam Bawazeer, was a staunch resister. Local muslim associations "all over the Transvaal" are said (5) to have pledged their backing for the campaign at the end of 1908. Certainly throughout the whole campaign some opposition was voiced by muslim groups to Gandhi's leadership and tactics either in the Transvaal or Natal, but this should not be overstressed particularly in the first two phases.

Though the level of resistance fell from the beginning of 1909 (6), this was not, in general, an indication that Asians

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- (1) Indian Opinion (gujerati section) 29 January 1910. Gandhi Papers, Vol 10 (doc 69).
 - (2) See, for example, barrister Royeppen, portrayed by Gandhi as a "Shining example" in the article referred to immediately above.
 - (3) Message to the Tamils. Indian Opinion, 3 March 1909. Gandhi Papers, Vol 9 (doc 131).
 - (4) 20 January 1909, reprinted in Indian Opinion, 23 January 1909.
 - (5) ibid., 28 November 1908. Report of the proceedings of a Hamidia Islamic Society meeting.
 - (6) The turn of the year represents a dividing point in participation levels. The period for voluntary registration ended on 30 November 1908, thereafter Asian males who failed to produce valid registration certificates as required by the Asiatics Registration Amendment Act 36, 1908, were liable to prosecution. Moreover, from that date trading licences were only to be issued on presentation of a registration certificate. Many people thereupon ceased resisting.

no longer sympathized with the aims of resistance, rather, many were simply unwilling to make the heavy sacrifices required (1). They wanted peace to carry on business as best they could (2). Public meetings in support of the campaign continued to be well attended, one in Johannesburg in March 1909 attracting 1,500 people.

When the third phase of resistance began in September 1913, in opposition to the Immigrants Regulation Act, 1913, it attracted, as Gandhi predicted, little active support, only 35 participants being imprisoned by mid-October. For the first time women participated as resisters, in response to the Searle judgement and apparently at the direct instigation of Gandhi's wife who overcame his opposition to their involvement (3). From mid-October the level and nature of participation was transformed by the involvement in the campaign of indentured mine and public service workers in the Newcastle-Dannhauser-Dundee areas who went on strike for the repeal of the £3 tax (4) at Gandhi's behest. At least 6,000 participated. The strike spread - though not under the control of the campaign's leaders - to sugar estate workers of the north and south coasts and to Durban and Maritzburg, embracing the overwhelming majority of the Province's indentured work force, and others as well (5). The indentured strikers were mostly illiterate with minimal political grounding. In their strike, the indentured and ex-indentured workers had some support from the trading class through the Natal Indian Association and by direct welfare assistance on an individual

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- (1) See, for example, the statement to this effect by 69 Indian merchants in Standerton who nevertheless voiced continuing support for the campaign. Indian Opinion, 6 March 1909.
- (2) It was people of such views who were behind the British Indian Conciliation Committee. See p 30
- (3) Indian Opinion, 1 October 1913.
- (4) See p 14
- (5) An article in the Transvaal Leader, 24 November 1913, implies that about 40,000 people may have been on strike at that time. Available Colonial Office records of strike totals, such as cited by R. A. Huttenback, Gandhi in South Africa, p 322, refer only to the period when the strike was already on the wane.

basis (1). Otherwise, Natal traders, like their compatriots in the Transvaal did little in the third phase beyond participating in meetings and providing limited funds.

A few of Gandhi's European sympathizers took part in resistance in 1913 - the only time this happened during the campaign - playing a crucial role in the march of indentured workers from Newcastle to Balfour.

Outright opposition amongst Indians to the campaign and the terms of settlement was strongest in the final phase. It was particularly evident in Natal, both from disaffected elements in the N.I.C. and from the Natal Indian Patriotic Union/^(NIPU) which Gandhi had effectively upstaged by making a direct appeal to the very class it claimed to represent (2). The conflict was in part a clash of personalities but had some substance to it as well, particularly as regards the 1914 settlement. The settlement was criticized by P. Aiyar of the NIPU (3) and, for example, by certain muslim groups in the Transvaal (4).

In spite of such opposition and the hostility of the Government, Gandhi and his fellow leaders succeeded between 1906 and 1914 in involving virtually all sections of the Transvaal and Natal Asian population - whose political experience was generally rudimentary - in a sustained campaign of opposition which, save for certain events in 1913, for which the leadership cannot be held entirely responsible, remained non-violent.

- (1) See, for example, the help given to Newcastle strikers by local Indian traders, albeit after some hesitation. Satyagraha in South Africa, p 438.
- (2) The NIPU was not the only group representing ex-indentured workers, there was also the Colonial Born Indians Association, some of whose members supported Gandhi (Natal Mercury, 18 October 1913). The N.I.C./N.I.A. had some ex-indentured members, one of whom, Mr Budree, was prominent in the campaign in 1913.
- (3) For Aiyar's views and activities see, P.S. Aiyar, Conflict of Races in South Africa, particularly chps 13 and 15.
- (4) Transvaal muslims were dissatisfied at Gandhi's failure to secure unlimited recognition of polygamous marriages and certain elements were deeply hostile to Gandhi himself. These points are reflected in a meeting held on 15 July 1914. B Pachai, "The History of Indian Opinion 1903-14", (M A Thesis), Archives Year Book of South Africa, 1961. pp 70-71

CHAPTER IV RESISTANCE AND REACTION First Phase 1906-1908 (1)

Opposition to the proposed Asiatic Law Amendment Ordinance began in conventional form with a letter from the B.I.A., written by Gandhi, to Jan Smuts, then Colonial Secretary in Pretoria (2). It gave no warning that Transvaal Indians would refuse to comply with the Ordinance if it were passed, but said the Ordinance was "calculated to provoke the bitterest irritation among the Indian Community and to wound its susceptibilities to an extent which it is difficult to measure. (it was) an unnecessary affront" (3). Already at this early stage the question of principle was being stressed.

The prospect of resistance was brought nearer at a mass meeting of Transvaal Indians in September 1906 when a resolution was passed, moved by Gandhi, stating that "in the event of ... the Authorities rejecting the humble prayer of the British Indian Community ... this mass meeting of British Indians ... solemnly and regretfully resolves that, rather than submit to the galling, tyrannous and un-British requirements laid down in the Draft Ordinance, every British Indian in the Transvaal shall submit himself to imprisonment and shall continue so to do until it shall please His most gracious Majesty the King - Emperor to grant relief" (4). The audience took an oath not to submit to the Ordinance.

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- (1) The varied nature of the three interrelated phases of the campaign and the need to see the Government's reaction to the first and in turn the second stage, in order to make sense of the next phase, would seem to justify examining resistance and reaction in three chronologically divided chapters. In the first phase non-co-operation began in mid-1907 but the campaign really started in September 1906.
- (2) 25 August 1906, Gandhi Papers, Vol 5, (doc 420). The letter was sent only three days after the Ordinance was gazetted.
- (3) ibid.
- (4) Resolution IV. Gandhi Papers (doc 441).

Shortly after the meeting, a deputation comprising Gandhi and H. O. Ally (1) went to England to lobby the Imperial Government in an effort to forestall the introduction of the Ordinance. The deputation was received by the Secretaries of State for the Colonies and India, their deputies and officials, Members of Parliament and the press corps (2). Against South African Indian expectations, the Ordinance was disallowed, though the respite proved shortlived (3). Letters, petitions and deputations failed to prevent the passage and assent (in April 1907) of the Asiatic Law Amendment Act, direct successor to the draft Ordinance. Transvaal Indians were thus placed in a position of having either to renege on their oath (for some, at least, a very serious matter, given their upbringing) or undertake some form of active opposition. For the vast majority, possibly excluding the pathans, recourse to violence, even if they had had the means for this, would have been out of the question. Even the prospect of organized and overt non-violent opposition filled many with concern. Gandhi, reflecting, and at the same time exploiting this sense of caution commented, "passive resistance (by submitting to imprisonment provided by the law as a condition of non-fulfillment of its provisions) ... is undoubtedly open to serious objection and can only be justified when it is clearly proved that there is no other course left open to honourable and loyal men" (4). Given the Indians' exclusion from the ballot box, the failure of their proposal for voluntary re-registration (5) and the passage of the Act, despite their

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- (1) Chairman, Hamidia Islamic Society. A merchant.
- (2) Details of various representations by the deputation, of which Gandhi was the effective leader, are given in Gandhi Papers, Vol 6.
- (3) See pages 22-24
- (4) Indian Opinion, 30 March 1907.
- (5) Put forward at a B.I.A. mass meeting, 29 March 1907. The proposal was ^{sent} by the B.I.A. to the Colonial Office by telegram dated 6 April 1907. CD 3887 (doc 2). As late as June 1907 the B.I.A. were still pressing this solution on the Government. See, for example, a letter from Chairman Mia to the acting secretary to the Transvaal Prime Minister, 12 June 1907. Indian Opinion, 22 June 1907.

pleas, Gandhi clearly felt there was no alternative but to resist and no other way of convincing the colonists of the strength of Indian feeling.

The Act came into force on 1 July, permit offices opening for registration shortly after, the officers moving from town to town. Opposition was confined initially to boycotting registration offices. To strengthen the population's resolve public meetings (1) were organized by the B.I.A. and other groups and pickets positioned outside offices to dissuade waiverers. For the most part the pickets appear to have acted in a restrained manner, though Gandhi admitted, "there arose a body of men in connection with the movement who without being volunteers privately threatened those who would take out permits with violence and injury" (2). Clearly this was not the spirit of "passive resistance" as conceived by Gandhi, for whom persuasion and voluntary conversion, rather than crude intimidation was fundamental. But his approach, in part at least, reflected longer term interests than those of the immediate phase of the campaign and could not be expected to appeal to the entire Indian population. The firm resistance of the Indians and Chinese led the Government to extend the final date for registering from July 31 to November 30 but this, the threat of refusing trading licences to unregistered Asians from 31 December (3) and the imprisoning of the campaign's leaders brought no sudden collapse. In response to the Government's action a number of B.I.A. supporters drew attention to the campaign by seeking arrest for hawking without licences, a means of making plain their non-compliance with the Asiatic Act. By the time of settlement, at the end of January, over 200 people were in

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- (1) In this campaign, as in 1946-1948 and 1952, public meetings played a very important role as vehicles for developing popular support and political consciousness.
- (2) Satyagraha in South Africa, p 212.
- (3) Announced in the Transvaal Government Gazette, 3 October 1907.

prison for registration and hawking offences. Many were defended by Gandhi, till he himself was imprisoned, but he would only appear for defendants if they signified their willingness to go to jail rather than accept fines. With the exception of a number who were acquitted, all the resisters charged did go to prison. Court hearings were exploited by Gandhi to publicize the campaign and at the time of his own trial he addressed public meetings and the press to maximize the impact.

January 1908 represented the high point of the first phase, but in jail Gandhi cannot have been too sanguine of the prospect of his supporters remaining resolute much longer, having held out for six months (1). If the campaign crumbled whilst the leaders were detained the Government would claim to have proved its argument that the majority of Asians were willing to register if it were not for the intimidation of Gandhi and his colleagues. Gandhi's assertion at the mass meeting in September 1906, where the oath against the Asiatic Ordinance had been taken, that victory was assured even if a handful of men remained firm (2) would not prevent the majority from wavering. Presumably with this in mind, and given that it was the first time Transvaal Indians had resisted, Gandhi and the B.I.A had throughout maintained contact with the Government, side by side with the operation of the boycott weapon, in an effort to secure a settlement. By the turn of the year there was an increasing disposition on both sides to seek a mutually acceptable solution in what had become a stalemate.

However, the reaction of the Transvaal Administration to the threat of resistance, and for most of the time during the

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- (1) Force is lent to this view by Gandhi writing in Indian Opinion, 29 February 1908, where he gave as one of the justifications for an early settlement discouraging reports reaching him in jail "that people were losing courage". Gandhi Papers, Vol 8 (doc 54).
 - (2) Satyagraha in South Africa, p 168.

first phase of the campaign, was one of intransigence in which at best the Asian leadership was seen as misguided in its actions and ill informed as to the "real" (beneficial) nature of the Asiatic Act and the preceding draft Ordinance (1). The Government sought to confuse the public as to the real issues at stake, giving false prominence to the matter of fingerprinting, and it denigrated the campaign leadership for encouraging people to break the law and for alleged acts of intimidation. At the same time the Government did not hesitate to use its own powers of intimidation by threatening with deportation those who did not register and in some instances taking steps to carry this out, by refusing to issue trading licences except on proof of registration, and by prosecution and imprisonment (2). It even attempted to undermine the boycott by registering Asian "defectors" covertly at night, but nevertheless, so few people registered that the Government twice felt obliged to put back the final date for registration (3). This "failure" on the part of the Government to take decisive action, whilst bringing a temporary stay of execution for the Indian population from the provisions of the Act, posed tactical problems for Indian leaders in maintaining the momentum of popular support. As a consequence they welcomed the Government's decision at the end of November 1907 to take action against those who had not registered, "for the present conditions of non-registration are very boresome (sic) and we badly want our livers shaken up" (4). Till December, the Government had made little use of the courts

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- (1) See, for example, the statement of Smuts to a deputation from the B.I.A., April 1907. Gandhi Papers, Vol 6 (doc 436).
- (2) Smuts mentioned all of these tactics in a public speech at Pretoria on 4 January 1908 shortly before the settlement, and on other occasions. Indian Opinion, 11 January 1908.
- (3) First till the end of October, then November. The Government justified delay on the grounds that Indians claimed to have been intimidated and wished to have longer to register.
- (4) Indian Opinion, 30 November 1907.

to break resistance, the few cases brought against pickets for obstruction being notably unsuccessful, but from then on the courts were used extensively. At the time of settlement 200 Indians and 3 Chinese were in prison, another 158 (including 38 Chinese) were under notice from the courts to leave the Colony and a further 20 cases were pending. In most instances those accused of non-possession of certificates were not arrested but simply instructed to appear in court at a given time, a device which both sides could claim reflected to their advantage.

Gandhi and a number of other leaders were ordered to appear in court, "to show cause why having failed to apply for registration, as required by law, they should not be ordered to leave the Transvaal" (1). Subsequently, having been ordered to leave, and having failed to do so, the leaders were charged under the Peace Preservation Ordinance (2) and sentenced to imprisonment, Gandhi (to his chagrin) initially receiving less than other leaders who were tried separately. In the end, the latter's sentences were reduced, all being given, like Gandhi, two months imprisonment, with the option of a fine.

The Government's options were limited. Whilst it determined not to repeal the Act and Indian leaders were equally firm, the Government had little choice but to take periodic punitive measures, if for no other reasons than to satisfy its electorate and in an attempt to confine the scale of resistance activities. Some measure of Smuts' concern may be gauged from the letter he wrote on 8 January 1908 to J. Merriman (3) where he admits how difficult the Indian question was proving and how successful

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- (1) Satyagraha in South Africa, p 226. They were charged under Section 8(3) of Act 2 and appeared in court on 28 December 1907.
- (2) Section 7.
- (3) Minister in various Cape Administrations and the Cape Prime Minister from February 1908-1910.

the resistance campaign had been. He believed the Government would "in the end be forced to resort to drastic steps such as deportation of leaders ..." (1). The reply from Merriman, who was not noted for his sympathies to the Asian population, may have helped to convince Smuts, if he needed much convincing, of the need for a change of tactics. "Is it not possible", said Merriman "now at the eleventh hour, when you have asserted your right, to yield gracefully and by so doing pave the way for future concessions on the part of the power who would be obliged by your action?" (2). Merriman's views reflected those Smuts was receiving from the Transvaal Agent-General in London, Sir Richard Solomon, who was clearly anxious for a settlement to allay public feeling in Britain. Even Churchill, who as Under Secretary for the Colonies had shown little sympathy for Transvaal Indians, urged on Solomon some moderation in the administration of the Asiatic Act (3). Smuts from his personal contacts at this time with Lord Morley, Secretary of State for India, must have been aware of mounting concern in India at events in the Transvaal (4).

Smuts hinted at a possible solution of the crisis in a curiously worded statement at a public meeting on 11 January when he said, "as a matter of fact registration is no longer permissible under the law. The Asiatics will have to admit this and offer to register voluntarily" (5). In the second half of January Albert Cartwright, editor of the Transvaal Leader, with Smuts' backing, after meeting with Gandhi, by then in

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- (1) W. Hancock & J. Vanderpoel, Selections from the Smuts Papers, Vol II (doc 363).
 - (2) 13 January 1908, ibid. (doc 365). This clear reference to prospects for Union is likely to have struck a chord with Smuts.
 - (3) Sir Richard Solomon to J. C. Smuts, 17 & 24 January 1908, ibid. (docs 366 & 367).
 - (4) Reference to Smuts' contact with Morley is found in the former's letter to Merriman of 27 January 1908, ibid. (doc 368).
 - (5) Rand Daily Mail, 13 January 1908.

prison, presented the latter with the draft of a proposed agreement to settle the conflict (1). It would seem to have been generally acceptable, and Gandhi, Thambi Naidoo, and Leung Quinn duly submitted the document, dated 28 January, in slightly amended form to the Government as the basis for a settlement. On 30 January, Gandhi was brought from his cell for an interview with Smuts in which the latter is said to have agreed to the proposals of Gandhi and his two colleagues, later setting out his understanding in a brief letter reply (2). It was agreed that Asians eligible to register should be allowed to do so voluntarily. Those living in the Transvaal at the time of the settlement were to register within a specified period. By registering a person would no longer be subject to the provisions of the Asiatic Act, but it was left to the Government to take "whatever steps they deem advisable" to legalise voluntary registrations. In certain circumstances the requirement for finger prints could be dispensed with. Gandhi and his colleagues agreed to commend the settlement terms to their followers, providing the Government, for its part, set aside all prosecutions brought against resisters, which it did, the leaders themselves being released immediately (3).

A crucial point remains, and one which prompted the second phase of the campaign. Did the two sides, more particularly Gandhi and Smuts, agree in unequivocal terms that the Asiatic Act would be repealed, providing that the Asian population registered voluntarily as envisaged in the settlement? Subsequently,

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- (1) The authorship of the draft is ascribed to Cartwright by Gandhi in a contemporary report (Gandhi Papers, Vol 8 (doc 38), February 1908, but his Autobiography, p 239 suggests the document originated with Smuts.
- (2) The text of the letter from Gandhi et al to Smuts is set out in Lord Selborne's telegram dated 29 January 1908 to Lord Elgin. CO 291/125 (3464). For Smuts' reply of 30 January 1908 through his private secretary, see Indian Opinion, 11 July 1908.
- (3) The fact that the leaders were obliged to consider the terms in prison did not mean that the settlement constituted a diktat from the Government, whatever the strength of its position.

in sworn affidavits (1), the two men showed themselves to be totally at variance in their understanding of the terms of settlement on this particular point. Though some commentators (2) take a categorical standpoint, conclusive evidence is singularly lacking. The letters of settlement give no clear cut answer but the real source of the confusion is the Gandhi-Smuts meeting of 30 January. Gandhi, in a contemporary account, referring to the settlement commented, "there are some things that can be put down in writing and for others one has to rely on oral understanding" (3). The minutiae of the dispute is not the concern of this study. What can be said is that the evidence suggests that the two men may have come to some understanding about repealing the Asiatic Act consequent on the satisfactory completion of voluntary registration (4). Whether it was categorical as Gandhi sometimes, but not invariably suggested (5) or implicit as some of Smuts' comments would seem to imply (6) is a matter of conjecture. If there was no commitment at all, however implicit, it is, for example, difficult to see

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- (1) Published in Indian Opinion, 11 July 1908.
 - (2) E. H. Erikson, Gandhi's Truth, p 202 and S. Panter-Brick, Gandhi against Machiavellianism, p 43.
 - (3) Gandhi Papers, Vol 8 (doc 38). From an article in the gujerati section of Indian Opinion, February 1908.
 - (4) Both refer to the question of repealing the Act, following registration, if with very different emphasis. See Gandhi's speech to the B.I.A., 31 January 1908. Gandhi Papers, Vol 8 (doc 22) and Smuts' speech at Richmond, February 1908. Indian Opinion, 15 February 1908.
 - (5) See petition, dated 9 September 1908 from B.I.A. (one of the signatories being Gandhi, the other being Essop MIA) to Lord Crewe (Colonial Secretary 1908-1910). Enclosed with despatch of 14 September 1908 from Lord Selborne to Lord Crewe. CO291/128 (36129) and for a more cautious approach, Gandhi's confidential letter to Smuts, 1 February 1908, the text of which was submitted, along with others in the exchange, by the SABIC to the Colonial Office under cover of a letter of 28 July 1908, CD 4327 (doc 11).
 - (6) Smuts' Richmond speech. Indian Opinion, 15 February 1908.

why Gandhi continued to urge his followers to register following his meeting with Smuts on 3 February apparently to seek clarification of the future of the Asiatic Act. Perhaps in their haste to settle, both men, skilled as they were, though Gandhi had little experience of high level negotiation, gave too little attention to the implications of the settlement and may also have reckoned without the degree of suspicion and even hostility (1) with which it was greeted in some quarters, making subsequent compromise correspondingly harder. But in the uneasy peace from January to June 1908, Smuts, by whatever means, persuaded Gandhi and those he led to register (2), the process subsequently being legalized under the Asiatic Registration Amendment Act No 36 of 1908.

The white population at large, whose representatives had unanimously voted in favour of the "Black Act", show no signs of having been persuaded or coerced by the campaign to moderate their approach, as witnessed by the following, by no means unusual sentiments, expressed in the correspondence columns of the Transvaal Leader in January 1908. "those anna gatherers who came here by forgery and chicanery, by misrepresentation and bribery, who stinkingly peddle their back-borne goods to the undoing of the tax paying white man, who in their social customs are anathema to us - I say let them go and go quickly" (3). And when the editor of the Pretoria News proposed a conciliatory resolution at a meeting called by the mayor of Pretoria to discuss the "Asiatic question", "he was greeted with a pandemonium of boos and ironical cheers" (4). At a time when the Colony

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- (1) Gandhi, en route to register, was severely beaten by a group of pathans, hostile to the settlement. Satyagraha in South Africa, pp 244-67.
- (2) By June 1908 approximately 9,000 people had voluntarily presented themselves for registration, but not all of the applications had been processed by then.
- (3) 8 January 1908.
- (4) Rand Daily Mail, 16 January 1908. Other such meetings were held, "appeasers" receiving similar treatment.

faced a severe recession, economic, racial and social fears could be, and were, fanned with particular effect. In European eyes, defiance of the law (1) by the Transvaal Asians presented a double threat - from the Asians themselves and from the African population who, it was judged, might be tempted into action by the Asians' example. But this does not seem to have provoked Europeans to take the law into their own hands, against the Asians, prior to 1913. There were however instances where Asian employees were dismissed for non-registration (2) and European wholesalers withheld credit from Indian traders at times during the campaign (3). Few Transvaal Europeans were prepared to look at the campaign at all objectively or to heed Gandhi's words in a letter to the Anti-Asian Rand Pioneers, that, "as a matter of fact, there is very little difference between what is required by the white colonists and what has been accepted by British Indians ... my Association is firmly of the opinion that much of the (white) agitation is due entirely to a misunderstanding of the mutual position" (4)

White reaction, from the Asian point of view was not entirely without benefit. Indian Opinion claimed that, "The idea (of Indian resistance) has caused an immense sensation here, and already one perceives something of a sense of respect, on the part of Europeans ..." (5). Certainly Europeans in the Transvaal had at least been brought face to face with Asian discontent and could not as readily as hitherto ignore it. The Pretoria News commented in July 1907, "we may say very frankly that we have up to the present disregarded the threats of the B.I.A. and looked upon what is known as the "gaol resolution" as not a very serious undertaking ... In view of the late developments, however, the matter assumes a more serious aspect...". It further commented that whilst registration was essential, "it is not necessary that we should do this in

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- (1) Gandhi did not himself see the campaign constituting a defiance of the law. His view is that of Socrates at his trial "it is lawful to disregard a law ... when it is against one's conscience ... but it is not lawful to try to escape the punishment that the law imposes for such disregard". Indian Opinion, 16 November 1907.
- (2) M.K. Gandhi, Letter to the Star, 18 October 1907.
- (3) Gandhi Papers Vol 7 (doc 251)
- (4) Letter to Rand Pioneers, May 1907. Gandhi Papers, Vol 6 (doc 450).
- (5) 13 July 1907.

any manner calculated to injure the social or religious susceptibilities of a sensitive race" (1). General acceptance of this view would have largely obviated the need for resistance.

The number of Europeans in the Transvaal prepared to identify with the Indian cause were few indeed, but those who did had an importance for the campaign out of all proportion to their numbers (2).

The British Government made great play of its limited powers to intervene in the Transvaal but as the Times pointed out in a leader on the South African Indian question, "we (the British) are not altogether without means of safeguarding our own interests or of insisting upon reasonable compromises"..(3). In August 1907 the House of Commons debated a £5 million loan to the Transvaal, an opportunity seized on by a number of MP's to raise questions about the plight of Transvaal British Indians. Responsible Government certainly did not prevent Lord Selborne from sending Smuts detailed suggestions for thwarting the first phase of the campaign (4). Lord Ampthill, Chairman of SABIC, was in frequent communication with the British Government at the highest levels, but the Secretary of State for the Colonies does not appear to have been moved to take any major initiative with the South Africans, though it is questionable how much longer the British Government would have remained on the sidelines, given wider Imperial considerations manifest in pressure in India and at home (5). In the

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- (1) Pretoria News, op.cit.
 (2) A point seized on by Gandhi's opponents amongst the Indian population in Natal.
 (3) 1 January 1908.
 (4) Lord Selborne to J. C. Smuts, 9 December 1907. Selections from the Smuts Papers, Vol II (doc 361).
 (5) The British Government was also being approached by the Chinese Government about the treatment of their subjects in the Transvaal. Letters of 20 November and 2 December 1907 from the Chinese Consulate-General in the Transvaal to the Governor. Enclosed with despatch No 422 of 7 December 1907 to the CO. CO 291/120

circumstances the British Government greeted the settlement with audible relief and ill founded optimism (1).

(1) There was warm praise for the Transvaal Government for showing "so much consideration for Imperial Interests". Elgin had some reservation about its tactics but concluded "alls well that ends well". CO 291/120 Minutes with despatch 3464 of 29 January 1908 from Lord Selborne to Lord Elgin.

CHAPTER V: RESISTANCE AND REACTION. Second Phase 1908-1911

The second phase of the campaign was essentially a battle of principle, in which the pursuit of the ideal of racial equality before the law assumed greater importance than short-term ends.

By May 1908 most Asians living in the Transvaal at the time and required to register had done so. The Government revealed itself ready, in principle, to repeal the Asiatic Law Amendment Act (1), but a dispute arose as to what should be substituted. This question and the failure to find a mutually acceptable answer brought the Immigration Restriction Act (2) to the fore in the renewed confrontation.

The Government was warned on several occasions between June and August by the B.I.A. that the Association would be forced to resume a policy of non-co-operation with the law if its demands were not met. The final warning, in a letter of 20 August 1908, was taken by the Government as an ultimatum (3).

Mass meetings and acts of non-co-operation with the law took place throughout the second half of 1908, continuing till April 1911.

As in the other phases of the campaign public meetings played an important part in maintaining popular involvement. The unsuccessful attempt of Gandhi and some of his fellow

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- (1) See minute No 528 of 5 September 1908 from Prime Minister Botha, with Lord Selborne's despatch dated 7 September 1908 to Lord Crewe. CO 291/128 (35076). It should be seen in conjunction with Gandhi's statement in Indian Opinion (gujerati section) 4 July 1908, Gandhi Papers, Vol 8 (doc 195) and other contemporary public reports.
- (2) No 15, 1907. See pp 24-6 above.
- (3) Published in Indian Opinion, 29 August 1908.

leaders, in the face of the continuing imposition of the Asiatic Act, to secure the return of the registration papers they had earlier filed (1) prompted a call from the B I A. for Asians to hand in their registration certificates to the Association for public burning as a mark of their discontent. Over 2,000 certificates were destroyed, the bulk at a mass meeting in Johannesburg. Another form of demonstration used once and possibly more, was that of hartal - the closing of shops for a brief period - in the case recorded, for one day (2).

Non-co-operation took various forms, the largest number of cases involving hawking without licences for which there were between 1,300 and 1,700 convictions (3). Professionals and others augmented the ranks of the "real" hawkers, any profits they made being ploughed back into resistance funds. "Hawker-resisters", went through the motions of applying for a licence but refused to give thumb prints demanded of them, since these were taken on the authority of the Asiatic Act, once the period of voluntary registration ended in May 1908 (4). No attempt was made to seek exemption from the requirement, though this was possible. In some cases the hawkers were defended in court, presumably for publicity

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- (1) Application was made to the Registrar of Asiatics and the Courts. Gandhi's request is set out in Indian Opinion, 30 May and 11 July 1908.
- (2) ibid., 12 September 1908.
- (3) See Table I above, p 41. The first figure is based on official totals, the latter on Gandhi's estimates of the total number of all convictions at various stages in the campaign. The hawkers were liable for conviction under Ordinance 23, 1905.
- (4) The rationale for illicit hawking in the first phase of the campaign had a different emphasis, for then it was a means of drawing attention to the fact that the offenders had not registered.

reasons, for they were not seeking acquittal (1). The hawkers, like other resisters, never voluntarily accepted fines, the overwhelming majority going to prison.

• Illicit hawking was for the majority of resisters, the penalties, presuming a resister was charged solely with that offence, as was the practice in the early months of the campaign when most cases were recorded, were not particularly severe (2).

The second category of resisters comprised Transvaal residents, and activists from Natal and some returning residents (3) from abroad who deliberately violated immigration and registration regulations, rendering them liable to increasingly severe penalties including deportation (to India or China). There were, in the second phase, approximately a thousand convictions for such offences - in terms of the Immigration Restriction Act, the Asiatic Law Amendment Act (interacting with the Peace Preservation Ordinance) and the Asiatics Registration Amendment Act. Resistance to these laws took various forms and was directed both at asserting the right of educated Asians to enter the Transvaal, and against the continued existence of the Asiatic Law Amendment Act (4).

- (1) Indeed, in a case involving Harilal Gandhi and Thambi Naidoo, the defendants called for the maximum sentence, warning that if a light sentence was imposed they intended to repeat their offences as soon as they were released. It was to no avail, but Thambi Naidoo, duly resisted nine times during the second phase. Gandhi Papers, Vol 8 (doc 245). M. K. Gandhi was defence counsel.
- (2) Typically, they received a sentence of 7 days for a ~~first~~ offence with the option of a fine.
- (3) The Government doubted their bona fides but the term is used here without commitment on this point.
- (4) Case studies are contained in the Annex at pages 108-111

The plight of the third group of participants, namely those claiming to be returning residents to the Transvaal, most of whom came from India, is illustrated by the case of 76 Indians who arrived in Mozambique in September 1908, entering the Transvaal at Komatipoort (1). The adults were declared prohibited immigrants under the Immigration Restriction Act, for entering the Colony in contravention of section 4(2) of the Asiatics Registration Amendment Act which required returning residents to apply for registration from outside the Colony. None had produced registration certificates, nor would they give other means of identification (2). They were sentenced to 2 months imprisonment but were very soon deported, whereupon 54 of the original 58 defendants returned, again being jailed for 3 months, under Act 15 as prohibited immigrants. An appeal was entered on behalf of one of the convicted - Moosa Ismail - and his sentence^{was} set aside on 13 November. The Supreme Court condemned the Government for treating him as a prohibited immigrant as , until the first of December 1908, when the registration provisions of Act 36 became fully operative, Asians had the right to enter the Transvaal, before applying for registration under the Asiatic Law Amendment Act (3). The Chief Justice commented, "I have seldom seen a definition (here referring to the term "prohibited immigrant") which needs so much defining and which is so difficult of application to the statute to which it relates" (4).

Despite the Chief Justice's cautionary words and those of Mr Justice Mason (5) the flow of deportees, whether existing

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- (1) The case was widely reported. See Indian Opinion, 26 September - 5 December 1908.
- (2) Precisely how and when they were approached about taking part in the campaign is unclear. Their decision was certainly deliberate, many other returning residents entered the Transvaal after complying with the Government's requirements.
- (3) That Ismail and his colleagues, as participants in the campaign, would not have done so is beside the point.
- (4) Indian Opinion, 5 December 1908.
- (5) See page 110.

residents, returning residents, or non-residents from Natal and the Cape, continued, the hardships they faced increasing markedly in 1909. Till January 1909 those deported were escorted to the Transvaal borders, whence they immediately returned to seek arrest. From that time, with the co-operation of the Natal administration, prohibited immigrants were deported by train to Natal where they were detained and subjected to an immigration education test. Unless they passed this, or could prove Natal domicile, they were sent back to the Transvaal, to face penalties under the Immigration Act (1). In March 1909 the situation for deportees was made still worse by the understanding reached between the Transvaal Government and the administration in Portuguese East Africa under which Asians declared as prohibited immigrants in the Transvaal were deported to the Transvaal/Mozambique border where they were seized by the Portuguese and deported summarily to India or China (2). This arrangement, which was of doubtful legality (3), clearly presented a further serious threat to the campaign, Gandhi remarking "Many more fell away and only the real fighters remained" (4). Prohibited immigrants with domicile anywhere in South Africa had a strong claim in law not to be deported from South Africa, but the only assurance the Transvaal Government appears to have made in response to enquiries from the Colonial Office was that no Indians who had produced satisfactory proof of registration in the Transvaal or domicile in Natal had ever been deported by

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- (1) Indian Opinion, 9 January 1909.
 (2) Indian Opinion, 26 March 1910, reprinted in Gandhi Papers, Vol 10 (doc 127).
 (3) See, for example, (i) the report of H.M. Vice-Consul in Lourenco Marques, (Also the Transvaal's Agent and Immigration Officer there) - forwarded to London in Transvaal Ministers' minute No 156 of 4 July 1910, enclosed with Lord Gladstone's despatch of 9 July 1910 to Lord Crewe, CO 551/1 (23413), and (ii) the doubts raised by B. Sacks, South Africa - An Imperial Dilemma, p 221
 (4) Satyagraha in South Africa, p 343.

them to India (1). Under the circumstances of resistance this was an almost meaningless statement. The B.I.A. suggested that officials could readily check on a resister's registration details simply by asking for his name which was rarely refused (2). Through the SABIC, the B.I.A. submitted many cases to the Colonial Office of alleged improper deportation of Asians with South African domicile (3). Some were open to question, but amongst those deported to Asia were prominent figures, such as Leung Quinn, the leader of the Chinese Community who was deported through Mozambique (4). According to the Transvaal Government, between June 1907 and August 1910, there were 162 cases of deportation of Indians from the Transvaal to other parts of what became the Union and 261 to outside South Africa, the vast majority being to India (5). The bulk of these deportation orders - and the totals may be an underestimate - will have occurred from the second half of 1908 and, in the case of those to beyond South Africa, from March 1909.

In spite of the severity of arbitrary deportation, separating those affected from their families (6) and livelihood, resisters not only continued to come forward, but some of those deported to India, having suffered the hardships of the journey, returned to challenge their deportations, in some instances being refused permission to land (7). In October 1910, a group of 80 deportees returned from India and, according to Indian Opinion, 32 were

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- (1) Telegram of 4 May 1910 from Deputy Governor Transvaal to Lord Crewe, CO 291/144 (13254).
 - (2) Letter of 18 May 1910 from the SABIC (on behalf of B.I.A.) to Colonial Office, CD 5363 (doc 155).
 - (3) See, for example, enclosure with SABIC letter of 7 June 1910 to the Colonial Office giving an analysis of the deportees to India from Transvaal, CO 551/7 (17311).
 - (4) Indian Opinion, 30 July 1910.
 - (5) Transvaal Ministers' minute 570 of 3 October 1910 with Lord Gladstone's despatch of 10 October 1910 to Lord Crewe, CO 551/2 (33273).
 - (6) Tolstoy Farm, from 1910 Gandhi's base in the Transvaal, became the refuge for these families.
 - (7) Letter from the SABIC of 4 August 1910 to Colonial Office, CO 551/7 (24006)

immediately able to prove domiciliary rights in Natal, others finally being allowed to land in the Cape, some subsequently applying for duplicate registration certificates from the Transvaal as a means of proving their wrongful deportation (1).

Resisters once charged (2) faced magistrates who were frequently hostile and uncomprehending (3) but the worst abuses occurred in prisons. In 1909, the B.I.A. sent the following telegram to the SABIC, "Urgent letter received Heidelberg prisoners stating conditions, starvation, improper diet, filthy surroundings, utter insanitation, no washing, bathing facilities, no change of clothing. Indian pr's treated worse (than) Kaffir convicts ... gaol authorities brutal. Government endeavouring breakdown movement by torture" (4). There are cases where resisters were deliberately singled out for harrassment by prison officials, at worst, in the case of Sammy Nagappan, leading to death (5). Other instances of mistreatment may/^{perhaps} be attributed to ignorance and lack of sensitivity, rather than deliberate criminal intent on the part of prison officials confronted with the manifold social and dietary conventions of their prisoners (6). For their

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- (1) Indian Opinion, 24 September - 10 December 1910.
- (2) This did not invariably happen, for example, the Government, in March 1910, declined to detain Gandhi when he crossed into the Transvaal, Star, 17 March 1910. Reprinted in Gandhi Papers, Vol 10 (doc 117).
- (3) "It is manifest that in Mr Jordan's court, Indian Passive Resisters must not expect to be heard on the merits of their case". Indian Opinion, 6 February 1909. There were exceptions, for instance when Gandhi's hearing was put back by the court because the magistrate knew of the serious illness of Kasturba Gandhi. Gandhi Papers, Vol 9 (doc 129).
- (4) ibid., doc 138.
- (5) Indian Opinion, 10 July 1909 - 4 September 1909. H. C. Lambert, a principal clerk in the Colonial Office, commented on the Government enquiry into the case, "I am afraid that this is a bad business. It is a complete whitewashing and is accordingly heartily endorsed by ministers but the evidence, it is fairly clear, hardly supports the conclusions". Minute of 1 October 1909 with an undated letter from the SABIC to Colonial Office. CO 291/141 (32446).
- (6) Take, for example, the case of Mr Shelat, a brahmin, who accepted solitary confinement rather than comply with orders to carry slop pails. Gandhi Papers, Vol 10 (doc 36).

part the Indian population, partly for publicity reasons associated with the campaign, was very ready to seize on reports of indignities suffered by resisters whilst in detention. Gandhi's treatment was the subject of particular comment (1).

Demonstration against and defiance of the law in the second phase of the campaign, as with the first, went on simultaneously with negotiations, the progress of which from 1908 to 1911 provide a backcloth against which to examine the "militant" aspects of the second phase (2). As early as 22 February 1908 Gandhi placed before Smuts suggestions for the amendment of the Immigration Restriction Act to make possible the repeal of the Asiatic Act (3). In doing so he was concerned solely with protecting the rights of residents and those outside the Colony who claimed domicile. He claims not to have considered it necessary to raise the issue of the entry of educated Indians at this stage since if the Asiatic Act had been repealed and replaced as he envisaged educated Indians would have had the theoretical right of equal entry under the Immigration Restriction Act (4). Not until May did the makings of a serious dispute arise, till then Smuts had been careful not to reveal his hand (5). Initially - in May and June 1908 - disagreement centred on provisions for the entry of returning residents as well as that of recognition of Republican "certificates" held by existing residents (6), but, from July, after various concessions on the Government's part (7), a single

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- (1) See, for example, the shocked tones of Indian Opinion, 31 October 1908 reporting that Gandhi had marched along the streets in convict dress to appear in court (as a witness).
- (2) The minutes of these complex discussions and negotiations is omitted.
- (3) Letter of Gandhi to Smuts 22 February 1908. CD 4327 (doc 11).
- (4) Letter of Gandhi to Lord Ampthill, 5 August 1909. Gandhi Papers, Vol 9 (doc 200).
- (5) See, for example, the non-committal letter from Smuts' secretary to Gandhi, 12 March 1908, CD 4327 (doc 11).
- (6) ibid.
- (7) See "Johannesburg Letter", August 1908, reprinted in Gandhi Papers, Vol 8 (doc 277), and statement in Indian Opinion, 18 July 1908.

obstacle of real consequence remained. This was Gandhi's demand (1) that educated Asian Immigrants not previously domiciled in the Transvaal should have the right to enter the Colony on the same footing and by the same means as Europeans. In practical terms, little divided the two sides on this matter, Gandhi being unconcerned about how few educated Asians were in fact permitted to enter, providing the right existed for them to do so through non-racial legislation permitting them permanent domicile (2). The Transvaal Government mindful of its electorate, were not prepared to agree. If it had not been for this stumbling block the Asiatic Act would probably have been repealed in 1908 and the substance of the proposed Asiatics Registration Amendment Act incorporated in the Immigration Restriction Act which would then have become the sole legislative sanction for Asian registration and immigration, as Gandhi had demanded (3). Other relatively minor points of difference would have been resolved following agreement on the major issue (4). As it was, pending a settlement, the Asiatic Law Amendment Act remained on the Statute Book, far from a dead letter, interacting with the Immigration Restriction Act and the Asiatics Registration Amendment Act (which came into force in September 1908 after extensive modification, at Gandhi's behest).

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- (1) First expressed publicly in February' (Indian Opinion, 29 February 1908) but seemingly not put to Smuts, at least in writing till June (letter of 13 June. CD 4327 (doc 11)).
 - (2) Gandhi made this clear, for example, in a letter of 19 September 1908 to W. Hosken, Chairman of the Committee of Europeans associated with the campaign. Gandhi Papers, Vol 9 (doc 30). He was not prepared to accept Smuts' offer for the issue of temporary permits to educated Asian immigrants.
 - (3) The Government's willingness to implement such a package, subject to Gandhi's agreement to forego equal rights of entry for educated Asians is shown in a minute sent by Transvaal ministers to Lord Selborne, enclosed with his despatch of 20 July to Lord Elgin. CO 291/127 (28881).
 - (4) Details of subsidiary issues are set out in minute No 528 from the Prime Minister to Lord Selborne enclosed with the latter's despatch of 7 September 1908 to Lord Crewe. CO 291/128 (35076).

Negotiations entered a new phase in mid-1909 in England during the discussions there leading up to Union. Two delegations of South African Indians - one from Natal, the other from the Transvaal, comprising H. Habib and Gandhi were in Britain at the time to press their case (1). As a result of talks involving Gandhi, Smuts, the Earl of Crewe (Secretary of State for the Colonies since mid-1908), the India Office and the SABIC, as well as others, Smuts agreed in principle to repeal the Asiatic Act and to admit, annually, to the Transvaal up to six educated Asians on a permanent basis, but he would not permit the entry of any Indians under a general and non-racial immigration test, even if it was agreed it would be administered in a fashion discriminating against Asians. He expressed the fear of white South Africans that ultimately the practice would have to conform to the principle (2). Gandhi was adamant, asserting that, "There must be legal equality with the whites, it will not matter then, if in practice, not even a single Indian is able to get in ... but it would not serve our purpose even if permits are issued to fifty men so long as the law is tainted... it is not a fight on behalf of the educated ... but for Indians' honour. For our self respect, for the fulfilment of our pledge" (3).

The Talks stalled, not resuming in any meaningful way till February 1911 with the publication of the draft Union-wide Immigration Regulation Bill. In the following three months there was a fairly intensive round of exchanges between Gandhi and Smuts through meetings and letters (4). The Bill provided for

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- (1) Referred to page 30 above. The delegation hardly made an auspicious start. The Transvaal Government arrested its members shortly after their appointment, claiming not to know of the mission.
- (2) J. C. Smuts to Earl of Crewe, 26 August 1909. CO 291/143 (28796).
- (3) Indian Opinion, gujerati section, 2 October 1909. Reprinted in Gandhi Papers, Vol 9 (doc 245).
- (4) Details and texts of the exchanges from 2 March 1911 - 20 May 1911 appear in Indian Opinion, 18 March - 27 May 1911 and Gandhi Papers, Vols 10 and 11.

the repeal of the Asiatic Act (1) but left unresolved the question of entry by educated Asians, a matter complicated by this time by the need to consider the position not only of the Transvaal, to which the second phase of resistance confined itself, but also the other provinces. In theory, at least, there was no restriction on educated Asians entering the Cape and Natal, whereas in the Orange Free State there was a racial barrier to Asian settlement (2). Gandhi, in conjunction with Indian leaders in Natal and the Cape, sought to arrive at a solution satisfactory to themselves and at the same time to white opinion (3), but the Bill foundered, Smuts finding it impossible to reach an accord with Free State Members of Parliament on the purely theoretical question of Asian rights of entry to the Province.

Notwithstanding this setback, both Smuts and Gandhi wished to see an early end to the protracted conflict between them (4) and accord was reached on 22 April, 1911, the terms being approved at a mass meeting of Asians in Johannesburg on 27 April, written confirmation followed after the resolution of certain important technicalities on 20 May. Smuts undertook to introduce legislation repealing the Asiatic Act and granting legal equality of entry for all immigrants with differential treatment of an administrative, as distinct from statutory character, of Asians and Europeans. No

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- (1) Except in so far as it was applicable to the registration of minors lawfully resident in the Transvaal. This provision arose out of the case of Chotobhai vs Rex (1910). Gandhi Papers, Vol 10 (docs 256, 276, 317, 359).
- (2) Chp XXXIII of the Orange Free State Law Book.
- (3) The proposals agreed between the Union's Indian leaders are set out in letters of 7 and 8 April from Gandhi to Smuts' Private Secretary, Mr Lane, Gandhi Papers, Vol 11 (docs 12 and 16). If implemented it is likely they would have led to some loss, in practice, of Asian immigration rights to the Cape and Natal.
- (4) The anxiety of the two leaders to reach a settlement is clearly expressed in the exchange of letters between Gandhi and Lane on 21 and 22 April. Enclosure with despatch of 29 April 1911 from Lord Gladstone to Mr L. V. Harcourt (Colonial Secretary 1910 - 1915), CO 551/10 (16586).

decision was taken as to whether a Union-wide Bill would be introduced or one simply relating to the Transvaal (1), but in the settlement Gandhi sought an undertaking that the separate existing rights of Asians in the various Provinces would be protected in the legislation to be introduced, always assuming, of course, the Act applied to the province concerned. The Government's reply that, "while it is not proposed to take away actually existing rights of individuals, the positions in the various provinces will no doubt be affected by any law which is intended to be general and uniform for the whole union" (2), however ambiguous, did not prevent acceptance of the provisional settlement. The agreement, as Lord Lucas, Parliamentary Under Secretary for the Colonies, minuted was "a friendly truce till next session" (3) and nothing more (4).

The second phase of the campaign resulted in increasing resentment in India at the treatment of Transvaal Indians, expressed through public meetings, the press, reviews and petitions (5). This concern was furthered both by the presence in India of deportees and, from July till September 1909, of Henry Polak who had been sent there by the British Indian Conciliation Committee (6) to publicise the plight of Transvaal

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- (1) Gandhi first proposed, as a way out of the impasse over the 1911 Immigration Restriction Bill, the introduction of legislation applying solely to the Transvaal. Gandhi Papers, Vol 11 (doc 12, op. cit.).
- (2) Lane to Gandhi, 20 May 1911. Indian Opinion, 27 May 1911.
- (3) C.O. minute of 22 May with despatch of 26 April 1911 from Lord Gladstone to Mr Harcourt. CO 551/10 (15711).
- (4) Quite apart from the uncertainties of the understanding reached, it covered only one of the many fields of grievance of the Asian population. Gandhi, during negotiations, gave warning that settlement of the immigration issue would not affect the right and determination of South African Asians to work for an improvement of their lot in other respects. Gandhi Papers, Vol 11 (doc 12).
- (5) Details of which appeared regularly in Indian Opinion. See, for example, edition of 6 November 1909.
- (6) See page 30 above.

Indians and raise funds. The viceroy was sufficiently disturbed, by October 1908, to feel obliged to inform the India Office that, "Protests have been received from all parts of India against the treatment to which British Indians are being subjected ... it is most desirable in my opinion that some settlement of the questions in dispute should be arrived at without delay ... we regard as a very serious matter the political effect in this country of the measures taken to enforce the law ..." (1).

The Colonial Office found itself in an awkward position, assailed by the India Office, by questions in Parliament, by memoranda from members of the SABIC, and by the Transvaal Asians themselves, but, at the same time, mindful of the Transvaal's Responsible status (2). Colonial Office officials were generally critical at the resumption of the campaign, rejecting Gandhi's assertion that the repeal of the Asiatic Act was an integral part of the 1908 Agreement (3), and chiding him for raising a new issue, in demanding rights of entry for educated Asians (4). Nor was the Secretary of

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- (1) Telegram of 22 October 1908 from Viceroy to India Office, copied to the Colonial Office. CD 4584 (doc 7).
 - (2) Lord Crewe wrote to Lord Ampthill, "we are all obliged to admit the right of self-governing colonies to exclude (would be immigrants) but we are bound to see that no heedless hardships are inflicted and to make representations when we are not in a position to give orders". 13 September 1908. CO 291/133. (34983).
 - (3) See minute by Mr. Hartman Just, Assistant Under Secretary, of 12 August 1908 with despatch of 20 July 1908 from Lord Selborne to Lord Elgin. CO 291/127 (28881).
 - (4) Lord Crewe to Lord Ampthill, 13 September 1908. CO 291/133 (34983). The Colonial Office argued that this issue was closed with the passage in 1907 of the Immigration Restriction and Asiatic Registration Acts, which excluded new Asian immigrants "irrespective of their personal qualifications in the hope that ... (the restrictions) would result in more favourable treatment of Asiatics resident in the Colony". Minute of Lord Crewe to Lord Morley, 6 October 1908 with despatch of 7 September 1908 from Lord Selborne to Lord Crewe. CO 291/128 (35076). The Colonial Office further claimed that the position had been made clear as long ago as July-August 1907 with the publication of a Blue Book CD 3308 on "legislation affecting Asiatics in the Transvaal" and that Gandhi had raised the issue only in mid-1908. See pages 25 and 67 for Gandhi's views.

State disposed to re-open the fundamental question of Transvaal British Indians' rights as subjects of the Crown, and his officials doubted that he had the formal locus standi to do so (1). And whilst there was some disgust in the Colonial Office at the deportation of Indians from South Africa, Mr Just commented, "This procedure inflicts no substantial hardship on Indians. They may be deported but before ejection from South Africa they are invited to exercise their right of appeal" (2). Lord Crewe took a similar line in the House of Lords (3).

The Colonial Office, busy shedding its responsibilities in South Africa, clearly had no intention of having this process interrupted by Asians in the Transvaal. At the same time the desire of Smuts and Botha to bring about Union in South Africa gave the Colonial Office a certain leverage. And, on occasions, the Colonial Office did intervene, either to express concern at the treatment of those associated with the campaign (4) or to act as a mediator (being "extremely anxious that (the campaign) should be brought to a close") (5). In November 1908, in response to a guarded offer from Botha aimed at achieving a final settlement of Indian demands (6), the Secretary of State put forward proposals (in a most deferential manner) which envisaged

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- (1) See Mr Just's minute of 6 October 1908 with despatch of 14 September 1908 from Lord Selborne to Lord Crewe. CO 291/128 (36129).
 - (2) Minute of 18 March 1909 with telegram of 17 March 1909 from Lord Selborne to Lord Crewe. CO 291/137 (9539). Mr Just further commented on 22 March, "The Transvaal have a clear right to deport ... HMG are not in a position to express any opinion ... on what is taking place in Portuguese Territory as we do not know with certainty the facts as to the law there but it must be assumed that the British Indians have been lawfully deported from Alagoa Bay".
 - (3) On 24 March 1909.
 - (4) See, for example, Lord Crewe's suggestion of 23 October 1908 to Lord Selborne that resisters might be given lighter sentences. Referred to by the latter in his telegram of 2 November 1908. CO 291/129 (39986).
 - (5) Telegram of 5 November 1908 from Lord Crewe to Lord Selborne. CO 291/129 (39986).
 - (6) The offer is contained in a telegram of 2 November 1908 from Lord Selborne to Lord Crewe, op. cit.

the repeal of the Asiatic Law Amendment Act and the Asiatics Registration Amendment Act, when the Asian population had registered, and a liberalising of entry rights for certain pre-war Transvaal Indian residents (1). As Selborne predicted (2) the proposals were rejected (3). In 1909, during the discussions leading to Union, when Gandhi was in Britain, the Colonial Office acted as a focal point for negotiations to end the conflict, but were neither impartial nor, it would seem, particularly efficient mediators (4). Settlement was brought nearer, but in the end the Colonial Office accepted, albeit with some reluctance, Smuts' recommendation that instead of pursuing the matter in the context of the Transvaal, "the better course would be to shelve this difficulty for the present and let the more impartial tribunal of the Union Government and Parliament deal with the question" (5).

When the Union Government in 1911 considered introduction of new immigration legislation, the Colonial Office again intervened seeing the possibility of securing concessions to meet Gandhi's requirements, in return for agreement from the Indian Government to end the supply of indentured labour (6).

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- (1) Proposals in telegram of Lord Crewe to Lord Selborne, 5 November, op. cit.
 - (2) Telegram of 8 November 1908 to Lord Crewe. CO 291/129 (4154).
 - (3) Lord Selborne to Lord Crewe, 16 December 1908. CO 291/129 (287).
 - (4) See, for example, the delay on the part of the Colonial Office in sending Gandhi's settlement proposals to Smuts. Papers with letters of 6 September 1909 from Gandhi to the Colonial Office, CO 291/142 (30008), and minutes with Gandhi's letter of 8 October 1909 to the Colonial Office, CO 291/142 (33205).
 - (5) Letter of 13 August 1909 from Smuts to Crewe. CO 291/143 (27188).
 - (6) Whereas elements in successive Natal Administrations had always pressed for the retention of indentured labour, it did not at all accord with Union Government interests and Botha and Smuts were, in 1911, looking for a solution which would not provoke a clash with interests in Natal. See also pages 14-15

The result was highly satisfactory to the Union Government, but the 1911 Immigration Bill hardly satisfied the Indian or British Governments, let alone South African Indians.

Reaction of whites in the Transvaal to the second phase, much as the first, was one of incomprehension and deep mistrust. Selborne commented, "they are exasperated with the Indians whom they consider to have been guilty of a breach of faith and to have tricked them" (1). They were in no mood for compromise, as the Rand Daily Mail was quick to point out in suggesting that if the Government "gave way" it could be turned out of office (2). Some elements advocated deportation of Asians already in the Transvaal (3). Nothing, it would seem, could convince the electorate that the theoretical equal right of entry for all races demanded by Gandhi would not lead to an influx "of thousands of Indian lads who have been or are being educated ... in Natal, to say nothing of those ... in India" (4). The Transvaal press, in general, with the notable exception of the Transvaal Leader both reflected and incited European prejudices "The object (of resistance) is to force from the Government a concession which the Asiatics have not convinced the public need be made. It is hoped to bring the Government of the land into ridicule and contempt ... apparently nothing will satisfy the Indian leaders but humbling the Government ... in the eyes of hundreds of thousands of Natives" (5). Whilst the press gave dire warnings that anarchy and civil war could result from "passive resistance" the papers did what they could to belittle the campaign, portraying it as unrepresentative of

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- (1) Telegram of 8 November 1908 from Lord Selborne to Lord Crewe. CO 291/129 (41054).
 (2) op. cit., 27 January 1909.
 (3) For example, Mr Neser, member of the Legislative Assembly. Rand Daily Mail, 1 March 1911.
 (4) Star, 11 August 1908.
 (5) Rand Daily Mail, 9 November 1908. Guerilla activity in India at the time may have given such comments added impact.

Indian opinion in the Colony. The Rand Daily Mail concluded, "it only needs dog owners to refuse to pay rent as a protest against the dog licence system and children to passively resist going to school because they may not eat sweets to have the absurdity of the whole business made plain" (1). There is singularly little evidence that the generality of white opinion rose above the level of such comments in spite of the unceasing efforts of Gandhi and his colleagues to educate opinion through the press (which sometimes printed their letters and statements) and public meetings (2). Active European backing was confined to members and supporters of William Hosken's committee (3).

Smuts himself commented during a debate on the first Union Immigrants Regulation Bill, "We cannot treat Indians and Asiatics generally like barbarians. They belong to an ancient race who know how to fight and suffer for their rights ... they know how to take concerted action under the leadership of men of high character and great intelligence" ... (4). It is some measure of the campaign and in particular its second phase that Smuts should have made such a statement, at all, but his was a voice in the wilderness and the respect it indicated for the Asians is by no means borne out by his actual conduct of affairs (5).

(1) ibid., 12 December 1908.

(2) In December 1908 the B.I.A. convened a meeting to afford Europeans an opportunity to ask questions about the campaign. 100 attended. Transvaal Leader, 21 December 1908.

(3) See page 30 above.

(4) Rand Daily Mail, 1 March 1911.

(5) Smuts' relationship with Gandhi is considered, page 107 below.

CHAPTER VI RESISTANCE AND REACTION: Third Phase 1913-1914

The campaign was suspended from April 1911 till September 1913 when Gandhi launched a further phase of resistance against "the monster of racial prejudice in the heart of the Government and local whites" (1) coincident with the passage into law, at the third attempt, of an Immigrants Regulation Bill which was of Union-wide application.

Gandhi had been in frequent contact with the Government (2) about the Bill and its antecedents, seeking clarification and amendments (3). The Act, with one important notional qualification, met Gandhi's requirement that Indians should have the right in law to enter South Africa on a non-racial basis, though there was provision in the Act for the refusal of entry, by administrative decision to any person or "class of persons ... on economic grounds or on account of standard or habits of life (deemed) to be unsuited to the requirements of the Union or any part thereof" (5). It was generally understood that this clause would be used to exclude Asian immigrants but it was not overtly racial. With the passage of the Bill, the Asiatic Law Amendment Act ceased to have effect.

A number of points of issue nevertheless remained of sufficient importance to provoke a resumption of non-co-operation. These are summarised in the memorandum sent to the Government by the B.I.A. on 12 September 1913 (6) following Gandhi's warning to Smuts in personal correspondence that a resumption of

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- (1) Indian Opinion (gujerati section), 13 September 1913. Reprinted in Gandhi Papers, Vol 12 (doc 128).
- (2) It is not clear to what extent he consulted members of the B.I.A. before making his representations.
- (3) The Government did, for example, agree as a result to recognise monogamous marriages performed under non-christian rites in India (but not South Africa). (4) No 22, 1913.
- (5) Chapter II, Section 4(1)(a).
- (6) The full text was printed in Indian Opinion, 20 September 1913. The Government interpreted the memorandum as an ultimatum.

resistance in his view had become imperative (1). The issues were as follows the Act contained a specifically racial provision as regards entry to the Free State (2); certain rights held by Indians prior to the Act were either not restored or maintained (3); the Status of Asian women married in South Africa was not secured (4),

- (1) Letter of 10 September 1913, Indian Opinion, 13 September 1913.
- (2) Section 7 of the Act. This matter had effectively been resolved in correspondence between Gandhi and the Ministry of the Interior resting with Mr Gorges' (Private Secretary to Minister of Interior) letter of 19 August 1913, Gandhi Papers, Vol 12, (appendix 8).
- (3) There was concern (a) at the loss of rights of domicile for Indians indentured after 1895, though this was partly resolved in Gorges' letter to Gandhi op. cit., (b) at the abrogation of the rights of Natal-born Indians to enter the Cape, and (c) the exclusion of the courts from appeals against immigration board decisions except on points of law.
- (4) Problems over the status of Indian marriages in South Africa were brought sharply into focus between 1911 and 1913 as a result of a number of court cases Justice Wessels in the Transvaal in 1911, in a case involving an intending immigrant, Bai Rasul, ruled that an Indian might not bring more than one wife into the Province (Summary report, Indian Opinion, 8 July 1911). A year later, Mr Jordan, resident magistrate in Johannesburg, ruled in the case of Mrs Jussat that if a man was married to more than one wife whilst the first wife was alive all the wives became prohibited immigrants on the basis that the marriage was not permitted in the law of the Transvaal (Summary report, Indian Opinion, 9 March and 11 May 1912). This decision was paralleled in the Cape, in March 1913, by the judgement of Mr Justice Searle rejecting the appeal of Bai Mariam against deportation from the Cape (text of judgement reprinted in Gandhi Papers, Vol 12 (appendix 1). Searle made clear, what few may till then have realized, that polygamous marriages, or marriages according to customs permitting polygamy, were not recognized in the Cape and had not been for many years. Searle's recommendation that Bai Mariam might legalize her marriage in South Africa, under Act 16 of 1860 of the Cape, hardly lessened the anger of South African Indians faced with a situation in which their wives were reduced to the level of concubines. The Minister of the Interior attempted to calm the resultant inflamed situation in a letter to Gandhi, dated 10 April 1913, by stating that, "the Government has no intention of departing from the present practice in regard to the introduction of wives and minor children of British Indians lawfully resident in South Africa" (Gandhi Papers, Vol 12 with document 1). This was received with scepticism which the case, a few months later in Natal, of Kulsam Bibi who was refused entry, inter alia, on the Grounds that her's was not a monogamous marriage, did nothing to allay (Summary report, Indian Opinion, 27 August and 8 October 1913). The issue of the recognition of non-christian marriages excited high emotion in both European and Indian South Africans, presenting Gandhi with an opportunity to mobilize Indian opinion throughout the Union, though, as such, it offered little prospect for direct non-violent resistance.

and the £3 tax levied on ex-indentured workers had not been repealed. The B.I.A. considered that both the letter and the spirit of the 1911 Agreement had been breached by the Government and accordingly resolved to continue with a campaign of (non-violent) resistance till these points had been met and "Generally so long as the spirit of generosity and justice does not pervade the administration of the laws (affecting Asians)" (1). The memorandum was followed up in a letter from Gandhi dated 28 September 1913 (2).

The only major new demand in the third phase was for the repeal of the £3 tax (3). Its inclusion was the result of an

- (1) It is possible the B.I.A. was prompted to add this provision as a result of the harsh way in which Act 22 was being implemented, symbolized by the inadvertent and (to the Government) embarrassing disclosure by the chairman of the Durban Immigration Appeal Board that the Secretary for the Interior had "deemed every Asiatic person to be (an) undesirable (immigrant) on economic grounds ..." (in terms of section 4(1)(a) of Act 22, referred to above). Letter of 18 August 1913 from Lord Gladstone to Prime Minister Botha. CO 551/11 (31229).
- (2) Gandhi Papers, Vol 12 (doc 146).
- (3) Approximately 10,800 people were liable for the annual tax. In 1910, by Act 19 of that year, women normally liable to pay the tax could be released from doing so at the discretion of a magistrate. Many people of both sexes did default on payments, taking advantage of a provision insisted upon by the Indian Government that no punitive measures be taken against those who failed to pay (Mabel Palmer, The History of Indians in Natal, p 58, records that less than one third of those supposed to pay the tax were doing so in the years up to 1914). But the administration in Natal did penalize some defaulters for contempt of court in failing to obey a magistrate's order to pay the licence, and women continued to be brought before the courts for non-payment of the tax. In December 1910, 5 women at Dannhauser were each sentenced to 1 month imprisonment for non-payment of the tax. Indian Opinion, 17 December 1910.

alleged breach of promise by the South African Government to G. K. Gokhale, a member of the Viceroy's Legislative Council and one of the foremost Indian politicians of the time. He visited South Africa in November 1912 on a fact finding mission, being made a guest of the Union Government (a quite remarkable event in the circumstances and when the Botha-Hertzog conflict was coming to a head). According to Gandhi, writing some years after the event, Gokhale had informed him shortly after discussions with Union Ministers, "Everything has been settled. The Black Act will be repealed. The racial bar will be removed from the immigration law. The £3 tax will be abolished". Smuts and Botha, however, denied any promise to repeal the licence and said their only undertaking was to consult Natal representatives in Parliament about the possibility. There is some evidence to support their view (1) but Gandhi interpreted the Government's failure to do more than waive the tax for women (2) as a breach of pledge. Gandhi commented, "the undertaking given to Gokhale cleared the way for the Satyagrahis ... breach of pledge would be a most cogent reason for continuing the struggle. And this was exactly what happened" (3). The Government, plagued by serious discontent amongst white mine-workers (4) was infuriated by the memorandum, accusing the Indians of shifting their ground just as a settlement was in sight. Ministers reasoned that they had moved "as far as they

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- (1) See, for example, B Sacks, p 247. For counter evidence see Natal Mercury, 29 November 1913.
- (2) Gandhi Papers, Vol 12 (doc 74).
- (3) Satyagraha in South Africa, p 410-11. Aiyar and certain other Natal Indian leaders were angered by Gandhi's initiative, but Gandhi had for many years been prodding them to take action against the £3 tax with little result. Gandhi Papers, Vol 7 (1907) (doc 31) et seq.
- (4) Gandhi claimed that he delayed the resumption of resistance to avoid adding to the Government's problems at the height of the unrest amongst white workers.

dared" given the opinions of the electorate (1), but negotiations and exchanges continued throughout the campaign.

When resistance resumed on September 15, 1913, it took its former course of non-co-operation with the law through breach of immigration requirements. The first group, who crossed from Natal into the Transvaal (2), presented themselves to immigration officers refusing to speak except through a spokesman (3). They were declared prohibited immigrants but not arrested, in spite of refusing the offer of appeal. The resisters' spokesman then addressed a letter to the immigration officials warning them, "unless you take charge of the party we shall entrain for Johannesburg ... and if you offer physical resistance at the time as passive resisters we can only yield to it for the time being. But if you set us free afterwards and do not hold us bodily, we shall seek some other means of continuing our forward journey" (4). Officials at Volksrust were uncertain how to respond but the group was finally arrested, its members being deported. They returned immediately to the Transvaal where they were sentenced to three months imprisonment, the maximum permitted (5).

- (1) Telegram of 17 July 1913 from Lord Gladstone to Mr Harcourt. CO 551/42 (24793).
- (2) No attempt was made to enter the Free State because of fears that this would provoke incidents.
- (3) He read a declaration: "I on behalf of the party travelling with me make this declaration that ... we are entering the Transvaal now without any documentary reasons for doing so and that we are not prepared to undergo the education test nor any other tests required by the present law (Act 22, 1913) ... further that we, being passive resisters, refuse to recognize any of the provisions of the existing law ...". Indian Opinion, 20 September 1913. The group gave no warning of their action, nor would they identify themselves, apparently for fear of non-arrest given their close association with Gandhi. Satyagraha in South Africa, p 428.
- (4) Indian Opinion, 24 September 1913.
- (5) Under sec. 27 Act 22.

The only other form that resistance took, initially, was that of hawking without licences for which sentences varied from 1 to 10 days hard labour, at least one group which included Gandhi's son, Manilal Gandhi being charged not only for this offence but for non-production of registration certificates under the Asiatics Registration Amendment Act (no. 36, 1908) (1).

Whilst resistance was confined to the foregoing tactics there was little or no prospect of the campaign attracting popular participation. The circumstances changed radically when at Gandhi's behest, one month after the campaign resumed, a small group of his followers under Mrs PK Naidoo and including Gandhi's wife and other women resisters (2) incited indentured workers in the mining district of Newcastle to strike and to remain out as long as the £3 tax was not repealed. The strike began on 16 October spreading rapidly and being fanned by the arrest and imprisonment of the women strike leaders (3). Whether Gandhi had much idea in advance of the strike as to how it should be managed and where it might spread seems highly doubtful. It appears that Gandhi's disclosure to Smuts (4) in warning him of the decision to broaden the base of resistance that, "I know ... that once taken (the decision) it may be difficult to control the spread of the movement beyond the limits one may set" came true more quickly than he anticipated, both he and Polak departing hastily for Newcastle to assist the hard

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- (1) Indian Opinion, 8 October 1913. The paper recorded that the resisters became "depressed" when not arrested after a whole day's hawking. They were charged the following day.
- (2) These women, all tamil speakers - of vital importance in mobilizing the indentured workers - had violated immigration regulations by entering Natal and refusing to comply with the requirements of Act 22, but they were not arrested and hence, as earlier agreed, they proceeded to Newcastle. Satyagraha in South Africa, pp 428ff. This work contains a useful account of the strike and its aftermath, but suffers from being written years after the event.
- (3) Under Natal Vagrancy Laws. They went to prison for 3 months (the maximum sentence) rather than pay a fine of £3.
- (4) Letter of 28 September, Gandhi Papers, Vol 12 (doc 146).

pressed Naidoo and his few helpers (1), who, by 20 October, only 4 days after the strike began, had responsibility for the welfare of 2000 strikers. The strike soon assumed two separate forms. One, directly under the control of Gandhi and his aides was disciplined and non-violent. The other, whilst clearly resulting from the original call to strike, spread in an anarchic fashion with outbreaks of violence.

The element under Gandhi's direction comprised the strikers of the Newcastle-Dannhauser-Dundee districts. Faced by a situation in which some mine owners were cutting off services to the workers' compounds, Gandhi, making virtue of necessity, claimed that it was improper for the miners to live on mine rations whilst on strike. He thereupon called on the workers to leave their quarters for a hastily provided "camp" near Newcastle. Between four and six thousand responded, more than Gandhi anticipated, many subsequently moving to Charlestown close to the Transvaal border. Faced with the problem of what to do with this large following, Gandhi, in consultation with his colleagues, decided, whilst in Newcastle, to lead the strikers in a mass demonstration across the Natal/Transvaal border as "an effective protest against the Minister's breach of pledge and as a pure demonstration of our distress at the loss of our self respect" (2). Gandhi expressed himself

- (1) Naidoo and his two aides were arrested first under ordinance 2 of 1850 for inciting indentured workers (of which they were acquitted) and later were charged under railway regulations (for illegally visiting a barracks for indentured railway workers). They were fined but refused to pay and were not further detained on this charge - at least prior to the march. Indian Opinion, 22 October 1913.
- (2) Satyagraha in South Africa, p 452. Originally Gandhi thought of sending some of the strikers to the Natal farm of Mr Budree (a wealthy ex-indentee and resister) and also to divide into batches those crossing into the Transvaal. The intention of crossing the border was not an indication that indentured workers were being brought into action against the Immigration Act. E. H. Erikson, Gandhi's Truth, p 213 suggests the idea for the march may have come from the Great Trek. He could be right, but if so it is a little surprising Gandhi does not mention this.

ready to lead the marchers to Tolstoy Farm, some 35 miles from Johannesburg.

Over 2,000 strikers, some accompanied by their families, crossed the border without incident on 6 November, in the next four days reaching Balfour, some 130 miles from Newcastle, where, on 10 November, they were finally detained, being sent back to imprisonment in Natal. During the march Gandhi was arrested three times, finally leaving the column in the hands of Henry Polak who, like Hermann Kallenbach, and the other leaders of the march were themselves, in turn, arrested (1). The march took place without violence, despite the absence of planning, limited manpower resources to direct the march and the complete lack of political education, let alone knowledge of the practice of non-violent resistance, of the participants. Apart from the obvious skill of the leaders, time was probably of the essence, for the whole episode was fairly shortlived and dependent on the assumption that the Government would be bound to react, at the most, within days of the beginning of the march.

The strike spread rapidly to the sugar estates of Natal's North and South Coast and to factories in Durban and Maritzburg. Indian Opinion described these developments as, "spontaneous gestures of support for the campaign", thus seeking to distinguish them from those acts more clearly under the control of Gandhi and his fellow leaders (2). The wave of uncontrolled strikes

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- (1) See below p 87 Gandhi used his subsequent court appearances in Dundee and Volksrust, as was his usual practice, to make a statement in explanation of the cause of resistance. He pleaded guilty on both occasions but was defended.
- (2) No attempt is being made here to argue that Gandhi and his colleagues made serious efforts to confine the strike to the Newcastle-Dundee areas, it would have been impossible to do so and both Gandhi and Kallenbach are recorded, prior to the march, as indicating that the strike was liable to extend to workers elsewhere in the Province. See Transvaal Leader, 24 October 1913, and Indian Opinion, 29 October 1913. Polak, however, stressed at the time in a letter of 12 November 1913 to Lord Ampthill that the spread of the strike was "strongly against our advice as we did not wish it to get beyond manageable proportions. But the Government must now bear the responsibility". Enclosure with letter of Lord Ampthill to Mr Harcourt, 5 December 1913. CO 551/52 (42209).

began just as the march was ending and lasted for approximately one month, involving as many as 40,000 workers (1). Their real motive, in so far as it can be defined, was to give vent to long simmering discontent at their conditions. As the strike spread outbreaks of violence occurred (2).

Outside the Newcastle-Dundee area only the strikes in Durban and Maritzburg appear to have been actively encouraged by activists directly associated with Gandhi. Records of their speeches at Durban make it clear that the leaders concerned stressed the need for the strike to be peaceful (3). With the exception of these two centres, NIA leaders concentrated their efforts on providing welfare services for strikers (4) and helping to prevent conflict between workers and government forces. Indians elsewhere in South Africa contented themselves with passing resolutions at mass meetings calling for the repeal of the tax and release of Gandhi and his colleagues, as the only viable formula for peace (5).

In its response, the Government, whilst taking cognizance of opinion abroad, was primarily concerned at the likely reaction at home, where they faced a very difficult situation. There was unrest amongst white workers, with the constant threat of a general strike and there was African discontent both about the recently passed Natives Land Act and the new requirement

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- (1) See p45 #5 above.
- (2) Many of the individual strikes were peaceful but a serious outbreak of violence, at Verulam, on 10 November, was followed by others in the Mount Edgecombe district, Ladysmith, Esperanza and in several other centres, involving the death in clashes with Government forces of at least 8 Indians and provoking an atmosphere in the Province of considerable tension. There were extensive press reports of the incidents.
- (3) See, for example, report of N.I.A. meeting, 17 November, Natal Mercury, 18 November 1913. Even so, several leaders there were arrested for incitement (p 88).
- (4) Indian Opinion, 19 November 1913.
- (5) For example, see the report of a meeting of Johannesburg Indians under B.I.A. auspices, 19 November 1913, Transvaal Leader, 20 November 1913.

for women to carry passes. In addition, the crisis between Botha and Hertzog which led to the latter's departure from Botha's South Africa Party to form the National Party was nearing its climax (1).

Initially, the Government was slow to act against the resisters, in some cases refraining from making arrests. Once the strikes began the Government adopted a range of responses to the participants, non-interference, recourse to the courts, police and defence force action, and negotiation. The first three of these categories are represented in the Government's reaction to the strike of the Newcastle workers and their subsequent march to Balfour and return to Natal. On the day the strike began police arrested 150 strikers at the Ballengeich colliery and by 4 November Gandhi claimed a further 350 had been imprisoned or charged for striking work, but the majority were left to Gandhi's care, no attempt being made to arrest the marchers at Charlestown (as Gandhi seems to have wished) (2) or when they crossed the border. The rationale behind this policy is disclosed in a despatch from Lord Gladstone to the Secretary of State, following a conversation between his Private Secretary and Smuts. Smuts apparently claimed that "his refusal to interfere with many of the Passive Resisters in the Transvaal had led to a collapse, for the time being, at any rate, of the movement and he thought that a similar policy of laissez-faire might produce similar results in the case of the Natal strikes. Mr Gandhi appeared to be in a position of much difficulty, like Frankenstein he found his monster an uncomfortable creation ... if Mr Gandhi were arrested he would be able to disclaim further responsibility for the maintenance of his army of strikers ...". Smuts added that since the strikers did not belong to the trading classes they could do little harm and he evidently believed they would

(1) Oxford History of South Africa, Vol II, pp 369-70.

(2) Satyagraha in South Africa, p 452.

eventually ask to be sent back to Natal. In the meantime he hoped that once the marchers "were well inside the Province, Mr Kallenbach and Mr Polak might be tempted by the supineness of the Authorities to lead further bodies of men across the frontier. These two gentlemen, whom the Department (of Interior) were particularly anxious to secure, would then be arrested on a charge of aiding and abetting the entry of P.I.'s into the Province"(1). Whether Smuts' nerve finally broke, possibly in the face of growing concern amongst the electorate, is not clear (2). In the event, the strikers were finally arrested and returned by train to Natal where they were confronted with a detachment of the South African Mounted Rifles and police. They were charged with striking work (3) and sent to their places of work which were specially declared as prisons for the occasion (4) a move which avoided filling the ordinary jails and was intended to secure a resumption of work, European overseers being temporarily enlisted as warders. A standard sentence appears to have been 7 days imprisonment, but in a number of cases the strikers continued to refuse to work and received additional sentences of between 3 - 6 months (5).

Gandhi was arrested on three separate occasions after entering the Transvaal at the head of the marchers, but on two of the occasions was granted bail which he did not refuse, given the potential risk of disturbances breaking out in the column, particularly as on the second occasion 5 of his

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- (1) Lord Gladstone to Mr Harcourt, 6 November 1913. CO 551/45 (40709). Smuts was particularly anxious to see Polak arrested to prevent him leaving for a speaking and fund raising visit to India in connection with the campaign.
- (2) Gandhi, of course, argues so. Satyagraha in South Africa, p 464.
- (3) Probably under Law 14, 1859, which laid down terms of work for indentured labourers.
- (4) In terms of Act 13, 1911 (sec. 13(1)).
- (5) Under Act 25, 1891 (sec. 35).

co-workers were detained in jail (1). He was charged on 11 November on three counts "with inducing indentured immigrants to leave the province", receiving a 9 month sentence (3)(L). Three days later he was taken to Volksrust being given an additional 3 months for aiding and abetting contravention of the Immigration Act (3). Polak and Kallenbach received the same sentences.

As the strikes spread the Government, which may not have reckoned with this development (4), became increasingly tough in their response. To them, as for the electorate as a whole, the strikes were the work of agitators whose interests lay at least partly outside South Africa. Official reaction took two basic forms, military (the police included) and judicial, the former being more important. Many of the strikers seem never to have been charged with striking work, but those that were, typically received 7 days imprisonment, though a number of non-indentured workers in Durban charged for striking were not imprisoned, being fined instead (5). In a number of cases alleged agitators - numbered amongst them 7 N.I.A. officials in Durban - were charged with incitement to violence (6). On more than one occasion and in different contexts during the strikes the possibility was raised by the Government of compulsorily repatriating the striking indentured workers, but in the event no action was taken (7).

- (1) Presumably authority for these arrests came from the highest levels. The Government's disruptive tactic could be interpreted as intended to provoke a "scene" enabling armed forces to take decisive action, thus sullyng the image of the march, but this can only be speculation and if true was anyway unsuccessful.
- (2) From a singularly hostile magistrate who countered Gandhi's "political" speech with one of his own. Gandhi Papers, Vol 12 (doc 191).
- (3) Section 20. Gandhi Papers, Vol 12 (doc 194).
- (4) This is implicit in Smuts' comments to his Private Secretary, though the possibility is not entirely ruled out. Lord Gladstone's despatch of 6 November 1913 to Mr Harcourt, CO 551/45 (4709) refers.
- (5) Transvaal Leader, 20 November 1913.
- (6) Under Ordinance 2,1850. Transvaal Leader, 21 & 22 November 1913.
- (7) Indian Opinion, 26 November 1913, and Letter of 9 December 1913 from Smuts to Gladstone, enclosure with Lord Gladstone's private letter of 9 December 1913 to Mr Harcourt. CO 551/46 (2673).

As late as 17 November the Government apparently did not consider the strike situation serious, but at the same time General Lukin, commander of the Defence Forces, was seeking reinforcements and the likelihood was mentioned of mobilizing the part time Force (1). Forces were deployed to ring the barracks where striking workers lived preventing them leaving. In a particularly blatant example of intimidation, at the Magazine barracks in Durban, strikers were given two options by the police - to go to work under police protection or to go to jail (2). On a number of occasions the Government's reaction was much more rigorous, involving clashes with strikers. These appear to have arisen from minor incidents with provocation on both sides (3).

Brutality by officials, whether sanctioned or not, was one of the weapons in the armoury of reaction to the campaign, and the subject of widespread criticism abroad, fanned by reports from Indians in South Africa. Allegations by the resisters and counter claims from the Government about the conduct of its officers became increasingly strident as the strike developed, a feature of all phases of this campaign and those to be examined below. The Governor General wrote to the Secretary of State in response to Indian Office anxieties, "(I) am confident that my ministers would deal severely with offenders (officials) should any case of ill-treatment occur ... the false or exaggerated statements which seems current in England and India are most mischievous ... there will be no ill-treatment and force will only be used to put down unprovoked violence by strikers themselves" (4).

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- (1) See telegram of 17 November 1913 from Lord Gladstone to Mr Harcourt. CO 551/45 (39748).
- (2) Indian Opinion, 26 November 1913.
- (3) Take, for example, the outbreak of violence at Ladysmith when a group of Indians, on whatever provocation or pretext, hurled stones at the police, "the police both European and Native were itching to retaliate (and when one of them was knocked unconscious) at once his comrades, some eighty in number, raised a war cry and flung themselves on the Indians." Transvaal Leader, 19 November 1913.
- (4) Telegram of 19 November 1913 from Lord Gladstone to Mr Harcourt. CO 551/45 (39982).

Government officials did their best to provide testimony in support of Gladstone's contentions (1) but their accounts bear ample witness to the use of force on prisoners, including N. A. Nardu who died shortly after being released. An inspector of prisons commented, "Indian prisoner N. A. Nardu died from natural causes, but there is evidence indicating he was subjected when in custody to rough treatment when in a state of feebleness five days before death" (2).

It is possible the Government by a combination of coercion, leadership-culling and attrition could have beaten the Indians into submission without making any concessions, thereby enhancing its reputation with the electorate, but at the expense of relations with the Imperial power and at the risk of subsequent Indian unrest. In the event, once the strikes appeared to be past their peak, the Government was able to negotiate from what it could claim was a position of strength.

At the outset of the Newcastle strike and in the weeks preceeding, after the third phase had begun, the Government showed little disposition to compromise (3). But it is evident that Smuts, even at that time, was keen for a negotiated settlement, whilst biding his time, partly for reasons of face (4) and,

- (1) See the reports from prison officials and the Durban Chief Magistrate in enclosure 18 with Lord Gladstone's despatch of 4 December 1913 to Mr Harcourt. CO 551/46 (44186).
- (2) ibid.
- (3) In an exchange by telephone between Gandhi and Smuts' secretary, Mr Gorges, on the eve of the march, Gorges is reported to have said "General Smuts will have nothing to do with you. You may do just as you please", Satyagraha in South Africa, p 456. The possible motives for this approach on Smuts' part are referred to above pp86-87.
- (4) This of course does not answer the question - why did the Government and the Indians get into an impasse in the first place? How much this can be attributed to the role of the unsympathetic Fischer, and how much to Gandhi or others is a moot point.

it would seem, "to educate Natal public opinion to a point which might render nugatory the opposition to repeal" (1). In effect, by the time of the march, if not before, Smuts was conceding repeal of the £3 tax - at least in private (2). The Government might even have given way if the strikes had not developed to the extent that they did (3). Prospects for conciliation grew towards the end of November when a Government official, in a letter to the press, underlined the Government's willingness to consider Indian complaints, once peace was restored (4). On 11 December the press announced the setting up of the Indian Grievances Commission (5). It was a move interpreted by both sides to their own benefit. Gandhi took it to be a victory for the campaign, showing that the Government "had not the power to keep thousands of innocent men in jail" (6) and arguing that Smuts was in the position of "a snake which had made the mouthful of a rat, but can neither gulp it down nor cast it out" (7). Government sources were equally adamant that the administration was acting from a point of strength, having brought the strikes more or less to an end.

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- (1) Lord Gladstone to Mr. Harcourt, 13 November 1913. CO 551/45 (41612).
 (2) And he had consulted some Natal MP's about the future of the tax, following Gokhale's visit. Moreover the tax had already been discounted as a source of revenue in assessing the share of Union finances to be allotted to Natal.
 (3) Whether Gandhi would have favoured this is debatable, depending on what educative value he may have considered the strikes to have had.
 (4) Natal Mercury, 25 November 1913.
 (5) Its terms were "to inquire into and report as to the disturbances in connection with the recent strike of Indians in Natal, the causes and circumstances which led to that strike and those disturbances, the amount of force used in the suppression of the disturbances and the necessity for the use of such force, and as to any acts of violence alleged to have been committed upon prisoners sentenced in connection with the strike" The Chairman was Mr. Justice Solomon assisted by Mr. Esselen and Col. Wylie, both of known anti-Indian views. Indian Opinion, 17 December 1913.
 (6) Satyagraha in South Africa, p 485.
 (7) ibid.

The Government's offer was less of a concession to Indian opinion than it might have at first seemed, for in spite of representations, there were no Indian or Indian appointed representatives on the Commission, nor did Indians have any say in its composition or terms of reference, points which caused Gandhi and his fellow leaders on release from jail, at the behest of the commission, to voice their opposition to it. Not only did they refuse to co-operate but warned that if concessions were not made, "we are sorry that we shall have to explore fresh avenues for going to gaol". They threatened to organize another march, to begin on 1 January 1914 (1).

Smuts' reply of 24 December (2) whilst unbending in substance was, as Gandhi said in reply, of a "conciliatory tone". His answer was in a similar vein (3). He requested a meeting with Smuts to submit suggestions for the removal of the deadlock" without loss of dignity for Government or honour for Indians". Smuts welcomed Gandhi's attitude but suggested "in view of misunderstanding ... in the past he would prefer that the points ... be formally set out in writing" (4). Meanwhile, Gandhi in a speech on 28 December, described by the Mercury as one of "noteworthy moderation" (5), announced the postponement of the march whilst industrial unrest amongst white railwaymen continued (6). Gandhi said that he did not wish to cause the Government embarrassment at such a time. Whatever the mixture of Gandhi's motives, it earned him appreciation and materially improved the prospects for

- (1) Letter of Gandhi, Polak and Kallenbach to Smuts, 21 December 1913. Indian Opinion, 24 December 1913.
- (2) Natal Mercury, 27 December 1913.
- (3) Gandhi Papers, Vol 12 (doc 215).
- (4) ibid.
- (5) Natal Mercury, 29 December 1913.
- (6) This took a sufficiently serious turn to prompt the declaration of Marshal Law on 14 January 1914.

settlement (1). By itself this gesture was not sufficient, but the process of settlement, once begun, was taken further by the intervention of Sir Benjamin Robertson and Charles Andrews - who arrived from India as Government intermediaries at the beginning of January and also, it would seem, by Emily Hobhouse who interceded with Smuts at Gandhi's request (2). Even with such help, progress was difficult, Smuts having to contend with the industrial situation as well as the Indian problem, but on both sides there was a disposition for agreement.

A provisional understanding, ending the third phase of the campaign was reached in the third week of January, there being an exchange of letters between Gandhi and Gorges (acting on Smuts' behalf) on 21 January (3). Both sides maintained their stand vis a vis the Commission of Enquiry whilst recognizing the other's position. The Government was spared the embarrassment of revelations before the Commission about brutalities to strikers and Gandhi the difficulty of securing adequately documented evidence - which, if it had been led, would have provoked high emotions at home and abroad jeopardising

- (1) This is the clear import of Lord Gladstone's comments to Mr Harcourt, "Mr G's action in holding his hand while the Govt. were in difficulties has been much appreciated. If concessions are now made to the British Indians no one can alledge that they are made with coercion". Despatch of 14 January 1914, CO 551/53 (4218). See also his earlier despatch of 31 December 1912, CO 551/46 (2387). Gandhi gives a more dramatic account. Satyagraha in South Africa, p 491.
- (2) W. Hancock, The Sanguine Years, p 344, and letter of 29 December 1913 from Miss Hobhouse to Smuts, Smuts Papers, Vol 3 (doc 565).
- (3) For texts see Indian Opinion, 28 January 1914. The Colonial Secretary minuted "I am well content. I expect Sir J. Robertson came with "straight talk" from Lord Hardinge and Mr Gokhale - and of such is the Kingdom of ..." (sic). But Mr Lambert, a principal clerk, was more cautious. "the possibilities of future trouble are obvious", minutes of 23 January 1914 on Lord Gladstone's telegram of 22 January 1913. CO 551/54 (2770).

the chances of a satisfactory settlement (1). In private Gandhi was given certain understandings. Gladstone commented on 22 January, "J. C. Smuts has allowed it to be understood that subject to the recommendations of the commission he is willing to legislate in regard to the marriage question and the £3 tax and to deal administratively with the question of admission of South African born Indians to the Cape and with OFS legislation and that he anticipates the Commission's recommendations will be satisfactory to Gandhi" (2).

The Solomon Commission reported on 7 March 1914, the original claims of the Indians at the outset of the third phase being met (3). Legislation was introduced to give effect to the Commission's recommendations in May 1914, rapidly becoming law as the Indians Relief Act No. 22 of 1914. It was supplemented by correspondence between Gandhi and Smuts (the Smuts-Gandhi Agreement of 30 June 1914) covering administrative matters not requiring legislative action (4). In one important respect, at least, the understanding meant all things to all men. Smuts, in his letter from Gorges of 30 June said he "wished no doubt ... to remain that the placing of the Indians Relief Bill on the Statute Book of the Union, coupled with the fulfillment of the assurance (given) ... in this letter in regard to the other matters referred to herein ... will constitute a complete and final settlement of the controversy which has unfortunately existed for so long and will be unreservedly accepted as such by the Indian Community". Gandhi, in reply, referred to the grievances Indians still entertained,

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- (1) Mr Justice Solomon, to the Governor's alarm, nearly resigned over the Indians' non-co-operation. Lord Gladstone's despatch of 31 December 1912 to Mr Harcourt, CO 551/46 (2387).
 - (2) Lord Gladstone's telegram of 22 January, op. cit.. The Union Government had already in 1913 discounted revenue from the £3 tax in assessing the sum of Union revenue to be allotted to Natal.
 - (3) Report of the Indian Inquiry Commission, UG 16/1914. The summary of their recommendations is given at annex B.
 - (4) See annex C for Smuts' letter, which details the issues, and Gandhi's reply.

for example, against trading regulations and pointed out, "as you are aware some of my countrymen have wished me to go further ... I have been unable to comply with their wishes. Whilst, therefore, they (trading restrictions, etc.) have not been included in the programme of Satyagraha, it will not be denied that some day ... these matters will require further and sympathetic consideration by the Government. Complete satisfaction cannot be expected until full civic rights are conceded to the resident Indian population".

For the time being the protagonists retired to their corners. Gandhi left South Africa later in the year for the challenges of India (1).

White opinion in South Africa remained unshaken in its belief that the Asian's real intention in the campaign was to obtain full and immediate equality (2). The Natal Mercury probably summed up the opinion of many in saying, "there can be no disagreeing the fact that the Indians as a body have considerable cause for complaint ... on the other hand ... European opinion generally is altogether opposed to extension of their present privileges, or perhaps to put it more accurately, any mitigation of their disabilities ... they (Indians) are in effect crying for the moon and are preventing those who sympathize with them in their grievances from giving them the assistance which they might otherwise be able and inclined to afford them" (3). Others will have taken the more openly hostile line of the Transvaal Leader (4) which commented shortly

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- (1) Whether Gandhi came to any agreement with Smuts about his departure is unclear, there is no evidence he did but it is not out of the question. He probably needed little persuasion, in any event.
- (2) See, for example, the views expressed to this effect in the correspondence columns of the Natal Mercury, 10 November 1913 and the Transvaal Leader, 26 November 1913.
- (3) Natal Mercury, 16 September 1913.
- (4) From April 1911, it was no longer under the editorship of Albert Cartwright.

after resistance resumed, "considering how alien they (Asians) are to us in speech, blood, religion and type of civilisation and the economic danger to our race that their presence spells the new Act (Immigrants Act) makes substantial concessions" (1).

Whilst the scale of resistance remained low it attracted little comment, after initial reactions, but when, against predictions (2), it assumed mass proportions there was increasing alarm. When Gandhi met employers of indentured labour, at their invitation, on 26 October, he sought to allay fears that he had it in mind to involve Africans in the strike or that the strike was for purposes other than the removal of the £3 tax (3). Whether they were convinced by this and impressed by his temporary suspension of the plan to lead indentured workers into the Transvaal is unclear but they produced no solution of their own. The ensuing march provoked mixed reactions. In some quarters Gandhi and the participants were accorded a grudging respect and there was evident surprise at its peaceful nature (4), but, in general, popular comment was hostile. The most virulent opposition came from the Volksrust Vigilance Association which at a meeting (from which Kallenbach was ejected for pleading the Indian cause) threatened to take the law into its own hands to prevent the strikers entering the border town (5). In the event the strikers were not seriously molested en route.

With the spread of the strikes and outbreaks of violence European emotions became more excited (6). The white

- (1) Transvaal Leader, 19 September 1913.
- (2) See the forecasts of collapse in Transvaal Leader, 30 September 1913 and Natal Mercury, 26 October 1913.
- (3) Indian Opinion, 29 October 1913.
- (4) Satyagraha in South Africa, p 445. See also the contemporary editions of the Transvaal Leader, the Natal Mercury and Indian Opinion which give many insights of European attitudes towards the campaign.
- (5) Indian Opinion, 12 November 1913.
- (6) There is a clear parallel with events in the Eastern Cape in October/November 1952, see p 316

population was by no means united in its commitment to the £3 tax (1) but supported the Government's policy of putting down the strikes before taking any ameliorative action. Strike leaders were condemned in the roundest of terms, the imprisoned Gandhi being cast as the villain of the piece. Rank and file participants were seen as pawns working for the interests of the trading class and "agitators" in India. Criticism abroad of the treatment of strikers was angrily brushed aside in calls for the wholesale deportation of Indians "to remove this blot upon the fair face of the Garden Colony" (2) and the imposition of marshal law. Employers took their own action against strikers, food supplies being cut off and some ex-indentured workers dismissed (3). The refusal of Gandhi and the N.I.A. to co-operate with the Commission on Indian Grievances and the threat of further resistance served to confirm whites continuing hostility and suspicion.

At the same time, a small element of Europeans continued to give backing to the Indian cause. Not only did this come from members and supporters of Hosken's Committee but also, during the strikes, from more radical quarters. J. T. Bain of the mineworkers union spoke at a B.I.A. meeting in Johannesburg on 12 November (4) and L. H. Greene, then a socialist, addressed a meeting of Indian strikers in Maritzburg (5).

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- (1) This is shown from Smuts' incomplete and controversial sounding out of Natal Legislative Assembly members (a move taken in fulfillment of an undertaking to Gokhale) and from press reports. Indian Opinion, 5 November 1913, Transvaal Leader, 11 November 1913. Natal Mercury, 23 October and 11 December 1913 (the Mercury's criticism of Government policy on the £3 tax must be seen against the backcloth of its support for a federal system of Government for South Africa).
- (2) Correspondence column, Natal Mercury, 21 November 1913.
- (3) Indian Opinion, 19 November 1913, Natal Mercury, 24 December 1913.
- (4) See despatch of Lord Gladstone to Mr Harcourt of 13 November 1913, CO 551/45 (41612).
- (5) Natal Mercury, 1 December 1913.

Abroad, the third phase of the campaign attracted considerable attention, particularly as a result of the treatment meted out to the strikers, both in the Newcastle-Dundee districts and elsewhere. The most celebrated and remarkable intervention, which incensed the South African Government and nearly precipitated his removal was that of the Viceroy, Lord Hardinge. In response to agitation in India against what was happening in Natal, he commented, "recently your compatriots in South Africa have taken matters into their own hands, organizing passive resistance to laws which they consider invidious and unjust, an opinion which we, who are watching their struggles ... cannot but share ... in all this they have the deep and burning sympathy of India and also of those who, like myself, without being Indians, sympathize with the people of this country". He referred to reports of the resistance being met "by measures which would not be tolerated for a moment in any country claiming to be civilized" and suggested that "if the South African Government desires to justify itself in the eyes of India and the world, the only course open is to appoint a strong impartial committee, whereon Indian interests will be represented, to conduct the most searching inquiry" (1). Hardinge had summed up the widespread, though by no means universal, disquiet expressed in India (2) and in Britain.

Lord Gladstone, the British Representative in South Africa, however, voiced continuing hostility to the Indians and sympathy for the problems of the Union Government in handling the crisis, views which were reflected in Colonial Office thinking at the time (3). He criticised "the truculent and minatory attitude"

- (1) Indian Opinion, 3 December 1913.
- (2) The India Office, in its concern minuted to the Colonial Office, "from our point of view it is very important to let it be known we have taken an active interest in the £3 tax (and in licensing) questions", 13 November 1913. CO 551/45 (40864).
- (3) Colonial Office officials, for example, were ready to countenance the compulsory repatriation of indentured workers and the deportation to India of Indian "agitators" not able (or unwilling) to prove their domicile in South Africa. Minuting by Mr Lambert and Sir Hartmann Just, 23 December 1913. CO 551/46 (2673).

of the Indian community generally and of Mr Gandhi in particular (1) and staunchly defended the Union Government, "my ministers, since the outbreak of the Passive Resistance movement have displayed exemplary forbearance and patience under very great provocation" (2). He claimed that allegations of "shooting, flogging (and) coercing Indians to work are absolutely false" and spoke out bitterly against "the hysterical condition of the English press" as well as agitators in India. Whilst admitting the Union Government had erred in not repealing the £3 tax and had revealed shortcomings over the Immigration Act Gladstone argued, "ministers cannot give way to carefully organized conspiracy against law and order, otherwise worse trouble may be expected from syndicalists and natives" (3). He did, however, impress on Smuts the serious repercussions the events were having in India (4) and urged the setting up of a commission of enquiry (5).

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- (1) Lord Gladstone's despatch of 16 June 1913 to Mr Harcourt. CO 551/41 (23197).
 - (2) Lord Gladstone's despatch of 20 November 1913 to Mr Harcourt. CO 551/45 (44488).
 - (3) Lord Gladstone's despatch of 20 November 1913 to Mr Harcourt. ibid., (40021).
 - (4) Lord Gladstone's despatch of 13 November 1913 to Mr Harcourt. ibid., (41612).
 - (5) Lord Gladstone's despatch of 13 November 1913 to Mr Harcourt. ibid., (40943).

CHAPTER VII: AN ASSESSMENT: 1906-14

One of Gandhi's critics, a South African Indian, wrote in 1914, shortly after the settlement, "The Indian Community has materially gained nothing except a few bits of administrative concessions which are, more or less, of a liquid nature ... neither the people of India ... nor the Indian residents in the Union can accept this arrangement between Mr Gandhi and the Minister as any settlement at all. The whole of this so-called settlement presents the ugly look of a farce" (1).

The campaign was a response to limited specific current decisions by South African governments perceived by the Asian population or elements of it as running counter to their interests. The points in dispute were not necessarily those most immediately and seriously affecting the well-being of the Asians. But the campaign's leaders saw it as a step towards securing a general improvement in the status of their people. The campaign brought few immediate practical benefits by way of amendments to the laws at issue. It secured the repeal of the £3 tax, the re-establishment of the rights of entry to the Transvaal of certain pre-war residents and, arguably, the provisions for the validation of monogamous marriages preformed under rites permitting polygamy. Discriminatory practices in other spheres - notably trading - of central concern to many Asians intensified during the period of the campaign.

To judge the campaign's achievements solely by its score of legislative amendments, of immediate practical import, however, is surely to adopt the wrong criterion. Moreover, whilst Gandhi has been criticised for not broadening the base of the campaign - particularly when the Indian population could be said to have

(1) Probably written by P. Aiyar of the Natal Indian Patriotic Union, African Chronicle, 11 July 1914. Reprinted in P. Aiyar, Conflict of Races in South Africa, p 133.

had the initiative in 1913 (1) - it is doubtful whether they were really in a position effectively to embark on a wider confrontation which, whatever the Imperial implications, would have invited an increasingly harsh response from the South African Government

For Gandhi, at least, the events of 1906-14 probably represented a preliminary round in which, inter alia, he attempted to win the Government's acceptance of certain principles which could pave the way for future adjustments, of practical advantage to the Asian population. It is for conjecture what form the Immigrants Regulation Act would have taken without pressure, through negotiation and non-violent resistance, from the Asian population, but it would not so nearly have fulfilled Gandhi's often repeated aim of securing equal status in the eyes of the law for the South African Asian population. That the practice of the Immigrants Act should be so much at variance with the theory was not his immediate concern. Once the principle was established - as the Asians hoped and the Europeans feared - the practice could eventually follow (2).

In the prevailing climate of European opinion, and given the disparity of the resources at the disposal of Asians and Europeans in South Africa, the Asians could not realistically have expected early substantial practical concessions except, as occurred, on very specific limited issues, but if they had failed to take determined action in the crucial period of the establishment of Union their interests were likely to have

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- (1) This is one of Aiyar's criticisms and likewise, more recently, of Fatima Meer and H. J. & R. E. Simons Class and Colour in South Africa, pp 161-2, citing Meer, "Satyagraha in South Africa", Africa South, Vol 3(2) 1959.
- (2) But as far as immigration was concerned the campaign leadership made clear to the Government they had no real expectation of equal treatment, an aim they were far more anxious to achieve in other fields affecting the resident South African Asian population.

been totally ignored (1). As it was their stand - on a principle of Empire-wide concern - struck at a weak point which the Governments in South Africa and Britain could not entirely ignore in the introduction of new legislation, even if the short term practical benefits to South African Asians were minimal.

Throughout the campaign, as the very existence and the content of Indian Opinion demonstrated, Gandhi recognized the foundation requirement of raising the very low level of political consciousness of the people whom he wished to mobilise, in the process developing their self respect, determination and unity (2). Mass meetings for which the campaign provided a focus, held in the Cape (which otherwise played little part in support of resistance) as well as in the Transvaal and Natal where the meetings were frequently attended by a thousand people or more, played an important role in this task. Whilst the process of mobilising Asian opinion pre-dates 1906, the campaign transformed the scale and nature of popular involvement. The campaign embraced most elements of the Indian population as well as the Chinese community. In the Transvaal it was sustained, and involved severe suffering. Increased political awareness did not result in unity amongst South African Asians. Hindu-Muslim and "free"-colonial born Indian divisions, as well as others, remained, manifesting themselves at the most difficult times, none more so than the N.I.C.-N.I.A. split in October 1913.

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- (1) It is a matter for speculation what legislation and regulations of a specifically racial nature directed at the Asians might have been introduced between 1906 and 1914, or later, and passed if it had not been for Asian agitation in South Africa (and elsewhere) - a point to which Gandhi gives some emphasis. Indian Opinion, 3 June 1911.
- (2) "The Transvaal struggle is intended to teach the majority of Indians the use of this magnificent force (Satyagraha) so as to make them truly independent men" ... "the educative value of the discipline of Satyagraha can never be over-estimated". Gandhi Papers, Vol 10 (doc 38 and 57), January 1910.

But the degree of co-operation achieved between 1906 and 1914 is more remarkable than the division - from people lacking in political experience, disparate in origins and beliefs and constituting a minority under incessant but differing threats.

As a part of the educative process, many people through the campaign gained first hand experience of organizing for political ends. An elite received instruction at Tolstoy farm and the Phoenix settlement (where Gandhi, mindful of the importance to his aims of education, in general, set up a school), others receiving a more basic grounding as the campaign proceeded. But a cautionary note should be entered about the value of the campaign as a medium for developing organizational skills. Gandhi directed its course in a highly idiosyncratic way. And some, if not most, of his closest aides were Europeans whose role in the campaign, for example during the march of 1913, was crucial. His "formula" for organization may have been successful in mobilizing support whilst he was there but it provided an inadequate model for the future, like a mediaeval administration foundering with the departure of its originator. However great the immediate impact of the campaign on South African Asians the subsequent prolonged period in which there was a dearth of popularly based Asian political activity against the discriminatory practices of successive governments raises serious doubt as to the practical longer-term effect of the campaign on its participants and supporters.

Gandhi's attempts to persuade white South Africans and people abroad of the justice of his claims on behalf of the Asian population met with limited success. Whites in South Africa, with the exception of a small but vocal group, demonstrated little sympathy for the Asians, viewing the campaign with the deepest suspicion, sharing Neame's concern, voiced in 1908, that, "looked at from all standpoints, with special regard to the future, the presence of a large Asiatic population in those Colonies which can be considered as white man's country

is a distinct danger to the Colony concerned and to the welfare of the Empire itself" (1). Indeed, the campaign may well have served to confirm and excite white fears, highlighting the issues which divided Asians and Europeans. Neame expressed the view, which may have been shared by other Europeans, that whilst the influx of Asians should cease, "fair, even generous treatment should be accorded to those Asiatics who have become part of the population of the country" (2). But the endorsement of this view, in principle, had little effect, in practice.

Gandhi made no attempt to canvas African or Coloured support, there being a considerable psychological hurdle to overcome, for which Gandhi and his supporters were seemingly not then prepared.

Outside South Africa, Gandhi was assiduous in seeking support for the campaign in India and Britain, having particular success in the former where his task was one of informing rather than having to persuade. He was in frequent contact with Indian leaders, particularly Gokhale. In encouraging support for the campaign from India, on the basis that the disabilities suffered by Indians in South Africa raised Empire-wide issues, Gandhi created for himself a standing in India as a patriot and guardian of its honour (3).

The treatment of South African Indians evoked extensive comment, much of it sympathetic, in Britain during the campaign. Under the direction of Lord Ampthill, the South African British Committee provided Gandhi with a reliable means of putting

(1) L. Neame, The Asiatic Danger in the Colonies, p 91.

(2) ibid., p 106.

(3) In laying so much stress on the theoretical right to equality before the law, as between British subjects in the Empire it could be argued Gandhi was preparing the ground for undermining British rule in India but, if so, it is not born out by his sentiments towards Empire expressed whilst in South Africa.

across the South African Asian point of view both in the press and in Parliament and Government circles. Its most notable achievement was in helping to persuade Lord Elgin to disallow the Asiatic Law Amendment Ordinance in 1906, but it was an achievement which was short lived. Thereafter the Committee's achievements are less easily assessed. But if it had not been for the continuing pressure on the Colonial Office of the SABIC and groups in India it is unlikely that the British Government would have been as exercised as it was over the fate of British Asians in South Africa. In turn this led, on occasions, to pressure from HMG on successive governments in South Africa to settle with Gandhi and his followers.

In a campaign in which negotiations, outside pressures and strikes played a considerable part in the outcome of the successive phases it is not always easy to isolate and assess the role of acts of non-violent non-compliance with the law. It may be argued that there was no other tactic available to South African Asians which could more nearly have achieved the external and internal goals set by their leaders. The 1907 boycott of registration offices was, for example, directly responsible for the January 1908 settlement, but it is stretching credulity to divorce the January 1914 settlement from the spontaneous and sometimes violent manifestations which immediately preceded it. The arrival of an Indian Government mediator and strife amongst white South African workers added to the pressures for settlement.

According to Gandhi, one of Smuts' secretaries (presumably Mr Gorges) remarked early in 1914 (after Gandhi had called off his second march), "How can we lay hands upon you? I often wish you took to violence like the English Strikers, and then we would know at once how to dispose of you. But you will not injure even the enemy. You desire victory by self-suffering alone and never transgress your self-imposed limits of courtesy and chivalry. And that is what reduces us to sheer

helplessness (1). / This statement is scarcely borne out by evidence. For example, from December 1907 the Transvaal Government made the issue of trading licences dependent for Asians on the production of a registration certificate. How long many Asian traders would have held out if a settlement had not soon been reached is doubtful (2). The Government's reaction to the second phase of resistance suggests they considered themselves neither to be helpless nor to be softened by its non-violent tactics, since they acted in the harshest terms the law would permit, and connived in the deportation of participants to India and China. The spectacle of non-violent resistance was embarrassing for South African governments, but principally because it evoked a response abroad which in turn led to various pressures being put on the South Africans to bring the conflict to an end. Without imperial constraints, however half-heartedly applied, successive South Africa administrations, encouraged by electoral opinions, would have been less disposed than they were to meet the demands of the Asian population.

As a means of meeting internal goals, notably to raise Asian political consciousness, the tactic of non-violent resistance proved particularly effective, neither recourse solely, on the one hand, to petitions or, on the other, to violence would have so involved a broad spectrum of the population. The impact of non-violent resistance was heightened by the distinctive form it assumed during the campaign. What Gandhi evolved was not an ideology in the conventional sense but it had much the same purpose. The concept of Satyagraha played an important part in maintaining the resolve of the core of resisters

(1) Satyagraha in South Africa, p 492.

(2) This can be deduced from the numbers who took out registration certificates from December 1908 when these were again required before a trading licence was issued.
p 44 footnote 6

who persisted in their activities to the embarrassment of successive South African administrations, in the period from 1909 to 1911 and who provided the impetus without which the final phase of the campaign would not have taken place.

An assessment of the campaign would be incomplete without reference to the relationship of the two principal actors in the confrontations of 1906-14, Gandhi and Smuts (1). If it had not been for the curious coincidence that Gandhi should have faced Smuts as the responsible minister both in the Transvaal and Union Administrations in the period of conflict the result might well have been less satisfactory for Gandhi than it proved to be. Is it, for example, conceivable that Fischer would have arrived at a settlement with Gandhi such as that achieved in 1914? The empathy between Gandhi and Smuts (2) should not, however, be exaggerated, as politicians they were implacably opposed to the other's practices. And whilst, as Hancock noted, "from their separate bases of ancestral belief Gandhi and Smuts were both exploring the simplicity of divinity and morality and if they sometimes discovered opposite norms of conduct ... for example ... of force in politics they could at least understand the purpose of each other's "quest" (3), this very "understanding" caused its own peculiar problems as evidenced by the confusion resulting from the agreement between them drawn up in January 1908.

(1) There is a dearth of detailed information, but see W. Hancock, The Sanguine Years, pp 309-347.

(2) Symbolised by the books sent by Smuts to Gandhi in jail and the sandals made by Gandhi for Smuts.

(3) Hancock, op. cit., p 323.

ANNEX ACASE STUDIES IN RESISTANCE 1908-1909

Sorabji Shapurji Adajania, a Natal Indian barrister, was selected to spearhead resistance to the restriction on the entry of educated non-resident Indians to the Transvaal (1). Between mid-1908 and the suspension of hostilities he was imprisoned on eight occasions for violation of immigration restrictions. However, when he first entered the Transvaal, in June 1908, having warned the government in advance of his intention to test his right to remain in the Transvaal solely in terms of the Immigration Act he was not subjected to an education test being allowed to enter without restriction. He subsequently failed to register within 8 days as required under section 4(2) of the Asiatic Act, for which he was summonsed, being defended in court by Gandhi and acquitted on a technicality. On 10 July at the High Court, Sorabji was ordered to leave the Colony within 7 days in terms of section 8(3) of the Asiatic Act. Gandhi's plea that every Asian who could read and write a European language had the right to entry was brushed aside. Having failed to depart, Sorabji was charged on 20 July under Section 7 of the Peace Preservation Ordinance, going to jail for one month. At the end of his sentence he was deported, under quite what provision, it is unclear (2), along with a number of other Natal Indian leaders, some formerly resident in the Transvaal who had followed him there. All immediately returned, and were charged under section 2(4) of the Immigration Restriction Act, under which anyone entering the Colony and subject to the provisions of any laws rendering them liable, either immediately

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- (1) The account which follows is taken from Indian Opinion, 18 July 1908 - 17 October 1908, and Gandhi Papers, Vols 9 and 10.
- (2) The PPO, section 8, provided prison sentences, not deportation for those who, having been charged and sentenced, as Sorabji was, under section 7, failed to leave the Colony at the end of their sentences. Neither Act 2 nor Act 15 appear to give sanction for deportation in circumstances such as Sorabji's on release from his first period of imprisonment.

on entry, or subsequently, to deportation were classed as prohibited immigrants (1). This provision clearly applied to the Natal leaders, as a result of their earlier conviction under the Peace Preservation Ordinance (2). At their trials in September, Sorabji and most of his colleagues were sent to prison for a 3 month term lesser figures receiving 6 weeks. Most, if not all, were deported before completion of their sentences, thereafter repeatedly returning to the Transvaal in defiance of the law, facing increasingly severe penalties. They were joined by others from Natal and the Cape.

In October 1908, Gandhi, after a visit to Natal, returned to the Transvaal, at the border refusing to produce a registration certificate or other means of identity (finger prints, for example) (3). He was charged for this under section 9 of the Regulations framed under the Asiatics Registration Amendment Act, a law which had been in force only since September 21. Gandhi took the opportunity of his appearance in court to explain his reasons for leading resistance to the Asiatic Amendment Act and the related Registration Amendment Act. He was sentenced to two months imprisonment, those charged with him receiving terms of between 2 and 6 weeks. The convictions provoked much comment, there being a conflict of opinion as to whether or not it was proper for the Government to demand to see registration certificates before the end of November 1908, the final date for Asian residents who had not previously registered or were no longer in possession of a certificate to apply

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- (1) The Immigration Restriction Act No. 15 1907 is considered above pp24-25. Minors were not exempted from deportation provisions. See, for example, R. Lalloo vs Rex or the case of H. Moolji, the subject of Transvaal Ministers' minute no. 7 of 8 January 1909. Enclosure with Lord Selborne's despatch of 9 January 1909 to Lord Crewe. CO 291/136 (3499).
- (2) Section 8 of the PPO refers.
- (3) Gandhi's trial was reported in Indian Opinion, 10 and 17 October 1908. He was similarly charged on other occasions.

for registration (1). The conviction also drew attention to the possibility of a legitimate Asian resident being removed from the Colony as a prohibited immigrant.

This issue was central to an important case involving a number of Transvaal residents, including Thambi Naidoo, who were arrested whilst on picket duty outside a registration office (2) and charged in terms of Act 36, 1908, for non-possession of registration certificates. The group was summarily deported in terms of section 7 of that Act, under a magisterial order from which there was no right of appeal. Those who returned were declared prohibited immigrants and sentenced to 3 months imprisonment or a fine of £50. An appeal was unsuccessful but Justice Mason did emphasize, according to the report in Indian Opinion, that Asians who had registered, whether voluntarily or otherwise, could not be deported (3). The problem was that under the Immigration Restriction Act, and likewise the Asiatics' Registration Amendment Act, the burden of proof rested squarely on the defendant, who, in the case of participants in the campaign, were not in a position to meet this requirement without undermining their stance on non-co-operation.

Difficulties for resisters were compounded by judgements handed down during the appeals of S. Randeira, one of the group of Natal leaders previously referred to, all of whom had become liable from 1 December to the sanctions of Act 36 1908, and were charged under the Regulations made in terms of section 9 (4). An appeal against deportation under a magistrate's

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- (1) Henry Polak, the lawyer-editor of Indian Opinion first raised the issues in the Transvaal Leader, 3 November 1908, and Indian Opinion, 28 November 1908, the contrasting views of the Attorney General also being published in the latter. The Attorney General ruled that the Act applied immediately to those who had registered, but not till 1 December 1908 for others. Earlier, in October, J. Randeree, an imprisoned resister was released on this very ground, ibid., 17 October 1908.
 - (2) The case is referred to in the Gandhi Papers, Vol 9 (doc 72) and Indian Opinion, 2 January - 30 January 1909.
 - (3) ibid., 30 January 1909.
 - (4) Details of the appeals were published in Indian Opinion, 26 December 1908 - 13 February 1909.

order was dismissed on the basis that an appeal could not be entertained from a decision based on administrative regulations. Subsequently, Randeira was deported and on return charged as a prohibited immigrant under section 5 of the Immigration Restriction Act. On appeal against his declaration as a prohibited immigrant Judge Wessels determined that "a man who has been forcibly banished from the country cannot be said to be a resident of the country whence he has been deported"(1). The Judge claimed to be bound to accept the correctness of the magistrate's decision in previously deporting Randeira since there was no appeal from such a determination.

The decisions in the Randeira appeals confirmed the degree of sacrifice resisters had to be prepared to make. Gandhi commented, "some Indians appear to have lost heart altogether because of this appeal ... (they) should be taken to be cowards" (2). But resident and non-resident participants alike continued to be arrested for non-possession of certificates, suffering deportation and subsequent imprisonment of from 3 to 6 months on return.

(1) ibid., 13 February 1909.

(2) Gandhi Papers, Vol 9 (doc 119).

ANNEX B

**SUMMARY OF THE RECOMMENDATIONS OF THE INDIAN ENQUIRY
COMMISSION, 1914**

"Some of these recommendations will require legislation to give effect to them whilst others can be sufficiently dealt with by administrative action

1. Section 5 (g) of the Immigrants Regulation Act of 1913 should be amended so as to bring the law into conformity with the practice of the Immigration Department, which is 'to admit one wife and the minor children by her of an Indian now entitled to reside in any Province or may in future be permitted to enter the Union, irrespective of the fact that his marriage to such wife may have been solemnised according to tenets that recognise polygamy, or that she is one of several wives married abroad, so long as she is his only wife in South Africa'
2. Instructions should be given to the Immigration Officers to open registers in each Province for the registration by Indians of, say, three or more years' residence in South Africa, who have at present or have had in the past more than one wife living with them in South Africa, of such wives, who are to be free to travel to and from India with their minor children so long as the husband continues to reside in this country
3. There should be legislation on the lines of Act 16 of 1860 of the Cape Colony making provisions for the appointment of Marriage Officers from amongst Indian Priests of different denominations for the purpose of solemnising marriages in accordance with the rites of the respective religions of the parties
4. There should be legislation for the validation by means of registration of existing de facto monogamous marriages, by which are understood marriages of one man with one woman under a system which recognises the right of the husband to marry one or more other wives
 Directions as to the mode of registration and of the particulars to be entered in the register might be given by regulations framed under the Statute
5. Section 6 of Act 17 of 1895 of Natal which requires certain Indians to take out year by year a pass or licence to remain in the Colony and which provides for the payment of £3 a year for such licence should be repealed
6. The conditions under which identification certificates under the Immigrants' Regulation Act, 1913, are issued should be amended so as to provide that such certificates shall remain in force for a period of three years.
7. An interpreter should be attached to the office of the Immigration Department in Cape Town who should be a whole-time officer
8. Application forms for permits, certificates, etc., from the Immigration Department should be filled in by a clerk in the office upon information supplied to him by the applicant, if the latter so desires
9. The practice at present existing in the Cape Town office of this Department of taking, in certain cases, the prints of all the fingers of both hands instead of the thumbs only should be discontinued
10. The Resident Magistrate of a district in which there is no Immigration Officer should have authority to issue temporary permits to Indians residing in his district who desire to travel from the Province in which they are living to another Province of the Union
11. The permit fee of £1 for an identification certificate or a temporary permit should be materially reduced, and no charge should be made for an extension
12. The present practice of the Immigration Officer of one Province of communicating by telegraph with the Immigration Officer of another Province when an application is made by an Indian for a permit to travel from one Province to the other should be discontinued.

13. Domicile certificates which have been issued to Indians in Natal by the Immigration Officers of that Province, and which bear the thumb impression of the holder of the permit, should be recognised as conclusive evidence of the right of the holder to enter the Union as soon as his identity has been established
14. An arrangement should, if possible, be made with the Government of India for the holding of official enquiries by the Magistrate or other Government official in the case of women and children proceeding from India to join their husbands and fathers in South Africa. If, on enquiry, the official is satisfied that the women and children are the wife and children of the man in South Africa whom they claim as their husband or father, a certificate should be given by him to that effect, and such evidence should be treated by the Immigration Officers as conclusive evidence of the facts stated in it"

(Indian Inquiry Commission Report, UG 16/1914, Cape Town, 7th March, 1914, *Summary of the Recommendations*)

THE SMUTS-GANDHI AGREEMENT

"The following correspondence between Mr Gandhi and General Smuts, in confirmation of a series of interviews, constitutes a perfect understanding between the Indian community and the Government, in regard to those administrative matters which do not come under the Indians Relief Bill —

Department of the Interior,
Cape Town, Cape of Good Hope,
30th June, 1914

Dear Mr Gandhi,

Adverting to the discussion you have recently had with General Smuts on the subject of the position of the Indian community in the Union, at the first of which you expressed yourself as satisfied with the provisions of the Indians Relief Bill and accepted it as a definite settlement of the points, which required legislative action, at issue between that community and the Government, and at the second of which you submitted for the consideration of the Government a list of other matters requiring administrative action, over and above those specifically dealt with in that Bill, I am desired by General Smuts to state with reference to those matters that —

- (1) He sees no difficulty in arranging that the Protector of the Indian Immigrants in Natal will in future issue to every Indian, who is subject to the provisions of Natal Act 17 of 1895, on completion of his period of indenture, or re-indenture, a certificate of discharge, free of charge, similar in form to that issued under the provisions of Section 106 of Natal Law No 25 of 1891
- (2) On the question of allowing existing plural wives and the children of such wives to join their husbands (or fathers) in South Africa, no difficulty will be raised by the Government if, on enquiry, it is found, as you stated, that the number is a very limited one
- (3) In administering the provisions of Section (4) (1) (a) of the Union Immigrants Regulation Act, No 22 of 1913, the practice hitherto existing at the Cape will be continued in respect of South African-born Indians who seek to enter the Cape Province, so long as the movement of such persons to that Province assumes no greater dimensions than has been the case in the past, the Government, however, reserves the right as soon as the number of such entrants sensibly increase, to apply the provisions of the Immigration Act
- (4) In the case of the 'specially exempted educated entrants into the Union' (i.e., the limited number who will be allowed by the Government to enter the Union each year for some purpose connected with the general welfare of the Indian community), the declarations to be made by such persons will not be required at the Provincial borders, as the general declarations which are made in terms of Section 19 of the Immigrants Regulation Act at the port of entry are sufficient
- (5) Those Indians who have been admitted within the last three years, either to the Cape Province or Natal, after passing the education test imposed by the Immigration Laws which were in force therein prior to the coming into effect of Act 22 of 1913, but who, by reason of the wording of Section 30 thereof, are not yet regarded as being 'domiciled' in the sense in which that term is defined in the Section in question, shall, in the event of their absenting themselves temporarily from the Province in which they are lawfully resident, be treated, on their return, as if the term 'domicile' as so defined did apply to them
- (6) He will submit to the Minister of Justice the cases of those persons who have been in the past convicted of 'bona fide passive resistance offences' (a term which is mutually understood) and that he anticipates no objection on Mr. de Wet's part to the suggestion that convictions for such offences will not be used by the Government against such persons in the future

- (7) A document will be issued to every 'specially exempted educated entrant' who is passed by the Immigration Officers under the instructions of the Minister issued under Section 25 of Act No 22 of 1913
- (8) All the recommendations of the Indian Grievances Commission enumerated at the conclusion of their Report, which remain over and above the points dealt with in the Indians Relief Bill, will be adopted by the Government, and subject to the stipulation contained in the last paragraph of this letter the necessary further action in regard to those matters will be issued without delay

With regard to the administration of existing laws, the Minister desires me to say that it has always been and will continue to be the desire of the Government to see that they are administered in a just manner and with due regard to vested rights

In conclusion, General Smuts desires me to say that it is, of course, understood, and he wishes no doubt on the subject to remain, that the placing of the Indians Relief Bill on the Statute Book of the Union, coupled with the fulfilment of the assurances he is giving in this letter in regard to the other matters referred to herein, touched upon at the recent interview, will constitute a complete and final settlement of the controversy which has unfortunately existed for so long, and will be unreservedly accepted as such by the Indian community

I am, etc ,
(Sgd) E M Gorges "

(Andrews. *Documents Relating to the New Asiatic Bill*, Appendix B, pp 17-18).

Text of Reply from Gandhi to Smuts

"The passing of the Indians Relief Bill and this correspondence have finally closed the satyagraha struggle which commenced in September, 1906, and which to the Indian community cost much physical suffering and pecuniary loss, and to the Government much anxious thought and consideration.

As you are aware, some of my countrymen have wished me to go further. They are dissatisfied that the Trade Licence Laws of the different Provinces, the Transvaal Gold Law, the Transvaal Townships Act and the Transvaal Law 3 of 1885 have not been altered so as to give them full rights of residence, trade and ownership of land. Some of them are dissatisfied that full inter-Provincial migration is not permitted, and some are dissatisfied that on the marriage question the Relief Bill goes no further than it does. They have asked me that all the above matters might be included in the satyagraha struggle. I have been unable to comply with their wishes. Whilst, therefore, they have not been included in the programme of satyagraha, it will not be denied that some day or other these matters will require further and sympathetic consideration by the Government. Complete satisfaction cannot be expected until full civic rights are conceded to the resident Indian population. I have told my countrymen that they will have to exercise patience, and by all honourable means at their disposal educate public opinion, so as to enable the Government of the day to go further than the present correspondence does. I shall hope that when the Europeans of South Africa fully appreciate the fact that now the importation of indentured labour from India is prohibited, and the Immigrants Regulation Act of last year has in practice all but stopped further free Indian immigration, and that my countrymen do not entertain any political ambition, they, the Europeans, will see the justice and, indeed, the necessity, of my countrymen being granted the rights I have just referred to. Meanwhile, if the generous spirit that the Government have applied to the treatment of the problem during the last few months continues to be applied, as promised in your letter, in the administration of the existing laws, I am quite certain that the Indian

community throughout the Union will be able to enjoy some measure of peace and never be a source of trouble to the Government."

PART II THE PASSIVE RESISTANCE(1) CAMPAIGN 1946-1948

CHAPTER I BACKGROUND

The campaign by South African Indians against the Asiatic Land Tenure and Indian Representation Act (2) was the first instance of sustained organized non-violent defiance of the law for political ends by non-whites in the Union since 1914.

There were examples of defiance and threats of defiance of the law in the intervening years but black political activity (3) until the mid-1940's was largely confined to meetings, statements, petitions and deputations. The persistent failure of these tactics to stem the flow of racially discriminatory legislation paved the way in the 1940's for new radical populist leaders in the African National Congress (ANC) and the Natal and Transvaal Indian Congresses who advocated more militant means. The growing spirit of militancy amongst urban non-whites was manifest in the 1944 Anti-Pass campaign and the Alexandra Bus boycott and in the campaign which is the subject of this study. The passive resistance campaign heralded a new phase of militant non-violent action which had its zenith in the defiance campaign and which was brought abruptly to a halt in 1960-61.

The Asiatic Land Tenure Act which provoked the passive resistance campaign brought to a head frustration with a succession of racial land tenure acts, increasingly severe in their implementation, extending back to 1885 (4).

- (1) This was the term used by its leaders.
 (2) No. 28, 1946.
 (3) For an account of Black political activity 1921-1949 see T. Karis and G. Carter, From Protest to Challenge Documents of African politics in South Africa, Vol I (introduction to Parts I & II), P. Walshe, The Rise of African Nationalism in South Africa, Clemens Kadalie, My Life and the I.C.U., H. J. and R. E. Simons, Class and Colour in South Africa.
 (4) Annex A.

Grievances about land legislation were, however, only part of a much wider discontent amongst Asians in South Africa at the conditions under which they lived.

Most Asians lived in Natal (1) to which they were confined, notwithstanding their objections, by the 1913 Immigration Act (2). According to Professor Burrows of Natal University, writing in 1947, "The majority of (them) are illiterate, very poor, under-nourished and wretchedly housed" (3). Problems were particularly acute in Durban, where, as Hilda Kuper remarked, "(Indians) paid rates on the same scale as whites (but) the roads, lights, water and sanitary services in their areas were generally left conspicuously inferior, reflecting the exclusion of non-Europeans from the municipal voters' roll" (4). Many Indians in the city lived in slums from which they faced the threat of eviction, sometimes without any provision being made for alternative housing (5). Serious deficiencies in education facilities for Indians, particularly at the higher levels,

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- (1) According to the 1946 census there were 285,000 Asians (virtually all of Indian descent, except for 4,000 Chinese) in South Africa of whom about 75% lived in a coastal strip of Natal extending 90 miles south and 60 miles north of Durban. Natal's Asian and white population was similar in total (232,000 and 237,000 respectively), 117,000 Asians and 130,000 whites living in Durban. The Asian population of the Transvaal was 38,000 and of the Cape 15,000. Approximately 75% of the Asian population were hindus, 20% muslims and 5% christians. In Natal, where most of the Indians were the descendants of indentured workers, Tamil and Hindi were most widely spoken, in the Transvaal, the "Trader class" spoke Gujerati. Sources of background information on the South African Indian population, which have been consulted for this chapter, include, E. Hellmann (ed), Handbook of Race Relations in South Africa; H. Kuper, Indian People in Natal, M. Palmer, The History of Indians in Natal Natal Regional Survey, Race Relations Journal (SAIRR), Vol 14 (1) and (3), 1947.
- (2) The Immigrants Regulation Act No. 22, 1913.
- (3) "A note on the Indo-European situation in Natal." Race Relations Journal, Vol 14 (1), 1947.
- (4) H. Kuper, op cit., pxiv.
- (5) The programme of public house building for Indians in Durban in the period 1945-50, though more extensive than hitherto, failed to cope even with the natural increase in the population. H. Burrows, Indian Life and Labour in Natal, New Africa Pamphlet no. 23, p 55.

the scarcity of employment and the iniquities of job reservation provided fertile sources of discontent. Whatever an Asian's standing, he could not escape the humiliation of racial discrimination. The Second World War, in which many South African Indians had served with the Union defence forces, and which had been fought over the very issues of racialism and oppression, such as existed in South Africa, had raised hopes amongst some South African Indians of change in South Africa, which Prime Minister Smuts had encouraged by his advocacy of the "spirit" of the Atlantic Charter, his authorship of the preamble to the UN Charter and his speech in Capetown in 1942 when he remarked that "Segregation has fallen on evil days" (1). Smuts' subsequent failure to act, at a time of increasing changes abroad, served to intensify the sense of frustration felt by the Indian population.

In January 1946 South African Asians learned of a further threat to their interests when Smuts announced the Government's intention to introduce a bill to impose restrictions on the acquisition and occupation of fixed property by Asians in Natal and further to control Asian rights to hold and occupy property in the Transvaal (2). The Asiatic Land Tenure and Indian Representation Bill (3) introduced in the House of Assembly on 14 March, was intended as a substantive replacement for the Trading and Occupation of Land (Transvaal and Natal) Restriction Act of 1943 (4).

The Bill was intended to satisfy irreconcilable interests. Smuts was under considerable electoral pressure in Natal to put a stop to what the white population there saw as Indian

(1) Karis and Carter, *op. cit.*, Vol 2, p 73.

(2) The Bill was not intended to apply to the Cape, but the Land tenure provisions of the Act were extended to cover the Province in October 1949.

(3) The representation clauses are referred to below, p 122.

(4) Act 35, 1943. This so-called, "Pegging Act" was preceded by Act 28, 1939 and Act 28, 1941, both of which applied only in the Transvaal, p 196

"penetration" of predominantly white areas through the acquisition and occupation of property. At the same time, Smuts must have been aware that the land tenure provisions of the Bill would be interpreted abroad, notably in India, as a breach of the upliftment clauses of the 1927 Cape Town Agreement (1) and that this could prove damaging to South Africa's image abroad in the changed post-war climate, particularly as the Bill was before Parliament in the months immediately preceding the first session of the United Nations Assembly. Smuts also faced dissatisfaction within his own ministerial ranks, notably from J. H. Hofmeyr (2) and from the many United Party supporters and members who opposed the granting of any political rights to the Indian population. Whether Smuts was seriously concerned at possible South African Indian reaction to the Bill is doubtful, except in so far as their reaction might have had international repercussions.

The Land Tenure and Indian Representation Act, which became law on 3 June 1946, for the first time made provision for the statutory division of Natal on racial grounds by its demarcation into exempted and controlled areas. Except in nominally non-racial "exempted" areas in Natal, the Act forbade Asians from acquiring landed property owned by non-Asians (3)

- (1) P167 footnote 2. Mabel Palmer said that the restrictions, in addition, constituted the first formal breach of the terms under which Indian indentured labourers were sent to Natal. Included in the conditions was the provision that at the end of their indentures the labourers were to be subject to the general laws of the land and were not to be discriminated against. Palmer op.cit., pp 137-8.
- (2) Hofmeyr expressed bitter criticism of the treatment of Indians by whites in Natal, and during the debates on the Bill expressed the hope that the provision for the communal franchise (with which he was not happy) would at least start the process of restoring to the Indian population the rights previously taken away from them. Debates of the House of Assembly, Vol 55, Cols 4430-4439, 27 March 1946.
- (3) Section 2(1). It applied only to Natal, acquisition of property by Asians in the Transvaal was already controlled, though Act 28 strengthened existing provisions there.

and from occupying land or premises of which a non-Asian was in lawful occupation (1). The Act contained identical provisions barring non-Asians from acquiring or occupying Asian property.

Restrictions on the acquisition and occupation of fixed property were qualified in various ways. The term "occupation" was construed so as not to prevent a member of either race group "occupying land or premises exclusively for the purposes of any business or trade for the carrying on of which a licence is required under law" (2). The Minister of the Interior was empowered to grant individual exemptions from the restrictions of the Act (3) subject to the advice of the Land Tenure Advisory Board created by the Act on which there was provision for Asian representation (4). Technically, any part of Natal (but not the Transvaal) could be declared an "exempted" area (5) and in the first year of the Act compensatory adjustments could be made between the exempt and controlled areas.

Chapter II of the Act made provision for indirect Indian representation in the Senate and the House of Assembly, and for the election of two Indians to the Natal Provincial Council. There was to be a restricted Indian communal franchise (6).

In Parliament the Bill was received with very little enthusiasm, there being particularly vehement and widespread objection to granting Indians rights of representation, and

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- (1) Sections 4 (Natal) and 5 (Transvaal).
 - (2) Section 7.
 - (3) Section 8.
 - (4) Section 10. As a mark of their opposition to the Act, no Asians would agree to sit on the Board.
 - (5) 15 of the 22 Areas so declared were in Durban.
 - (6) Section 43.

the Act was the subject of many extreme speeches from the opposition benches (1). Nevertheless, it was passed with its principal provisions intact (2). The Land Tenure provisions were made retroactive (3).

The Act was racial in its title and in its content, however impartial the various provisions of the Act might appear on paper. The controlled areas were overwhelmingly white occupied and owned. They covered all of the Transvaal (except proclaimed land where there were special restrictions on non-whites and "locations" set aside for Asians) and most of Natal. Exempted areas, found only in Natal, were predominantly Indian occupied. The apportionment bore no relation to the relative size of the Asian and European population in Natal (4). Nor were Asians secure from European "encroachment" in exempted areas since these zones were nominally non-racial. In Durban, the city council took the opportunity of the

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- (1) Mr E. Strauss, the National Party MP for Harrismith, remarked about the introduction under the Act of exempt areas, "Will this not lead to endless miscegenation. the Indians, with their sly methods and corrupt ways ... will dominate and squeeze out the others ... the net result will be a half-caste breed ..." . He concluded his speech by saying, "Let me tell you this, that the Free State is prepared for battle, ... I represent a border district on the Natal Border where the first Indians will be met who will swarm over the Drakensberg in a black cloud if the gates are thrown open, but I tell you that we will stand at the ready with machine guns to avert the danger. If we have to perish, let us then perish fighting as honourable people". Assembly Debates, op.cit., Cols 4327-4336.
- (2) The amendments passed were in support of white not Indian interests. Leader, 13 April 1946.
- (3) In the Transvaal the provisions applied from 15 March 1946, to coincide with the expiry of the 1943 "Pegging" Act. In Natal the "fixed" date was 21 January, the day the bill was first announced, thus preventing Asians from occupying or acquiring property in the period between the Bill's announcement and final approval in areas of Natal where there were otherwise no statutory controls preventing them from doing so.
- (4) The Act, for example, reinforced the inequitable division of land in the old borough of Durban where, in 1946, 25,000 Indians lived in an area of 350 acres whilst nearly 3,000 acres were reserved for 65,000 whites and further land was in municipal ownership.

provisions of the Act allowing for adjustments in the boundaries of exempted and controlled areas to excise certain exempted areas in the older, more central parts of the city, allowing the Indians in return new exempted land on the extremities of Durban. Discretionary provisions in the Act giving the Interior Minister power to override restrictions on occupation and acquisition were more likely to benefit whites than Asians and, in any event, his authority was limited because he could not grant an exemption where this would involve overriding racially-restrictive clauses in title deeds (1). Equally, dispensation in the Act permitting either race group to trade in controlled areas was of little practical value to most Asian businessmen because they would be unlikely to secure approval from the local licensing authorities, except for existing undertakings and even then objections were liable to be raised.

Asian owned property in the controlled areas was normally unaffected by the Act, but the owners were vulnerable and if they should wish to sell, the provisions of the Act, in practice, encouraged the transfer of the property into European hands (2).

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- (1) These were commonplace with white owned properties.
- (2) The term "fixed property" was defined in the Act as including a mortgage bond for more than 50% of the value of the property. Hence, from 1946, in the absence of Asian building societies, Asians could only obtain 50% mortgages for the purchase of property in the controlled area unless they secured a permit from the Minister of the Interior (likely to be a lengthy process and one involving recourse to the Land Tenure Act which Asians had undertaken to boycott). The alternative for an Asian with property to sell in a controlled area was to seek a European purchaser, who would be eligible for at least a 75% mortgage and would be unlikely to have difficulty in securing a permit from the Minister authorising purchase of an Asian property. If an Asian who already had a mortgage for more than 50% of the value of a property wished to transfer this to cover a new purchase he had to secure ministerial approval.

The Act was condemned by all sections of South African Indian opinion (1). Indians dubbed it the "Ghetto Act" and described it as a "crippling blow to Indian economic and social progress (in South Africa)" (2) as well as "an insult to the national honour and dignity of the Indian nation" (3). The imposition of permanent statutory segregation of land for the first time in Natal and the refusal of the government to admit Indians to a common electoral roll were seen by South African Indians as further evidence that the Government, instead of implementing the upliftment clauses of the Cape Town agreement, was intent on reducing the Indian population to the level of the majority of the African population (4). For most Indians the Act finally dashed any lingering hopes of their being able to arrive at an equitable "accommodation" with the Government. For the more militant Indians the provision in the Act for a communal franchise was taken as an insult, both because it was so restrictive as to have excluded all but a few thousand Indians and because it was seen to set the Indian population aside as inferior - at the very time when the Indian sub-continent was approaching Independence, and about to become a full co-equal member, with South Africa, of the Commonwealth and other international assemblies (5).

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- (1) See, for example, the meeting of the South African Indian Congress (SAIC), 11 February 1946, Cape Town. Leader, 16 February 1946.
 - (2) Statement at a joint meeting of the Natal and Transvaal passive resistance councils 15 May 1946. ibid., 18 May 1946.
 - (3) M. D. Barmania, leader of SAIC delegation before the Bar of the House, 3 May 1946. ibid., 11 May 1946.
 - (4) The awareness of this factor may have contributed to Indian willingness to co-operate to an increasing extent with the African population in opposing government racial policies.
 - (5) There are various summaries of Indian criticisms of the Asiatic Act Y. Dadoo, Facts about the Ghetto Act The Indian People in South Africa, G. Singh, The Asiatic Act ... a brief survey of its Background, Terms and Implications, A. Choudree and R. Patel, A Commentary on the Asiatic Land Tenure and Indian Representation Act and a Short Survey of the Indian Question in South Africa. Counter views were put in Government and Durban City Council pamphlets, for example, The Indian in Natal - Is he the Victim of Oppression? Durban City Council.

Wealthy and educated Asians were most likely to be directly affected by the imposition of the Act, though those who were already established need not have experienced any immediate material loss. Indeed, Asian landlords stood to gain financially because tenanted properties available to Asians in existing central urban areas in Natal would be at an increasing premium. The poorer and less educated, whilst superficially having little at stake in the Land Tenure Act, in practice, stood to lose by it, for it had a direct bearing on their social and economic prospects and in particular for those living in the urban areas of Natal made them increasingly vulnerable to pressures from their employers, landlords and local councils (1).

There were, thus, in 1946, numerous grounds for dissatisfaction amongst South African Asians and they had every reason to be apprehensive about future developments, but this was scarcely a new state of affairs and, whilst it provided an essential basis for the launching of the passive resistance campaign it did not ensure such a response.

The key determining factor was the gradual replacement, from the mid-1940's, of "moderate" Indian leaders, like A. I. Kajeer, by "militant" (2) elements headed by Drs. Dadoo and Naicker who rejected the "compromise" policies typified by the abortive 1944 Pretoria Agreement (3), which were the

- (1) There were various specific reports in the South African Indian press about the threat the Act posed to Indian workers. Leader, 25 May 1946, 15 June 1946, 3 August 1946.
- (2) The terms "moderates" and "militants" were those typically employed by the South African Indian press in the 1940's, though such labels as "progressivists" and "reactionaries" or "conservatives" were also used.
- (3) The aim of which was to substitute for the Pegging Act of 1943 a "voluntary" system of control on Indian occupation of property in the urban areas of Natal. It was conceived in haste by Smuts on the eve of an important visit to Britain and provoked a furore from Natal whites and from Indian militants. The Agreement, the terms of which were the subject of much confusion, was never implemented.

ultimate downfall of the conservatives. Dr Naicker won control of the Natal Indian Congress (N.I.C.) in October 1945, having secured a platform by establishing the Anti-Segregation Council in 1944 in opposition to the Pretoria Agreement. Dr Dadoo, who had been active in politics since the 1930's, became President of the Transvaal Indian Congress (T.I.C.) shortly afterwards with the support of the Congress Democratic Action Committee, a radical pressure group within the T.I.C. which he led. However, the conservatives continued to hold the chairmanship of the S.A.I.C. (1) until September 1948, when they were obliged to hold elections following a protracted legal battle between militant and conservative elements which was finally resolved in the militants' favour in March 1948. Conservatives remained on the provincial congress executives until 1947 when they formed separate organisations - the Natal Indian and Transvaal Indian organisations (2) - following protracted internecine disputes with the militants, the result of both personality and policy clashes. The conservatives, who were a far from united group, denounced the Congress organizations as being communist dominated. They had virtually no support amongst the "rank and file", drawing their membership, instead, from merchants and traders. Whilst the conservatives voiced criticism of the Asiatic Land Tenure Act, they did not, with very few exceptions, participate in the programme of non-violent resistance, preferring instead, to seek the ear of the Government through interviews with the Prime Minister and other members of the administration.

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- (1) The South African Indian Congress was a co-ordinating body for the various provincial Indian Congresses. It was established in 1920, its Chairman during the passive resistance campaign was Ahmed Meer.
- (2) The NIO was established on 4 May 1947 and the TIO in December 1947. See also p 175

CHAPTER II AIMS, PLANNING AND ORGANIZATION

The passive resistance campaign was one of protest. Acts of resistance against the law in the campaign were confined to the Asiatic Land Tenure Act and later, additionally, to the Immigrants Regulation Act 1913 as the instrument which denied Asians freedom of movement across provincial boundaries. But the motivation for the campaign, certainly in the eyes of the militant members of Congress who led it, was much broader based than the actual targets for resistance suggest. Two leading Natal Congress members, H. A. Naidoo and S. Rustomjee, in an article written at the end of 1946 commented, "We oppose not only the Asiatic Land Tenure and Indian Representation Act. To confine our complaint to a particular law would be a gross misunderstanding of the situation. We are challenging the very basis of the politico-economic structure of South Africa which would relegate us, and other persons of colour, to a position of permanent inferiority. Let us not be mistaken about this. It is a struggle for equality - for equal partnership with the European" (1). This view was put in perspective by Dr Naicker: "It would be wrong to give the impression that we demand our liberty by one sweep of the pen, that is not so. What we ask for is the unconditional repeal of the Ghetto Act. Secondly, a programme of progressive removal of all the laws that place Indians in an inferior position" (2).

Opinion varied amongst Indian leaders as to the prospect of securing relief from racial laws through the passive resistance campaign (3) but, in any event, there were other objectives

- (1) Victims of Racial Oppression, 1946. Extracts reprinted in Passive Resister, 13 December 1946.
- (2) Speech at N.I.C. Conference. Leader, 7 June 1947.
- (3) It is now too long after the event to be sure of the leaders' precise expectations at the time. Michael Scott believed that the Indian leadership as a whole was optimistic of securing the repeal of the Act, Interview, 8 May 1969, but Dr Dadoo, for one, said he had not expected this to happen, Interview, 22 May 1969.

to achieve. The majority of the South African Indians in the mid-1940's were unpoliticised. Indian political organizations were constantly feuding amongst themselves and in a parlous condition. By embarking on a resistance campaign, designed to have popular appeal, the new militant Indian leaders saw the opportunity both to strengthen their organizations, making them into representative mass bodies run by politically experienced members and to secure their own position as the leaders of Indian opinion, undermining the vestiges of influence of the conservatives. If they were successful, they could infuse a new sense of purpose and determination in the Indian population whose will to resist had been at a very low ebb since at least 1914. And by demonstrating a new spirit of militancy and by showing themselves to be largely united in their opposition to government policies the Indians hoped to discourage the South African Government from introducing further repressive measures. They were strengthened in this hope by the belief that once the international community had been alerted to the plight of the South African Indians through the spectacle of the passive resistance campaign pressure would be brought to bear on the South African Government to mend its ways in conformity with the "new climate" of world opinion, symbolised by the founding of the United Nations.

In the satyagraha campaign of 1906-14 and, subsequently, Indian political leaders had devoted little if any attention to forging links with Africans. African-Indian relations, at all levels, were generally distant and sometimes openly hostile. The new Indian leaders recognised that the Indians would be the principal losers if this continued and that whilst the gulf remained the chances of either Africans or Indians reversing government policy were seriously weakened (1). It thus

(1) Dr Dadoo, for one, had recognised this for many years and was one of the founders of the Non-European Unity Front set up in April 1939 in an attempt to pool the efforts of democrats of all races in South Africa. H.J. & R.E. Simons, Class and Colour in South Africa, pp 503-4.

became a principal concern of the leadership to demonstrate Indian commitment to radical change in South Africa and the potential value of joint action to achieve that common goal. Moreover, the passive resistance campaign offered guidelines as to possible tactics which could be used to mobilize support against the Government.

In the campaign Drs Dadoo and Naicker had the task of repairing the omissions in Indian political organization of more than 30 years. They thus had to start virtually from scratch to build up, as rapidly as possible, an organization which would attract popular Indian support, present a credible opposition to government policies which the Government could not ignore and which would attract international support, as well as convincing African opinion in South Africa of the seriousness of the Indians' purpose and the merit of joining with them in concerted action.

The genesis of the passive resistance campaign was a meeting of the S.A.I.C. held on 11 February 1946 in response to the Government's announcement on 21 January of its intention to introduce legislation further restricting Asian rights to acquire and occupy property. A delegation from the conference called on Smuts on the day of their meeting to urge that he abandon the proposed legislation and agree to a round table conference between the South African and Indian Governments (1) as the best means of settling the impasse, but Smuts was unyielding. The conference, in spite of sharp divisions of opinion on tactics between the conservatives and militants, was equally uncompromising, and resolved "to mobilize all the

(1) An idea advocated by Justice Broome in the interim report of the Commission of Enquiry into matters affecting the Indian population of the Province of Natal, UG 22, 1945. Annex A refers. The proposal was subsequently taken up by the Indian Government.

resources of the Indian people in this country in order to take every measure possible to secure the lapsing of the Pegging Act and to oppose the proposed legislation", which they unanimously agreed was "totally unacceptable".

Dr Dadoo argued that the situation demanded that "we prepare ourselves to offer civil disobedience", but the resolution which was adopted, and which was proposed by A. I. Kajeer, was not specific on this point, simply instructing that the S.A.I.C. executive should proceed "immediately to prepare the Indian people of South Africa for a concerted and prolonged resistance, the details of which this conference instructs its executive to prepare for submission and action to its constituent bodies" (1). At a meeting of the Executive in Cape Town on 24 March, the responsibility for the implementation of the resolutions was passed to the Natal and Transvaal Congresses, though it was intended that the campaign would be in the name of the S.A.I.C. (2). In practice, the N.I.C. apparently already had the task in hand, for, shortly after the Land Tenure Act was introduced in the Assembly, on 14 March, M. D. Naidoo, Joint Secretary of the N.I.C., announced that the N.I.C. Executive had prepared a plan of resistance for the Province (3). This was put to a delegate conference of the N.I.C. on 30 March when it was agreed to launch a campaign of passive resistance. The N.I.C. executive was empowered to

- (1) Conference also resolved (a) to send a delegation to India in support of its demand for a round-table conference, (b) that if the Union Government did not relent on this matter India should be asked to sever its economic and diplomatic ties with South Africa, (c) to carry out a campaign of propaganda in India, (d) that South African Indians had the right to take their grievances to the United Nations on the grounds that agreements between the Governments of India and South Africa on the treatment of Indians in South Africa had been (unilaterally) breached by the South Africans. Indian Opinion, 15 February 1946, Leader, 16 February 1946.
- (2) Y. Dadoo Leader, 6 April 1946, and Y. Dadoo, 5 months of struggle a brief account of the Passive Resistance Struggle from 13 June - 13 November 1946, p 5.
- (3) Leader, 23 March 1946.

appoint a passive resistance council (PRC) of 25 members which would have authority "to organize a volunteer corps of a substantial number to conduct the struggle, to launch a fighting fund ... and to launch the struggle at the opportune moment and in a manner it deemed advisable ..." (1). The conference issued a "manifesto of resistance" (2) and endorsed the resolutions passed at the S.A.I.C. Conference on 11 February. The decisions of the Natal delegate conference were ratified at a public meeting in Durban on 31 March (3). There were parallel developments in the Transvaal, the formation of the Transvaal passive resistance council was unanimously agreed at a mass meeting on 20 April in Johannesburg (4).

An S.A I C. delegation appeared before the Senate on 3 May to state Indian objections to the Asiatic Act, both its

(1) ibid., 6 April 1946.

(2) "To the Indian people of South Africa rally to the just cause of the community The Bill, if it becomes law, will mean our economic and social death. Workers, businessmen, professionals and farmers, only your united action can save us! Either we perish as a whole or we resist as a whole. There is no turning back. The time has come for suffering and sacrifice. It is your duty to give to the utmost, physically, financially and morally.

Any Indian, man or woman, who serves on the Advisory Board, accepts the communal franchise or obstructs the struggle in any way whatsoever will be guilty of an act of despicable treachery against his family, his community and the principles of democracy. Fellow Indians forward to united action! Down with the Ghetto Bill! "

The manifesto further appealed for the support of the people of India and of "the African, the coloured and all truly democratic peoples of South Africa and the World",
ibid.

(3) ibid.

(4) Attended by Dr Xuma, President of the ANC, who pledged African support for the passive resistance campaign. Inkululeko, May 1946, Leader, 20 April 1946.

land tenure and communal representation provisions (1). In the eyes of the militants, at least, the initiative was a formality which served to strengthen the Indians' moral position, internationally, since it underlined their continued readiness to resort to constitutional means where available. They had no expectation that it would influence the Senate and continued preparations for the campaign.

In mid-May, the Natal and Transvaal resistance councils, led respectively by Drs Naicker and Dadoo, met in joint session agreeing to establish a standing joint passive resistance council (2) "to give general direction to the entire campaign of resistance" (3). The decision to launch the campaign on 13 June was announced the preceding week following the passage of the Asiatic Act on 3 June.

The campaign began with very slender human and financial resources (4) and without any detailed blueprint for action. Nevertheless, public meetings had been held under N.I.C. and T I.C. auspices to mobilize support and in Pretoria it was announced that a committee was being organized for women resisters. The Transvaal Indian Youth Volunteers Corp, several of whose leaders served on the Transvaal PRC, was also active on its behalf before the campaign began (5).

The organization of the campaign in the two years of its spasmodic existence was extremely flexible. In the first six months, the period during which the majority of acts of resistance took place, references in the South African press to the meetings and activities of the various resistance councils were relatively commonplace. Thereafter, the

(1) Hansard, 3 May 1946, Leader, 20 May 1946.

(2) A list of members is at Annex B.

(3) ibid., 18 May 1946.

(4) Statement by Debi Singh, Acting President N.I.C., 22 September 1946. Leader, 28 September 1946.

(5) ibid., 4 May 1946, Inkululeko, May 1946.

provincial PRC's were much less in evidence, as the vehicles for directing the campaign, and the distinction between the resistance councils and provincial and branch congresses was apt increasingly to be blurred, particularly once the conservative elements in the congresses no longer constituted a threat to the militants (1).

The joint passive resistance council effectively substituted for the conservative dominated S.A.I.C. which played no part in name or in the actual organization of the campaign (2). According to Dr Dadoo the council met as frequently as once a week during the height of the campaign (3). He was probably referring to the council's working committee(s) and press reports suggest that full meetings of the council may have occurred at monthly intervals (4). The full council issued a wide range of policy directives on the running of the campaign, it took the initiative in sending delegations abroad,

- (1) Whilst there would have been operational and presentational reasons for establishing separate resistance councils even if conservatives had not still been in the congresses, the formation of the councils may be seen in part as a device by the militants for by-passing congress when it suited their purposes to do so to avoid the danger of obstruction from conservative elements.
- (2) The joint council substituted not only for the co-ordination of resistance campaign issues, but also provided a forum for discussion amongst the militants of other matters of joint interest, in particular how they should respond to the independent initiatives of the conservatives on the S.A.I.C. Council to the Government. Passive Resister, 7 October 1946.
- (3) Interview, 22 May 1969. Dr. Dadoo said there was no question of members of the councils "rubber-stamping" the views of himself or Dr Naicker. Substantive discussions were held and minutes produced.
- (4) At what was probably a typical meeting in Durban on 31 August 1946, the council assessed progress in mobilizing support for the campaign, it issued instructions for a day of hartal and the holding of mass meetings to coincide with the convening of the UN General Assembly, it passed a resolution expressing satisfaction at the "rising tide of opposition" amongst non-Europeans in South Africa to Government racial policies and congratulated African mineworkers on their strike. Passive Resister, 9 September 1946.

which acted in its name, it had overall financial control and publications were issued by its authority. Relations with organisations other than the Indian Congresses were generally conducted through the joint council.

The day to day running of the campaign fell to the provincial resistance councils in Natal and the Transvaal (1) acting in varying degrees within the established Congress provincial frameworks (2) from which the majority of members of the resistance councils were drawn (3). Some of the PRC members in Natal and the Transvaal were full-time employees of their respective councils and Congresses, others had outside responsibilities as well. The councils appear to have functioned with reasonable efficiency, meeting as circumstances permitted. Particularly at the peak periods of the campaign the full-time "secretariats" were heavily reliant on ad hoc assistance from students, housewives and other volunteers to carry out administrative work, such as the production and distribution of publicity material (4). Some of the PRC's tasks were allocated to individual council members. Both the Natal and Transvaal PRC's had recruiting officers (5)

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- (1) In the Cape a passive resistance council was formed on 3 July 1946, but it was not represented on the joint council and its activities appear to have been confined to Cape Town. Leader, 15 July 1946.
 - (2) There is no record of any friction at the provincial level between the PRC's and the Congresses, and given the interchange of personnel little was to be expected. At the branch level, in centres where resistance councils were established, relations varied depending partly whether or not the branch remained in conservative hands. A difference of opinion developed between the Congress branch and district PRC in Pietermaritzburg in December 1946. Leader, 14 December 1946.
 - (3) A list of members is at Annex B.
 - (4) Passive Resister, 12 August 1946, 14 October 1946, Interview, H. Pillay, 26 February 1969.
 - (5) S. Reddy and L. R. Williams respectively. Reddy was the General Secretary of the Indian Tin Workers Union and an N.I.C. branch official.

and in the case of the Transvaal an information officer as well (1). In Natal the council had sub-committees, one supervising financial affairs (2). But there was no question of the PRC members confining themselves to a single role, and Dr Dadoo's assertion that "large and complex machinery had been built up" (3) to cope with the running of the campaign should not be taken too literally.

The recruitment, training and deployment of resisters took up much of the time of PRC members and particularly in the first 6 months of the campaign presented considerable organizational problems (4). In some instances, in Natal, the councils received assistance with the preliminary screening of volunteers from branch level organizations but the dispatch of recruits to Durban, where resistance was concentrated, had to be co-ordinated at the provincial level. Volunteers were required to take an oath (5) committing them to non-violence, whatever provocation they faced as passive resisters. Training and political education of volunteers varied greatly, but all were given some instruction (6). Each group of resisters was in the charge of a person with political experience, often a Congress branch official.

Particular importance was attached to publicity for the campaign and this was primarily a provincial responsibility. The Transvaal PRC, with the help of sponsors, produced a weekly newspaper, the Passive Resister (7), throughout the

- (1) N. Thandray, Secretary of the Transvaal PRC and of the Transvaal Indian Youth Volunteer Corps.
- (2) A. Choudree was a member. Leader, 25 January 1947.
- (3) Five months of struggle, p 10.
- (4) It is a measure of the methodical approach of the PRC's that they compiled detailed statistics of resisters, at least in the first year of the campaign.
- (5) This is implied in the Leader, 22 June 1946, but no text is available.
- (6) Five months of struggle, p 9, M. Scott A Time to Speak, p 135.
- (7) I am greatly indebted to Paul Joseph for the loan of a complete set of Passive Resister newspapers.

campaign which played an important part in informing Indians, in Natal as well as the Transvaal of the progress of the campaign, and in putting across the militants' point of view. It also contained extensive coverage of international news to educate Indian opinion (1). The PRC's, in addition, issued pamphlets, circulars and press statements.

Fund raising for the campaign was a provincial responsibility. The provincial PRC's had their own accounts from which sums were disbursed either on their authority or that of the joint resistance council. Members of the resistance councils and other congress officials solicited funds, with considerable success, at public meetings called in connection with the campaign (2) and by individual approaches to Indian businessmen and workers. Small sums were received from abroad (3). Women's organisations played a particularly important part in raising funds on behalf of the resistance councils and, according to Dr Dadoo, in the first five months of the campaign one third of all the money raised had been collected by the Durban Indian Women's Action Committee (4). Similar bodies functioned in the Transvaal (5). Outgoings were high, totalling £17,000 in the period up to November 1946, principally to finance welfare assistance to the families of imprisoned resisters and to meet the cost of sending delegates abroad (6).

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- (1) There were two other South African Indian papers, both weekly's, The Leader, published in Durban, which claimed a readership of 250,000, and Indian Opinion, edited by Manilal Gandhi which had a circulation of a few thousand. The Leader gave fairly extensive coverage to the campaign, but was not committed to the militants. Indian Opinion gave less comprehensive reports and vacillated in its approach.
- (2) At a single meeting on 23 October 1946, coinciding with the opening of the UN General Assembly, £2,000 was collected. Leader, 26 October 1946. There are numerous other examples in the Passive Resister and Leader.
- (3) For example, £500 from Tata and Sons in India, Leader, 13 July 1946.
- (4) Five months of Struggle, p 9.
- (5) Transvaal Indian Women's Association and Women's Action Committee and autonomous district level organizations. Passive Resister, 4 August 1946.
- (6) Five Month's of Struggle, p9.

The provincial resistance councils shared responsibility for looking after the welfare of resisters with the provincial Congresses and local committees (1).

Provincial council and other Congress officials recruited people directly to take part in the campaign but they were assisted, in Natal, by "local action committees of the resistance council". There were at least 12 such committees (2) of which the one in Pietermaritzburg was probably the most active outside Durban, holding public meetings, recruiting volunteers and raising funds (3). On one occasion and perhaps others, the provincial resistance council called a meeting specifically for the action committees to discuss policy with them (4). In some instances Congress branches may have contributed to the organization of the campaign, but a number were moribund and several were in conservative hands, possibly a reason for setting up some of the action committees (5).

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- (1) The N.I.C. had a welfare department which was active during the campaign, and there was a "Resistance Welfare Officer", P. Singh. Passive Resister, 14 October 1946, Leader, 2 November 1946. It also set up an unemployment bureau partly to meet the needs of resisters released from prison, Passive Resister, 14 February 1947. The Natal resistance council apparently had the use of a farm where unemployed resisters could be given work, but no details are available. Leader, 26 April 1947.
 - (2) Leader, 1 March 1947.
 - (3) There were analogous bodies in the Cape at Port Elizabeth, East London and possibly Kimberley, which, along with the passive resistance council in Cape Town, supported the campaign by organizing resistance volunteers and raising funds which were sent to Natal. Five months of struggle, p 8, Passive Resister, 1 August 1946, 2 September 1946.
 - (4) Durban, 15 December 1946. Leader, 21 December 1946.
 - (5) It was agreed at an N.I.C. provincial conference in December 1946 that the N.I.C. should be restructured, giving more power to the grass-roots, and permitting the existence of separate organizations within the N.I.C. (to take account of conservative opinion) but there is no evidence that the plan was implemented whilst the campaign was in progress, ibid., 7 December 1946. The N.I.C. headquarters was, however, reorganized on a departmental basis in March 1947. Passive Resister, 19 June 1947.

The role of women's and youth organizations in helping to organize support for the campaign have already been mentioned, the most prominent groups, notably the Natal (Durban) Women's Action Committee, The Transvaal Indian Women's Association and Women's Action Committee and the Transvaal Indian Youth Volunteers Corps were autonomous bodies and though they were not formally represented on the resistance councils were in practice a part of the main organizational framework of the campaign (1). Other groups, on its margins, were much more loosely associated in the organization of the campaign and were not subject, in any meaningful sense, to the resistance leadership. For example, white South African supporters of the campaign established the Council for Asiatic Rights, with the aim of mobilizing white opinion against the Asiatic Land Tenure Act and other discriminatory legislation, but it scarcely contributed to the organization of the campaign (2).

The planning and organization of the campaign cannot be explained solely in terms of a hierarchy of committees. They had a role to play but the lifeblood of the campaign was personal contact. It is evident from the degree of support which the militants achieved, in difficult circumstances and with only makeshift bureaucracy at their disposal, that they exploited such contacts to the full. Such was the nature of tradition amongst Indian communities in South Africa that there was really no alternative, if the campaign was to have had any chance of success.

- (1) Officials of the youth and women's organizations were members of resistance councils and congress committees, but in their personal capacity.
- (2) The Council for Asiatic Rights was formed in June 1946 and was based in Johannesburg. Its Chairman was V. C Berrange and it comprised members of the South African Communist Party, such as Hilda Watts, as well as Liberals of whom the most notable was the Rev. Michael Scott. Interview, Michael Scott, 8 May 1969 and Leader, 22 June 1946.

CHAPTER III LEADERS AND PARTICIPANTS

The leaders (1) of the passive resistance campaign conformed to no single stereotype, they comprised men and women of varied backgrounds and beliefs, prepared to act in consort for the ultimate purpose of ridding South Africa of its racially divisive and discriminatory, white imposed, social, political and economic structures.

First and foremost they were pragmatists, insofar as they shared a common political belief it was the espousal of democratic ideals. Indian leaders before them in South Africa, Gandhi included, had advocated the extension of democratic rights, but not with the same sense of urgency nor with any consideration for the interests of other, non-Indian, black groups who were similarly deprived of their rights. In their demand for democratic rights, the campaign's leaders were strongly influenced by developments abroad it was of considerable importance to the leadership to know and to be able to demonstrate that their campaign was not being fought in isolation, but as a part of a world-wide democratic "movement". There could be no clearer indications for Indians in South Africa of the force of this "movement" than the knowledge of the forthcoming independence of India, a development which boosted the morale of South African Indians and apparently gave them some grounds for optimism about the prospects of promoting change in South Africa (2).

The pragmatism of the leaders is shown clearly in their approach towards non-violence. With a very few exceptions, notably Dr Naicker and Nana Sita (3), those who directed the

- (1) Here defined as those individuals who played a leading part in the organization of the campaign at the provincial and national rather than branch level.
- (2) Interviews, Y. Dadoo, 22 May 1969, M. Scott, 8 May 1969, P. Joseph, 26 February 1969.
- (3) Vice Chairman Transvaal passive resistance council, Member of T.I.C. Executive and one of the T.I.C. representatives on the S.A.I.C.

campaign had no strong philosophical attachment to non-violence and resorted to "passive resistance" because they believed it to be the only tactic available at the time through which they could pursue their goals (1). Dr Dadoo observed, retrospectively, "Passive resistance was never the ideology of the organization (Congress) ... the principle of satyagraha as enunciated by Gandhi was never accepted as a creed ..." (2) and he himself claimed to have been influenced in his views on non-violence more by Nehru than Gandhi (3). Nevertheless Gandhi's backing was sought and obtained for the passive resistance campaign (4) and on his assassination the leadership did not hesitate to associate the campaign with what Gandhi had stood for, "we who are left behind and who claim to cherish his ideals have a heavy responsibility - that of carrying out those ideals and principles for which he lived and died. No greater tribute could be paid by the Indian people of South Africa to that great soul than to assist in the continuation of the Passive Resistance struggle, the matchless weapon which he discovered in this very land ..." (5).

Ideology did not play an important part in determining the conduct and form of the campaign. The campaign was led, for the most part, by people who inclined to take a radical

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- (1) Their commitment to non-violence was made explicit in a joint passive resistance council pamphlet issued in May/June 1946 which specifically rejected the tactic of "armed and open revolt" as being impossible. It also argued that a general strike would not be productive. Natal Mercury, 8 June 1946.
- (2) Sechaba, Vol 2(6), June 1968, p 8.
- (3) Interview, op. cit.
- (4) ibid. Dadoo was clearly in no doubt as to the continuing influence of Gandhi's name amongst South African Indians. Gandhi's message to South African Indians urging resistance to the Asiatic Act was carried in the Leader, 8 June 1946.
- (5) Editorial, Passive Resister, 6 February 1948. There is no information available as to who was the editor during this period, but the paper continued to be the mouthpiece of the Transvaal resistance council/T.I.C. and presumably the editorial had the collective backing of the provincial leadership.

left-wing posture in international affairs and who made no attempt to disguise this on public platforms during the campaign, but to infer from this, as did conservative Indian leaders and the white population, that it was a priority of the leadership in 1946-48 to influence South African Indians towards a particular ideological standpoint is surely mistaken. In any event, the leaders were far from united in their political beliefs, there were only a minority of communist party members, of whom the most prominent were H. A. Naidoo and Dr Dadoo (1). The leaders won popular support for the campaign because it

coincided with a period of growing frustration and it enabled the "rank and file", for the first time for some years, to take ^{meaningful} positive action to protest at the treatment they received. Ideology probably played little part in people's decision to participate (2).

The social diversity of the leaders was a contributory factor in the level of support the campaign achieved. They were drawn from the principal religious groupings amongst the Indians - hindu, muslim and christian (3) - thus at least in part overcoming the religious division which contributed to the disarray of South African Indian political organizations in the 1930's and early 1940's. Equally the leadership included people of all ages and of different educational levels, but the occupational distribution was heavily biased towards the professions. Medical practitioners were particularly numerous, there were teachers and lawyers as well Traders, who comprised the bulk of the Transvaal

- (1) H. A. Naidoo joined the South African Communist Party (SACP) in 1935, one of the first to do so. Yusuf Dadoo, once a member of the Independent Labour Party, joined the SACP in 1939/40. E. Roux, Time Longer than Rope, pp 308 and 359.
- (2) Many resisters would probably have echoed the words of Manilal Gandhi who was hostile to communists but nevertheless remarked, "If communists have led this movement then all credit is due them for launching the struggle ... Communists may have ulterior motives ... but I congratulate them for fighting this battle ...". Passive Resister, 23 April 1948.
- (3) H. A. Naidoo was a Christian in addition to being a member of the SACP. H.J. and R.E. Simons, Class and Colour in South Africa, p 505.

Indian population, were well represented, but the only prominent businessmen amongst the leadership appear to have been M. A. Dinath (1) and S. Rustomjee (2). More surprising was the seeming underrepresentation in Natal of the urban workers, though S. Reddy, the provincial resistance council's recruiting officer was a trade unionist, as was R. A. Pillay, a former clerk/book-keeper, who was appointed a full time official of the council towards the end of the campaign.

During the campaign there were approximately 2,100 "successful" prosecutions brought against resisters, about 300 of whom were convicted more than once. An unknown number, probably not large, participated in acts of resistance but were never charged. Joshi suggests that 2,300 Indians "courted" imprisonment (3), but available evidence indicates a total of about 2,000, between one and two percent of the adult Indian population. In addition, approximately 70 non-Indians participated.

The motivation of individual rank and file resisters cannot be assessed with any precision in the absence of detailed contemporary records but some impression can be gained from court statements and from interviews. Whilst the Asiatic Act was the focus of their attention they were concerned to demonstrate their opposition to the whole system of racial discrimination. One resister remarked "we are tired of seeing the hated signs "Europeans only" wherever we turn ... we have decided once and for all to fight such colour legislation"(4). The sense of frustration and anger in the Indian population at the introduction of the Act and their readiness to demonstrate their

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- (1) Chairman of the Congress Democratic Action Committee and a Vice-President of the T.I.C.
 - (2) Vice-President of the T.I.C.
 - (3) P. S. Joshi, The Struggle for Equality, p 294.
 - (4) I. E. Bhatyat Statement in Court. Leader, 17 August 1946.

opposition to it and the system which it was designed to bolster was in part a response to international developments. An Indian ex-serviceman declared, "We heard so much about the four freedoms ... that we began to believe a new era was dawning in the life of the Indian people ... When, however, a few months ago I heard Field Marshal Smuts himself piloted the Asiatic Land Tenure Act (through) Parliament ... I became disillusioned, for here was the like of something which we had fought against and many given up their lives" (1). The juxtaposition of the imposition of the Asiatic Act and constitutional developments in India is of particular importance, for it served to heighten the sense of bitterness and frustration felt by South African Indians, at the same time it was an incentive to action. The passive resistance campaign presented the Indian population with an opportunity for positive action, unparalleled since Gandhi's departure, and at the very moment when many were likely to be receptive to its call, and thoroughly disillusioned with the tactics of the conservatives.

Whether there was much discussion of the tactic of "passive resistance" is unclear, probably the majority accepted it as the only alternative available in the circumstances, scarcely considering its potential strengths and weaknesses. A few may have been influenced by Gandhian beliefs.

(1) J. M. Francis (ex-Sergeant Union Defence Forces). In his court statement Francis referred to a letter issued in Smuts' name in 1945 praising Indian ex-servicemen for their sacrifice for South Africa and for the "wider cause of world freedom". ibid., 13 July 1946.

TABLE I Origins of Resisters by Province*

Natal	1386
Transvaal	284
Cape	27
(Basutoland)	8
	1710**

* only available for the period June 1946 - June 1947.

** The figures in this and the following Tables are not entirely compatible and should be taken as approximations, sufficiently accurate to indicate broad trends.

The total of 1710 represents the number of convictions and includes 210 second offences, 21 third offences and 3 fourth offences, in these cases the resister has a separate entry for each occasion.

Source Leader, 21.6.47 (based on resistance council figures).

Most resisters came from Natal (Table I), where the overwhelming majority of Indians lived (1), and where the campaign was conducted (2), but on the basis of their respective Asian populations, the proportion of resisters from the Transvaal was rather higher and that from Natal somewhat lower than would be expected. This probably reflects the superior organization of the Transvaal resistance leaders and possibly a greater concern amongst Transvaal Indians with the Asiatic Land Tenure Act, as a result of their better experience of earlier land tenure legislation, most of which had not applied in Natal. It may also, in part, be due to

(1) Details of the Asian population, by Province, are at footnote (1) on p119.

(2) This is explained on pages 152 - 153

the different circumstances of employment of Transvaal and Natal Indians, the former being predominantly self employed or employees of fellow Indians, whilst many of the latter worked for white owned companies and were, hence, more vulnerable to dismissal. Only a small number of Cape Indians participated in the campaign, primarily because the Asiatic Act did not have effect there until 1949, and because their level of political organization and involvement was low.

TABLE II Origin of Resisters by Town/District*

	<u>Male</u>	<u>Female</u>	
Durban Central	358	37	
Clairwood	55	13	
Sea-view / Bellair	18	-	
Merebank	9	-	
Isipingo	17	-	
Tongaat	15	-	
Stanger	4	-	
Pietermaritzburg	59	11	
Dannhauser	12	2	
Glencoe	10	-	
Ladysmith	8	-	
Johannesburg / Pretoria	49	16	
Cape Town	15	3	
Port Elizabeth	9	-	
	<u>638</u>	<u>82</u>	720

* available only for period June - September 1946

Source Leader, 28.9.46

There is insufficient evidence to build up a detailed picture of the town and district level origins of the resisters, other than for the first four months of the campaign (Table II

refers). Clearly, the greatest number came from Durban and its environs but resistance leaders made strenuous efforts to develop support for the campaign in the Province as a whole and it would be surprising if the list of towns in Natal from which resisters were drawn was not rather wider than Table II suggests, though the numbers of people involved would have been small. It is perhaps relevant in this context that whereas in the first six months of the campaign agricultural workers made up a very small proportion of the total number of resisters, by June 1947 they were one of the more important elements:

TABLE III Resisters' Occupations

	<u>Total</u> <u>June - November</u> <u>1946</u>	<u>Total</u> <u>by</u> <u>June 1947</u>
unskilled urban workers	624	922
craftsmen, skilled workers	195	247
agricultural workers, farmers, fishermen, sea- men	22	101
housewives	176	233
shopkeepers, hawkers	78	90
businessmen	31	31
clerks/secretaries	49	60
professionals, college students	41	65
miscellaneous	41	42
	<hr/> 1257 <hr/>	<hr/> 1791 <hr/>

Source Y. Dadoo, Five Months of Struggle, p 12,
Leader, 21.6.47. Each lists some 70 separate
occupations.

All the principal occupation groups were represented amongst the ranks of the resisters, but the success of the leadership

in securing the participation of factory and other urban workers who were the backbone of the campaign is particularly noteworthy, and is a clear indication of the populist appeal of the militant leaders, in contrast to the conservatives. In building up their support amongst urban workers the militants benefitted from links with trade unions (1) and in some cases may have been able to mobilize limited support through Communist Party channels (2). The number of urban workers who took part in resistance is a clear indication of the strength of dissatisfaction amongst this element of the population, for in participating they faced the probability of losing their jobs and having considerable difficulty in finding another (3). Their involvement also helps to confirm that in the eyes of the rank and file the campaign was a protest against racial legislation and practices, in general, and not just against the Asiatic Act, for it seems unlikely that so many would have risked their livelihood in 1946-7 solely in opposition to a law which at that stage had had little or no direct effect on the vast majority.

There is no record as to how many of the resisters were unemployed, but that some should be so is scarcely remarkable given the state of the job market. Durban City Council, in an attempt to denigrate the campaign, claimed that "a large percentage of the Passive Resisters are unemployed Indians

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- (1) For example, the Tobacco Workers Union, the Coal Mine Workers and the Tin Workers. Passive Resister, 6 November 1947, 17 January 1947, 28 February 1947.
 - (2) The SACP had resolved to offer full support for the campaign (see resolutions passed at its National Conference, January 1947. Passive Resister, 10 January 1947). A number of its Indian members, such as R. Pillay and G. Taikissoon, were active at the branch level in the N.I.C. during the campaign. They may have used the platform of local SACP meetings to encourage workers to participate.
 - (3) The increasing problem of Indian unemployment in Durban is referred to in Race Relations News, Vol 9 (6), June 1947, p 67.

who have nothing to lose by going to gaol. While they are serving their brief sentences, the movement ... supports their wives and families ... In this case, therefore, "martyrdom" has a definite financial value" (1). But according to Debi Singh, at a meeting in September 1946 (2), less than half of the resisters at that stage had claimed the family allowance (3) for which they were eligible whilst in prison and for a certain time thereafter if they had no job. In any case the treatment of resisters in prison would surely have acted as a deterrent to anyone contemplating taking part in the campaign as a "soft option" (4).

Housewives were one of the largest occupational groups amongst the resisters but the proportion of women out of the total number of resisters is quite small - approximately 1 in 9 in the early months of the campaign (Table II) and, overall, about 1 in 6 (5). It would seem that, generally, presumably partly because of prevailing social mores, Indian women concentrated on fund raising and welfare activities rather than engaging in resistance, though those that did participate in breaking the law were from diverse backgrounds and did not, for example, consist solely of the young (6).

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- (1) The Indian in South Africa. Durban City Council pamphlet.
 - (2) Leader, 14 September 1946.
 - (3) £8 per month, which was above the salary of an unskilled factory worker in Durban, many of whom earned about £6.10.0 How We Live - Living Conditions of Indian People in South Africa. Joint passive resistance council pamphlet, Race Relations News, Vol 9(1), January 1947.
 - (4) There were many complaints from resisters about their mistreatment whilst in detention. In November 1946 the N.I.C. sent a protest message to the Government. Passive Resister, 11 November 1946.
 - (5) Out of a total of 1926 acts of resistance recorded by the end of November 1947, 1588 were by males and 338 by women, Leader, 6 December 1947.
 - (6) Mrs P. K. Naidoo who was sent to jail as a resister in 1946 was also a volunteer in the 1906-14 period. Passive Resister, 4 August 1946.

TABLE IV Age Distribution of resisters*

<u>Age</u>	<u>Numbers</u>
18 - 25	980
26 - 35	278
36 - 45	67
46 - 55	33
56 and over	25

* June - November 1946.

Source Five Months of Struggle, p11

The youthfulness of the resisters (Table IV) was nevertheless very marked, broadly in keeping with the profile of the Asian population, a factor which may have had quite important long term implications, in that, as a result of the campaign there was a much enlarged group of politically experienced people amongst the Indians capable of playing an active political role for many years ahead.

The leadership sought the backing of non-Indians for the campaign but were not primarily concerned to involve them in acts of resistance. Nevertheless, a small number did participate

TABLE V Non-Indian resisters*

Coloureds (male)	33)	48
(female)	15)	
Africans (male)	16		16
Europeans (male)	4)	8
(female)	4)	

* June 1946 - June 1947. There is no record of any non-Indian resisters after June 1947.

Source Leader, 21.6.47, p 7.

By participating, directly, in the campaign non-Indians gave substance and impetus to the links being forged at the time between representatives of radical opinion of all races in South Africa and the impact of their involvement was much greater than their numbers would suggest. It seems likely that the non-Indian resisters acted essentially in a personal capacity, but in some instances with the support and approval of the political organizations to which they belonged (1). A number were members of the SACP (2) but by no means all (3).

The 2,000 people who took part in acts of resistance did not do so in isolation of the communities from which they were drawn for they had the active support, in particular, of a sizeable element of the Indian population who, whilst not actually participating in resistance, did demonstrate their involvement in other ways, by attending public meetings (4), and helping to finance and administer the campaign. A mark of the popular backing for the militant leadership and its policies was the rapid increase in the membership of the N.I.C. in the period 1946-47 to a recorded figure of 35,000 (5).

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- (1) For example, George Carr who was on the Executive of the African Peoples Organization presumably consulted other members before joining the campaign.
 - (2) Examples include H. C. Holland and Miss C. George from Cape Town.
 - (3) For instance, Michael Scott, Miss Mary Barr or Rev. W. Satchel.
 - (4) These were numerous and sometimes thousands attended. For example, according to the Leader, 5 October 1946, more than 10,000 people were present at a meeting on 29 September 1946 on the occasion of the release of a number of prominent resisters.
 - (5) Report to Provincial Conference of the N.I.C., 30 May 1947. Passive Resister, 6 June 1947.

CHAPTER IV RESISTANCE AND REACTION

The leaders of the passive resistance campaign adopted two principal courses of action in response to the imposition of the Asiatic Land Tenure and Indian Representation Act and as a protest at the general conditions suffered by Indians as a result of racial discrimination. The first, the subject of this chapter, comprised acts of organized non-violent rejection of the law, against the Asiatic Act and the Immigrants Regulation Act (1). The second, considered in the following Chapter, was to mobilise international opinion as a means of bringing pressure to bear on the South African Government to change its racial policies.

The term "passive resistance" was deliberately adopted by the leadership to describe the campaign and the individual acts of resistance, as it was familiar to South African Indians and because of its associations with Gandhi whose achievements in South Africa and India were held in high regard by South African Indians (2).

Acts of resistance against the land tenure provisions of the Asiatic Act took place solely in Natal both because it was the focal point for those provisions and because, unlike in the Transvaal, there were no other Land Tenure Acts, under which resisters might be charged, as a ploy on the part of the Government to blunt the impact of the campaign (3). Within Natal resistance to the Land Tenure Act was in practice confined to Durban. This enabled provincial leaders to supervise the resistance closely ; it maximised

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- (1) No. 22, 1913. Resistance was directed against provisions in that Act which restricted freedom of inter-provincial movement.
 - (2) Gandhi's tactics could be cited by South African Indian leaders as having been successfully deployed against British rule in India, suggesting their potential in South Africa.
 - (3) See, however, p 162

the impact of the campaign and demonstrated to participants that they were not acting in isolation but as a part of a nationwide campaign.

Almost all resistance in the campaign against the Asiatic Act took place on a half-acre municipally owned vacant plot in a non-exempt (i.e. racially controlled) area of Durban, two miles from the city centre, at the intersection of Umbilo Road and Gale Street (1). Before occupying the site, in deliberate contravention of the Act, groups of resisters informed the police of their intention. Participants usually assembled at the congress/resistance council offices and, on occasions, a public meeting was held, which they attended as a prelude to resistance (2). On no occasion did any resister resort to violence, in spite of provocation.

The first phase of the campaign began on 13 June 1946 with a day of Hartal when Indian owned shops in Durban and elsewhere closed as a symbol of mourning at the imposition of the Asiatic Act. Indian schools were also shut. Resistance to the Act at the Gale Street site started on the same day.

The first phase was concluded on 5 July 1946 (3) though the significance of this decision by the joint resistance council is unclear and within a matter of days a second, in practice virtually identical, phase had begun. An additional site was designated but almost immediately abandoned on the discovery that it was leased to a youth club (4). The only other innovation of the second phase was the occupation of

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- (1) For an eyewitness account of the site during its occupation see M. Scott, A Time to Speak, pp 135-9.
 - (2) Meetings were similarly held to welcome resisters on their release from prison, to encourage them to further acts of resistance and to attract new recruits and backing for the campaign.
 - (3) Natal Mercury, 6 July 1946, Leader, 13 July 1946.
 - (4) The plot was on the corner of Umgeni and Walter Gilbert Roads. Natal Mercury, 13 July 1946, Leader, 20 July 1946.

two plots in controlled areas of Durban owned by Indians who had not hitherto taken up residence (1). The owners and a few others with them courted arrest claiming they were contravening the Asiatic Act and its regulations (2) but the Attorney-General declined to prosecute (3) and no further attempts were made to pursue this course of action elsewhere.

The Gale Street site was the only centre for resistance from September 1946 until January 1948. Statements by resistance leaders in 1947 foreshadowing an early expansion of resistance in Natal, outside Durban, and in the Transvaal came to nothing (4). But, at a meeting convened by the joint resistance council on 10 January, 1948 (5) the decision was taken to develop the campaign by offering resistance to the Immigrants Regulation Act. The council sent a letter to the Prime Minister which called for the repeal of the Act and other discriminatory legislation and stated their intention to lead a campaign of resistance against the Immigration Act, "rather than submit any longer to an undemocratic, inhuman and barbarous piece of legislation and as a further protest against the 1946 Act" (6). The decision was a response to the claims of South Africa's delegates at the United Nations in November 1947,

- (1) George Singh occupied a vacant site he owned in Brighton Road, Wentworth, and Ragnath Singh moved to his house in the Merebank-Wentworth area.
- (2) Regulations were introduced under the Act on 19 July 1946 affecting controlled areas in Durban where it became necessary to obtain permits for the development of plots. Government Gazette, 19 July 1946.
- (3) In the case of G. Singh, the Attorney-General claimed that in law his plot had been Asian-occupied on 21 January 1946, the operative date. Leader, 14 September 1946. The N.I.C. challenged this (ibid., 21 September 1946) but apparently without result.
- (4) An example is the "second front" proposed by the joint resistance council. ibid., 19 July 1947.
- (5) Attended by 100 delegates, the militants claimed that the meeting was the most representative of South African Indian opinion since the S.A.I.C. conference of February 1946. Passive Resister, 15 January 1948.
- (6) The letter (n.d.) was reprinted in the Leader, 24 January 1948.

that the Asians were South African nationals and, hence, the question of their rights and wellbeing was essentially a domestic matter. The leaders of the campaign were doubtless disappointed at the outcome of the debate, in contrast to the previous year (1) and this may have added to their determination to embarrass the Government abroad by demonstrating how little substance there was to the claim that Asians were South African nationals when they were not even permitted to travel freely within the country. There were other reasons, too, for reviving the campaign by resisting the Immigration Act, including the desirability of maintaining a certain momentum of political activity amongst South African Indians, thus giving on-going purpose to the resistance activities of the preceding ~~eighteen~~ months. The Government's "failure" except in a few instances, to prosecute resisters under the Asiatic Act gave added grounds for finding an alternative focus. The leadership also faced the tactical problem of the Government's increasing tendency not to arrest or charge occupants of the Gale Street site. Opposition to the Immigration Act offered a way out of the impasse with a general election imminent, the Government could not readily ignore acts of deliberate violation of the provincial boundaries. There is no evidence that the campaign leaders seriously envisaged mass violation of provincial boundaries, repeating Gandhi's 1913 March (2), but the thought had apparently been mooted (3) and may have had a certain appeal, especially in the aftermath of Gandhi's death.

In practice about 85 people took part in resistance to the Immigration Act before the campaign was "temporarily"

(1) p 170

(2) pp 83 - 84.

(3) At the meeting convened by the resistance council on 10 January 1948. Natal Mercury, 12 January 1948. It had also been raised by A. Choudree, the Natal Indian leader, as early as July 1946. Leader, 27 July 1946.

suspended by the joint passive resistance council on 3 June 1948, following the general election and pending the outcome of an interview the council sought with Dr Malan to hear of his intentions toward the Indian population (1). The campaign was not resumed.

Resistance to the Asiatic Act nevertheless continued on an individual basis as long as it remained in force (2). At the behest of both militant and conservative leaders no Indians ever accepted membership of the Land Tenure Advisory Board (3) nor, with comparatively few exceptions, did they co-operate with the Act by applying for permits required, for example, if an Indian wished to take up residence in a house he owned in a controlled area which on the operative date for the Act had been occupied by European tenants (4).

The distribution of acts of organized resistance (Table VI) reveals distinct peaks and troughs, most activity occurring in the first six months of the campaign and in particular at the time of the debate in the UN General Assembly (UNGA) in November 1946 about the treatment of Indians in South Africa (5). There was a subsequent smaller surge of activity in the weeks before the 1947 UNGA session, an indication of the orientation of the campaign.

The number who participated in the earliest weeks (phase I) shows the responsive note struck by the campaign. In spite of acts of violence against the Gale Street resisters, groups of

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- (1) Statement by the passive resistance council. Leader, 5 June 1948. Drs Dadoo and Naicker were in prison at the time. The N.I.C. Executive caused a considerable furore amongst N.I.C. members by sending a message of congratulation to Malan on his election.
- (2) 1950. It was replaced by the Group Areas Act.
- (3) p 122
- (4) For its part the Government was slow to prosecute. Natal Mercury, 7 January 1948, 8 January 1948.
- (5) p 170

TABLE VI Recorded Acts of Resistance- Distribution by Period.

		Totals	Comments	
1946	JUNE		Resistance starts June 13	
	JUL	332**	End of Phase 1	
	AUG			
	SEP	392		
	OCT	724		
	NOV	649		
	DEC	1376	U.N. Debate on South African Indians	
	1947	JAN	128	
		FEB	1561	
		MAR		
		APR	142	
		MAY		
JUN		1710	First Anniversary of start of resistance	
JUL				
AUG		96		
SEP		1804		
OCT		122		
NOV		1926	U.N. Debate on South African Indians	
DEC		0		
1948	JAN			
	FEB	1926	New Phase Immigration Act	
	MAR			
	APR	74		
	MAY			
	JUN	2000+	Resistance suspended June 3	

* Cumulative Total

** Period Total

about 50 volunteers occupied the site on each successive day at the end of June and in early July (1). The announcement on 22 June that the Indian Government had filed a complaint with the United Nations about the treatment of Indians in South Africa acted as a spur, as did the arrest of the first group of resisters, amongst them Drs. Dadoo and Naicker, on the following day (2). One other development had a bearing. On 24 June an Indian police constable, Krishnensamy Pillay was fatally injured near Gale Street, allegedly by a group of whites (3). His murder made a considerable impact on the Indian population which the leadership exploited. He was accorded a hero's funeral (4).

Whilst the initial level of resistance was not sustained, 400 people resisted in the following 10 weeks, still leaving a sufficient pool of volunteers to despatch a further 650 to the site between 20 September and 13 November (5). On the eve of the UNGA on 23 October, 325 volunteers occupied the site, the largest group of the campaign, amongst them Indians from Natal, the Transvaal and the Cape, as well as Africans and Europeans. The favourable response at the United Nations to India's plea on behalf of Indians in South Africa boosted morale and seems temporarily to have encouraged more people to volunteer as resisters. By the end of the year approximately 1,500 acts of resistance had occurred (6), but thereafter the level of participation fell sharply away.

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- (1) According to Dr Dadoo, Indians were incensed by the violence and "thousands turned up nightly at the resistance camp to demonstrate their support and admiration for the passive resisters". Five months of Struggle, p 7.
- (2) "This gave a tremendous impetus to the Resistance Campaign." Y. Dadoo, ibid.
- (3) Leader, 6 July 1946, Natal Mercury, 3 August 1946.
- (4) Scott suggests that the atmosphere was so tense that there was a prospect that the campaign might have had to be suspended. A Time To Speak, p 137.
- (5) Dr Dadoo said that during that period the resistance council had "four times more" applications from would-be resisters than it could cope with. Leader, 26 October 1946.
- (6) According to official statistics 1,338 resisters had been convicted by 31 January 1947. ibid., 7 February 1947.

The passive resistance council, in a statement on 20 December (1), called for continuing support for the campaign to exert pressure on the Government to implement the UN resolution (2), a few days later the Minister of the Interior stated that the Asiatic Act would not be repealed (3). Some former supporters of the campaign may not have had the stomach to resume resistance, either being disillusioned at the Government's response or content to rest on their laurels, having secured the "defeat" of South Africa at the United Nations and hoping that the Government would convene a meeting with the Indian Government, as advocated by the N.I.C (4), from which a settlement would arise. The loss of a sense of urgency, following the UN debate, took its toll on the campaign's organizational network. This led to the calling of an emergency conference by the N.I.C. of all the groups in Natal concerned with the running of the campaign in an effort to revive activity (5). It would appear to have had minimal practical impact, a situation which may have been made worse by the departure of Drs Dadoo and Naicker, immediately after the conference, for a two month visit to India to consult with the Government and other interested bodies there (6). To add to the problems of the resistance campaign in the first quarter of the year, the police and judiciary took an unusually lenient line with resisters in an evident effort to minimise the impact of the campaign at the time of the Royal Visit to South Africa (7).

- (1) Passive Resister, 27 December 1946.
- (2) p 170
- (3) Natal Mercury, 27 December 1946.
- (4) In a letter to Smuts, 27 February 1947. Leader, 8 March 1947.
- (5) Durban, 23 February 1947. Passive Resister, 28 February 1947, Leader, 1 March 1947.
- (6) They were to attend the Asian conference. Their departure provoked a cartoon in the Leader with the caption "Abandoning the ship?", 15 March 1947.
- (7) March 1947. Indian leaders were divided as to whether or not to boycott the visit, the militants did.

Resistance remained at a low ebb until the final quarter of 1947, though there was a limited revival of activity to coincide with the first anniversary of the campaign. The Leader reported (1) a revival of resistance in mid-September, after a gap of a month (2), but, apart from one group, there was no resistance activity until mid-October. Then, in a period of 3 weeks approximately 120 people occupied the Gale Street site drawing attention to the campaign on the eve of the UNGA.

The failure of India to secure the necessary two-thirds majority for its resolution calling on the South African government to hold a conference to discuss the treatment of South African Indians did not deter the campaign's leaders who resolved to continue passive resistance (3). But in practice there is no record of any resistance having taken place in the ensuing two months until after a meeting of the joint passive resistance council on 10 January 1948 (4) when it was decided to mount opposition to the Immigration Regulation Act (5). Between the end of January and mid-April 63 Indians deliberately contravened the provisions of the Act by crossing the Transvaal/Natal border without a permit. Penalties were severe compared with those for occupying the Gale Street site (6) and this may have been one of the reasons which deterred more people from volunteering from mid-April. Until the suspension of the campaign on 3 June there was very little resistance activity either at Gale Street or on the Natal/Transvaal border.

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- (1) 20 September 1947.
 (2) This absence of activity and the lack of references in the press to acts of resistance in the preceding weeks casts doubt on the total of nearly 100 resisters for the period from mid-June to mid-September (Table VI) which is based on resistance council figures.
 (3) At a meeting on the Gale Street site, 26 November 1947. Leader, 29 November 1947.
 (4) p154
 (5) p77
 (6) p163

The acts of passive resistance did not succeed in causing the Government to repeal or amend the Asiatic Act nor did they result in any significant favourable changes of policy or opinion by government at the national or local level. The Government was temporarily embarrassed abroad and Smuts put on the defensive, but this was insufficient cause for them seriously to contemplate coming to terms with the resisters, particularly as the general election drew near. Whilst exercising a degree of caution, the Government set out to crush the passive resistance campaign (1), principally, but not solely, by recourse to the process of law.

The Government's response to the occupation of the Gale Streetsite and to other acts of non-violent rejection of the law was to play "cat and mouse" with the resisters. Frequently, the police declined to take action, at least for some hours or days. The first group to occupy the Gale Street site waited 10 days before they were arrested and in that time had to endure taunts and physical violence from whites, which the police did little or nothing to prevent until 23 June, the day after the first arrests. At the time of the 1947 UNGA a group of resisters under Ashwin Choudree waited in vain for three weeks to be detained. The Government adopted similar tactics of non-co-operation at the time of the Royal Visit in March 1947. Equally, they refused to prosecute George and Rugnath Singh (2) and Indians not directly connected with the campaign who occupied property which they owned but which had not had Indian occupants at the time of the implementation of the Act.

The Government could not, however, entirely ignore the resisters. To have done so would have invited a white backlash and might, in the view of the Government, have created a

(1) As in 1914, but even more strongly in 1946, Smuts was not to be deflected by any lingering intellectual fascination with non-violent action.

(2) p154

precedent which would have encouraged not only Indians but other blacks to violate the law (1). It was the number of resisters in the early months of the campaign and, more important, the attention they received abroad, and in South Africa, which forced the Government's hand. But when the police took action by arresting the occupants of the Gale Street site they almost invariably charged them under a Trespass law (2) or the Riotous Assemblies Act (3) and not, as the resisters would have wished, under the Asiatic Act. It was in the vain hope of thwarting this "diversionary" tactic that George and Rugnath Singh undertook their resistance, believing that they could only be prosecuted for their action under the Asiatic Act. But virtually the only resisters who were in fact charged with the offences they had set out to commit were those who violated the Immigration Act. This may have disappointed the leadership but appears to have had little impact on the rank and file.

The participants co-operated at all times with the law enforcement agencies, regardless of the hostility shown to them by some police, court and prison officials. The resisters were generally released on bail after being charged and when they appeared in court pleaded guilty, wherever possible explaining the rationale behind their violation of the law (4). At first, magistrates permitted such statements, often countering with their own views, but subsequently only written statements in explanation were accepted.

- (1) The Government may have been mindful initially, in part, of the decision taken at the second anti-pass conference on 23 June 1946, in Johannesburg, to organize a mass campaign against the pass laws within three months.
- (2) dated 1879
- (3) No. 27, 1914.
- (4) "The absence of political rights deprives us of the most powerful means of constitutional redress. To preserve ourselves, to uphold the dignity and honour of the Indian nation, we have been forced to adopt unconstitutional methods", M. D. Naidoo, Joint Secretary N.I.C., 1 July 1946, Leader, 6 July 1946.

The first resisters to be arrested were charged under the Riotous Assemblies Act for failing to disperse, following the issue of an order banning public gatherings at the Gale Street site (1). When their case came to court the leaders and those who had already been arrested more than once at the Gale Street site were sentenced, under the Riotous Assemblies Act and additionally the Trespass Act, to between 4 weeks and 6 $\frac{1}{4}$ months in prison (2), with the option of a fine. For the remainder, the original charge under the Riotous Assemblies Act was dropped and they were convicted of simple trespass, for which they were fined £5 without the option of imprisonment (3). In all subsequent cases involving the occupants of the Gale Street site, first time offenders were convicted solely for contravention of the Trespass Act. From mid-July 1946 they were given the option of imprisonment to a fine, the normal sentence being 1 month's imprisonment or a £3 fine. In line with the resistance council's policy, most went to prison, as this was considered important to the image and appeal of the campaign as well as being an integral part of a passive resister's experience.

Those who took part in resistance to the Immigration Regulation Act generally received much heavier sentences than the Gale Street resisters (4), first offenders being sent to prison for 1 - 2 months and second offenders receiving 3 month terms. In at least one case, a second offender (5) had to

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- (1) Section 1(4) Act 27, 1914. The initial order applied for 1 week.
 - (2) Dr Naicker received the heaviest sentence of 6 $\frac{1}{4}$ months, having already been arrested 3 times, he served 5 months. Dr Dadoo was sentenced to 3 months and served the full period. Both received further 6 month sentences in February 1948 under the Immigration Regulation Act.
 - (3) There is no record of property being estreated in terms of Act 31, 1917, as a result of non-payment of fines, yet the press reported that those convicted did not intend to pay. Leader, 6 July 1946.
 - (4) An exception was Manilal Gandhi, Mahatma Gandhi's son, who led three groups of resisters across the Transvaal/Natal border. He was arrested and charged on only one occasion, but never sentenced. Indian Opinion, 16, 23, 30 April 1948.
 - (5) P. Chetty. Leader, 17 April 1948.

serve one-third of his sentence in solitary confinement and was given a spare diet twice each week. Youths were sentenced to whipping. Drs Dadoo and Naicker, who were charged in February 1948 with "aiding and abetting Asiatics to enter the Transvaal without permits", received the maximum sentence of 6 months imprisonment, without the option of a fine (1).

In prison, the passive resisters, men and women, were singled out for harsh treatment. Whilst this was not official "policy", it was clearly condoned (2).

There is little to suggest that governmental and white public opinion in South Africa, to any degree, distinguished between the programme of non-violent resistance and the other principal aspect of the campaign, its international dimension (3), and the tactic of non-violence appears to have attracted only occasional, generally superficial comment, such as that of a correspondent in the Natal Witness who wrote, "no Parliamentary Government could tolerate political pressure by Gandhi's 'Passive Resistance' which is lawlessness and rebellion under another name" (4). At the time of the renewal of resistance in 1948 Die Transvaler described the campaign as a, "revolutionary rebellion", claiming that, "the Indians should be punished like rebels and not given a chance to become martyrs" (5). And the Natal Mercury, on several occasions, sought to ridicule the resisters, as for example, when the police declined to arrest resisters at the time of the 1947 UNGA "(they) sat with an

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- (1) Passive Resister, 5 March 1948.
 - (2) The Leader, 24 August 1946, published N.I.C. allegations about prison conditions for passive resisters and the recommendations of Mr J. Sullivan, MP for their improvement.
 - (3) The response of the white population to the campaign as a whole is assessed in Chapter V, reference is made in the present chapter only to the reaction to the internal campaign of "passive resistance".
 - (4) Natal Witness, 23 August 1946.
 - (5) Die Transvaler, 5 February 1948 in Press Digest, 6 February 1948.

endurance which the Spartans might have envied night after night ... asking only to be taken to the comparative warmth of a prison cell ... such is the unkind fate of those who would sacrifice themselves on the altar of their political convictions" (1). Even Forum, the weekly liberal paper, which might have been expected to comment specifically on the non-violent resistance aspects of the 1946-8 campaign failed to do so in any depth. The programme of non-violent resistance may, of course, have provoked considerable unrecorded discussion between white intellectuals, other than those directly involved with, or on the fringes of the campaign, but if it did, there is little to show for it (2).

The failure of non-violent resistance to excite the sympathy of the white population was underlined by the incidents which occurred at Gale Street in 1946 and shortly before the 1948 general election when groups of young whites, male and female, assaulted resisters and ransacked the tents erected on the site. Michael Scott described one such attack, which he witnessed, by a group of Europeans, "Suddenly a whistle blew and with shouts and catcalls the whole formation charged and bore down on the little group of resisters who were standing back to back. With their fists they struck the Indians in the face and about the body. No one retaliated but some tried to duck and ward off the blows before falling down. On the ground they were kicked ..." (3). Zaynap Asvat, one of those at the site, at the time, commented, "We propose to win them over and to make them see the justice

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- (1) Natal Mercury, 27 November 1947. The paper did, however, point out to its readers that passive resistance had "a deep religious and political significance to the Asiatics" (though it) "appears so patently purposeless to the European mind". 20 June 1946.
- (2) The occasional journal article excepted.
- (3) M. Scott, A Time to Speak, p 136. Similar reports appeared in the Natal Mercury, 18 June 1946.

of our cause by our suffering and sacrifice ... (1). The response to these sentiments in 1946-8 was one of total indifference, not only from the assailants but white opinion as a whole.

(1) Leader, 22 June 1946.

CHAPTER V RESISTANCE AND REACTION THE INTERNATIONAL
DIMENSION (1)

Indians in South Africa were accustomed to look to India for support in their efforts to improve their conditions, but, following the Cape Town Agreement in 1927 when for the first time the South African Government formally accepted that Indians would form an integral part of the country's permanent population (2), South African Indian leaders placed greater reliance on achieving internal solutions. 1946 marks a further turning point, for, in the aftermath of the second world war, South African Indians perceived new opportunities to secure an improvement in their deteriorating status by appealing for support abroad, accusing the South African Government of failing to honour its international obligations to them set out in the Cape Town Agreement.

To press their case they sent delegations abroad, to India and occasionally elsewhere, at fairly frequent intervals from early 1946. The composition of the delegations was the subject of endless controversy between the militants and conservatives which resulted in the despatch of separate groups, sometimes simultaneously (3). The Indian Government received

- (1) The international dimension is examined here only in outline, as an adjunct to the previous chapter, it is the subject of other studies, for example, B. Pacha, "The Emergence of the Question of the South African Indian as an International Issue 1860-1961". (Unpublished Ph.D. thesis, University of Natal.)
- (2) The Cape Town Agreement, of which India and South Africa were the co-signatories, also contained an undertaking to improve Indian educational and social facilities in South Africa (the so-called "upliftment clauses"). In return, the Indian Government agreed to a scheme of voluntary repatriation for South African Indians.
- (3) Separate delegations were sent to the 1946 UNGA and apparently refused to have any contact with one another, Leader, 30 November 1946.

representatives of both elements, but their ties were principally with the militants. Drs. Dadoo and Naicker, spent over two months in India in 1947 consulting with hindu and muslim leaders, seeking to cement their links with both (1). The impact of the delegations is not always easy to assess and the reports of their achievements in the South African Indian press were inevitably selective. But the S.A.I.C. delegation which visited India from March - May 1946 and which was led by S. Rustomjee, the only member of the group in whom the militants had any confidence, was almost certainly instrumental in the decision of the Indian Government to sever trade relations with South Africa (2) as a reprisal for the Union Government's refusal to agree to a round table conference (3). It is equally probable that there were discussions about raising the treatment of South African Indians at the United Nations, though it is not clear from precisely whom the proposal came.

Rustomjee's request that the Indian Government should withdraw its High Commissioner in South Africa met with the agreement of Nehru (4), the decision was announced following the passage of the Land Tenure Act (5). In the heady atmosphere in India before independence, news of the treatment of

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- (1) Dr Dadoo stressed how important he considered it was to obtain the backing of both muslim and hindu leaders in India in an effort to forestall a rift amongst South African Indians on religious grounds, which could have seriously undermined the efforts of the militants to create a broad-based political organisation. Interview, 22 May 1969.
- (2) The decision was announced on 12 March 1946, but did not have the force of law until regulations were published in an Extraordinary Gazette, dated 17 July 1946. The principal element in the trade was the export by India of jute bags for grain storage. Dr Dadoo was subsequently reported (Leader, 4 October 1947) as advocating a world boycott of South African goods, but this proposal was not pursued during the campaign. On its emergence as a separate State Pakistan placed a ban on trade with South Africa. ibid., 6 March 1948.
- (3) P 130
- (4) At first, however, Viceroy Wavell refused to agree. Pachai, op.cit., pp 408-9.
- (5) The decision to recall High Commissioner Desmuck was made public in South Africa on 11 June 1946. The High Commission office remained open throughout the campaign in the charge of a junior official.

Indians in South Africa appears to have excited considerable interest and political leaders were ready to take up a cause which would cast India in a favourable light abroad, as a champion of the oppressed.

Less than 6 months after the passive resistance campaign had begun and only 9 months since Rustomjee's delegation had made the first approaches to the Indian Government the plight of Indians in South Africa was under discussion at the United Nations. For a small minority, with few rights or resources, living in a country whose leader was one of the leading architects of the UN Charter, this was a remarkable achievement, partly the result of fortuitous circumstances, but also a consequence of the skill of the leaders of the passive resistance campaign in drawing attention to the plight of their people through the spectacle of actual passive resistance and by the despatch of delegations and skilful use of publicity material.

The debates before the UN political committee and in plenary session on "The Treatment of Indians Settled in the Territory of the Union of South Africa" (1) saw the development of two principal lines of argument, the first, legalistic, advanced in particular by the South Africans, who claimed that the matter was one for domestic jurisdiction, and the second, humanitarian, espoused by India. There was little sympathy for South Africa's defence of its treatment of the Indian population and neither Smuts nor the South African representative to the UN, Heaton-Nicholls, could provide an effective counter to

(1) Joint Committee of the 1st and 6th Committees' Summary record of meetings 21-30 November, 1946, and Official Record of the 2nd part of the 1st session of the UN General Assembly 23 October - 16 December 1946, (50-51st meetings pp 1006-1061). Both the Indian and South African Governments submitted detailed background memoranda, published as annexures 1(a) and 1(b) to the record of the Joint Committee.

the formidable Indian delegate, Mrs Lakshmi Pandit. Nevertheless the outcome for the South African Government was worse than expected. In the political committee its resolution proposing that the matter be put to the International Court of Justice for a ruling as to whether or not it was a domestic concern, and therefore subject to Article 2(7) of the UN Charter, was rejected in favour of a Franco-Mexican resolution. This stated that because of the treatment of Indians in South Africa friendly relations between two member States had been impaired and that unless a satisfactory settlement was reached a further deterioration in relations was probable. It urged that the treatment of South African Indians should be in conformity "with the international obligations under the Agreements concluded between the two Governments (1) and the relevant provision of the Charter" and requested India and South Africa to report to the next session of the UNGA the measures adopted to achieve these ends (2). The voting was 24 in favour, 19 against, with 6 abstentions. Before the plenary session, South Africa's motion was again defeated and, on this occasion, the Franco-Mexican resolution was passed with more than the required two-thirds majority with 32 votes in favour, 15 against and 7 abstentions (3).

Following the debate, Nehru wrote to Smuts signifying his willingness to hold discussions to implement the resolution, but Smuts could not accept the Indian proposals. The correspondence between the two men during 1947 constituted little

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- (1) The Union Government did not accept that the Cape Town Agreement of 1927 and the subsequent Statement of 1932 constituted international agreements.
 - (2) Summary Record of Meeting of the Joint Committee, op.cit., Annexure 1f. The South African resolution is at Annexure 1d
 - (3) The government was equally unsuccessful in the South West Africa debate, the UNGA rejecting its request for annexation, instead proposing that South West Africa became a UN Trust Territory.

more than "set-pieces" designed to shift the onus to the recipient (1). There was never any serious likelihood of talks taking place on the terms each proposed.

The debate on the treatment of Indians in South Africa at the 1947 session of the UNGA took place against the background of widespread bloodshed in the Indian sub-continent, following its partition at independence the previous month. Whilst the discussion again focused world attention on South Africa's racial policies there was little new to be added to the previous year's debate and the fervour and commitment, so evident in 1946, was less apparent. The resolution proposed by India failed to secure the two-thirds majority it required for adoption by the UNGA. It expressed regret at South Africa's refusal to implement the 1946 resolution, re-affirmed the 1946 resolution and called for a conference between the Indian and South African Governments who were to report what they had achieved to the 1948 UNGA (2). No substitute resolution was passed and the status of the 1946 resolution was thrown into doubt. The Indian resolution did obtain a simple majority (3) and Mrs Pandit claimed the result as a "moral victory" (4), but it was a blow to Indian self-esteem and morale, particularly in South Africa.

The fact remained that the leaders of the Indian population in South Africa, as a result of the tactics they had adopted in response to the imposition of the Asiatic Land Tenure Act, had set in motion the process of isolating South Africa internationally,

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- (1) The correspondence was published in the press. Leader, 7 June 1947, 25 August 1947.
 - (2) Official Records of the 2nd Session of the General Assembly, 16 September - 19 November 1947, p 623.
 - (3) In the plenary session the voting was 31 - 19 - 6.
 - (4) Statement to A. I. Meer, Joint Secretary N.I.C Passive Resister, 11 December 1947.

putting the Government on the defensive and in a position where it felt obliged to explain and justify its internal policies even though it claimed these were not the legitimate concern of foreign governments. The reaction within South Africa to this new state of affairs, where even its closest allies had not spoken out in support of the Government's policies, was mixed.

The Government, in 1946, pressed by the National Party and its own electorate, as well as from abroad, had little room for manoeuvre and took no new initiative, hoping, presumably, that interest at home and abroad in the "South African Indian question" would soon subside. It reaffirmed its determination to implement the Asiatic Act (1) and sought to minimise the importance of what had happened at the United Nations. Smuts declared, "we found unbelievable misunderstanding about race and colour conditions and their handling in South Africa ... The inflammable issues of race and colour swept over the ... Assembly in a mood of emotion, fanned by mischievous propaganda" (2). When the proceedings at the UN (3) came up for debate in the House of Assembly in January - February 1947, Smuts argued that the Government would "stick to its guns" (4), but he was nevertheless clearly taken aback by the events at the UN and admitted, "The past four months have been some of the most difficult in my lifetime" (5). He summarised the official position by saying, "We do not want people in South Africa to go and make appeals to other countries. If they want to make any appeal let them do so in South Africa ... we are now giving

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- (1) For example, in a statement made by the Minister of the Interior, published in the Natal Mercury, 27 December 1946.
 (2) Speech to the Nation, 18 December 1946. ibid., 21 December 1946.
 (3) Both on the treatment of Indians and on South West Africa p 170
 (4) Assembly Debates, Vol 59, Col 10922.
 (5) ibid., Col 10911.

them political status. They are given a say in the Parliament of the Country and there is no need for them to go elsewhere" (1).

Smuts would neither meet the demands of the National Party, made in the debate in Parliament, for the repatriation of Indians in South Africa and the repeal of Chapter II of the Asiatic Act, nor those of South African Indian leaders for the repeal of the Act in its entirety. The Government did acknowledge that, "one thing that must be done is to implement the promises that have been made to provide the Indians with the amenities to which they are entitled" (2) but this and other apparently conciliatory statements (3), were probably intended primarily as a gesture to international rather than local Indian opinion. The same could be said, to a degree, about the Government's action, early in 1947, in pressing ahead with proposals to establish an Indian National Advisory Council (4) and to make provision for Indians in Natal to be given the municipal franchise (5). They may have had the additional purpose of encouraging splits within the Indian population between the conservatives and militants. In practice, neither element would accept the Advisory Council (6) and the proposed municipal franchise for Indians was decisively rejected by the electorate of Natal in a referendum held on 28 February 1946 (7) to the accompaniment of an

- (1) ibid., Col 10922.
- (2) op. cit. Natal Mercury, 27 December 1946.
- (3) Smuts, in a speech in Pretoria on 20 December 1946 admitted that there were certain aspects of South Africa's treatment of its black population which he could not defend (and which by implication should be changed) and he said, "There is too much of the tendency in South Africa to look at a man's skin and judge him on that ...". Natal Witness, 21 December 1946.
- (4) Announced by Smuts in the Assembly on 5 February 1947. It is curious that Smuts should have proposed such a council when there was already provision for Indian representation in Parliament under Act 28, 1946.
- (5) This had been mooted by Hofmeyr during the 2nd Reading of the Asiatic Land Tenure Bill. Assembly Debates, 27 March 1946, Col 4434.
- (6) The conservatives did, however, establish such a body of their own. Leader, 31 May 1947.
- (7) The voters, all white, were asked to say "yes" or "no" to the proposed municipal franchise. In Durban the proposal was rejected by 15066 votes to 1639 in a 37% poll. Similar majorities were recorded elsewhere, regardless of the percentage poll. Natal Mercury, 1 March 1947.

outburst of anti-Indian sentiments. The proposal was taken no further.

The Government made no attempt in the aftermath of the UN debates to establish contact with the leaders of the passive resistance campaign. In its view they were a group of extremists whose interests lay outside South Africa and who exploited the Indian population for their own ideological ends. It subjected them to harrassment as opportunities arose (1).

The Government confined its discussions on political affairs affecting the Indian population to the conservatives, in doing so encouraging friction between the conservatives and militants. There were preliminary contacts, in October 1946, apparently at the Government's instigation (2), between itself and the conservatives about the possibility of convening a meeting between the Indian and South African Governments (3) to discuss the position of the Indian population in South Africa. Nothing came of the contacts but they were widely interpreted amongst South African Indians as a ploy by the South African Government to secure the removal of the "South African Indian question" from the ambit of the United Nations, or at least to deflect criticism there of South Africa's policies, without making any prior concessions (4).

Suspicion was equally widespread at the news in May 1947 that Smuts had received a delegation of the newly formed

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- (1) Both Drs Dadoo and Naicker were refused passports for travel to India in February 1947, Natal Mercury, 12 February 1947, though the Government subsequently relented.
 - (2) Leader, 12 October 1946.
 - (3) There is some dispute as to whether it was proposed that the meeting should be inter-governmental or between South African Indian representatives and the Union Government. Leader, 5 October 1946.
 - (4) Passive Resister, 7 October 1946, Natal Mercury, 30 September 1946, Indian Opinion, 4 October 1946, Leader, 5 October 1946.

conservative Natal Indian Organization (1), whose members opposed the continuation of the passive resistance campaign. Though the N.I.O. representatives expressed opposition to the Asiatic Act and to the proposed Indian Advisory Council the very existence of the N.I.O. and its policies was helpful to Smuts who made extensive reference to the N.I.O. and its views in a letter to Nehru in June 1947 (2), in an endeavour to undermine both the standing of militant Indian leaders in Natal and the line taken by the Indian Government towards negotiations with South Africa. In return the N.I.O. received no more than vague undertakings to look into their grievances.

Following the failure of the Indian delegation to secure a two-thirds majority for its resolution at the 1947 UNGA, Smuts again held a meeting with representatives of the N.I.O. the embryonic Transvaal Indian Organization (T.I.O.), and members of the conservative Cape Indian Congress (C.I.C.), at which he is understood to have agreed in principle that a round table conference should be held between the Indian, Pakistan and South African Governments, without pre-conditions (3). Instead of putting his views on record in a formal communication to India and Pakistan, Smuts and the conservatives agreed that

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- (1) See p 127. Communists and members of any other political organization were prevented by its constitution from joining. (A former Indian Agent-General in South Africa, Sir Raza Ali said the N.I.O. "seemed to be the result of an unholy alliance between big Indian money and a resourceful Prime Minister who knew how to extricate himself in a tight corner". Leader, 31 May 1947.)
- (2) 18 June 1947. ibid., 23 August 1947. The N.I.O., for example, favoured the immediate unconditional return of the Indian High Commissioner to South Africa, precisely what Smuts advocated.
- (3) Smuts' exact position is not known, the only information came from the delegation itself. Leader, 7 February 1948 and 20 March 1948.

the latter would send a delegation to the sub-continent," to urge the governments of India and Pakistan to welcome the (Smuts') assurances and to take such steps as are possible for the holding of a round table conference ..." (1). In the view of the PRC leaders Smuts was simply preparing his ground for the next General Assembly at which he wished to be able to put the onus on the Indian and Pakistan Governments for the failure to hold inter-governmental talks (2). But the general election intervened before the delegation could set out, leaving it without a mandate (3).

Amongst the White population there was a general lack of sympathy for the Indians in South Africa (4) and this was manifest in the period immediately before and during the 1946-8 campaign by, for example, the views expressed in Parliament during the discussions of the Asiatic Act (5), the attacks on the passive resisters at Gale Street (6), the result of the Natal referendum on the proposed Indian

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- (1) Statement by P. R. Pather, N.I.O official to the Leader, ibid., 10 April 1948.
- (2) J. N. Singh, Secretary Transvaal PRC, Leader, 20 March 1948. The Leader which at the time was committed to neither the conservative nor militant cause was equally suspicious of Smuts' motives and critical of the conservatives' role. It did not escape notice that in a message to an N.I.O. conference in March 1948 Smuts told the delegates that he hoped "as South Africans we can settle our own difficulties in a spirit of mutual discussion". ibid., 20 March 1948.
- (3) The National Party government was prepared to hold talks with India and Pakistan but only to further the objectives of the 1927/1932 agreements (which it saw primarily as the repatriation of the Indian population from South Africa to the sub-continent). Letter (n.d.) from Dr Malan to N.I.O., Leader, 31 July 1948.
- (4) A study of racial tolerance/intolerance thresholds of the period 1934-1944 showed that white South Africans, English and Afrikaans speaking, reserved their highest intolerance ratings for the Indians of all South African racial groups. E. Hellmann, Handbook of Race Relations in South Africa, p 694.
- (5) pp 122 - 123
- (6) p 165

municipal franchise (1), the boycott of Indian traders (2) and in the correspondence and editorial columns of the Afrikaans and English language press.

The efforts of South African Indians to draw attention, at home and abroad to their plight, provoked discussion of the "Indian question" but only rarely was there any suggestion of a willingness to re-examine existing prejudices and even where there was it was not always evident that it constituted more than a vague statement of intention in response to an immediate crisis. In December 1946 the Cape Times commented editorially, "South Africa has reaped what generations of reaction and illiberalism have sown ... The decision of the UNO is a challenge to complacency. There must be a new deal for the non-European . There must be evolved a clear sighted, dynamic policy designed to fit the non-European into the pattern of our natural life" (3). And The Friend remarked, at the same time, "The country from the government downwards must-re-examine its conscience ... whatever South Africa can do it must do to satisfy the opinion of at least those nations whose standards are no worse than ours" (4).

Much more commonly, the campaign and its leaders provoked an intransigent response, expressed in extreme but not untypical language by a correspondent in the Natal Mercury (5) who wrote, "The simple, honest, Indian citizen ... is being led to disaster by the un-Indian, un-South African communists, serving the cause of revolutionary chaos, as well as by the Indian profiteer who has to hide his ill-gotten gains in ever increasing land purchase. UNO has degenerated into a

(1) pp 173 - 174

(2) pp 178 - 179

(3) Reprinted in the Forum, 21 December 1946.

(4) Friend, 10 December 1946.

(5) 18 December 1946.

shop window to sell Russian communism to the gullible of this world" The predisposition to dismiss the campaign, and to argue that the majority of South African Indians were content with their lot enjoying much better conditions than in strife torn India (1) could not disguise an underlying anxiety as to its wider implications both within South Africa, in encouraging Africans to revolt, and abroad (2) It was a fear which the National and Labour Parties exploited in their electoral interests, their "solution" was the repatriation of the Indian population (3)

The most widespread concerted action taken against Indians in South Africa which could be attributed to the campaign was the boycott of Indian stores in the Transvaal which began in January 1947, lasting for about 6 months. According to Forum (4) the boycott was conceived by a group of farmers, who were United Party supporters, as a gesture of retaliation for the expected loss of grain resulting from the Indian trade embargo which produced a temporary severe shortage of grain bags (the jute from which they were made came largely from the sub continent). The boycott movement gained widespread support and 400 delegates attended an "Indian Boycott Congress" in March, setting up the South African Protection Movement. Not only did it advocate a total boycott of Indian stores but appears to have favoured a ban on the issue of further trading licences to Indians and

(1) Natal Mercury, 29 June 1946.

(2) A correspondent writing in the Natal Mercury, 3 December 1946, on the proceedings at the UN commented, "(this is) the first brush in the campaign of Black and Coloured against White. It threatens a tremendous clash between ideologies, between White standards of living and government and millions of ignorant and semi-barbaric peoples, mostly pagan ... "

(3) Dr Malan told the House of Assembly, 21 January 1947, "The solution of the Indian problem is to transfer the Indian community in South Africa to India or elsewhere. Such transfers of population are nothing out of the ordinary" Natal Mercury, 22 February 1947.

(4) 22 March 1947.

the repatriation of the Indian population (1) The boycott was pursued with considerable vigour, particularly in the Western Transvaal where anyone - black or white - who sought to patronise Indian stores faced intimidation and assault (2). The traders, isolated and vulnerable, received support neither from the police nor the government, which was slow to condemn the boycott (3)

Support for the Indians in their campaign to secure change in the Government's policies was not, however, entirely absent in South Africa. Amongst the white population there was a small minority comprising liberals and communists, who to a varying degree, either as individuals or as members of organizations, sympathized with the demands of the PRC leaders, but the number of whites prepared openly to identify with the passive resistance campaign was minuscule. Nevertheless their presence was important (4).

The programme of passive resistance attracted only a handful of African participants. It was never intended that it should be otherwise but the real importance of the campaign, in terms of the African response, was that it helped to create a climate favourable to co-operation between African and Indian leaders. Throughout the campaign ANC leaders attended and addressed public meetings called by the provincial PRC's and Indian congresses and expressed their support for the campaign and the PRC leaders (5). It was during the campaign, on 9 March 1947, that the "Three Doctors' Pact" was

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- (1) Passive Resister, 28 March 1947, Forum, 22 March 1947.
 - (2) Leader, 5 April 1947, Inkululeko, 1st Edition April 1947.
 - (3) Smuts did not speak out clearly against the boycott until shortly before the UNGA reconvened in September 1947. Passive Resister, 4 September 1947.
 - (4) This was particularly true of Michael Scott who played a prominent part in the campaign at least in its initial stages.
 - (5) In return, the PRC leaders, for example, voiced their support for the African mineworkers strike in 1946, Dr Dadoo was charged with incitement as a result of his campaigning. Leader, 7 September 1946.

signed between Dadoo, Naicker and Xuma setting out a programme of co-operation (1) designed to co-ordinate their efforts to secure an end to racial discrimination in South Africa. And in March 1948 PRC and ANC leaders co-operated to form the "Votes for All Movement" which culminated in the meeting of a multi-racial "Peoples' Assembly" and the declaration of a Peoples' Charter (2) African and Indian suspicions of one another still remained, as was manifest in the violent confrontation between them in Durban in 1949 (3) but the seeds of co-operation between their leaders, sown in 1947, had already begun to bear fruit.

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- (1) The text was published in Inkululeko, 2nd edition 1947.
 (2) Passive Resister, 19 March ~~28~~ May 1948. "The Votes for All Movement" developed from the embryonic "Votes for Indian People" campaign.
 (3) There is a brief description of the riot and the subsequent efforts of African and Indian leaders to establish a measure of co-operation between their respective communities by Mary Benson, South Africa The Struggle for a Birthright, pp 123-126.

CHAPTER VI AN ASSESSMENT

At the end of the passive resistance campaign in June 1948, Michael Scott wrote, "There can be no doubt that the spirit shown by the passive resisters and their tenacity of purpose during the two years in which some 2,000 or more have been sent to prison has had a profound effect on world opinion though South African opinion is still hardened against any compromise whatever" (1).

Neither the leaders of the PRC nor the Government were interested in compromise, except on their own narrowly defined terms constituting a "sell-out" in the opinion of the other. More sharply and immediately than in 1906-14, the 1946-8 campaign signalled a confrontation about fundamentals in which there was no serious inclination to compromise in a meaningful sense of the word and virtually no room in which to do so. The campaign ended in stalemate with neither side the "winner" or "loser" of what was a preliminary round.

The campaign did not achieve the repeal of the Asiatic Land Tenure and Indian Representation Act though it impeded its implementation, nor did it result in the alleviation of the numerous other disabilities suffered by the Indian population. In the aftermath of the 1946 UN debate, Ministers had referred to the need to provide Indians with "the amenities to which they were entitled" (2) and subsequently the N.I.C. held discussions with Durban City Council (3) and the Administrator of Natal (4) about ways of improving Indian housing and education facilities, but these were isolated developments, apt to founder, and they have to be offset

(1) Passive Resister, 16 July 1948.

(2) p 173

(3) Leader, 20 December 1947.

(4) ibid., 7 February 1948.

against an unremitting upward trend of discrimination and harrassment to which the introduction of the Asiatic Act contributed. Indians were prosecuted under the Act from mid-1947 in the Transvaal (1) In Natal the Government stayed its hand, preferring no charges under the Act. The PRC claimed this as a victory for the passive resistance campaign (2), however, the Government's decision deprived resisters of their intended target, without giving them any grounds to believe that the land tenure restrictions in the Act would be dropped as a result of their campaign. The Government was criticized by the electorate for its acquiescent approach, but believed it could bide its time waiting for the collapse of the campaign and decline in international interest.

South Africa 's treatment at the United Nations distressed and angered Smuts but he was neither disposed nor able as a result of the proceedings to make significant concessions to South African Indians, least of all around a table with Nehru. Though Smuts and Nehru took preliminary soundings of one another there is no reason to suppose that Smuts had any intention of holding substantive talks with the Indian Government and he pitched his terms accordingly. The PRC argued that as a result of its endeavours (and not those of the conservatives) the Union government showed a change of heart following the 1947 UNGA, for the first time signifying its willingness to hold inter-governmental talks (3), but subsequent events (4) suggest that the "change" was more apparent than real.

White opinion, as Scott suggests, remained stubbornly opposed to what it perceived Indian social, economic and

(1) ibid., 19 July 1947.

(2) Passive Resister, 8 January 1948.

(3) Leader, 18 December 1947, Passive Resister, 18 December 1947.

(4) pp 175 - 176

political aspirations to be. Neither the programme of non-violent resistance nor the upsurge in criticisms of South Africa's racial policies abroad had the effect of persuading the white population at large to re-assess, in a constructive way, its attitudes toward the Indians. Instead, the majority confined their response to the campaign to denegrating it and its leaders, sometimes resorting to extreme language and actions, suggesting an underlying anxiety and lack of confidence. Party politics played an important part in this response, National Party politicians being particularly active in fanning emotions about the campaign, as a means of encouraging electoral support (1) Whilst the majority remained intransigent, their intolerance of Indians probably intensified by the campaign, there was a small minority of whites, who may broadly be described as "liberals", for whom it was a pressing reminder that South Africa's racial policies were becoming increasingly outmoded and unworkable (2), but this group lacked cohesion and, some might argue, commitment. The few whites who did participate in the campaign were subject to scorn and ridicule from fellow whites.

The Leader commented shortly before the campaign began, "We have to consider our resources and our own powers. It is no use getting started without anticipating some degree of success. No one fights to lose ... " (3) The preceding paragraphs suggest that the participants did lose and that the PRC should have heeded more closely what the Leader had to say, but the campaign was by no means the failure it first appears to be and it may be argued that it vindicated the policy of the militants in "throwing caution to the wind" and rejecting the approach, typified by the Leader editorial,

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- (1) Dr Dadoo doubted that the campaign affected voting in the general election but the "Indian question" featured fairly prominently and it is conceivable that the policy of repatriation advocated by the National Party contributed to its victory. Interview, 22 May 1969.
- (2) Forum, 6 July 1946.
- (3) Editorial, 8 June 1946.

which had dominated South African Indian politics for decades.

Scott's claim that the programme of passive resistance had "a profound effect" on world opinion may be an exaggeration but as a result of the efforts of South African Indian leaders, the predicament of the country's non-whites attracted world-wide attention and sympathy, as never before, putting the South African Government on the defensive and setting in train its progressive international isolation. Whilst this brought no material benefits to blacks in South Africa, quite the contrary, the knowledge that the country's racial policies had become the subject of widespread criticism abroad, which was likely to continue and to grow in strength, offered a boost to their morale (1) and an added incentive for political activity.

The achievement of the campaign as a catalyst to political activity and co-operation was summed up by Joshi in March 1948 when he commented "They (Africans) have begun to realize that if a handful of Indians could challenge a powerful government supported by European colonial powers, they, numbering 40 times as large, could, if well organized, not only shake the very structure of (sic) colour bar but pave the way to equality and emancipation. The (campaign) has ... inspired understanding and goodwill among the non-European peoples and a common united front has been forged by common indignities and sufferings" (2). Joshi's language may be inflated but in essence what he says is supportable. The PRC's leaders recognized it was of prime importance to the Indian population, if they were to secure an improvement in their conditions and a lasting future in South Africa, to work in concert particularly with African political organizations, as well as representatives of coloured and white radical opinion. The campaign offered

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- (1) The result of the 1946 UNGA may have generated false optimism though the lack of material progress in the following year should have provided a corrective.
- (2) Passive Resister, 23 April 1948.

an opportunity to demonstrate to the ANC and others the seriousness of purpose of South African Indians and their potential value as allies. It served to emphasize the common goals which Africans and Indians shared and provided a framework and focus for initial co-operation, which was to be of lasting significance. For it may be argued that the campaign marked the beginning of the alliance of the African and Indian Congresses and Coloured and white radicals (1) which was subsequently to play a central role in mobilizing opposition at home and abroad to the Government's racial policies. PRC leaders, in preparing the ground for such co-operation, were careful throughout the campaign to cast it in the broadest possible context as a part of a world-wide struggle for democratic rights and not simply as an isolated movement to protest against the discrimination suffered by South African Indians. Finally, the campaign offered a practical example to the ANC of tactics it might itself adopt in the future.

To be successful in winning the agreement of the ANC to co-operate in opposing racial discrimination and to secure substantial international backing, as they wished, the PRC leaders needed to be able to demonstrate that they represented a significant body of South African Indian opinion which they could mobilize in an effective manner and which was prepared to demonstrate the seriousness of its commitment to oppose the Government's racial policies. Seen in this context the campaign represented a tremendous gamble for Drs Dadoo and Naicker and their immediate colleagues who were still in the process during the campaign of securing control of their respective provincial congresses and the S.A.I.C. At the outset, they faced two principal and related challenges in building up

(1) This is not to suggest that previously there had been no co-operation. Clearly there had, but not on the same scale nor with a comparable lasting impact.

popular support for the campaign, the lack of resources, human and financial, immediately at their disposal and the presence of a Government, local authorities and employers, all representing white interests, implacably opposed to the campaign and capable of intimidating would-be supporters and participants. Whilst the Government did not detain PRC leaders en masse, as subsequently became the practice, nor, in general, did it prevent their freedom of movement or of action, they worked under the threat of such possibilities and were liable to harassment at any time (1). In the face of these problems the leaders were quick to show their organizational ability and to prove the popularity of the campaign, in the process establishing themselves as the effective leaders of the Indian population. In contrast to the conservatives, the new congress leaders actively sought and succeeded in obtaining the backing of Indians from all walks of life, in particular drawing support from urban workers whom the conservatives had largely ignored. Many were previously lacking in any political experience. In the space of two years not only had between one and two per cent of the adult Indian population taken part in the programme of non-violent resistance and had been imprisoned for doing so, some as a consequence losing their jobs, but many more Indians had shown support for the campaign by raising funds and generally helping with its administration as well as by attending public meetings called by the PRC's or Congresses. As a mark of the growth in political activity, in Natal new Congress branches were established and membership rose from a few hundred to about 35,000. Even for those whose experience of political activity proved to be short lived, the impact of the campaign was unlikely to be entirely erased.

(1) For example, PRC/Congress offices and the homes of PRC officials, were subject to police raids during the campaign.

But could the PRC leaders have achieved more than they did in the circumstances? They were not seriously criticized for failing to secure the repeal of the Asiatic Act or an immediate improvement of the general treatment of the Indian population, nor was any major objection raised, so far as is known, by a significant body of Indian opinion to closer political ties with Africans (1) such as the PRC advocated. They were however criticized by the Leader newspaper for "unduly fanning the embers" (2) of discord between themselves and the conservatives to the detriment of the Indian population's common goals, for unnecessarily prolonging the campaign, following the 1946 UNGA session (3), and generally for displaying a lack of realism (4). The first of these criticisms was potentially the most important in terms of levels of participation in the campaign. Certainly the PRC leadership indulged in a good deal of extreme language towards the conservatives and entered into costly and time consuming litigation with them, sometimes seemingly primarily to settle personal scores, but there were fundamental differences of approach between them on policy issues. If they had co-operated, and it may be argued that both sides were equally responsible for their general failure to do so, it would probably have made relatively little difference to the level of participation in the campaign. The conservatives lacked popular support and it is unlikely that their membership of PRC's would have resulted in many of their supporters, mostly traders, volunteering to resist (5). If it had been possible, which seems highly unlikely, for there to have been a meaningful alliance

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- (1) This did not apply in the reverse direction, opposition coming mostly from young ANC militants.
- (2) Leader, 12 October 1946
- (3) ibid , 1 February 1947.
- (4) ibid., 15 March 1947, 21 June 1947.
- (5) The conservatives placed much emphasis in their public statements on the communist affiliations of PRC leaders but it seems unlikely this deterred many people from in some way associating themselves with the campaign. It certainly did not deter Manilal Gandhi, a staunch anti-communist and his example(p142 ftnt 2) may have encouraged others.

between conservative and militant leaders, the principal advantage might have been to limit the Government's opportunities to portray the campaign and its leaders as being unrepresentative, or to play-off one element against the other, but the Government would still have found ways to try to undermine the campaign.

In criticizing the PRC for displaying a lack of realism, the Leader was referring to the period after the 1946 UNGA when participation in the campaign had sharply declined. In the Leader's view the members of the Natal PRC concerned themselves unduly with certain domestic and international affairs, which were not priorities for the Indian population, whilst failing to take "positive" action by lobbying the government and local authorities on more pressing day to day problems (1). Particularly during 1947 the focus of the campaign did become rather blurred and there were times when very little appears to have happened except for the issuing of hotly-worded press statements and the passing of wide-ranging resolutions in support of diverse causes unconnected with the campaign, except in a very general sense. In 1948 some of the leaders of the campaign were heavily engaged for a period in the "Votes for All" movement. It is possible that if the PRC leaders had devoted themselves more single-mindedly to the development of passive resistance in 1947/8 a higher level of participation would have been achieved, but it is unlikely to have been significantly higher, largely because of external considerations, in particular the possibility of talks on the future treatment of Indians between the South African and Indian governments. The leadership might, however, have been more assiduous at that

(1) PRC leaders did on occasions take up day to day problems with local and provincial administrators (P 181), but it was precisely because such approaches, on their own, had consistently failed to bring about an improvement in the conditions under which Indians lived that more militant means had been adopted.

time in consolidating the Congress organization in an effort to ensure that they had a reasonably strong network at their disposal for future political activity.

In the last/ ^{eighteen} months of the campaign, following the 1946 session of the UNGA, only approximately 500 acts of resistance occurred, compared with 1500 in its first 6 months. There were no very compelling reasons to prolong the campaign (1), essentially it became a holding operation which could be expanded fairly rapidly if there were pressing reasons to do so, such as the resumption of the debate at the 1947 session of the UNGA on the treatment of South African Indians. And whilst the campaign continued, even at a very low ebb, it provided a focus for activity and it symbolised the continuing determination of the Indian population not to accept in a supine fashion the provisions of the Asiatic Land Tenure Act. The continuation of the campaign seems principally to have been opposed by the conservatives, but the problem which they were unable satisfactorily to answer was what to put in its place to maintain a focus for political activity. The PRC leaders were faced with a difficult tactical problem in deciding when and how to conclude the campaign, to which the general election provided an unexpected answer.

The tactical means at the disposal of the leaders of the campaign appear very limited as compared with those available to the Government. Constitutional means were virtually absent and the resort of earlier generations of congress leaders to petitions and interviews had proved largely fruitless. Nor did the PRC leadership have the means (or inclination) to press their claims by force of arms, any form of violent activity that they could have mounted would have played into the Government's hands and would have been entirely counter-productive. In conventional terms the Indian minority was

(1) Y. Dadoo interview, 22 May 1969.

at a severe disadvantage in trying to mount any sort of meaningful opposition to the Government. But, as the events of 1946-8 revealed, they were not as helpless as at first appeared and the Government might have imagined. The combination of the programme of non-violent resistance and appeals to the international community (rather than to the Government) proved a potent force in the hands of the PRC leadership, for whilst it did not result in any improvement in the material lot of black South Africans it provided the basis for a new and crucial phase of political activity by blacks in South Africa against the Government

and it set in motion parallel activity abroad to bring pressure to bear on the South African Government to mend its ways. The campaign and the means it employed proved well matched to the times and this was crucial to its impact.

The question remains as to what was achieved specifically by the use of the tactic of non-violent resistance against the law. First and foremost it provided a means of involving, for the first time, a broad-spectrum of the Indian population in sustained combined political activity, either by directly participating in acts of non-violent resistance or by taking part in the campaign in some other way. Once introduced to political activity through the campaign it was the PRC's hope that they would participate in the Indian congresses on a permanent basis, strengthening those organizations in preparation for future campaigns. No other tactic available to the Indians could have provided them with such a positive means of demonstrating their dissatisfaction and their commitment to change and it had the virtue of not being solely dependent for effect on large numbers, however beneficial they were for publicity. The campaign served as a reminder to the Indian population and to African political leaders of the considerable potential that non-violent resistance held as a means of developing political activity.

The element of sacrifice involved in an act of resistance, as contrasted, for example, with signing a petition was of considerable significance to the campaign for, apart from its impact on the morale of the Indian population, it attracted attention from African and other non-Indian political leaders in South Africa and from abroad.

Ashwin Choudree, a Natal Congress leader, claimed in July 1946 that the programme of passive resistance "is already awakening the conscience of Europeans" (1) but with rare exceptions it singularly failed to do this and the campaign may indeed have contributed to a further hardening of their attitudes toward the Indian population. If the Indians could not immediately win the hearts of Europeans nor could they mobilize themselves in sufficient numbers to pressure the government and white opinion generally to bring about an improvement in their conditions. But for the most part the leaders of the PRC never expected that they would secure fundamental change overnight, their best expectations for the campaign were that it would lay the foundations.

(1) Leader, 13 July 1946.

ANNEX A LAND TENURELEGISLATION DISCRIMINATING AGAINST ASIANS 1885 - 1945TRANSVAAL

Between 1885 and 1940 Asians in the Transvaal progressively lost the freedom (de jure and de facto) to own land and to live and trade where they wished, though the impact of the restrictions had till then been somewhat blunted by the condonation of existing Asian fixed property holdings whether or not acquired strictly within the letter of the law.

The South African Republic, by Law 3 of 1885, forbade "persons belonging to any of the native races of Asia" from owning fixed property in the Republic except in specially set aside areas ("bazaars or locations") where the Government could direct Asians to live. The Law was not retroactive, nor did it contain any punitive provisions and was widely disregarded (1)

In 1898 the Transvaal Government passed a further act (2) intended to restrict coloured (including Asian) occupation and holding of land in proclaimed gold mining areas on the Rand. This was succeeded in 1908 by the more important and wideranging Transvaal Precious and Base Metals Act (The Gold Law) (3) of which sections 130 and 131 are the kernel. Section 130 stipulated that in proclaimed areas (4) no holder of a right to a stand (5) in terms of the Act was allowed to permit a "coloured" person, other than his bona fide servant, to reside on or occupy ground held under such right. The following Section prohibited "coloureds" (other than servants or employees of whites) from residing on proclaimed land in the Witwatersrand mining districts except in bazaars and locations permitted by the mining

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- (1) See p 16 and Report of Asiatic Land Laws Commission UG 16, 1939, Sec II, paras 21ff.
 (2) Act 15, 1898.
 (3) Act 35, 1908. It interacts with the Townships Act 34, 1908.
 (4) Which constituted the greater part of the urban areas of the Rand.
 (5) Such a holder could only be a European.

Commissioner. The restrictions were not to apply to "coloureds" already occupying premises on proclaimed land at the commencement of the Act.

The Transvaal Asiatics Land and Trading (Amending) Act 1919 (1) was intended to close certain loopholes in Law 3, 1885, by prohibiting the owning of fixed property by "coloureds" through limited liability companies in which non-whites had a "controlling interest" anywhere in the Transvaal except in areas set aside by the Government. Fixed property acquired by such companies prior to May 1919 was exempt. At the same time, the Act, in implementation of the 1914 Gandhi-Smuts agreement, gave recognition to the vested rights of British Indians who on 1 May 1919 were trading on proclaimed ground to which Sections 130 and 131 of the Gold Law applied.

In response to continuing white anti-Indian agitation, the Government in 1920 appointed the Asiatic Inquiry Commission under Mr Justice Lange. It recommended that Law 3, 1885, and Act 37, 1919, should be retained but that no compulsory segregation of Asians should be enforced (2). In 1924, 1925 and 1926 racially discriminatory Union-wide bills were introduced to restrict "coloured" residential and trading rights in urban areas but they did not become law. The repatriation provisions of the Indo-South African Cape Town Agreement of 1927 (3) may have temporarily lessened the calls from whites for further restrictions on Asian land tenure rights but in 1930 a Parliamentary Select Committee was established, inter alia, to consider how effective had been the prohibition on the ownership of property in the Transvaal by Asians through companies in which they held a controlling interest.

- (1) Act 37, 1919. This Law provided the framework for much of the subsequent inter-war period legislation restricting "coloured" land holding and occupation in the Transvaal.
- (2) Report of the Asiatic Inquiry Commission, UG 4 - 1921, para 226.
- (3) E. Pahad, "The Round Table Conference between the Govt. of India and the Govt. of South Africa which led to the Cape Town Agreement of February 1927". (Unpublished seminar paper, University of Sussex, 1969). A further conference was held in 1932.

The Committee's Report (1) led to the introduction and passage of the Transvaal Asiatic Land Tenure Act of 1932 (2) which made illegal, as from May 1930, the holding of fixed property in the Province by a nominee on behalf of an Asian or Asian Company. It also tightened up the definition of "controlling interest" in companies to close a loophole in the 1919 Asiatic Land Act. In addition, the Act contained provisions to regularize the position of Asians residing on or occupying proclaimed land from which they were technically excluded by Sections 130 and 131 of the Gold Law. They were required in terms of the Act to furnish details of their occupancy to the Minister of the Interior in return for the right to retain their land holding till the end of April 1935 (3). This allowed time for the Government to set up a Commission (4) to examine the extent and nature of "coloured" occupation of proclaimed mining areas and make recommendations to the Minister for the exemption of certain areas occupied by "coloureds" from the restrictions of the Gold Law (5).

The Feetham Commission issued a series of reports (6) making detailed suggestions for the withdrawal of stands from the restrictions of the Gold Law. Feetham's principal innovation was to recommend that in certain circumstances "Coloureds" should be allowed freehold rights of property on

- (1) S.C.7, 1930.
- (2) 35, 1932.
- (3) This date was progressively put back by Act 35, 1935, Act 32, 1937, Act 28, 1939, Act 28, 1941 and Act 35, 1943.
- (4) The Transvaal Asiatic Land Tenure Act Commission, appointed under Government notice 1324, 4 October 1932. Chairman Mr Justice Feetham.
- (5) The power of exemption was introduced in Act 25, 1932 (Sec.2(3) amending Sec 131 of Act 35, 1908).
- (6) Part I (General observations and background) and Part II (Johannesburg) of the Transvaal Asiatic Land Tenure Act Commission Report published together in 1934 (UG 7) are of principal interest, Parts III - VII, issued between 1935 and 1937, examine "coloured" land holding in other towns on the Rand, and Part VIII miscellaneous matters. The first exemptions of land as recommended by Feetham were not approved by Parliament till 1941.

stands (in proclaimed areas) covered by exemption certificates issued under Section 131A of the Gold Law. This suggestion was incorporated in the Transvaal Asiatic Land Tenure Amendment Act of 1936 (1). The Commission noted, "During the period of nearly 24 years (since the introduction of the 1908 Gold Law) no effective steps had been taken to enforce the Gold Law prohibitions against occupation by Asiatics ... of the land referred to in Sections 130 and 131 and so far as Johannesburg was concerned no action had been taken to provide accommodation for these sections of the population in areas legally open to their occupation ... meanwhile the issue to Asiatic traders of Government licences authorizing them to trade on land in prohibited areas had been continued and the number of Asiatics ... in occupation of premises situate in such areas had greatly increased" (2).

In 1938, to meet continuing disquiet amongst the electorate, the Asiatic Land Laws Commission was set up "to enquire into and report whether and if so to what extent the letter and spirit of any law restricting or prohibiting the ownership, use or occupation by Asiatics of land is being evaded and to make recommendations in regard thereto" (3). The Murray Commission did not concern itself with proclaimed areas - the subject of Mr Justice Feetham's enquiry. With the exception of technically illegal property acquisition by Asian companies (through nominees) in the Transvaal between 1930 and 1932 (4) Murray found little evidence of contravention of land tenure laws by

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- (1) Act 30, 1936.
 - (2) Feetham Commission, Part 1 Chp.IV, para 11(7).
 - (3) Report of the Asiatic Land Laws Commission - UG 16, 1939. Chairman Mr Justice Murray. The Commission was set up following the Report of a Select Committee (S.C. 11, 1937).
 - (4) Such property acquisition had only been made illegal retrospectively by Act 35, 1932.

Asians. He did, however, note the "widespread" evasion of the spirit of land tenure laws on property holding by "the expedient of discrimination between A and B classes of shares ... whereby an Asiatic secures a preferential right to the capital profits of the company while exercising de facto control as a creditor" (1). The Commission proposed the tightening up of the provisions of Act 37, 1919, in respect of companies, and recommended that the restrictions in Act 35, 1932, on the ownership of property through (white) nominees be no longer retrospective till 1930 (2). It rejected calls from Transvaal Indians for the total repeal of statutory restrictions on Asian occupation and ownership of land.

The conservative Transvaal Indian leader, A. I. Kajeer, volunteered an assurance to the Minister of the Interior in Smuts' recently appointed Government that he and his supporters would do what they could to dissuade members of their community from purchasing property in predominantly European areas (3). In spite of this the Government proceeded with the Asiatics (Transvaal Land and Trading) Act, 1939 (4), a holding measure to peg both Asian occupation of land and trading for two years from June 1939. With the outbreak of war, substantive legislation was ~~delayed~~, not being introduced till 1946 (5).

NATAL

During the 1940's, the focus of attention turned to Natal - in particular Durban, the home of approximately

- (1) Murray Commission, op. cit., Sec VI(7).
- (2) ibid., para 156.
- (3) C. Kondapi, Indians Overseas, p 256, G. H. Calpin, Indians in South Africa, p 130.
- (4) Act 28, 1939.
- (5) The provisions of Act 28, 1939, were extended by Act 28, 1941 (Asiatic (Transvaal Land and Trading) Amendment Act) and Act 35, 1943 (Trading and Occupation of Land (Transvaal and Natal) Restriction Act).

two-thirds of South Africa's Asian population. In Natal (1), till 1941, statutory restrictions on Asian land tenure were confined to the Durban Borough Lands Alienation Ordinance 14 of 1922 and the Natal Borough and Township Lands Ordinance 5 of 1923. The latter gave wide powers to local councils to insert Asian exclusion clauses in sales of unalienated lands. The right was widely used, effectively limiting the acquisition of properties by Asians to pre-existing alienated areas. The Lands Alienation Ordinance was used to eject Asians from land which they occupied (2).

In May 1940, a Commission was set up under Mr Justice Broome to enquire, "whether and, if so, to what extent, Indians have, since 1 January 1927, commenced occupation of or acquired sites for trading or for residential purposes in predominantly European areas in the Province of Natal and the Transvaal ... (excluding proclaimed land in the Transvaal) ... and the reasons for such occupation and acquisition" (3). Like previous commissions examining Asian land holdings, the Indian Penetration Commission produced little evidence to justify European agitation for further restrictions of the Asian population. In the Transvaal the Commission traced 339 cases of what was termed "penetration" of European areas concluding that this did "not disclose a situation which can by any stretch of imagination be described as critical". In Natal, where the Commission reported 700 instances, it said "the position does not appear to be serious" (4). It found that Indians who had acquired property in European areas generally did so for investment purposes, rather than residence (5), there being few comparable

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- (1) Excluding the Northern Districts - formerly a part of the South African Republic - /Transvaal Asian land registration continued to apply. ^{where}
- (2) Indians Overseas, p 257.
- (3) Report of the Indian Penetration Commission, UG 39 - 1941. The Commission was established by Govt. notice 841, 1940.
- (4) ibid., paras 193 and 290.
- (5) For example, in Natal, 491 of the "penetration" cases cited by Broome related to ownership but not occupation of property.

alternative openings within the Country for Indian capital. Where Indians had moved into predominantly white areas Broome said it could often be attributed to a desire for better living or trading conditions, which, he pointed out, was a perfectly natural motive not peculiar to Indians. In some instances Indians had acquired property in already declining European areas, but the Report firmly rejected that in such cases the Indians had initiated the process of decay by taking property in the areas concerned. Implicitly, the commissioners blamed local councils for bringing on themselves the supposed problem of Indian acquisition of property in white areas. "In Durban the predominantly Indian areas are closely settled. Many of them lack the ordinary civic amenities ... In most Natal towns the predominantly Indian areas are located in the less desirable quarters, often in proximity to native areas ... It would be surprising if the acceptance of Western standards (1) did not impel Indians to leave such localities wherever opportunity offered" (2).

In Durban, in 1940, a joint committee (the Lawrence Committee) of members of the Natal Indian Association and the City Council was established, inter alia, to restrict by voluntary means inter-racial transfer of property from Europeans to Indians. It was dissolved in 1942 having achieved very little (3). Its European members favoured the Committee being given statutory powers to prevent inter-racial property transfers.

Following allegations from Durban City Council that the influx of Indians into predominantly white areas of the City

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- (1) As envisaged for South African Indians in the "upliftment" clauses of the 1927 Cape Town Agreement. The recognition under this Agreement of the permanence of South Africa's Indian population may have contributed marginally to their readiness to invest in property.
- (2) ibid., para 335.
- (3) The Committee was succeeded in 1943 by the Asiatic Affairs Advisory Board, a joint European-Indian Body, though this had rather different functions.

had increased since the period examined by the first Broome Commission (1), the Government re-appointed Justice Broome to investigate the extent to which Indians and predominantly Indian Companies had between 30 September 1940 and February 1943 acquired sites in Durban municipality areas which in January 1927 the previous Commission had found to be mainly European (2). Broome's terms of reference were narrowly defined, for his enquiry concerned only the old Borough of Durban (approximately 13 square miles), and he was not empowered to examine the reasons for any acquisition of property. The Report played into the hands of anti-Indian extremists in Natal. It found that in 1942 195 sites in predominantly white areas had been acquired by Indians, compared to a previous maximum of 78 (in 1939), reported by the first Broome Commission. Acquisition in the first two months of 1943 indicated a continuing upward trend (3). Broome accepted that the majority of the sites remained in European occupation. Both the Natal Indian Congress (N.I.C.) in evidence to the Commission and Kondapi (4) suggest the proportion of European occupied sites was much higher than Broome implied, possibly as many as 5 in every 6 of the newly acquired sites retaining European tenants. Indians still only owned 4% of the land in the old Borough of Durban, though forming 25% of its population. And though Indian acquisition was relatively sizeable in the early 1940's as Prof. Burrows commented, "the strain of penetration has not been all on one side, for example, the European suburb of Durban North was formerly occupied mainly by Indians" (5). In an informal observation Broome again suggested, as in his previous report, that Indians had invested in immovable property because of the absence of acceptable alternatives, at the same time

(1) January 1927 - 30 September 1940.

(2) Report of the 2nd Indian Penetration (Durban) Commission, UG 21 - 1943. The Commission was established in February 1943 by Government notice 327, 1943.

(3) ibid., para 16.

(4) Indians Overseas, p 267.

(5) Indian Life and Labour in Natal, p 55.

noting that "Indians may be anxious to pass through the door while it is still ajar" (1).

Within a month of the completion of Mr Justice Broome's Report Parliament acted, passing the Trading and Occupation of Land (Transvaal and Natal) Restriction Act (2), an interim measure, inter alia, preventing the inter-racial transfer of land for acquisition or occupation in Durban (3). The Act could be extended to other parts of Natal. It was bitterly criticized by Natal Indians and the Indian Government (4). At the same time it did not satisfy militantly anti-Indian white public opinion (5).

As a gesture to the Indians, the Union Government announced in 1944 the establishment of the third Commission to be headed by Mr Justice Broome. It was to inquire into "matters affecting the Indian population of Natal", with particular reference to their housing and health needs, civic status, education, religious and recreational facilities. The Commission was required to make recommendations for the implementation of the uplift clauses of the 1927 Cape Town Agreement and for the general "well being" of Natal's Indian population (6). The Commission had three European and two Indian members, but the latter withdrew in December 1944. An interim report was produced, critical of the hardening attitudes of both Europeans and Indians. It suggested "the only way out of the present impasse lies in the direction of ... an exchange of views between the Government of the Union and the Government of India" conducted through personal conversations to be held in South

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- (1) 2nd Broome Commission Report, op.cit., para 27.
 - (2) Act 35, 1943. One of the "Pegging Acts" Referred to above p196
 - (3) The Act was retroactive in Durban to 22 March 1943. In Natal, unlike the Transvaal, the Act did not impose restrictions on the issue of additional trading licences to the Indian population, but administrative provisions in Natal rendered such a move unnecessary.
 - (4) Indians Overseas, pp 268-9.
 - (5) Indians in S.Africa 174 ff.
 - (6) Interim Report of the Commission of Enquiry into matters affecting the Indian Population of the Province of Natal. UG 22 1946. The Commission was established under Government notices 426 and 633 of 1944.

Africa (1). It urged a "new start" in relations and recommended the introduction of loaded franchise for Natal Indians.

Negotiations took place in 1944 between the Union Government and the Natal Indian Congress which resulted in the Pretoria Agreement. Its terms are the subject of some dispute but it provided for the replacement of the "Pegging" Act by a Provincial Ordinance to control occupation of dwellings by licence. Kondapi comments, "The spirit behind the Agreement was that Indians would agree to voluntary segregation in Durban,.. without any prejudice to their inherent right to ownership and occupation of property throughout the rest of Natal"(2). The segregation envisaged applied only to residence and not acquisition. Public opinion was scarcely prepared for the Pretoria Agreement, strong opposition being voiced both by Europeans and the increasingly vociferous elements in the Natal and Transvaal Indian population (3). The Ordinance introduced in the Natal Legislature in furtherance of the Pretoria Agreement was drastically altered by a Select Committee which, contrary to the Agreement, proposed extending the Ordinance to provide for control of the acquisition as well as the occupation of residential property. It was also to apply throughout Natal and not just to Durban. The Provincial Council approved the Residential Property Regulation Ordinance. At the same time it passed two other Ordinances - the Housing Board Ordinance and the Provincial and Local Authorities Expropriation Ordinance, both of which were intended to facilitate the segregation of Indians. The Ordinances, which were in breach of the Pretoria Agreement were declared ultra vires of the powers of the Provincial Council. The House of Assembly subsequently passed the nominally non-racial Housing (Emergency Powers) Act 1945 (4). This enabled the Natal Provincial

(1) ibid., para 74.

(2) op. cit., p 269.

(3) For a brief account see Indians in S Africa, p174 - 214.

(4) Act 45, 1945

Council to reintroduce a Housing Board Ordinance, which it did in September 1945. Under it, subject to Ministerial consent, the Board could appropriate land and, in selling or letting land, could impose conditions restricting its ownership or occupation to people of a particular "class".

ANNEX BMEMBERS OF PASSIVE RESISTANCE COUNCILS 1946-1948(a) Joint Passive Resistance Council

Dr Y. M. Dadoo	}	Joint Chairmen
Dr G. M. Naicker		
Mr A. I. Meer		(Natal)
Mr M. P. Naicker		(Natal)
Mr M. D. Naidoo		(Natal)
Mr Debi Singh		(Natal)
Mr Y. A. Cachalia		(Transvaal)
Mr I. C. Meer		(Transvaal)
Mr H. A. Naidoo		(Transvaal)
Mr S. Rustomjee		(Transvaal)
Mr N. Sita		(Transvaal)
Mr N. Thandray		(Transvaal)

(b) Natal Passive Resistance Council

Dr G. M. Naicker	(Chairman)
Dr B. Chetty	
Mr A. Choudree	
Dr (Mrs) K. Goonam	
Mr A. I. Meer	
Mr M. P. Naicker	
Mr M. D. Naidoo	
Mr R. A. Pillay	
Mr S. V. Reddy	
Mr Debi Singh	
Mr G. Singh	
Mr J. N. Singh	
Mr P. Singh	
Mr S. Singh	

(c) Transvaal Passive Resistance Council

Dr Y. M. Dadoo (Chairman)
Mr Y. A. Cachalia
Mr M. A. Dinath
Mr I. C. Meer
Mr D. Mistry
Mr H. A. Naidoo
Mr T. N. Naidoo
Dr V. Patel
Mr S. Rustonjee
Mr N. Sita
Mr N. Thandray
Mr L. F. Williams

(d) Cape Passive Resistance Council

Mr S. Pillay (Chairman)

Note (a) Comprehensive information about PRC membership is not available the foregoing lists are based on newspaper reports and interviews.

(b) There were substantial changes in membership during the Campaign.

PART III THE DEFIANCE OF UNJUST LAWS CAMPAIGN 1952

CHAPTER I BACKGROUND

The defiance campaign was neither an isolated incident within the World or South African political systems. White (1) minority rule was being challenged in Asia and in certain parts of Africa. The sense of a common anticolonial struggle was reinforced by joint meetings, for example, post war Pan-African Congresses, which were attended by African National Congress (ANC) officials. Defiance leaders could draw inspiration from those countries where indigenous political leaders had already secured independence or, at least, increasing local participation in the political system. The democratic, non-racial aims of Congress Leaders were in harmony with the upsurge of liberal expression in many countries during and after the Second World War, which rendered the racial policies of the Union Government increasingly anachronistic. This development was epitomized at the United Nations, where South Africa, previously a respected member of the international community, faced widespread and growing criticism of its discriminatory practices and mores.

South Africa in the post war period experienced considerable political unrest, increasing non-European militant opposition to the status quo (2), particularly after 1948, was paralleled by extensive white extra-Parliamentary activity. The ^{attempted} removal of Cape Coloureds from the common roll franchise, by a simple majority of Parliament, in violation of the constitutionally required procedure for alteration of an entrenched

- (1) The following terms are used for different racial groups. "African", "Asian", "Indian", "Coloured", "European" and "white". At the time of the campaign, "European" and "non-European" were more commonly applied than "white" or "non-white". The omnibus term "blacks" is also used here, referring to all non-white groups, but it was not a contemporary expression.
- (2) Manifest for example in the 1946 mineworker's strike and the passive resistance campaign of 1946-1948.

clause, provided the principal specific focus for white opposition during 1951 and 1952 (1). The National Party's disregard for the constitution and the courts provoked the Leader of the official opposition to threaten that his party would begin a programme of civil disobedience (2). The degree of European disaffection was demonstrated by the rapid growth of the Torch Commando which was formed in April 1951, and at its zenith at the end of 1952 had nearly 250,000 members (3). Its manifesto limited the Organization to constitutional means in opposing the Separate Representation of Voter's Bill and seeking the removal of the Government, but this was not always reflected in speeches at mass meetings (4). The more radical Springbok Legion expressed support in June 1952 for a national stoppage of work (5). Subsequently it declared its support for the defiance campaign (6).

In Natal, political uncertainty was reflected in renewed discussion about the possible secession of the Province (7) and the call by the Provincial Council for a new national convention to re-draft the Union Constitution (8).

The threat to personal liberty, and to press freedom in the Suppression of Communism Act intensified white hostility

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- (1) The Government introduced the High Court of Parliament Bill in 1952 as a device to circumvent the declaration by the courts that the Separate Representation of Voters Act was null and void, but the coloureds were not finally removed from the Common Voters' Roll till 1956, following a series of dubious legislative manoeuvres.
 - (2) J. Strauss to Natal Provincial Congress of the United Party. Evening Post, 23 September 1952.
 - (3) G. Carter, The Politics of Inequality, p 302 ff.
 - (4) See, for example, a speech by the Chairman of the Eastern Cape Torch Commando, Middleburgh, Evening Post, 21 June 1952.
 - (5) Clarion, 12 June 1952.
 - (6) People's World, 30 October 1952.
 - (7) Evening Post, 6 June 1952, Politics of Inequality, p 319 ff.
 - (8) This was first proposed by the "Defenders of the Constitution" - a Natal based group associated with the Torch Commando. Eastern Province Herald, 5 June 1952.

to the Government. Trade union organizations held numerous protest meetings, and some threatened strike action (1). Ad hoc militant groups were formed to protect democratic rights (2). United Party followers and their allies cast themselves in the role of "defenders of freedom", but failed to recognise the validity of demands by non-whites for full democratic rights. Very few whites who participated in the Torch Commando and other anti-government, extra-Parliamentary organizations were prepared to co-operate with other races but the activities of such groups, during the early 1950's, emphasized the strength of feeling amongst whites against the National Party regime. Defiance Leaders did not require this additional pretext or encouragement to resist discriminatory laws, but the pressure on the political system from white extra-Parliamentary activity enhanced the potential impact of organized non-European opposition to Government policies.

There were many grounds for discontent amongst the black population (3) and channels for expressing it, almost invariably ineffective.

There was a country-wide shortage of housing for urban non-whites. In a study in 1950 of the life and labour of the urban African worker in Durban (4) it was estimated "Barracks" and Compounds housed less than thirty per cent of Durban's African population. Large numbers daily came

- (1) Guardian, 1 May 1952. Trade union politics were in a state of turmoil at this time, provoked largely by National Party moves to prevent the growth of a non-racial trade union movement. H. J. & R. E. Simons, Class and Colour in South Africa, 1850-1950, pp 594-8.
- (2) The Personal Liberties Defence Committee and Freedom of the Press Committees are examples.
- (3) South African Outlook, in its issue of April 1952 and in succeeding editions, published a series of articles contrasting white and non-white conditions. The Guardian, Drum and E. Goli also carried reports. Various published analyses of academic research on aspects of the non-white environment are referred to below.
- (4) Department of Economics, University of Natal, The African Factory Worker, p 9.

to work from the squatters' homes in Durban's "Black Belt", and from outside the City. In a survey of 260 workers, the average rent for shack accommodation was 21/3d per month (1). In Johannesburg, which contained the most extensive slum areas, the Native Affairs Department calculated that at the end of 1951 there was a shortfall of 50,000 houses for Africans (2), and yet in the period July 1948 to December 1951 the City Council signed no new contracts for African housing (3). Squatters were subject to frequent harrassment from the City Council (4). The growth of slums and the increasing density of the urban African population, in Johannesburg, East London and elsewhere, was evidence of a deteriorating situation (5). This trend was equally apparent amongst the Indian population in Durban (6). An estimated shortfall of 20,000 houses for Coloured people in Cape Town in November 1952 (7) indicated the unsatisfactory conditions in which many lived. By comparison, housing problems for Europeans were insignificant. The social implications of the housing situation for non-whites were considerable, it was a major factor preventing the growth of stable urban family life and an encouragement to anti-social habits. Considerable frustration at these conditions was engendered amongst urban workers and it was increased by the growing threat they faced of being forcibly removed from central areas where they had traditionally

(1) ibid., p 10.

(2) Eastern Province Herald, 18 June 1952.

(3) The Guardian, 6 December 1951. Statement from a deputation led by the Bishop of Johannesburg to the City Council.

(4) Their attitude is reflected in the reply to a question about the fate of a group of squatters the Council sought to evict from waste land, "We are leaving that to the Magistrate to decide". Eastern Province Herald, 4 November 1952. Perhaps the squatters were expected to swell the ranks of the "Bush Dwellers" described by D. H. Reader, The Black Man's Portion, p 120. The Prevention of Illegal Squatting Act, 52, 1951, strengthened the hand of municipal councils.

(5) See Xhosa in Town series for example, The Black Man's Portion, pp 104-122.

(6) This is shown in The Durban Housing Survey, Natal Regional Survey, Additional Report No.2, p 288.

(7) Report of the City Engineer, Advance, 13 November 1952. Housing was also required for an additional 7,000 African families and 17,500 single African men. But even if the houses had been built, 40% of the African population in the City could not have afforded to pay the required rental.

lived to distant dormitory settlements (1). But the potential force of this discontent was tempered by the all-consuming requirement of survival.

Social Services in non-white areas were generally woefully inadequate and rarely corresponded to facilities for Europeans. In 1951, 17,700 hospital beds were provided for the latter, but only 27,800 for the entire non-white population (of the 570 hospitals in the Union, 238 were simply for whites, and only 138 were solely for non-Europeans (2). Unequal health facilities had a bearing on the contrasting mortality rates as between blacks and whites. D. H. Reader, for example, found that in a sample of 306 infants living in "wood and iron" or Municipal housing in East London in 1953, there was an average mortality rate of 392 per thousand (3). This contrasted with 34 per thousand for whites (4).

Advances were being made in the provision of certain services for non-whites, particularly, in the field of education, but per capita expenditure for non-European pupils remained much lower than for whites (5), and the standard of school buildings and equipment inferior. Secondary and higher education facilities for blacks were grossly inadequate, and the prospect of segregated Universities, and for Africans, the policies formulated by the Native Education Commission (6) provided further grounds for discontent.

- (1) In October 1951 Johannesburg City Council accepted responsibility for removing Africans from Sophia Town, Newclare, Martindale and Vrededorp (the Western Areas). The Guardian, 11 October 1951.
- (2) Official Year Book of the Union of South Africa 1952-3, pp 181-2.
- (3) Black Man's Portion, p 157.
- (4) Year Book, op.cit., p 1133.
- (5) In 1949, £50 per annum for whites, £17 for Coloureds and Asians, £7 for Africans. Survey of Race Relations in South Africa 1951-2, p 50.
- (6) ibid., pp 47 - 48, and Survey of Race Relations 1949-50, p 68.

Incomes, in general, were meagre and inadequate even for the spartan existence accepted by the majority of non-whites (1). In 1946 the Dunlop Factory in Durban offered a minimum salary for African workers of six pounds per month, although between eight and eleven pounds appears to have been a more typical sum (2). This was above the norm and, for example, even in the period 1951-2, unskilled railway employees earned only £5.16s (3). Yet a medical examination of a 50% sample of the ^{Dunlop} workers, who were amongst the healthiest in Durban, revealed not a single case which could be passed as completely fit, most men suffering from a form of malnutrition (4). In part, this could be attributed to a lack of nutrition education, but far more significantly the demands of rents, transport, taxes, and essential personal and family commitments clearly exceeded the capacity of incomes received (5). Although regular official figures were not published revealing the relationship of African wages to the rising cost of living, for example, in the period of 1948-9 until 1952-3, the weekly salary of non-white railway labourers rose from 28/6 to 29/- (6) an increase of approximately 1.8%; whereas the average retail

- (1) The contrast between white and non-white incomes was considerable, see Year Book, op. cit., pp 309-18.
- (2) This included overtime. African Factory Worker, pp 10-11.
- (3) Year Book, op.cit., p 316.
- (4) African Factory Worker, pp 6-7.
- (5) Rents for Africans generally varied between 10/- and £2 per month, and were rising considerably. Amongst Dunlop factory workers the average transport cost was approximately 7/- per month. African Factory Worker, p 10. A study in Orlando revealed an average sum of 10/- per month. Race Relations, vol 18(2), 1951, p 100. Taxes for a male worker could be as high as £3.10.0. per annum, Year Book, op.cit., pp 502-3. In the Durban Factory Workers Survey, op.cit., p 13, single men spent an average of £6.12.0. per month on food, family men £9.5.0. Clearly there were other expenses.
A survey by the Social Science Department, Cape Town University, calculated the minimum income level required by a family of five in Cape Town in November 1951, to be £212 per annum. At this level 50% of the non-white population and 6% of Europeans lived below the poverty datum level. Cape Argus, 21 July 1952. See also edition for 24 July 1952. The result of a survey in 1946 by the University of Natal in the Province reveals a similar percentage below the poverty datum level, Race Relations Journal, vol 14 (1), 1947, p2.
- (6) Year Book, op.cit., p 316.

prices in principal urban areas during this time rose by 38% (1). Average weekly wage rates for whites in the same urban areas increased 46% in the period (2). It was clearly difficult to establish a reserve of capital for periods of unemployment, disablement and retirement (3) and black employees' groups could not readily pressure employers for improved benefits (4). One reason for this, was widespread unemployment, a problem which was exacerbated by job reservation. Again, regular statistics were not issued for African unemployment but in January 1953, Dr Eiselen, Secretary for Native Affairs, estimated there were 25,000 African workseekers in Johannesburg (5). In Durban, in 1946, the average monthly number of African workseekers was 9,000 (6). With the increasing enforcement of influx control, the compulsory use of labour bureaux, and the deportation of African unemployed urban residents, their numbers may have declined, but if so the problem transferred itself to the reserves, and left the employer in an ever more commanding position. The situation for urban African women was no less difficult than for men. D.H. Reader noted, "Where a woman is on her own ... illegal means are the

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- (1) ibid., p 330.
 (2) ibid., p 308.
 (3) The Unemployment Insurance Amendment Act No. 41, debarred all migrant workers and others earning less than £182 per annum from assistance under the Act. Disablement and pension grants were paid on a declining scale respectively to Coloureds, Asians and Africans, but were totally inadequate as the sole means of livelihood. Africans temporarily disabled received no benefits for the first seven and sometimes fourteen days of injury, for other races the period was only three days. Year Book, op. cit., p286 See also pp 223-4.
 (4) African Trade Unions were not recognized as negotiating bodies and Africans were not permitted to strike under War Measure 145 of 1942 which remained in force until 1953. Non-whites who did resort to industrial action were liable to harrassment from the police, dismissal and, in the case of Africans, deportation from the town where they were working.
 (5) Statement at a meeting of representatives of Local Councils and the Native Affairs Department. Daily Dispatch, 13 January 1953.
 (6) African Factory Worker, p 5. These figures are inadequate in that they do not reveal for how long individuals were unemployed, but reports from Johannesburg (Eastern Province Herald, 30 July 1952) and Port Elizabeth (ibid., 30 October 1952) suggest unemployment was a growing problem, at least in those centres.

easiest if not the only ones of making a sufficient independent income upon which to live (1). Only in white farming areas was there a constant shortage of labour, but wages were very low, and at least in certain districts, conditions extremely poor (2).

The proportion of Asians and Coloureds unemployed, in Durban and Johannesburg was materially lower than for Africans in these centres (3), but Indian employees of white controlled organizations were liable to replacement by Africans and Coloureds if, for example, they participated in radical political activities. Asian and Coloured wages were higher than for Africans, but were not comparable with white incomes, and salary increases, certainly for the Indians, were not commensurate with the mounting cost of living (4).

Police raids and subsequent prosecutions for technical, rather than criminal offences, under racially discriminatory laws, were an integral part of urban African life and obvious source of frustration and bewilderment. In 1952, from the total of 868,000 African adults convicted of all types of offences, 264,000 were sentenced for contravening "Native Supervision and control regulations", 169,000 for offences

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- (1) Black Man's Portion, p 67.
 - (2) Drum, 13 March 1952, depicted conditions in Bethal, the most notorious of the farming districts.
 - (3) Unemployment figures for Asians and Coloureds Year Book, 1950-51, p 276, and 1952-53, p 274.
 - (4) H. Burrows, Indian Life and Labour in Natal, p 31, calculated that from 1946 to 1951, the average earning of Indians in employment in Natal rose from £137 to £179 per annum. In the same period the Retail Price Index in the two principal centres of Indian population in the Province rose 38%. Year Book, 1952-53, p 330.

under racial liquor laws (1), and 28,000 were convicted for breach of labour regulations, many of which were discriminatory (2). Statistics for previous years are not always comparable, but the total number of all non-white convictions rose from 799,300 in 1947 to 1,007,000 in 1952, and the corresponding totals for pass and control regulations were 153,000 and 266,985 (3). Many more Africans and other non-whites had brushes with the police and some were arrested but not charged or convicted.

The achievement of high educational status by non-whites could earn some relief from the hardships considered above, but it also encouraged additional frustration and discontent (4). As a result of the job reservation policy many highly skilled non-Europeans were underemployed (5) and even where this was not so, generally received lower salaries than similarly qualified whites in comparable posts, and did not have access to equal facilities. Outside the sphere of employment, they were often debarred from cultural and social functions. Under National Party rule the few residual spoils available to highly educated non-whites were rapidly eroded (6), increasing

- (1) The total may be higher, for a further 57,000 Africans were convicted for liquor and drug offences some of which may have applied only to a particular race. Year Book, 1952-53, pp 444-5. These figures reveal that at least 52% of convictions for African adults involved violation solely of racial laws.
- (2) Year Book, 1949-50, pp 432 and 435-6, Year Book, 1952-53, p 445.
- (3) Year Book, 1949-50, pp 432 and 435-6, Year Book, 1952-53, p 445.
- (4) See E. Mphelele, The African Image, pp56-66, B. Modisane, Blame Me or History. I should additionally acknowledge the telling account of A. Hutchinson. Interview, 31 January 1970.
- (5) See, for example, The Friend, 30 October 1952.
- (6) For example, under the Natives (abolition of Passes and co-ordination of Documents) Act, 67, 1952, Cape African Voters were no longer exempt from carrying passes. Throughout the country the right of educated non-Europeans to enter "White" Universities was threatened.

disaffection, and encouraging co-operation between them and with other social groups, in joint opposition to the status quo.

Africans in the Reserves did not experience all of the iniquities commonplace in urban areas, but the increasing shortage of available land (1), its diminishing productivity and the Government's frequently insensitive and arbitrary correctives (2) encouraged the spread of discontent.

The defiance campaign, like its predecessors in 1906-14 and 1946-48, was a reaction both to the general fabric of racial discrimination reflected in the disabilities outlined in the preceding paragraphs and to specific newly introduced discriminatory racial rules and practices (3). The National Party victory in the general election of May 1948 on the platform of apartheid (4) led to the early introduction of a new and far-reaching programme of racial legislation. Interim, piecemeal laws and proclamations (5) were rapidly replaced by definitive legislation. In the 1950 session of Parliament, the Government secured the passage of the

- (1) The African population has access to less than 13% of South African territory.
- (2) A particular source of anger in the Reserves was the compulsory and increasingly severe culling of herds in specific areas, to prevent the continued over-grazing of land and inhibit soil erosion. See the reaction in the Nqutu District of Northern Natal, The Guardian, 6 March 1952, 13 March 1952 and subsequently. Cattle culling became an integral part of comprehensive "Betterment Schemes" introduced in 1949.
- (3) An exception in 1952 was the inclusion as one of the targets of the campaign the non-racial, but anti-democratic Suppression of Communism Act.
- (4) Early statements of National Party racial policies include Dr Verwoerd's speech to the Native Representative Council, 5 December 1950 and the National Party statement reproduced in the Natal Mercury, 29 and 30 March 1948.
- (5) For example, making more restrictive electoral registration procedures for Coloureds (Electoral Laws Amendment Act 50, 1948), introducing further property restrictions on Asians (Asiatic Land Tenure Amendment Act 53, 1949) and suspending the African Artisans' training scheme.

Population Registration Bill (1) intended to achieve the concise demarcation of the population to racial groups. In this instance, as with other subsequent racially divisive measures, non-white leaders and some Europeans condemned the principles underlying the Bill, and expressed fears of the probable practical consequences, but the Government was impervious to such criticism. During the same session, the Government introduced the Group Areas Bill (2) as the "Kernel" of its programme (3). The Group Areas legislation replaced the Asiatic Land Tenure Act (4). Temporary uncertainty at precisely when and where and in what degree the Group Areas Act would be imposed was removed by the promulgation of the Group Areas Amendment Act in 1952 (5).

The Native Laws Amendment Act (6) and the Natives (abolition of Passes and co-ordination of Documents) Act (7), which were forced through Parliament, under a severe guillotine, in 1952 made further provision for the physical separation of the races. Both materially reduced African rights and were, potentially, a major additional source of discontent which Congress Leaders could exploit. The Native Laws Act prevented the growth of permanent and representative urban African

- (1) Act 30, 1950.
- (2) Act 41, 1950. K. Kirkwood, The Group Areas Act, provides a detailed analysis. See also the Guardian, 30 November 1950.
- (3) Dr D. Malan. House of Assembly 31 May 1950. Rand Daily Mail, 1 June 1950. Dr Donges claimed it was a measure of "positive apartheid" which would provide training in "Local Self Government" for Groups otherwise deprived of the opportunity.
- (4) Act 28, 1946.
- (5) No 65, 1952.
- (6) Act 54, 1952. An earlier Act of the same title, Act 56, 1949, established labour bureaux for Africans. From November 1952 the Minister of Native Affairs could compel Local Councils to set up labour bureaux. These formed an integral part of the influx control system. Evening Post, 7 November 1952.
- (7) Act 67, 1952.

communities (1). It became increasingly difficult for wives and children to live in the towns (2). For the first time African women throughout the Union were compelled to seek a permit if they wished to remain in an urban area for more than 72 hours (3). Workseekers were severely restricted in the period during which they might remain in a particular urban area, and if this was exceeded, were liable to deportation (4). This penalty which could be imposed for other offences as well acted as a strong disincentive to deliberate and open rejection of the law by urban blacks.

The "Abolition of Passes" Act, despite the claims of Dr Verwoerd to the contrary (5), imposed new restrictions on many Africans. All women were required to have a pass book which had to be carried at all times (6). Other previously exempt groups were required to hold special permits and to appear at regular intervals before a Native Commissioner (7).

The Government showed equal determination to enforce the total separation of whites and non-whites in the conduct of

- (1) The provisions governing which Africans were eligible for permanent residence in Urban Areas, invited exploitation of employees by employers.
- (2) As a result of the influx control measures P. Mayer, Townsmen or Countrymen, p 60, refers to the considerable animosity this provoked in East London.
- (3) The same provision applied to men.
- (4) In certain circumstances to work colonies and farm prisons. According to the Official Year Book, 1952-3, p 452, farm work was a "congenial" occupation for non-white prisoners.
- (5) "This Bill adds no new burden, but only seeks to remove some of the existing ones .. it gives a great deal of relief to the Natives generally", Dr. Verwoerd, House of Assembly, 25 June 1952.
- (6) The Natives Urban Areas Consolidation Act No 25, 1945, required African Women to have a certificate,*/for example, to enter proclaimed areas. This Law, which contains numerous clauses restricting freedom of action, offers evidence of the firm foundation provided by earlier Governments for the National Party's policies.
- (7) In addition these persons were not free from influx control or the operation of the Labour Bureaux.

(*but only in certain circumstances)

political affairs. The National Party's policy statement on Race Relations in 1948 (1) paved the way for the introduction of the Separate Representation of Voters Bill (2) and the Bantu Authorities Bill (3). The proposal to remove Coloured voters from the common electoral roll provoked widespread opposition within and outside South Africa (4). The ineffectiveness of the Native's Representative Council (5) and the inability of the white "Native Representatives" in Parliament to protect African interests offered clear evidence to the Coloured population of what they stood to lose through the introduction of the Act. The Government's proposals for African participation in public affairs, incorporated in the Bantu Authorities Act, represented a far more radical development of the Apartheid policy, and were totally at variance with the increasingly insistent demands of the African National Congress. The Act provided for the creation of tribal, regional and territorial administrations in the Reserves. They were to have very limited powers and were almost entirely dependent on the financial assistance and law enforcement machinery of central Government.

By 1952, the National Party's twin pronged policy to separate the races (6) and minimize non-white freedom of action, except along closely determined paths, remained

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- (1) Natal Mercury, 29 and 30 March 1948.
 - (2) Act 46, 1951.
 - (3) Act 68, 1951. This applied only to Reserve Areas, but in 1952 the Government announced the Urban Bantu Authorities Bill to provide communal representation for African town dwellers. For a critique see the Guardian, 6 March 1952.
 - (4) Much of the white opposition to the proposal stemmed not out of sympathy for the loss of rights suffered by the Coloureds but from a concern at the implications for the future of repealing an entrenched clause in the constitution.
 - (5) Abolished by Act 68, 1951.
 - (6) The foregoing analysis is selective, no reference is made for example to the Immorality Acts of 1949 and 1950.

largely unexecuted and in many respects ill-defined (1). Nevertheless, the prospect of the Laws already announced, the threat of future legislation, for example, to give force to the recommendations of the Commission on Native Education (2) and the Industrial Legislation Commission (3), together with the impact of an increasing number of orders and regulations restricting or preventing contact between races, in public places (4), combined to provide an additional and unequivocal challenge (5) to black political organizations and the ideals they espoused when they were already under severe pressure by 1948.

The organization of opposition to the Government, severely hampered by 1948, was rendered increasingly difficult, particularly as a result of the introduction of the Suppression of Communism Act (6), but there were factors favouring the emergence of widespread militant resistance: grounds for popular discontent, already strong in 1948, had increased sharply between then and 1952 and the deterioration showed no signs of halting. The banning of the Communist Party (7) and the common threat particularly to radical groups encouraged the association of the members of at least some of these movements

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- (1) For example, the Commission on the Socio-Economic Development of the reserves was announced only on 27 October 1950 and was still gathering evidence during the defiance campaign, although it was clear that the model envisaged by Justice Fagan was totally unacceptable to the Government.
- (2) U.G. 53, 1951.
- (3) U.G. 62, 1951.
- (4) These measures which regularly affected all urban non-whites, in practice, became the principal butt of the Defiance Campaign.
- (5) In contrast to the United Party's Trusteeship Policy.
- (6) Act 44, 1950, amended by Act 50, 1951, and subsequent legislation.
- (7) Its dissolution was announced on 20 June 1950, to avoid prosecution under the Suppression of Communism Act which came into effect on 17 July 1950.

for early and concerted opposition to the dominant system. By 1950 both of the principal non-white political bodies were controlled by highly articulate and determined radicals, well qualified to mobilise popular support (1) for a campaign of militant action. To achieve mass active support the leadership had to formulate and put into practice a credible and ultimately clearly advantageous alternative to acquiescence in the status quo. In 1943 the then ANC leadership, under Dr Xuma, its President-General, drew up a Bill of Rights (2) which was adopted by the ANC's annual conference in December 1943. The Bill demanded "the repeal of any and all laws as well as the abandonment of any policy and all practices that discriminate against the African in any way whatsoever on the basis of race, creed or colour in the Union of South Africa". But it was not accompanied by any statement of how the rights should be achieved.

The formation of the ANC Youth League (ANCYL) in 1944 (3) marked a crucial step towards the adoption by the parent ANC of relatively militant policies (4). The "Basic Policy of Congress Youth League" Document (5) issued in

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- (1) One of the few potential advantages possessed by the black population vis a vis the Government was its numerical superiority.
 - (2) For the text see T. Karis and G. M. Carter, From Protest to Challenge: A Documentary History of African Politics in South Africa 1882-1964, vol 2, pp 217-222. The Bill was a response to the 1941 Anglo-US Atlantic Charter, endorsed by Smuts.
 - (3) A. P. Mda, Anton Lembede (died 1947), Oliver Tambo and David Bopape played a leading role at its inception. Lembede who exercised particular influence over the thinking of the ANCYL was a strong advocate of the racially exclusive "Garveyite" stream of African nationalism.
 - (4) The development of the ANCYL is considered by Karis and Carter pp 98-107. For a detailed study of the growth of radicalism in the ANC see P. Walshe, "The African National Congress of South Africa: Aspects of Ideology and Organization 1912-1951" (D.Phil Thesis, Oxford 1967). Published in shortened form under the title The Rise of African Nationalism in South Africa.
 - (5) For text see, Protest to Challenge, vol 2, pp 323-331. It was preceded by the 1944 ANCYL Manifesto.

1948, had as its cornerstone "the creed of African Nationalism", described as, "the militant outlook of an oppressed people seeking a solid basis for waging a long, bitter and unrelenting struggle for its national freedom" (1). A. P. Mda, by 1948 Chairman of the Youth League, claimed only African Nationalism could "give the black masses the self-confidence and dynamism to make a successful struggle" (2). Yet the Basic Policy Document, whilst representing a major advance in Congress thinking did not tackle the central problem of tactics. Moreover, it represented only the viewpoint of the Youth League, at least till 1949 when radicals, including prominent members of the ANCYL, achieved a majority position on the parent ANC national executive (3). The need for an outline strategy for securing the goals put forward in the Bill of Rights and the Basic Policy Document was finally met in December 1949 at the ANC's annual conference which approved a "Programme of Action" (4). The Programme's authors (5) hoped by means of boycotts, civil disobedience (6) and strikes both to develop mass support, raising the political consciousness of the African population, and on the other to challenge the existing order in South Africa. Whilst this "composite" approach won widespread support in Congress, the "Hamba Kahle" ("moderate") Congress leadership had reservations. Xuma, for example, continued to believe Congress should first increase its membership and improve its organization before embarking on a campaign of mass action (7). Nevertheless the continually

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- (1) Annex to Basic Policy Document. ibid., p 328. See also G. Carter, African Concepts of Nationalism in South Africa.
- (2) Protest to Challenge, vol 2, p 103.
- (3) The radical component on the executive grew in numbers from the early 1940's and prior to 1949 (and after) included David Bopape, Moses Kotane, J. B. Marks and Edwin Mofutsanya.
- (4) For the text see Protest to Challenge, vol 2, pp 337-9.
- (5) The final draft appears to have derived from various sources. ibid., pp 103-4. A.P. Mda was one of the principal authors.
- (6) According to Prof. Z.K. Matthews the "immediate inspiration" for the decision to undertake civil disobedience was the 1946 Indian passive resistance campaign, Protest to Challenge, vol 2, p 103.
- (7) Xuma was replaced as ANC Chairman in December 1949 by Dr J.S.Moroka, who had the support of the ANCYL since, unlike Xuma, he professed acceptance of the Programme in its entirety.

deteriorating conditions for Africans, and increasingly radical demands for action expressed at post-war annual meetings of Congress (1) favoured the rapid and widespread acceptance within the ANC of the proposals in the Programme of Action. Having secured a platform and mouthpiece for their policies, the Congress militants could begin to win the support of Africans outside the Organization setting in motion the process of establishing the ANC as the pre-eminent channel for the expression of African opinion (2) and the dominant force for national liberation.

Developments in "black nationalism" during the 1940's reflected in the Basic Policy Document, the Programme of Action and the assumption to power in the African and Indian Congresses of militants, who shared an equal determination to replace the existing dominant set of rules, and by similar means, brought nearer the prospect of nation-wide radical opposition to the Government's policies.

But prospects for co-operation in a co-ordinated campaign of resistance amongst the groups who advocated the total replacement of South Africa's existing racially based economic, political and social systems did not look very promising at least till the end of the decade. Elements, for example, of the "Hamba Kahle" leadership in the ANC and members of the ANCYL were hostile to such an alliance. There were, however, increasingly evident tactical and presentational advantages in co-operation, particularly following the assumption to power of the National Party.

- (1) The growth of African radicalism was directly related to the increase of the urban African population, participation in political associations and trade unions, and increasingly harsh conditions.
- (2) This development was facilitated by the lack of leaders and policies of comparable standard and potential in other African political associations.

With the death in 1947 of Anton Lembede the "Gaveyite" stream of African Nationalism in the ANCYL lost impetus. In 1948, the Youth League, in the appendix to its Basic Policy Document, formally rejected the "Gaveyite" interpretation in favour of a more moderate, essentially non-racial approach and agreed that "National Organizations of the Africans Indians and Coloureds may co-operate on common issues" (1).

Militant Indian leaders were especially intent to establish close relations between their Organizations and the ANC as the principal African political body (2), recognizing joint action offered the only practical means for them to secure fundamental and lasting improvement in their status. Relations between the two Congresses, the most important elements in the putative radical alliance, were strengthened by the 1946-1948 passive resistance campaign, the impact of the African-Indian riots in Durban in 1949 (3), personal contacts (4), their broadly and increasingly compatible beliefs and policies and the acceptance by the Indian leadership of a subordinate status in the alliance (5).

Members of the South African Communist Party (CPSA) were active in fostering co-operation between members of radical

- (1) For the text of the appendix to the Basic Policy Document see Protest to Challenge, vol 2, pp 326-331.
- (2) In the immediate post-war years no African political organization had a membership of more than a few thousand but the ANC was the most active and widespread. Indian leaders wished to co-operate with the ANC even when it was controlled by non-militants. See, for example, the "Three Doctors Pact" of 1947 (p 179).
- (3) For an account, see K. Kirkwood, The Durban Riots and After and M. Benson, The Struggle for a Birthright, pp 123-4.
- (4) These were particularly important in Johannesburg, where, at least, from 1950 individual members of the Congresses' national executives resident there maintained close contact through informal discussions. Plans for the defiance campaign were first considered in this way. Y. Dadoo interview, 8 February 1969. There was also "constant" liaison between African and Indian radicals in Natal from 1950, M. P. Naicker interview, 4 December 1969.
- (5) Although, particularly as ANC membership grew equal Indian representation on joint decision making bodies became increasingly out of line with the respective numerical strengths of the two organizations.

organizations, initiating joint conventions and campaigns. And with increased contact between ANCYL leaders and supporters of marxist beliefs (for example on Congress committees), the former's hostility towards CP^{SA}/_{members} and in some cases to Marxism itself declined. However, members of the ANCYL and others in the ANC were deeply critical when, at the instigation of the CP^{SA}, "freedom day" demonstrations were organized for 1 May 1950, the date set aside by the ANC leaders to initiate the Programme of Action with a one day national stoppage of work.

The killing by the police of 18 participants in "freedom day" demonstrations and the injuring of 38 others, had a cathartic effect, inducing ANC leaders to co-operate with leaders of the CP^{SA}, Indian Congress and the African Peoples Organization (APO) in organizing a day of protest and mourning on 26 June 1950 (1). As Walshe notes (2) it was not an outstanding success but, once begun the process of consultation between the leaders continued, albeit at first, very intermittently and with hesitation. The dissolution of the CP^{SA} in June 1950, in a sense, made easier the process of co-operation, since there was, thereafter, no longer a meaningful alternative to the ANC to head a radical alliance, thus helping the ANC to achieve a pre-eminent position and, additionally, perhaps lessening tension within it.

In January 1951 representatives of various political associations, including the ANC and South African Indian Congress (SAIC) formed the Franchise Action Committee (later council) (FAC) to demand the vote for all South Africans on an equal basis

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- (1) For basic details of these events see H.J. & R.E. Simons, Class and Colour in South Africa 1850-1950, pp 604-5, P. Walshe, The Rise of African Nationalism, pp 366-7.
- (2) op. cit., p 367.

and direct representation for non-Europeans in Parliament (1). Then in June 1951 the ANC national executive invited the members of the FAC and SAIC executive councils to a joint conference to consider taking a stand against the "rising tide of national oppression" (2) and to discuss "methods of direct action" (3). The meeting took place on 29 July 1951 (4). The decision was taken there "to form a council to co-ordinate the efforts of the National organizations of the African, Indian and Coloured people in ... an .. immediate mass campaign for the repeal of (certain) oppressive laws" (5). This development reflects the rapid progress in co-operation amongst black radical groups particularly from May 1950 and was a measure of the re-alignment which had occurred.

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- (1) The Guardian 18 January 1951. This newspaper carried extensive reports of the Council's activities till mid-1952 when the organization's bona fides were increasingly called into question by African and Indian Congress leaders. The FAC was essentially a Coloured Cape-based organization, increasingly under Trotskyite influence.
 - (2) Report of the ANC national executive committee 1951, cited by P. Walshe, op.cit., p 402.
 - (3) Official Record of the preparatory hearing in Regina vs W. M. Sisulu and 19 others on charges of contravening the Suppression of Communism Act, 31 August 1952.
 - (4) It was preceded by informal contacts between Indian and African leaders, most notably Walter Sisulu and Dr Yusuf Dadoo. The proposals for a resistance campaign were first presented to the ANC national executive by a sub-committee, "The Council of Action", set up to implement the Programme of Action.
 - (5) Regina vs Sisulu, 31 August 1952. The laws in question are set out at p 225

CHAPTER II. THE AIMS, PLANNING AND ORGANIZATION OF THE
DEFIANCE OF UNJUST LAWS CAMPAIGN

"The target of the campaign (is) unjust, oppressive laws ... the course we have chosen is the only way open to us of showing our opposition to laws which have no moral basis ... our hope is that white people will look into our grievances, take us seriously. The Defiance Campaign is a political demonstration against discriminatory laws ... the struggle is not directed against any race or national group but against the unjust laws which keep in perpetual subjection and misery vast sections of the population"(1).

The campaign had several purposes. Its stated aim was to secure the repeal of the Bantu Authorities Act, the Group Areas Act, the Voters Representation Act, the Suppression of Communism Act, Pass Laws (2), Stock Limitation Controls (3) and petty apartheid regulations (4), these being the laws and regulations which black political leaders agreed most seriously repressed and threatened their people and which, at the same time, appeared capable of being challenged by means the leaders were prepared and able to use. In practice, as Lutuli shows, the leaders conceived of the campaign as a demonstration of discontent and were under few illusions of its probable coercive effect on the white population .

- (1) A Lutuli. Let My People Go, pp 105 and 110.
- (2) Pass requirements derived from various laws and regulations extending back to at least 1760 including the Natives Administration Act (1927), successive Native (Urban Areas) Acts, from 1923-1945, and, in 1952, in the Natives (Abolition of Passes and Co-ordination of Documents) Act. There were also municipal regulations. For details of the other laws which were the subject of the campaign, see pp 214 - 218 above.
- (3) The Stock Regulations were set out in Proclamation 116 of 1949.
- (4) General apartheid regulations were not included in the list of laws drawn up at the Joint ANC-SAIC-FAC meeting on 29 July 1951, but see p 227

The campaign had a crucial internal function to fulfill, to develop mass political consciousness amongst the blacks, to secure active popular support, on a scale previously not attained by the ANC, to strengthen the Congress organizations and improve the level of co-operation amongst the constituent elements of the Congress alliance. These internal goals were consistent with the Programme of Action (1). Finally, the Campaign provided a test of a particular strategy of action, possibly offering tactical guidelines for the future.

The choice of the term "defiance" campaign was deliberate. Congress in 1952 was firmly committed to non-violent action but as the Programme of Action made clear the ANC was set on a militant path aimed at fundamental change in South African society (2), this applied equally to the Indian congresses. The term "defiance" of unjust laws campaign was thus adopted to signify the new spirit of militancy.

Preparations for the Campaign

Initial preparations for the proposed campaign were undertaken by the Joint Planning Council of the African and Indian Congresses (3) which had been established to co-ordinate the efforts of the groups intending to participate in the campaign. The Council lacked precise terms of reference and had no authority to extend the scope of the proposed defiance. It was Transvaal based, comprising Yusuf Dadoo, Yusuf Cachalia,

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- (1) p 220
 (2) Congress activities of the early 1950's in particular the defiance campaign mark the active resumption of the long dormant "liberation struggle" and in a sense mark the taking up of the threads left off by Bambata in 1906.
 (3) For its origins see p 224 above. The Franchise Action Council was neither a national nor a permanent body and for these and other reasons was not invited to sit on the Planning Council.

J. B. Marks and Walter Sisulu with James Moroka as its nominal head. The Council reported to the ANC annual conference in December 1951. The report (1) offered a conceptual framework for the campaign and may be likened to a pre-election party manifesto, expressing the underlying rationale of the movement, its immediate overt aims and the means by which these should be achieved (2). It did not constitute a detailed plan of action.

With the exception of the Pass Laws, the targets selected for opposition at the Joint Conference of the National Executives did not provide a feasible basis for the planned mass non-co-operation - at least in the immediate future. This probably accounts for the Council's suggestion that Indian and Coloured activists, who were not subject to pass laws, should defy "general apartheid segregation". In addition, the Population Registration Act (3) was put forward as an eventual target for resistance, though it did not become so. The rural sector was accorded comparatively little attention in the Report, the authors were more concerned to mobilize urban support. Their proposals for opposition to stock limitation and cattle culling in betterment areas added nothing of substance to the July 1951 declaration of the ANC and SAIC executive councils. The regulations were, in any event, implemented piecemeal and, hence, opportunities for resistance were limited (4).

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- (1) The text of the Joint Planning Council Report is at Annex A below.
 - (2) See, for example, paragraph 7 of the Report outlining "the fundamental principle which is the kernel of our struggle for freedom".
 - (3) Act 30, 1950.
 - (4) A point stressed by M. B. Yengwa, interview 16 May 1970.

The Report envisaged the campaign beginning either on 6 April 1952, the Van Riebeck Tercentenary, or 26 June 1952, the anniversary of the National day of protest in 1952 (1). It was to have three stages, the first involving resistance by experienced cadres in the main urban centres, the second seeing a limited broadening of the struggle and the third, country-wide mass action. There was no attempt to suggest a timetable.

The Report stated, "with regard to the form of struggle best suited to our conditions we have been constrained to bear in mind the political and economic set up of our country ... the economic status of the ... non-white people and the level of organization of the National Liberatory movements". It proposed two tactics as the principal means of prosecuting the defiance campaign, non-co-operation with unjust laws and industrial action (2). The Report recommended that industrial action be confined primarily to the third and final stage of countrywide mass resistance. It was not a first priority and hence was not given detailed consideration in the Report. But the authors argued, "industrial action is second to none, the best and most important weapon in the struggle ... for the repeal of the unjust laws ..." The Council made no specific recommendation that the campaign should be confined to non-violent means, although this was implicit. Arguably, since the document was intended primarily for internal consumption it may have been considered superfluous to re-emphasise the Congresses' traditional

(1) p 223

(2) The letters written by the Congresses to the Prime Minister demanding the repeal of specified laws by February 1952 and the use of the boycott "weapon" during the Van Riebeck celebrations in April, fall outside the mainstream of the campaign, though the former, as in the campaign of 1906-1914, was probably considered at the time to be an essential precursor.

attachment to non-violence, but it is a surprising omission (1). Kuper argued "the choice of passive resistance as a form of struggle appears to have been governed by considerations of expediency rather than by the ethic of Satyagraha" (2). This is so, but there was a firm commitment.

In general, the Report offered few detailed proposals for the organizational structure of the campaign, but the intended role of the Joint Planning (and Directing) Council was accorded close attention as was that of the sub-national councils, to be appointed by the joint Executives of the Congresses to organize volunteer corps of resisters. The members of the existing Planning Council intended, it would seem, to retain a decisive control over the direction of the campaign whilst recognising the nominal supremacy of the full national executives of the ANC and SAIC. There was no attempt in the Report to define the inter-relations of the different levels of councils, nor, to consider in any depth the inter action of the entire proposed decision-taking network. In part, this may have been due to the recognition that the different circumstances of each Province and the factors of distance and limited organizational resources made inevitable a considerable degree of local autonomy and variation within the basic framework of the campaign. But the authors of the Report appear to have favoured a considerable measure of central control from the national and provincial headquarters. The Council members claimed "with some confidence" that their proposals for financing the campaign would meet requirements, but no attempt was made to give organizational form to the "million shilling drive", for

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- (1) The adoption of non-violent resistance for the Campaign was certainly discussed at meetings to approve the Report - see, for example, Lutuli's testimony. Official Record of the South African Treason Trial (1956-1961), Hoover Institution microfilm copy, P11643.
- (2) L. Kuper, Passive Resistance in South Africa, p 103.

example, by suggesting the setting up of special fund raising committees. Nevertheless, it was proposed that the sum be collected by March 1952. The outline nature of the Planning council document is also emphasised by the absence of recommendations for the organization of propaganda, despite its importance in non-violent resistance campaigns, and the lack of a provisional programme for the period from December 1951 to the beginning of defiance.

The process of securing approval for the provisions of the Report and amplifying its proposals extended from November 1951 till approximately the end of March 1952. Prior to its submission at the annual ANC conference, the draft was taken by Marks, Sisulu, Dadoo and Cachalia to Moroka at Thaba'Nchu for his signature. Although chairman of the joint planning council, his role was nominal (1). Dadoo said that Moroka agreed to the document very readily "never himself expecting to suffer, having so many Afrikaner friends". Subsequently the plan was submitted to Professor Matthews, president of the Cape ANC, and possibly to other members of the Cape executive. According to Dadoo, it met with general approval there, though suggestions were put forward for incorporating local sources of grievance in the campaign. This idea was taken up elsewhere (2). When and whether the Natal African and Indian executives were consulted about the Planning Document remains unclear. Dr Dadoo, in an interview (3) was unsure whether members of the Council did visit Natal before the annual ANC conference, but indications from Lutuli (4) and Yengwa (5) strongly suggest that the Natal leaders did not receive details of the Report at least until very shortly before the ANC national conference. Mary Benson (6) contends the plans were sent in

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- (1) Y. Dadoo, for example, made this clear - interview, 8 February 1969.
 (2) For example, in Natal. interview, M.P. Naicker, 4 December 1969.
 (3) op. cit.
 (4) A. Lutuli, Let My People Go, p 107.
 (5) Interview, 16 May 1970.
 (6) M. Benson, The Struggle for a Birthright, p 138.

error to Champion, who had ceased to be president of the National ANC in June 1951. If this is true it leaves unexplained why the Natal Indian Congress did not receive a copy of the document or communicate its contents to their opposite numbers in the ANC with whom they are said to have had good contact (1). Whatever the answer, it offers an example of the very organizational weakness which the defiance campaign was intended to put right.

The process of informing congress officials of the provisions of the Report and securing its formal acceptance was advanced through delegate conferences of the ANC, the SAIC and the Franchise Action Council (2). There is a dearth of information about the Conferences, but there was overwhelming support on each occasion in favour of organizing a resistance campaign on the lines proposed by the Joint Council. A report in Spark (3) on the ANC conference at Bloemfontein noted that, "nobody from extreme left to the conservatives argued against mass action. The debate centred around details of organization and not on the fundamental need for action". However, the timing of the Campaign provoked debate at the ANC conference. Manilal Gandhi, who attended, noted the fundamental division between "the extremists" (into whose hands he felt the Congress alliance was falling) and the "sober leaders" who expressed support for mass action, but felt that an early initiative would be "suicidal". Such people, he said, were branded as "defeatists and appeasers" (4). The Conference decreed that branches should hold mass demonstrations on 6 April "to protest against 300 years of oppression" as a prelude to a wider campaign, the timing of which was to

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- (1) M. Naicker, M. Yengwa, interviews, op.cit.
 (2) In December 1951, January and March 1952, respectively.
 (3) 29 February 1952, Spark was a fortnightly newsheet produced from 1952-3 by the Transvaal African and Indian Youth Leagues. According to Spark it was the ANC Youth League that proposed the resolution for mass action at Bloemfontein.
 (4) Indian Opinion, 11 January 1952. M. Gandhi was the editor.

be fixed later (1). Whether this two stage approach was only formulated during the conference, in the face of those urging caution, or whether the authors of the planning council report were already prepared for this is unclear, but the latter seems more probable. Popular support for the planning council's proposals could be gauged to some extent, from participation on 6 April, and future action programmed accordingly. Moreover, the Government was thus deprived of 6 months notice of the starting date for the campaign. The Conference instructed that provincial Congresses should organize conferences from 11 - 14 April to receive branch reports on local preparations for the proposed campaign and to issue further instructions from the National Executive. These meetings were to be followed by a conference of the ANC national executive on April 26/27.

The SAIC conference accepted the planning council report and instructed the incoming Executive to work out a detailed programme of action with the ANC to be ready for presentation at provincial congresses immediately after 6 April. Having received comments from these congresses the SAIC executive was to consult with the ANC (2). The FAC, at a conference attended by over 90 delegates, who claimed to represent 63,000 supporters, gave unanimous approval to the Report and instructed that machinery be set up immediately to implement the Plan (3). Dadoo and Sisulu addressed the meeting. The delegate conferences were complemented by local meetings, provincial conferences of branch delegates and informal contacts at and between all levels.

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- (1) At a meeting to be held on 26/27 April. Letter from Sisulu to the Joint Hon. Sec. SAIC, 8 January 1952. Regina vs Sisulu and 19 others, pp 292-3.
 - (2) Letter from Y. A. Cachalia to Sisulu, 5 February 1952. Regina vs Sisulu, pp 316-8.
 - (3) Guardian, 20 March 1952. Coloured activists, through the FAC, played a major role in organizing and executing the boycott of the Van Riebeck celebrations.

During the first quarter of 1952 members of the joint planning council toured the provinces to discuss further with provincial leaders plans for the campaign and to mobilize popular backing both in established centres of congress support and elsewhere. Sisulu, for example, held a number of mass meetings in Natal, including at Nqutu where the Government was meeting resistance to a stock limitation exercise (1). Meetings to build up support were held under joint ANC/TIC sponsorship in many centres in the Transvaal (2) and there are reports, of similar gatherings in both the Western and Eastern Cape (3). In the Orange Free State there appears to have been little such activity, though Spark reports a meeting in Ladybrand said to have been attended by 2,000 people (4) and there will have been meetings in Bloemfontein and possibly at Ficksburg and Bethlehem where there were ANC branches (5). Mass meetings, organized by the African and Indian Congresses including their youth wings, jointly or separately, played a major role throughout the campaign - to secure volunteers, to further the process of political education and to develop support for the Congress alliance (6).

The provincial congresses in April afforded an opportunity to inform grass roots activists about the forthcoming campaign, to encourage co-ordination of their activities and to strengthen their resolve, inter alia, by emphasizing that they were not struggling in isolation but as a part of a province and nationwide movement which was gaining international recognition and backing. Representatives of 25 branches are said to have

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- (1) Guardian, 6 March 1952 and 3 April 1952. The map at p 271 plots recorded meetings in all provinces.
 - (2) See, for example, reports in unnamed ANC-TIC leaflet referred to in Bantu World, 5 April 1952.
 - (3) Sources. (a) Guardian, 24 January 1952 (Worcester, where there was a local planning council of the type envisaged by the National Planning Council), (b) A. Sachs, interview, 10 November 1969, (c) Eastern Province Herald, 31 March 1952.
 - (4) Spark, 11 April 1952.
 - (5) A. Lutuli, Let My People Go, p 121. Such centres of discontent as the mining centre of Odendaalsrus appear not to have been approached.
 - (6) For a specific example of such a meeting - with details of the all-important songs - see L. Kuper, Passive Resistance in South Africa pp12-19. Prayers were usually said too.

attended the Transvaal meeting, discussing local support for demonstrations on the Van Riebeck Tercentenary and the state of preparation for the main campaign (1). The Cape provincial congress held in Port Elizabeth and attended by 55 delegates representing the 8 sub-regions of the provincial Congress, reported to the national headquarters that the Cape was ready to play its part in the campaign when the word was given and that a large number of volunteers had already been enrolled (2). Early in 1952, the ANC scarcely existed in Natal outside Durban, and even there it was far from strong, so that the notion of a province-wide delegate conference was premature (3). A public meeting was held by the "Natal branch of the ANC" on 23 March at which a resolution was passed supporting the decision to embark on a resistance campaign, "subject to conforming to local conditions" (4). But this was clearly not the forum for a detailed discussion of Natal's role in the campaign. There is no record of a provincial ANC congress in April in the Free State.

The SAIC executive was under instructions to present a detailed plan of action to its constituent provincial organizations shortly after April 6 but there is no indication this was carried out. The Indian leaders may have deliberately held back leaving the initiative to the ANC. The only delegate conference held after April 6 by the Indians, before the campaign began, was in the Transvaal on 11 May, shortly after a

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- (1) D. W. Bopape interviewed in the Guardian, 17 April 1952.
 (2) Guardian, 24 April 1952. This was not Joe Matthews' recollection (interview, 29 January 1970) and was probably not taken too seriously at the time by the national leadership. The claim was presumably intended primarily as a catalyst to the uncommitted.
 (3) The division in the Natal ANC between "progressives" and "reactionaries" which had finally provoked Champion's departure in 1951 continued to provoke tension.
 (4) Guardian, 27 March 1952.

meeting of the SAIC executive. The planning council report was outlined and unanimously approved, but there is no hint of an additionally comprehensive plan of action being discussed (1). The meeting is unlikely to have been significant organizationally. The main branches of the Transvaal Indian Congress were in or near Johannesburg and information and instructions could be transmitted on an informal net without waiting for a provincial congress, almost certain to be infiltrated by the Government security forces.

The ANC and SAIC national executives met singly, then in joint session to complete preparations for resistance. The ANC national executive (2) meeting on April 27, received reports from provincial executives of preparations for resistance which, it claimed, indicated "a wide acceptance of the campaign by the African people both in the rural and urban areas" (3). The Executive, affirming its responsibility for the overall policy direction of the campaign, at least for African participants, resolved that an ANC National Volunteers Council should be instituted to be responsible for the "tactical aspects of the campaign" (4). A target was set to enroll 10,000 volunteers by June 26, the date finally chosen for the beginning of the campaign. Moroka called for an intensification of the "Million Shilling drive" and proposed a joint meeting of the ANC and SAIC executives to be held in Johannesburg towards the end of May. Further consideration of the matters discussed at the ANC national executive meeting was left to the

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- (1) Indian Opinion, 16 May 1952, Leader, 16 May 1952. The miniscule Cape Indian Assembly held a similar ratifying meeting. Guardian, 20 March 1952. Such meetings, together with that of the Natal ANC on 25 March, belong to the immediate post Bloemfontein "approval" phase, rather than the later "planning" period.
- (2) Membership in 1952 included, J.Moroka, W.Sisulu, Prof. Z.K.Matthews (absent), N.Mandela, J.B.Marks, M.Kotane (till banned), D.Floome, A.Lutuli, Dr J.Njonge, Rev. J.Calata, Rev. J.Skomolo and D.Mji, W.Conco, O.Tambo, M.Yengwa, others, attended on a co-opted basis.
- (3) ANC statement carried in Guardian, 1 May 1952.
- (4) Treason Trial Record, pp 594-5

working committee (1). This met on 2 May and proposed that the Joint Executives should convene in Port Elizabeth on 31 May (2). The working committee decided there should be a committee of seven (later called the National Action Council (NAC)) representing the ANC and SAIC "to prosecute the plan of action". Effectively, it was to be a re-embodiment of the joint planning council. The Committee also proposed that the National Volunteer Council should be a joint body of 6, with 3 representatives from each Congress (3). A national volunteer-in-chief and provincial counterparts were to be appointed. It is unclear how detailed were the Committee's proposals, for example, on the functions and relative responsibilities of the NAC and volunteers' councils, nor do we know if they were put to a formal meeting of the full ANC executive or what consultations were held with the Indians (who were given equal representation on the NAC and volunteers' council).

The proposals put forward by the ANC executive and its working committee were formally approved at a meeting of the SAIC executive on 4 May. The SAIC executive laid down as a pre-condition that Indian participation in the campaign be subject to SAIC control vested in those members of the executive on the NAC. Their ANC counterparts appear to have had no such formal ultimate authority (4). The committee of the FAC met at about the same time, resolving full co-operation with the Congresses in the defiance campaign (5).

- (1) In 1952 the working committee included Moroka (nominal?), probably Sisulu and Marks, and latterly, it seems, Mandela and Tloome, the last two being referred to as members of the "ANC Secretariat" in Bantu World, 15 November 1952.
- (2) The FAC was not invited on the grounds it remained a regional rather than national organization.
- (3) Resolutions of Working Committee. Treason Trial Record, pp 594-5. As is often the case with such selective sources, only certain decisions are given.
- (4) Minutes of meetings. Treason Trial Record, p 595.
- (5) Guardian, 8 May 1952.

The final stage in the formal planning preparations for the campaign comprised a joint assembly of the African and Indian Congress national executives in Port Elizabeth on May 31. At this, the national action council and national volunteer corps co-ordinating council were formally instituted and June 26 agreed as the date for beginning the main thrust of the campaign (1). The Natal leadership recommended a delay of several months as there was no prospect of their mounting resistance in the Province by June. As a compromise it was agreed Natal should join in the campaign when it was ready (2). The conference also approved, after some hesitation (3), the proposal that Bopape, Dadoo, Kotane, Marks and Ngwevela, all of whom had recently been ordered by the Government to resign their respective congress offices (4), should make what would be technically the first acts of defiance by violating their banning orders. The conference in a symbolic rejection of the Government's apartheid policies brought together for the first time between 30 and 40 leading provincial and national figures of both the African and Indian Congresses. Previously, with the notable exception of meetings of the joint planning council, the two Congresses had tended to convene separate meetings of their officials and supporters to discuss preparations for the campaign though particularly at public gatherings a representative of the other Congress would frequently be present. The conference demonstrated the national base of the forthcoming campaign. It also emphasized its imminence and gave an opportunity for publicity.

The formal processes outlined above in the planning of the campaign were complimented throughout by informal consultations amongst Congress officials. These informal exchanges were

- (1) Treason Trial Record, p 596.
- (2) M. Yengwa, interview, 16 May 1970.
- (3) ibid.
- (4) In May 1952 in terms of the Suppression of Communism Act.

probably the principal source of organizational initiatives, proposals subsequently being ratified at formal meetings. The circumstances of the Congresses made personal informal links especially important (1). The problems of convening committee meetings, particularly of people possibly living hundreds of miles apart and of members of different racial groups were considerable. Not only were there legal restrictions to be faced but also limitations imposed by the lack of resources at the Congresses' disposal. They did not have the means to establish an extensive efficient bureaucracy staffed with full time officials who could meet at will. Even at the local level formal committee meetings presented difficulties not least because most activists in addition to their Congress commitments had jobs to go to. There are evident limitations on the use of ad hoc links, but they were consistently important for the Congress alliance in ^{the} defiance campaign. It is an aspect which Feit underestimates, basing his criticisms of the ANC organization much too heavily on its formal structures (2). Unfortunately, because of the very nature of such informal contacts and the time which has elapsed since the campaign, the opportunity no longer exists to build up a comprehensive study of these links. We know, for example, that there was a great deal of informal contact between Congress leaders in Johannesburg during the planning stages but not precisely what was agreed in these circumstances and at whose initiative.

The organizational pattern evolved by June 1952 was certainly an advance on the planning council's blueprint, but much remained to be done. Except in Johannesburg and possibly

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- (1) Matthews interview, 29 January 1970 cited a specific example: namely the importance of N. Mandela's and W. Sisulu's visits to the Eastern Cape, during the campaign, for the maintenance of links between that area and the national headquarters. Both were Xhosa speakers.
- (2) E. Feit. African Opposition in South Africa. The Failure of Passive Resistance. Particularly Chap. 3.

Port Elizabeth, there was scarcely any organizational basis for a sustained campaign. Both for tactical and resource reasons the leadership, in line with the Programme of Action, began the campaign with a very makeshift organization, building it up as best it could and as appropriate, as and when defiance gathered momentum. The consequent risks for a campaign relying on sustained mass support and non-violent action needed no emphasis, but there were some advantages to be had from the flexible open ended approach

The Organization of the Campaign in Practice

(a) National Level - The Main Congress Organizations.

The defiance organization throughout the country was under the formal aegis of the national action council, comprising 4 ANC and 3 SAIC representatives nominated by and drawn from their respective executives (1). Most members were from the Johannesburg area where the Council met monthly and sometimes less often. If the campaign had been highly centralised the NAC would have been its nerve centre, instead it appears to have been a "talking shop" providing a necessary joint forum for discussions about the general state and direction of the campaign. It seems to have taken few decisions of real import (2) and to have exercised little practical control. The ANC national executive, with its working committee, and the individual leaders of the SAIC would seem to have exercised much more authority. The ANC executive, unlike its Indian counterpart, met fairly frequently during the campaign, discussing defiance matters and issuing occasional statements about it (3). But

- (1) It comprised J. Moroka, W. Sisulu, N. Mandela, Y. Cachalia and, possibly I. A. Cachalia and D. Tloome. Co-opted provincial officials attending on an ad hoc basis.
- (2) It did, however, announce an extension of the scope of the campaign (King Williamstown Mercury, 23 October 1952, and was responsible for agreeing to white participation (Indian Opinion, 5 December 1952). Occasionally it issued documents, one for circulation at the UN - Advance, 13 November 1952.
- (3) For example, directing branches throughout the country to intensify the campaign. Peoples World, 28 August 1952.

the importance of informal contacts amongst leading figures in the campaign must again be stressed. In Johannesburg, the SAIC and the ANC had their offices in the same building (1) ensuring close contact amongst those working there. The growing number of banning orders on Congress leaders must also have encouraged informal contacts, particularly in the interim periods before new officers were elected (2).

The national volunteers co-ordinating council appears never to have met (3) but there was a national volunteer in chief - Nelson Mandela - and a deputy - I. A. Cachalia. Whether the office counted for much is doubtful, both men, like most of their provincial counterparts, having other more demanding roles to fill. Mandela, in addition to travelling in the Transvaal, did visit the Eastern Cape and Natal during the Campaign, giving him the opportunity to urge people to volunteer, and to keep a watching brief on the selection of would-be resisters.

The number of occasions requiring formal contact between the national and sub-national defiance units was limited, much of the interchange necessary could be conducted through activists operating at more than one level (4) and from visits by leading national figures to the provinces (5). The

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- (1) The ANC had been forced to leave their own building and was given rooms in the SAIC offices. P. Joseph, Interview, 15 May 1970.
 - (2) Each move by Government against non-white political groups encouraged the adoption of less overt organizational structures.
 - (3) According, for example, to M. B. Yengwa, Natal's volunteer in chief. Interview, 16 May 1970.
 - (4) For example, Dr Njongwe was on the ANC National executive, he was, in addition, acting president and substantive treasurer of the Cape ANC and an official of the New Brighton Congress branch.
 - (5) Take, for example, the "brokers", W. Sisulu and N. Mandela.

extensive flow of written material was effectively precluded by the absence of a separate administrative machine at the national level and the limited manpower and financial resources available at all levels of the defiance organization. The precise relationship of the national headquarters with the provincial organizations varied. Links were closest in the Transvaal where the national and provincial organizations so overlapped as to be almost one. There was a fairly high level of contact with Natal and the Eastern Cape, but the element of central direction was necessarily reduced. Relations with the Orange Free State and the Western Cape were more spasmodic.

(b) Provincial Level

The driving force in the organization of defiance came from sub-national units responsible for the day to day management of the Campaign. Considerable regional differences are apparent - notably between, on the one hand the Transvaal and Natal and, on the other, the Eastern Cape. In the Transvaal and Natal the Congresses, in accordance with the Planning Report, established provincial action councils ^(P.A.C's) which became the organizational lynch pins for defiance in those areas (1). They comprised an approximately equal number of representatives from the African and Indian provincial Congress executives (2),

- (1) Confirmed by Y. Dadoo & M. P. Naicker, interviews 8 February 1969, 4 December 1969, respectively. References to the Natal and Transvaal PAC's are based on the foregoing interviews and others with M. Yengwa, 16 May 1970, and E. Joseph (1969-1970). In the Transvaal a joint co-ordinating committee - the forerunner of the Provincial Action Council - had operated at least since March. Guardian, 13 March 1952.
- (2) In Natal the council had 10 or 11 members, with Lutuli as chairman and M. Naicker and M. Yengwa as joint secretaries. P. Simelane, S. Mtolo, F. Dhlamini, Dr. Naicker, I. C. Meer and J. N. Singh were also members. Composition of the Transvaal council has not been traced but is likely to have included provincial presidents and secretaries, the provincial volunteer in chief and his deputy and youth league representatives. The council's newsheet Flash indicates there was also a representative of the Coloured Political Action Committee. Flash, 9 July 1952, Regina vs Sisulu, p 179.

and at the height of resistance met almost daily. The Councils were responsible for working out precise details of local resistance efforts, for arranging public meetings to keep people informed about the Campaign and to encourage support, for publicity and fund raising, for welfare activities and for co-ordination with the National Action Council. In Natal the action council had at its disposal two full time paid officials - M. Naicker and M. Yengwa, as well as several others who gave their services virtually full time on a voluntary basis. In both Provinces the Councils could call for the assistance of Congress branch organizations (1), youth and womens groups within or allied to the Congresses and from the trade unions and churches. To avoid total disruption of their efforts some at least of the members of the provincial action councils were instructed not to defy. This did not remove the threat of banning orders - but when these were imposed those concerned could and did still work behind the scenes. In both Natal and the Transvaal the individual Congress executives or their working committees continued to meet separately, inter alia to discuss defiance matters (2).

Marupeng Seperepere, the Transvaal volunteer in chief, and his deputy, A. E. Patel, recruited volunteers both at meetings and on a house to house basis, sometimes with the assistance of youth league members. Their authority may have been limited by the presence in Johannesburg of the National Volunteers in Chief, Mandela and Cachalia (3). But it is

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- (1) In neither province did individual Congress branches have authority to take independent resistance initiatives. See p 246 below.
 - (2) For example, see the meeting of the N.I.C. executive's working committee reported in the Leader, 29 August 1952.
 - (3) For example, Duma Nokwe, youth leader in Orlando, was in direct contact with Mandela about volunteer matters. A. Hutchinson, Interview, July 1970. Hutchinson, was one of a group in Orlando who canvassed for volunteers, but he said he never had any contact with Seperepere.

probable that Seperepere and Patel scrutinized at least some of the volunteers' application forms (1). They may also have conducted interviews, as was formally required, before accepting volunteers (2) and will have been responsible for seeing that volunteers took the oath of obedience (3). Some of the volunteers received training - the earliest volunteers being the most thoroughly drilled - with particular emphasis apparently being laid on the need for discipline and non-violence (4). The welfare of resisters and their families - an important consideration in the campaign - was a responsibility of the volunteers in chief. But it is evident in the Transvaal that the work was done by others, notably the aged R. Naidoo and youth from both Congresses (5).

The Natal volunteer in chief, M. B. Yengwa, and his deputy, H. Deadoth, were actively engaged in the principal tasks outlined above, including welfare work. They operated

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- (1) Their use was clearly intermittent. Hutchinson, interview, op.cit. According to Mandela and I. A. Cachalia, people were asked their name, address, political belief, attitude to non-violence, educational and religious background and employment details. Treason Trial Record, pp 15072 and 15782.
- (2) Almost all were, in the Transvaal, M. Mandela, ibid.
- (3) According to a police informer, the pledge was as follows: "I the undersigned volunteer of the National Volunteer Corps, in full appreciation of the consequence that the position entails, do hereby solemnly pledge and bind myself to serve my country and my people generally in accordance with the policy, programme and dictates of congress, to the best of my ability and in particular do hereby pledge myself to participate fully in the campaign for the defiance of unjust laws I shall obey the orders of my leaders under whom I shall be placed and strictly abide by the rules and regulations of the National Volunteers Corps formed from time to time. It shall be my duty to keep myself physically and mentally and morally fit". Regina vs Sisulu, p 128. A similar version is found in The Clarion, 26 June 1952.
- (4) Treason Trial Record, p 15782.
- (5) P. Joseph, interview, 4 December 1969

through a volunteer co-ordinating committee which was, effectively, a working group of the provincial action council, though its members were not drawn exclusively from that body. Yengwa preferred approaches to be made to people whom the committee judged as suitable defiance material, but others were certainly accepted after screening (1). Given the limited number of participants and the single centre for resistance in the Province it was possible for Yengwa and his assistants to undertake closer supervision of volunteers and recruits than was feasible either in the Transvaal or the Eastern Cape. At the same time, the task of mobilizing active support in a Province for the most part devoid of congress infrastructures was clearly formidable.

Very little is known about the provincial defiance organization in the Orange Free State. As in the Eastern Cape, it was entirely under the control of the ANC, presumably being supervised by members of the Executive resident in or near Bloemfontein where the principal acts of defiance took place. Mr S. Mokoena was the provincial volunteer-in-chief.

The Cape defiance organization differed markedly from its counterparts in the Orange Free State, the Transvaal and Natal since it lacked tight central provincial control. In addition, unlike in the Transvaal and Natal, the campaign in the Cape, notably in the Eastern Region, was confined almost entirely to the African population and this affected the organizational pattern. Owing to disparate conditions, distance and previously established ANC organizational boundaries, resistance in the Western and Eastern Cape was conducted separately, though there were contacts through occasional province-wide Congress meetings and informal links. Radical Indian political activity in the Province was virtually non-existent, except in Cape Town where the Cape Indian Assembly

(1) M. B. Yengwa, interview, 16 May 1970.

functioned intermittently. Coloured participation was limited to the Western Cape, where a joint co-ordinating council was established of the ANC, FAC and Cape Indian Assembly (1). Its role appears to have been very limited, neither of the latter bodies making a significant contribution to resistance. The bulk of defiance activity in Cape Town was organized by the regional ANC executive in conjunction with individual branches. Elsewhere in the Western region responsibility, in practice, lay at the local level (2). In the Eastern Cape, there was no viable Coloured or Indian organization with which the ANC could have established a workable joint action council even if they had had the will to do so (3). No formally constituted action council was instituted but members of the provincial ANC executive living in the Region (4) used to meet about once a week, and a secretariat, sometimes called the working committee (5), drawn from executive members based in Port Elizabeth, met daily to plan and discuss resistance in the areas with which they were actively concerned. The working committee was the only source of reasonably comprehensive up to date information about resistance activities in the Region. This could be passed through Mandela and Sisulu to defiance headquarters, but as Joe Matthews admitted, in some centres "we didn't know what was going on".

In the Ciskei and elsewhere in the Eastern Cape informal, often unannounced visits helped to ensure the campaign was conducted within the broad terms of Congress policy. But

- (1) This Council may well have been formed prior to the Tercentenary boycott.
- (2) Examined below pp 248 , 275
- (3) J. Matthews, interview, 29 January 1970, saw as one of the reasons for the success of the campaign in the Eastern Cape its entirely African composition. I am greatly indebted to him for information about defiance in the Eastern Cape.
- (4) Inter alia, active membership consisted of Dr J. Njongwe, Dr R. Bokwe, R. Matjila, J. Matthews, A. Gwentshe, Rev. W. Tshume, Rev. J. Calata and S. Simpe.
- (5) This may be the body referred to as the "Volunteers Board" in the Eastern Province Herald, 26 June 1952.

much of the detailed planning and mounting of resistance, other than at Port Elizabeth and Uitenhage, appears to have been in the hands of individualistically run local semi-autonomous units (1).

There was a volunteer in chief for the Cape - Alcott Gwentshe - and he did occasionally address meetings in this capacity but was far more heavily engaged in the task of directing resistance in East London. It seems unlikely that he would have been much concerned with the minutiae of enrolment forms and screening exercises.

(c) Local Level

There was close contact between national and provincial Congress leaders and the grass roots, both in urban and rural districts (2). In some areas, local branches and informal groups of supporters furthered the development of the campaign, helping the Congresses to achieve some of their internal goals. But it was only in the Cape that branches made an impact on any scale on the organization and decision making of the defiance campaign. In the Transvaal and Natal it was never intended that individual branches should take initiatives to defy the law, partly because it was feared this could lead to a failure in discipline with disastrous consequences for the campaign (3). Also, the Congresses' organization in the two provinces, outside the Johannesburg area and Durban, respectively, was generally very weak. In Natal, both the ANC and N.I.C. were recovering from a period of schism (4) which had left their

- (1) This pattern may have influenced N.Mandela in formulating the "M" plan.
- (2) At p 271 is a map recording all known points where public or other meetings were held, addressed by provincial or national congress officials, on the defiance campaign.
- (3) P. Joseph, interview, 15 May 1970.
- (4) It was not completely over - for example the N.I.C. branch in Pietermaritzburg was split in 1952 between a "Trotskyite" element and an "orthodox" group, the former winning control. M. Naicker, interview, 4 December 1969.

organizations in disarray. The Transvaal Indian Congress relied heavily on an informal web of contacts, rather than branches, outside Johannesburg, partly to minimise the threat of persecution of members of isolated Indian communities whose security of tenure was always at risk. Within the Transvaal ANC the only branch which was probably allowed to exercise any real degree of freedom of action was that at Bethal under the distinctive and energetic leadership of Gert Sibande. The cautious approach of Congress leaders in Natal and the Transvaal to local initiative in the Campaign contrasted sharply with that of Eastern Cape leaders. Resistance occurred in at least 14 towns or districts in the Region, some over 150 miles from Port Elizabeth. And nearly 6,000 people are recorded as defying in the Eastern Cape, compared with under 1,500 in the Transvaal. Njongwe seized the opportunity of the Campaign for a determined effort to develop the ANC's grass roots backing. ANC members in Port Elizabeth and East London returning to the rural areas, at the end of their contracts, or for shorter periods, were recruited to set up Congress branches in their local areas (1). These people were given basic instruction on the setting up and running of a branch but then left very much to their own devices to build up self-sufficient, largely autonomous units. The result was the emergence of a number of highly individualistic "branches" in the Ciskei and elsewhere in the rural Eastern Cape which had a role to play in providing batches of resisters to participate in the Campaign in provincial towns. Previously established branches in the country towns also enjoyed a considerable measure of autonomy, as did the Congress organization in East London which was run by Alcott Gwentshe, whom Matthews likened to an American "city political boss". Whatever the risks inherent in this diversity in organization for a non-violent resistance campaign it did permit a far higher level of

(1) Whether or not they were successful in this aim could well depend on the attitude of the local traditional ruler.

participation and politicization than would have been possible if a more rigid centralized, system had existed. The development of a broad based grass roots organization had a potential long-term significance (1).

In the Western Cape local autonomy was confined to the few centres outside Capetown where resistance occurred. The most notable example was at Worcester, the only town to have a local joint action council (2) virtually as envisaged in the planning council report. It comprised African and Coloured representatives.

(d) The Role of associated organizations in the running of the Campaign

In the main centres of defiance the organization of the campaign was a combined operation relying not only on the support of activists involved primarily with the "parent" Congresses but also those more heavily engaged with the Youth and Women's Leagues and, to a limited extent, other associations outside the ambit of the Congresses. To a greater or lesser degree, depending on the organization and locality, the resources of these groups were put at the disposal of the main defiance organization. Generally they had little autonomy in defiance matters, but this does not necessarily detract from their importance in the running of the campaign.

The Transvaal Youth Leagues (3), as distinct bodies, were particularly active, notably in Johannesburg where their

- (1) It seems reasonable that the development of largely self running branches and the experience gained from them were factors relevant to the particular resilience of Eastern Cape resistance to the Government in subsequent years.
- (2) Called the Worcester United Action Committee, it was in existence certainly by January 1952.
- (3) The African National Youth League and the Transvaal Indian Youth Congress.

organizations were mobilized to help with administration at campaign headquarters, to circulate defiance propaganda, to drum up funds, to help distribute welfare supplies to families of imprisoned resisters, and to encourage people to volunteer and to associate with their respective Congresses. They produced newsheets (1), held political education classes and organized provincial and local meetings all of which could further the progress of the campaign (2). In the other provinces during the campaign African and Indian youth organizations seem to have played scarcely any role, as distinct units, their members, instead, contributing on an individual basis (3). One notable exception is East London where members of the ANC Youth League appear to have dominated the resistance organization. But in the Eastern Cape and Natal in 1952 the division between the leadership of the parent Congresses and the Youth Leagues is hardly a very meaningful one.

There is a dearth of detailed information about the activities, during the campaign, of the ANC Women's Leagues, and other women's associations which may have played an important role in the mobilization of volunteers, and in securing finance and welfare supplies. There were many women resisters. Out of a sample group in the Eastern Cape of 2,529 resisters, 1,067 were female, a similar analysis of 488 resisters in the Transvaal showed that 173 were female. But, no women held positions at the national level in the ANC or SAIC during the campaign and they were under-represented

- (1) See, in particular, Spark, referred to above, p 231 ft. 3 and African Lodestar, The ANCYL publication.
- (2) Most of the foregoing is drawn from interviews with P. Joseph, November 1969-May 1970. He was a prominent member of the TIYC in 1952.
- (3) This is supported by interviews with J. Matthews, 29 January 1970, M. Naicker, 4 December 1969, M. Yengwa, 16 May 1970, and A. Sachs, 10 November, 1969.

on provincial Congress committees. The ANC Women's League was active in the Eastern Cape and Transvaal. At the annual conference of the Transvaal ANC Women's League in November 1952 it was resolved to recruit 3,000 women volunteers (1) which at least indicates an intended organizational function and it is reasonable to assume they had already played a part in mobilizing the women who had resisted by this stage. In the Eastern Cape, wives of Congress leaders played an important role in persuading women to resist (2) as did the wives of Indian Leaders. Indian women do not appear to have had their own Congress organizations in 1952, some participating, instead, in the committees of the main Congress bodies (3) Informal personal links will have been important in organizing women for defiance. These links may have been considerably facilitated by the existence of womens associations outside the Congress orbit, in particular church groups (4). Women were also prominent in certain trade unions and this net may

- (1) Advance, 4 December 1952. Bantu World, 22 November 1952 and 29 November 1952. The President of the Transvaal Women's ANC in 1952 was Ida Mtwana.
- (2) Mrs. Njongwe, for example, herself led an all female batch into defiance. Clarion, 31 July 1952. She may have been President of the ANC Women's League in the Cape. The Vice President appears to have been Mrs. Dyanty. Imvo, 2 August 1952. Over 1,000 African women assembled in Port Elizabeth on the eve of the defiance campaign to pray for the volunteers. Eastern Province Herald, 26 June 1952. Whether it was organized by the ANC Women's League is unclear.
- (3) For example, Miss Z. Asvat (Mrs. Kazi), [interview 10 November 1970], who was a vice chairman of the Transvaal Indian Youth Congress. Other women activists in the Indian Congresses in the early 1950's included Mrs. A. Pahad, Mrs. A. Cachalia (Transvaal) and Mrs. F. Meer and Mrs. F. Seedat (Natal). Interviews, Mr and Mrs. Joseph, 15 May 1970, and M. Naicker, 4 December 1969.
- (4) For example, the Mothers Union of Loyal African Women referred to by M. Benson, "The Struggle for a Birthright", p 148.

have been exploited (1). There may have been other womens' organizations which assisted at least indirectly, in the campaign but evidence is quite lacking in the sources available (2).

The role of the trade unions and church groups in the organization of the campaign deserves amplification. Many unionists were active in the campaign, but, generally, in their individual capacities. However, the Coloured Trade Union Political Action Committee based in Johannesburg and under the control of James Phillips was responsible for mobilizing the few Coloured resisters in the Transvaal (3), but their deployment remained the responsibility of the Congress alliance. The unions - notably the textile and food canning workers - played an important role in organizing defiance in Worcester in the Western Cape (4), but there are few other examples which can be cited. In the view of Joe Matthews the unions gained far more from the Congresses during 1952 through the latter's encouragement for people to join the unions than the Congresses benefited from union assistance in mobilizing support for the campaign.

Particularly in the Eastern Cape, the churches appear to have played a role in mobilizing support for the campaign. An example is the African Inter-Denominational Minister's Federation whose President, the Rev. J. A. Calata, was a member of the Cape ANC executive. In August 1952, at a conference, it unanimously agreed to link with the ANC in "the struggle for African Freedom" (5). Whether the African

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- (1) The Eastern Cape defiance activist Lillian Ngoyi was a member of the Garment Workers Union and is likely to have used her contacts within that body to encourage other women to defy.
- (2) Did, for example, the National Council of African Women, Imvo, 17 May 1952, play any part?
- (3) JPhillips, Interview, 11 July 1970.
- (4) See the reference to Worcester, p 248 above.
- (5) People's World, 4 September 1952. The importance of religion to the campaign in the Eastern Cape is stressed in an editorial in Imvo, 11 October 1952

separatist churches played a role in the campaign is quite unclear. Kuper (1) thinks not, but further study is needed to be sure of this.

Finally, reference should be made to the organizational role in the campaign of traditional leaders, notably in rural areas in the Eastern Cape and, secondly, of the Franchise Action Council which was of marginal importance in organizing defiance in the Western Cape (2). The few whites who took part did so on a personal basis and they did not fulfill any organizational functions of note (3).

(e) Finance and Propaganda organization in the Campaign

Both are illustrative in varying degrees of the ad hoc, non-specialized nature of the organization of the campaign.

Whilst the authors of the planning council report recognized, "it is apparent that the plan of action ... cannot be put into effect without the necessary funds to back it" and to this end proposed a "million shilling drive" they did not think it worthwhile to suggest setting up specialised fund raising groups. The lack of coherent organization was a reason for the failure of the appeal though there were other factors (4). And whilst

- (1) Passive Resistance in South Africa, p 149. M. Naicker, interview, 4 December 1969, believed that the dissident churches did play a significant role in efforts to drum up support amongst Africans in Natal.
- (2) Its main organizational effort in 1952 was directed to the boycott of the Tercentenary celebrations.
- (3) The Transvaal Congress of Democrats (COD) was not formed till after a meeting at the end of November 1952 called by the ANC national executive (not the Joint Council) for invited white sympathisers. The South African COD was created in 1953.
- (4) J. Matthews, interview, 29 January 1970, said in the Eastern Cape Africans were deterred from contributing by the "oriental" appearance of the stamps given as receipts - having doubts about the ultimate destination of the funds.

the organization of the campaign's finances were haphazard it is doubtful whether this was a significant impediment to the progress of resistance.

Both Congresses retained separate accounts during the campaign, though in the Transvaal and Natal there was financial co-operation and it is reported that a joint fund "for victims of Nationalist persecution" was established in June 1952, by the ANC, SAIC, the Transvaal council of non-European trade unions and the Transvaal Peace Council (1). Methods of raising funds for the finance varied considerably. Some money - no records have been traced of how much - accrued from the "million Shilling drive", but this scheme never secured widespread enthusiasm and support. The ANC collected money from annual dues, some of which will have been used for campaign expenses. Special local fund raising drives were probably the main source of income for the campaign. In Port Elizabeth, for example, Robert Matjila arranged for short-lived slogan carrying lapel badges to be sold at mass meetings, apparently considerably augmenting Congress funds (2). Significant sums were also obtained in the Region from social events organized by women activists, through-house to house campaigns and at factories. The same applied in other Regions. In the Transvaal and Natal, traders and merchants were an important source of campaign funds. Their support was solicited by members of the Indian Congresses either operating alone, or in the company of an ANC official (3). M. B. Yengwa (4)

- (1) Clarion, 26 June 1952.
 (2) J. Matthews, op. cit. Collections were also taken at meetings.
 (3) P. Joseph, interview, 4 December 1969. I. Dinaat, interview, 4 December 1969, claimed the rich merchants showed a much greater reluctance to contribute than poorer traders.
 (4) Interview, 16 May 1970.

believed that in Natal churches also helped to raise money for the campaign and this may also have happened elsewhere. Groups overseas played a marginal role in organizing funds for the defiance movement. Congress officials interviewed cast doubts as to whether any gifts were actually received from abroad during the campaign (1).

Where violence is employed in a political campaign it is difficult even in "controlled" societies to prevent at least some details reaching a fairly wide spectrum of the population, whether or not that idea was prominent in the minds of the participants. In a non-violent campaign, unless the scale is very large, Governments can deploy a variety of devices to see that acts of defiance attract little public attention. Yet, particularly in situations where the acts of defiance are not themselves expected to rectify the situation, extensive, and where possible favourable, publicity can be of major importance in securing internal and external goals. The Congress alliance met the challenge in a variety of ways, but did not, with one known minor exception, establish specialist propaganda organs lacking the resources to do so. The use of the spoken word was of overriding importance in seeking to popularize the campaign, notably through mass meetings of which many were held throughout the country (2). Occasional pamphlets and statements were published under the imprint of the national action council (3) and at the very end of the campaign the Council assumed formal responsibility for the weekly paper Spark, which till then had been produced by the Transvaal Indian Youth Congress Activist, R. H. Desai,

- (1) One report in the Peoples World, 30 October 1952, refers to a gift of \$900 said to have been sent by the U. S. Council of African affairs as its first contribution to the National Assistance Fund for "victims of the struggle against unjust laws".
- (2) Meetings in rural areas, where there were many illiterates, assumed a special importance for the communication of ideas about the Campaign.
- (3) In November 1952 the NAC submitted to the UN for circulation a pamphlet entitled The Disabilities of the non-white Peoples of South Africa.

in conjunction with ANC Youth League officials. The national action council lacked its own apparatus for the dissemination of the information. It relied in the Transvaal on a group of activists resident in or around Johannesburg, most of whom were members of the Congress youth organizations. This same group helped to produce the leaflets and broadsheets issued by the Transvaal provincial action council (1) as well as Spark and the ANC Youth League's African Lodestar, but there is no evidence that they constituted a formal publications sub-committee, such as is said (2) to have existed in Natal. There, as in the Transvaal, there seems to have been no lack of young people prepared to help distribute circulars and newsheets about the campaign. In the Eastern Cape, Congress appears to have paid little attention to producing written material, placing its reliance on the spoken word.

Congress leaders in the principal areas of defiance met with some success in putting over their views through interviews in the "white" press, but they had minimal control over the character of such reports. This was equally true of external publicity, to which they gave comparatively little attention, as compared with the passive resistance campaign of 1946-8. But there was one independent newspaper organization, run by Brian Bunting, a member of the banned South Africa Communist Party, which consistently supported the defiance campaign giving it extensive favourable publicity. The Guardian, and its successor newspapers, the Clarion, the People's World and the Advance (3) had a circulation in 1952

(1) Including Flash.

(2) M. Yengwa, interview, 16 May 1970.

(3) Guardian till May 1952 (banned). Clarion, May - August 1952. People's World, August - November 1952 (refusal of registration), for remainder of defiance campaign appeared as Advance.

of 30-35,000, primarily on the Rand^{and} in the Cape Town area, approximately 80% of the readership being African (1). Editorially, it was quite independent of the Congresses, although most of its reporters were Congress activists and it received some financial support from Congress members. The paper, under its successive guises, was an invaluable propaganda weapon in the hands of Congress, making it largely unnecessary for the alliance, even if it had had the resources, to attempt to publish a regular campaign paper on the lines of the Passive Resister. The campaign received favourable publicity in a number of other South African papers, such as Imvo Zabantsundu, E. Goli, and I. Langa Lase Natal, but these outlets, though helpful, were much less significant and not as unfailingly reliable as Bunting's papers, nor were they a part of the campaign's propaganda organization in the way that de facto, the Guardian and its successors were.

The campaign's organizational network, the very antithesis of a uniform, formally structured bureaucratic machine, divided into clear cut hierarchies and supported by specialist units, was surprisingly effective against considerable external odds in mobilizing support for the defiance of unjust laws campaign, particularly in the Transvaal and Eastern Cape. Far from being isolated units, the numerous groups responsible for organizing the campaign were linked - admittedly loosely in the Eastern Cape - by a complex and wide ranging web of formal and informal contacts, the focal point of which was Johannesburg. The particular pattern which emerged, largely spontaneously in the Eastern Cape, though containing many weaknesses, held the key to the possible future pattern of resistance organization in South Africa.

(1) B Bunting, interview, 27 January 1970.

CHAPTER III. LEADERS AND PARTICIPANTS

The diversity in age, background and belief of the defiance leadership is reflected in the rank and file participants and gives an insight into the broad base of support which the Campaign enjoyed

The leadership were united in their espousal of democratic ideals, which underlay the campaign and were the basis for its legitimation (1). The ANC (and the Indian Congress) had traditionally held to such ideals, expressing them with increasing vigour in the 1940's through, for example, the Bill of Rights (2) and the ANCYL Basic Policy document (3). African nationalism in its "moderate" form (4) was entirely compatible with the democratic ideal. Whilst it was an expression of the paramountcy of the interests of the African people in South Africa there was an acceptance of the permanent status (5) of other races in a future majority controlled State. The degree of attachment, amongst ANC leaders, to the concept of "non-racialism" varied but it was a constantly recurring theme in the speeches of defiance leaders (6) and the campaign itself offered proof of their commitment in this respect.

Walshe suggests the ideology and terminology of the class struggle was a factor of "some importance" (7) in

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- (1) See, for example, Report of the Joint Planning Council, paragraph 7. Annex A.
- (2) p 219
- (3) p 219
- (4) p 222
- (5) The precise nature of the envisaged status must be related to ANC demands for a non-racial democratic South Africa in which the African population would have an overwhelming majority.
- (6) See, for example, extracts of speeches by leading ANC and SAIC officials cited in the record of Regina vs Sisulu. The pledge at paragraph 7 of the Planning Council Report is noteworthy. Annex A.
- (7) P. Walshe, "The African National Congress of South Africa", (D.Phil thesis), p 631

ensuring that the ANC continued its long established belief in a non-racial society in the face of the "Garveyite" stream of African nationalism. In the Transvaal, in particular, some of the most prominent figures in the African and Indian Congresses held marxist beliefs (1), but not to the exclusion of other streams of thought. Marxist beliefs affected the language and emphasis of their speeches and writings (2), their interpretation of the process of liberation and concepts of a future South African State under majority rule, but the "Marxists" were not principally concerned, particularly during a resistance campaign to wage an internal ideological battle against other Congress leaders to establish marxism as the sole or dominant doctrine shaping the liberation "movement" (3). From 1950, the Suppression of Communism Act afforded additional grounds for caution

A contrasting , and more significant force in the defiance campaign, especially in the Eastern Cape, was Christianity(4) The majority of senior African defiance leaders probably held Christian beliefs and priests were well represented in their ranks (5). Congress leaders frequently

- (1) Y. Dadoo, M. Kotane, J. B. Marks. These and other "Marxists" were generally long standing members of their respective Congresses. Kotane for example, joined the ANC in 1927.
- (2) And in this respect may have influenced the opinion of their audiences for example in foreign affairs.
- (3) According to J. Matthews (interview, 29 January 1970) in the Eastern Cape, where there were few "marxists" in the ANC hierarchy in 1952, there was a dispute, essentially on ideological grounds, between 3 (unspecified) ex CPISA members of the ANC leadership and Dr Njongwe, President of the Cape ANC. But such tension does not appear to have been commonplace during the Campaign.
- (4) But there were Congress activists, for example, J. Ngwevela Chairman Cape Western Regional Committee, ANC, who were both Marxist and Christian.
- (5) There were, for example, two priests on the Cape ANC Executive, Rev. J. Calata and Rev. W. Tshume. Others were active at the branch level - Rev. L. S. Soga President Queenstown ANC.

used biblical references (1) and the ANC's senior chaplain, Rev. J. Skomolo, described the process of liberation as a holy war in which all Christians had a duty to participate in opposition "to the injustices of the oppressor" (2). The ANC's adherence to non-racial and non-violent ideals and practices may in part have derived from the Christian beliefs of its leaders and rank and file members.

Gandhi remained a figure and example of some influence (3). Dr. Njongwe remarked, "With the historical example of Gandhi before us, we turned to Passive Resistance largely because it secured results without creating bitterness between the contenders" (4). But no African and very few Indian leaders acknowledged a doctrinaire attachment to satyagraha, and most, instead, accepted a more flexible relationship with non-violence, akin to that of Nehru and the Indian National Congress (5). The non-violent methods adopted by resistance leaders in 1952 also reflected their continuing belief both in the rule of law, and in humanitarian ideals (6).

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- (1) "If we were Israelites we would have trekked out of Egypt" ... M. Seperepere, 22 June 1952. Regina vs Sisulu, p 131.
 - (2) Daily Representative (Queenstown), 29 July 1952.
 - (3) Although it is not clear whether his works or those of any other exponent of non-violence were read widely, amongst the Defiance leadership. But Lutuli evidently referred to the works of Gandhi, Let My People Go, facing p 129.
 - (4) Speech to the Supreme Court. Advance, 9 April 1953. Some Indian leaders may have also been influenced towards non-violent practices by Hindu and other non-christian creeds.
 - (5) For a statement of Nehru's attitude see Jawaharlal Nehru, Autobiography, p 84, taken in the context of the rest of the work. A parallel between the stance of the SAIC and INC is offered by I. A. Cachalia, Treason Trial, p 15057.
 - (6) Certain of the defiance leaders, including Chief Lutuli, could be described as humanists.

African leaders' keen awareness of tribal history (1) and mythology was used, with effect, to raise morale and encourage participation notably in the Eastern Cape (2) where most of the African population had common traditions and defiance was confined to a single race. The history of the struggles and achievements of other groups, including those of the people of India (3), blacks in the United States (4) and the Afrikaner Volk (5) offered an additional source of inspiration, but with the possible exception of the first of these were of marginal importance in determining the character of the campaign.

The diversity of beliefs within and between defiance leaders ensured that the campaign did not become narrowly doctrinaire and this encouraged flexibility in approach. The presence of conflicting beliefs prevented the formulation of a single all-embracing ideological model or framework, but this was not of momentous importance in 1952 and there was sufficient common ground amongst the leadership to give the campaign purpose and direction.

The ANC leadership in 1952 comprised a disproportionate number of highly educated professional men, in relation to the African population as a whole. In the Eastern Cape, prominent examples include Drs. Bokwe and Njongwe, Professor Matthews and his son and the Rev. Calata (6). In the

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- (1) Lutuli, for example, made a "spirited defence of the Shaka", Times, 21 July 1967. (Obituary of Albert Lutuli. Dr S. Molema, Treasurer-General of the ANC during the defiance campaign, wrote several articles about traditional leaders and society.
 - (2) Its importance there was stressed by J. Matthews, interview, 29 January 1970.
 - (3) See N. Mandela, Treason Trial, p 15847.
 - (4) P. Walshe, "The African National Congress of South Africa", (D. Phil thesis), pp 574-6.
 - (5) Dr. S. Molema, "A Historical Parallel and Warning, Bantu World, 11 and 13 October 1952.
 - (6) The Bokwe, Matthews and Calata families enjoyed a certain standing in the Eastern Cape which may have encouraged others to participate in Congress activities.

Transvaal J. B. Marks and W. Bopape were former teachers, N. Mandela, a lawyer, W. Nkomo, a doctor, and D. Mj1, the youth leader, was a university student. This bias may have been less marked in Natal, but amongst the Provincial Executive was a doctor (W. Conco), a trainee lawyer (M. B. Yengwa) and a former teacher (A. Lutuli). There were organizers who had had very little formal education, such as R. Matj1, the Eastern Cape activist, G. B. Sithole, of the Natal Executive, who was a herpologist, and Moses Kotane, but, at least at the national and provincial level, almost all, if not all, of the leaders were literate. Even at the branch level in the urban areas it is probable there was a clear majority of leaders with some formal education, though this was not the case in some of the rural districts, notably in the Eastern Cape.

Presumably, it is because of the disproportionate representation of educated people, many of whom had high occupational status, that Feit argues, "it is the African bourgeois usually the intellectual who seeks to provide leadership in African organizations, such as the ANC. But whatever his sincerity and his capacity for leadership he is separated from the African masses by the very achievement that gives him elite status" (1). The term "bourgeois" (2) provides a thoroughly unsatisfactory image of the majority of leading Congress officials. It is not clear precisely to whom Feit was referring in arguing that the leadership was separated from the masses or exactly how he conceived the divide. It may be argued that Moroka held himself aloof in 1952, as did some of the "old guard", who continued to hold offices at branch level. But Feit adduces no convincing evidence to show that this criticism could justifiably be levelled at the key members of the defiance leadership, such as Mandela, Sisulu, Marks and Njongwe. To

(1) E. Feit, African Opposition in South Africa: The failure of Passive Resistance, p 26.

(2) The Oxford Dictionary, applies the term bourgeois to "those addicted to comfort and respectability, Humdrum".

suggest that they were separated from the general populace by virtue of their social status ignores, for example, Sisulu's experience as a factory and mine worker, Marks' 20 years as a trade union militant and Njongwe's successful efforts at mobilizing a wide cross section of Africans in the Eastern Cape including amongst the "Red" people.

It is scarcely unusual for the leadership of political organizations to contain a higher proportion of well educated people, some with high level jobs, than is characteristic of the population as a whole! Feit appears to have misinterpreted the significance of the occupational and educational status of many of the ANC leaders. In South Africa, prevailing economic and social regulations, the background of many of the Congress leaders and the very platform on which they had risen to power encouraged close contact with African workers in urban and to some extent rural areas. To see the Congress leadership as a whole, in 1952, as an isolated clique is an interpretation open to the strongest doubts.

More surprising than the prominent role of professionals in the ANC leadership during the defiance campaign was the almost total absence, at the national and provincial levels, of women. Nearly half of the resisters in the Eastern Cape and perhaps a third in the Transvaal were female. But the ANC Women's League, of which the Transvaal section was particularly active during the Campaign, was presumably in regular informal contact with the central defiance leadership in Johannesburg. In addition, a number of wives of leaders in both the ANC and SAIC played a prominent role in the Campaign without necessarily holding formal office in Congress (1). There may have been some lingering traditional reluctance to appoint women to senior Congress positions, but if so no evidence has been found.

(1) For example, Mrs. Njongwe, Mrs. Cachalia and Mrs. Meer.

Women were underrepresented in the Indian Congress leadership, and so were members of the wealthiest, the poorest and the least educated groups regardless of their sex, but the Indian leadership was chosen with some care to reflect the principal elements in the population (1).

Information about the rank and file participants in the defiance campaign is sketchy. In 1952 and shortly afterwards, serious study could have provided detailed answers to questions to which now, at best, there can be tentative conclusions drawn from inadequate and conflicting information: Why did people participate? What did they think of non-violent resistance and of the likely outcome of the campaign? How many participated and who were they? What proportion were migrant workers, how many were literate, what percentage were new recruits to Congress, what was their age structure and ratio of the sexes and races? How did these factors vary between the Regions?

The first questions are perhaps the hardest to answer, in any detail, in the absence of field studies. People appear to have been motivated to resist both by general considerations such as a desire for "freedom" and an end to "exploitation", "humiliation" and "oppression" (2) and by specific local grievances (for example, influx control, the imposition of curfew and racially discriminatory land tenure provisions).

For some the sense of discontent and injustice had its origins in the seizure of the lands and dismemberment of the

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- (1) The Indians, given their small numbers, needed to make special efforts to prevent the growth of too many splinter groups. In Natal, where the Indian population was very divided, the N.I.C. in the early 1950's were at pains to form a very broad based executive. M. Naicker, interview, 4 December 1969.
- (2) These are terms which appear and reappear in reports of rank and file attitudes recorded in the contemporary press.

kingdoms of their ancestors by white settlers (1), and was exacerbated by the recognition that whilst they faced a continuing diminution of their rights, people in some other parts of the world were winning an increased measure of self-determination (2). What perhaps surprised many whites in 1952 was the number of people prepared to act on their feeling of discontent.

The method of defiance employed does not appear to have occasioned a great deal of comment. The precise form of non-violent resistance employed clearly attracted support, in a way that, for example, the boycott had failed to do. Given the circumstances of the majority of the participants (a subject considered below), it would have been inconceivable for them at that time to have adopted a strategy of organized, sustained violence. Aside from the tactical problems, the use of violence would not have accorded with what was probably a general wish to counter the Government's policies and practices in a "civilized" if militant manner. To have done otherwise in 1952 would in any event almost certainly have played into the Government's hands.

Participants and supporters hopes for the campaign probably varied from month to month, from optimism that it might secure fundamental and favourable changes at local and national levels to a more cautious hope that the campaign would at least succeed in demonstrating the widespread and deep feeling of discontent amongst the black population and their determination to act in defence of their rights as human beings

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- (1) The sense of history and the need to "avenge" for the defeats of the eighteenth and nineteenth centuries apply in particular to the Eastern Cape.
- (2) The Guardian and its successors and, for example, the Bantu World, with predominantly African readerships, contained information on these developments.

Accurate statistical information about the participants is as inadequate as the material on the motivation of resisters. Tables I and II set out such information as is available from press sources.

TABLE I

<u>ACTS OF DEFIANCE BY PROVINCE AND RACE</u>					
	<u>TOTAL</u>	<u>AFRICANS</u>	<u>INDIANS</u>	<u>COLOUREDS</u>	<u>EUROPEANS</u>
Eastern Cape (a)	5274	5274	-	-	-
Transvaal	1446	1326 (b)	100 (b)	12	8
Western Cape	386	362 (c)	-	20 (c)	4
Natal	283	200 (d)	83 (d)	-	-
Orange Free State	150	150	-	-	-
<u>National</u>	<u>7539</u>	7312	183	32	12

(a) Acts of defiance in the Eastern and Western Cape are recorded separately since the ANC in the Cape was divided on this basis.

(b) Estimate based on a sample of 965 racially definable.

(c) Estimate based on a sample of 242 racially definable.

(d) Estimate based on a sample of 85 racially definable.

TABLE II

<u>RECORDED ACTS OF DEFIANCE - BY TOWN</u>			
<u>EASTERN CAPE</u>	<u>TOTAL</u>	<u>TRANSVAAL</u>	<u>TOTAL</u>
Port Elizabeth (1)	1951	Johannesburg	499
East London	1073	Germiston	259
Uitenhague (2)	600	Boksburg	132
Peddie (3)	583	Brakpan	96
Grahamstown	334	Pretoria	92
Ft. Beaufort	132	Vereeniging	79
Queenstown	129	Springs	76
Kirkwood	110	Krugersdorp	64
KingWilliamstown	98	Roodepoort	55
Port Alfred	84	Benoni	52
Adelaide	66	Bethal	31
Cradock	55	Witbank	11
Alice	37		
Jansenville	22		
E. CAPE TOTAL.	5274	TRANSVAAL TOTAL	1446
<u>WESTERN CAPE</u>	<u>TOTAL</u>	<u>NATAL</u>	<u>TOTAL</u>
Cape Town	125	Durban (4)	283
Worcester	100		
Stellenbosch	61		
Kimberley	44	<u>ORANGE FREE STATE</u>	<u>TOTAL</u>
Mafeking	20	Bloemfontein	150
Paarl	20		
Ceres	16		
W. CAPE TOTAL.	386		

- (1) According to a report in Race Relations News, Vol. 14 (9), 1952 more acts of defiance took place in Port Elizabeth than shown in this table, but evidence is conflicting. There were probably about 2000 acts of defiance in the city.
- (2) Figure put in excess of 600 by the Eastern Province Herald, 15 October, 1952, but no total was given.
- (3) Figure put in excess of 600 by Daily Dispatch, 21 October 1952, but no total was given.
- (4) This number would be higher if several batches referred to in the press could be quantified.

The national and provincial totals of defiance in the foregoing tables may fall short of the actual figures, but the following totals - submitted in the Secretarial Report to the 21st Congress of the SAIC (1954) and referred to by Kuper (1) may err in the other direction:

TABLE III

<u>TOTALS OF RESISTERS (1)</u>	
Eastern Cape	5719
Transvaal	1911
Western Cape	423
Natal	246
Orange Free State	258
<u>National Total</u>	8557

(1) There are a number of reasons why the totals in Tables I and III should differ. For example, it is arguable what precisely constituted an act of defiance. It seems quite likely that the figures in Table III may include a number of incidents, one of which involved over 100 people, in which arrests were made for creating a public nuisance outside courts during the trials of defiance leaders or participants. Such cases are not included in Tables I and II though they will have been associated in the minds of black and white South Africans with the campaign. Such was the nature of defiance in the Eastern Cape that even at the time, according to Matthews (interview, 29 January 1970) the leadership was not clear how many acts of defiance had occurred. The total for the Eastern Cape given in Table III may include cases of breach of stock regulations, at best loosely associated with the defiance campaign. Acts of defiance in the Transvaal were better documented and the total given by the SAIC for these and the Free State are almost certainly inflated. By contrast, the Natal total probably underestimated the Province's role in the Campaign.

(1) Passive Resistance in South Africa, p 123.

At best, the tables offer general pointers, for example, detailing the nation-wide basis of the campaign and its multi-racial support whilst at the same time indicating the numerical dominance of Eastern Cape resisters and the overwhelming majority (nearly 97%) of African participants. They also reveal the patchy nature, in geographical terms, of resistance.

Adults of all ages took part in resistance with those in their twenties and thirties predominating. Many, perhaps the majority, were Christians, this applying particularly to the Eastern Cape where the Christian influence on the campaign was most marked. At least 75% of the acts of defiance took place in major urban centres where the majority of resisters were literates drawn from the ranks of artisans, clerks and analagous professions, a good many had trade union backgrounds. Some people with minimal or no education did take part, particularly in the Eastern Cape. However, in general, few of the poorest urban manual labourers seem to have participated. A number of unemployed workseekers took part, but they do not appear to have comprised a major element (1).

At the other extreme the wealthiest did not participate directly. But there was no corresponding dearth of the most highly educated, professionals and students being generally well represented, often as office holders rather than in the rank and file. Women played a major role in the Campaign in all of the regions. Of the 2529 Eastern Cape

(1) A Queenstown Magistrate, commented on learning that two-thirds of a group of defiers were unemployed, "That gives me an indication that you are a lot of loafers who do nothing to earn a living". Daily Representative, 8 September 1952. On a wide scale such comments could serve to damage the image of the campaign and its leaders would not have wished to give such hostages to fortune. At the same time, many blacks were unemployed and the campaign leadership had no reason totally to exclude them from participating in acts of resistance.

resisters whose sex is recorded 1067 were female, in the Transvaal out of 488 recorded individuals 173 were female. There may have been a tendency in the press to make a point of mentioning resistance by women. But even so it seems reasonable to posit that 25% of the defiers may have been women. The majority were almost certainly housewives, perhaps self-employed, for instance, as laundry women or possibly in domestic service, and single women, probably with little formal education, some of them working in factories. A few of the women participants, notably the wives of certain congress leaders, were nurses or social workers.

Regional variations are significant. The most obvious is the disparity in numbers and in racial distribution shown in the tables on the preceding pages. There are others too. Matthews pointed out (1) that students and teachers were not prominent in the Eastern Cape campaign, yet, students, in particular played an important role in support of defiance in the Transvaal. Very few migrant workers took part in resistance in the Transvaal. By contrast, in the Eastern Cape, many of those who resisted in the urban and rural areas were, or had been, migrant workers. This difference is probably reflected in the educational level of the resisters in the two regions, that in the Transvaal being higher, a disparity increased by the participation of the rural populace, in the Eastern Cape unlike in the Transvaal, with the exception of Bethal. The peasantry, including subsistence farmers and farm labourers, who resisted in the Eastern Cape have no parallel elsewhere in the campaign (2). Some of the rural based resisters had been educated at mission schools, but

(1) Interview, 29 January 1970.

(2) With the exception of Gert Sibande's group at Bethal.

"Red People" (Xhosa's who, in spite of their contacts with Europeans, retained traditional values, despising their Christianized, "educated" former co-tribesmen) also participated, both in the rural areas and the cities (1).

There are various explanations for the regional variation. The different locational pattern of urban centres affected the distribution of resistance within each Province (2) and influenced the degree of central provincial control by the Congresses. In the Transvaal in 1952 the ten most populous towns were within a 35 mile radius of Johannesburg and it was there that virtually all the resistance in the Province took place. By contrast, the two principal centres of population and defiance in the Eastern Cape, Port Elizabeth-Uitenhage and East London are approximately 150 miles apart by road. Next to these in size, Queenstown, Grahamstown and other major centres were 50-150 miles from either of the two major foci. The pattern and nature of African rural settlement was also of some relevance in explaining the distribution of resistance. Although it could never be an easy task for resistance leaders to mobilize rural based defiance (3) the least difficult areas in terms of

- (1) As P. Mayer, Townsmen or Tribesmen, p 81, notes, it was remarkable that both the "mission" and "Red People" participated in the defiance campaign. The precise nature of co-operation between the two "groups" during the campaign is not clear, nor is the relative strength of their participation. But in a reference to resistance in the rural Peddie district, where nearly 650 defied, the East London Daily Dispatch of 28 October 1952, commented, "Though the majority of resisters have been of the semi-educated class, red-blanket natives have supported the campaign wholeheartedly."
- (2) See map of resistance centres, p 271
- (3) Under the Native Administration Act 1927 meetings of over 10 people required the approval of a Government official and the local Chief.



- Eastern Cape**
- 1 Jansenville
 - 2 Kirkwood
 - 3 Adelaide
 - 4 Fort Beaufort
 - 5 Alice
 - 6 King Williams town
 - 7 Middel Drift
 - 8 Keiskammahoeck
 - 9 Stutterheim

- Transvaal**
- a Krugersdorp
 - b Roodepoort
 - c Johannesburg
 - d Germiston
 - e Boksburg
 - f Benoni
 - g Brakpan
 - h Springs
 - i Vereeniging

● Centres where Resistance Occurred
 □ Centres of Congress activity in 1952 where No Resistance is recorded

accessibility from major urban centres were the densely populated reserves and adjacent lands of the Eastern Cape and Natal. This factor was crucial to the outbreak of resistance in the Ciskei, though of course it does not explain the absence of Transkei participation (1) nor the patchy nature of resistance in the Ciskei. In the Western Cape, Orange Free State and the Southern Transvaal there were virtually no reserve lands and Africans were scattered as tenant farmers or labourers on white owned farms where it was difficult to mount political activity. The reserves to the north of Pretoria, were distant from Johannesburg, communications were poor and subject to control, the density of population was generally low and they had little or no tradition of "modern" political activity.

Regional differences in the racial composition of the population influenced the pattern of defiance. Absence of Coloured participation helps to explain the limited support for defiance in the towns of the Western Cape where the Coloured population frequently exceeded the African. The only other major centre where Africans were outnumbered was Durban where Asians predominated but this only indirectly accounts for the level of resistance there.

The urban/rural division of the African population reveals interesting regional variations. At the time of the 1951 census of the three and a half million Africans in the Transvaal, one million lived on the Rand and another 264,000 in urban centres with a population of more than 10,000. By contrast, in the Eastern Cape 1,600,000 Africans lived in the non-urban

(1) The ANC was, however, active in the Transkei - see for instance references in the Daily Dispatch, 1 August 1952. In rural Natal resistance did occur immediately before and during the Campaign but was only loosely associated with it.

Transkei and Ciskei and only 163,000 in towns. In Natal, out of an African population of 1,800,000, only 185,000 lived in urban centres, 147,000 of these being in Durban. The distribution of resistance in 1952 showed the distorting effect factors, such as tight Government controls and historical considerations had on the relationship between the growth of urbanisation and radical political activity (1).

The pre-eminent role officially accorded to the ANC in the campaign may have affected the level of Indian participation and may have had a marginal effect on the total number of participants in Natal and the Transvaal. During the 1946-8 resistance campaign 2000 Indians defied the law in Durban, but in 1952 less than 100 resisted there. Indian and African Congress leaders were aware of the potential disadvantages of minority group prominence in the campaign (2) and, in any event, the Indian population may have been reluctant to become involved in an African dominated campaign, at least in the early stages (3) There were increasingly strong economic deterrents to Indian participation. Indian traders were subject to constant harassment and local councils continued their practice of revoking trading licences for Indians. Indians employed by whites may have been deterred from resisting by the outcome of the 1950 general strike in which Indian participants had suffered more severely than their African counterparts in loss of employment. Indian workers faced the constant threat of replacement by Africans and some may have been reluctant to jeopardise their livelihood by taking part in the defiance campaign when they could detect no

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- (1) If, however, urbanization is interpreted very broadly to cover contact, however brief, with urban life then the distortion in the Eastern Cape is less marked.
 - (2) Thema's "National minded Bloc" based part of their criticism of the defiance campaign on allegations it was dominated by Indians and other minorities and this was occasionally put forward as an argument for the lack of African participation in Natal. See for example letter from F. Makolsa writing from Zululand in E. Goli, 31 August 1952.
 - (3) This is the import of I. A. Cachalia's statement, Treason Trial, p 15134.

concession from the Government in the face of the 1946 resistance campaign or the strikes of 1950 and 1951. The 1949 inter-racial riots in Durban (1) and organized and tacit Indian opposition to the campaign, for example, by the Trotskyite Anti-Segregation Council in Pietermaritzburg, may have also acted as a deterrent to Indian participation.

The general absence of Coloured participation in the campaign (2) materially affected the pattern and scale of resistance particularly in the Cape (3). Coloured people, though threatened with the abolition of their right to the common roll franchise and a loss of status from the Group Areas and Population Registration Acts still had what James Phillips (4) described as a "Second class immunity". They did not, for example, require passes and could move about relatively freely. Some still harboured the feeling that if they were law-abiding they would eventually be accepted as equals by the whites, whereas if they participated in the African dominated liberation movement they could not hope to receive better treatment from the whites. The Coloured population did not see the campaign as relevant to their cause. Possibly if the Group Areas Act, the Separate Representation Act and the Population Registration Act had been rigorously imposed at the outset of the campaign Coloured participation would have been greater. African-Coloured relations were generally not close (5) and progress towards greater political co-operation through the African Peoples Organization and the Franchise Action Council

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- (1) An anti-Indian riot occurred in Benoni in July 1952 but does not seem to have had wide repercussions. Eastern Province Herald, 7 July 1952.
- (2) Several of the Congress leaders were of mixed blood, for example, Sisulu, but they were identified as Africans rather than Coloureds.
- (3) There were 54,000 Coloureds in Port Elizabeth/Uitenhage/East London. Over 330,000 lived in the main centres of the Western Cape.
- (4) Interview, 11 July 1970.
- (5) Coloured-African riots occurred in East London in November 1952 when certain jobs were redesignated "Coloured" instead of "African". Cape Argus, 22 November 1952.

had not advanced very far. The Coloured population had a long history of internal division which helped to thwart meaningful co-operation in the defiance campaign. Supporters of the Non-European Unity Movement were particularly active in persuading the Coloured population not to participate in the main body of the defiance campaign from June 1952. Not more than 40 Coloureds resisted, the principal centre of their activity being Worcester where there was a well established tradition of African-Coloured trade union co-operation.

Widespread white participation was not contemplated nor would it have been forthcoming, but there was some difference of approach amongst defiance leaders towards white involvement, notably between the Transvaal and the Eastern Cape. In the latter the campaign enjoyed white support and co-operation (1), but no encouragement was given to whites to participate locally, while, in the Transvaal, a number of whites defied, and some 200 attended a solidarity meeting called by the national action committee (2). There may have been a national policy that white resistance should be confined to the Transvaal and Western Cape. The presence in both areas of other non-African resisters may have made easier the acceptance by the local resistance organizations of white activists. But there were no white resisters in Natal, in part, perhaps, the result of the preoccupations of the local leadership with more pressing organizational matters. In the Eastern Cape, some African leaders appear to have been firmly against white participation in resistance (3).

Varying standards of organization and leadership within the Congresses in the different regions contributed to the

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- (1) Joe Matthews, interview, 29 January 1970, referred, for example, to the backing of Mr Sutherland of the Evening Post, and to the sympathetic co-operation of David Laing, Officer Commanding Port Elizabeth Citizens Force at the time of November riots.
- (2) Advance, 27 November 1952.
- (3) J. Matthews, op. cit.

pattern of resistance, though the relation is not an easy one to establish. It can be argued that in all the Provinces the lack of a really extensive grass roots Congress organization and the very limited directional and communications resources available hindered the development of the campaign. This is evident in Natal where the ANC was in disarray following a protracted factional dispute. To some extent the "failure" of resistance in the Orange Free State can be attributed to the absence of an effective Congress organization outside Bloemfontein. But with a similarly unpromising organizational base, the Eastern Cape ANC achieved a level of defiance four times greater than the much better established Transvaal Congresses. Whilst, therefore, cognizance must be taken of the factor of the varying levels of organizational preparedness in explaining the pattern of resistance (1) it was not necessarily a decisive determinant.

The separate though related issue of the quality and tactical preferences, of the top provincial leadership is perhaps more important. In particular, the Eastern Cape leaders stand out for their resourcefulness and energy, without which the campaign, as a whole would have been a shadow of itself. Whilst there were certain historical factors favouring resistance in the Eastern Cape, even so, without a leadership capable of seizing the opportunity the scale, and possibly the nature of resistance there, would have been very different. The Eastern Cape executive's control of rural resistance was admittedly spasmodic, but not absent. The defiance was not anarchic and there was, for example, some central provincial control on the timing of resistance efforts (2). The policy adopted by the Eastern Cape leadership in encouraging local

(1) In the early weeks of the campaign Njongwe limited defiance to the centres in the region where Congress was best organized, namely Port Elizabeth, East London, Grahamstown and Uitenhage. Evening Post, 23 August 1952.

(2) ftnt(1)

resistance initiatives was criticized by other Congress leaders, because of the considerable risks of violence associated with the rapid build up of the campaign in the Eastern Cape (1). Congress leaders were also active in rural Natal during the campaign, but the leadership felt that they had insufficient time to organize rural resistance with what they considered an adequate degree of central control (2). In general, their approach to the campaign was much more cautious than ^{that of} their counterparts in the Eastern Cape. If the campaign had lasted longer, resistance in Natal might have spread (3). Less easy to explain in positive terms is the stand of Dr Moroka in the Free State. Kuper records (4) that Moroka declared it was "deliberate policy" not to prosecute the campaign vigorously in the Free State, but precisely why this should have been so is unclear.

In certain instances local Congress leaders, notably in the Eastern Cape and at Bethal influenced the pattern of resistance.

It has been noted (5) how small in absolute numbers and in proportion to the whole populace of the region was the urban Eastern Cape population compared to that in the Transvaal. Nevertheless more people defied in the Eastern Cape. One explanation for this is the different cultural/historical background

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- (1) J Matthews, interview, 29 January 1970.
 (2) M. Yengwa, interview, 16 May 1970. A different approach was taken by an Eastern Cape ANC spokesman, reported in the Evening Post of 25 July 1952, namely that if the ANC did not organize people in the rural areas there could be spontaneous and by implication, violent disturbances.
 (3) A. Lutuli, Let My People Go, p 108, claims that at the end of 1952 he had been touring rural areas preparing the inhabitants for the spread of the campaign. Much earlier in the year, resistance, loosely associated with the aims of the campaign, had begun in the Nqutu district of Zululand against stock limitation and control regulations.
 (4) Passive Resistance in South Africa, p 122.
 (5) pp 272-273.

of the African population in the two regions. The presence on the Rand of members of all the principal ethnic and linguistic groups living in South Africa and many from outside its borders (1) contrasts sharply with the position in the Eastern Cape where in the main centres Africans are almost entirely Xhosa speaking, coming from within the Eastern Cape, an area which has been their home for generations (2). Whilst there was a fundamental division of life style amongst the Xhosa between the so-called "Red" and "School" people, resistance leaders in the Province were able to call on the common Xhosa identity, traditions and experiences to encourage participation in the Campaign (3). Africans in the Eastern Cape, especially in the Ciskei, had a long history of association with the "modern" political sphere (4). This is demonstrated by their involvement, notably from the 1870's, in the procedures for electing members of Parliament (5). The Fengu, who comprised the first Cape African voters, form a major element of the population of the Peddie District which was an important centre of resistance during 1952 and by far the most significant area of rural opposition. Certain other centres in the Ciskei were also prominent in the Campaign. To electoral experience may be added the

- (1) In 1946 there were over 500,000 alien Africans registered in South Africa, the majority living on the Rand. Report of the UN Commission on the Racial Situation in S. Africa (1953), p 43.
- (2) Admittedly, the Fengu had only entered the Eastern Cape after the 1820's.
- (3) Stressed by J. Matthews, interview, 27 January 1970. See also I. A. Cachalia's testimony, Treason Trial, p 15139. However, according to Matthews, it was this very tradition which acted as a deterrent to Eastern Cape defiance leaders involving students in the campaign.
- (4) S. Trapido, "African Divisional Politics in the Cape Colony, 1884-1910", Journal of African History, Vol 9 (1), 1968, and "African Participation in Cape Politics" (unpublished seminar paper, Institute of Commonwealth Studies, London, 29 February 1967).
- (5) This tradition continued till 1960. There were never more than 16,500 Africans on the Cape Common Roll, but many others were exposed to political activities through the local MP's and later, the Native Representatives.

tradition of participation in Vigilance Associations, the Industrial and Commercial Workers Union (ICU), the ANC and other political groupings. The extent and continuity of politicization from these sources should not be exaggerated, nor should its implications for resistance in the Eastern Cape in 1952 (1). But in assessing why the campaign achieved the level of participation it did there, the deep rooted political culture of the Xhosa/Fengu peoples cannot be ignored (2). By the same token in the Transvaal the contribution of the Communist Party and the ANC to the politicization of the African population may have had a bearing on levels of resistance in 1952 but they did not compare with the experience of both the rural and urban based Eastern Cape Africans which derived from the Cape "liberal" traditions of the nineteenth and early twentieth centuries (3).

Mrs Ballinger, the Eastern Cape Native Representative, argued in 1952 the reason for the predominance of the Eastern Cape in the defiance campaign was that it had once had a tradition of "freedom" unknown elsewhere in the Country (4). The last vestiges of their "privileged" position had been steadily eroded away by the National Party Government, but a few remained. For example, in Port Elizabeth, the centre which recorded the highest number of defiers in 1952, there was no influx control at the outset of the campaign, nor were Africans subject to curfew regulations. In general, there appears to have been less restriction on non-white political activity in the Eastern

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- (1) Take, for example, the absence of resistance, though not of Congress activity, in the Transkei in 1952.
 - (2) It would be interesting to know, in this context, how many Eastern Cape participants in the defiance campaign were following a family tradition of involvement in non-traditional political affairs.
 - (3) For a brief assessment of the Cape "liberal" tradition, see P. Lewsen, "The Cape Liberal Tradition - Myth or Reality?". Collected Seminar Papers on the Societies of Southern Africa, Vol 1, Institute of Commonwealth Studies, London, 1970.
 - (4) Daily Representative (Queenstown), 23 October 1952.

Cape than in the urban and rural districts of other parts of the Country(1). But the rights which the Cape Africans could still exercise in 1952 were not comparable with those enjoyed by the Coloured population and there was no corresponding reason for holding back from defiance of the law. Rather, as Mrs Ballinger indicated, the Cape African predicament was such as positively to encourage resistance (2).

The foregoing would appear to represent the major factors influencing regional variations in the defiance campaign, but lack of information precludes an assessment of such other elements as the role of traditional rulers in furthering or hindering the campaign in particular localities (3), the influence of churches and the varying impact of African groups opposed to the campaign (4).

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- (1) Take, for example, the contrast with the mining townships of the Rand.
- (2) Arguments that the defiance campaign accelerated the disappearance of the last vestiges of Cape African "privileges" carry little weight, as the die was already cast.
- (3) This may, for example, have been a factor in the Transkei's non-defiance. According to the United Nations Report of the Racial Situation in South Africa 1953, p 109, the Zulu Paramount and "some 200 of the Zulu Chiefs" allegedly opposed the campaign on the grounds that the Indians were using the Africans as a political pawn, but there is no basis for assessing the reliability of this information. M. Yengwa, interview, 16 May 1970, argued relations between the Zulu chieftaincy and the ANC were "very friendly" and that whilst the Chiefs (Lutuli excepted) generally did not involve themselves in the campaign most, including the then Paramount chief, were sympathetic.
- (4) For example, the All Africa Convention (AAC) appears to have had an at least temporary adverse effect on defiance recruiting in Queenstown, (Daily Representative report, 19 July 1952). The non European Unity Movement which drew support from Eastern Cape teachers' groups may have deterred them from participating.

Regional differences should not be allowed to mask the degree of unity and co-ordination amongst those who participated, nationwide, in the defiance campaign, the achievement speaks for the quality of Congress leadership.

CHAPTER IV RESISTANCE

The defiance Leadership sought to demonstrate to the Government and White South Africans as a whole the plight and dissatisfaction of the black population by organizing breaches of certain undemocratic and racially divisive laws (1). Other methods employed included the petition, the boycott and strikes. In addition, external "pressures" were placed on the Government, for example, at the United Nations, though not generally at the specific behest of the campaign leadership. The degree to which Congress leaders, at the outset, intended the campaign simply to demonstrate dissatisfaction, as opposed to persuade or coax the Government to reform is a matter already considered (2).

In a move reminiscent of the Gandhian era and indicative of the open and restrained nature of the defiance campaign, protest memoranda were sent to the Prime Minister by both the ANC and SAIC early in 1952 (3). The memoranda outlined the grievances of the black population, pointing out (with some force and not a little desperation), "for our part, we have endeavoured over the last 40 years to bring about conditions for genuine progress and true democracy". It warned that if the laws specified in the Joint Planning Council document (4) were not repealed by 29 February demonstrations and meetings would be held on the tercentenary of Van Riebeck's landing (6 April 1952) "as a prelude to the implementation of the plan

(1) Detailed, p 225

(2) p 225

(3) The ANC memorandum is dated 21 January. The SAIC letter of 20 February, was written after the ANC-Government exchange of correspondence. It is curious that the ANC-SAIC did not send a joint letter from the Planning Council. The Government did not reply. For the texts, see L. Kuper, Passive Resistance in South Africa, p 233-256.

(4) See Annex A.

for the defiance of unjust laws". On receipt of the Government's unhelpful reply (1) the ANC wrote again to the Prime Minister informing him that under the circumstances "The African people are left with no alternative but to embark upon the campaign (of mass action)" (2). The memoranda represented a formal statement to the Government of the aims, nature and rationale of the proposed campaign and the wider freedom "movement". By failing to comply with the demands, which were couched in moderate tones, if far reaching in implication, the Government could be said to be strengthening the Congress' moral position in opting, as a consequence, to defy the law and ultimately to adopt extra-constitutional means, of a more radical nature.

The exchange of memoranda served to underline the divergent sets of rules guiding the actions of the two sides and highlighted their preparedness for confrontation.

As a consequence of the Campaign the racial situation in South Africa was raised at the 1952 session of the United Nations, for which the national action council produced a memorandum circulated to all delegations (3). Various letters were also written by Congress to private enquirers and sympathizers from abroad outlining its standpoints (4), but these external aspects of the campaign were of minor importance, though having a useful publicity value.

In the light of the Government's response to its memoranda the ANC with the SAIC and the Franchise Action Council organized a boycott by their followers, of the Van Riebeck celebrations.

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- (1) Dated 29 January. It was signed by Mr W. W. Aucamp, the Prime Minister's Private Secretary. The implication of this response is considered in Chapter 5.
- (2) Dated 11 February.
- (3) p 254 ftnt 3.
- (4) For example, W. Sisulu to Greater New York Negro Labour Council. 30 August 1952 Regina v Sisulu.

It was quite successful, especially in the Cape, but it is possible not many non-whites would have attended the celebrations whether or not the boycott had been organized. The boycott did not prevent the celebrations going ahead. The Guardian (1) commented, "The Festival boycott was a success, but at the same time it has revealed the shortcomings of the whole boycott philosophy ... by itself the boycott will remain a sterile, ineffective form of protest, precisely because it cannot mobilize the masses of the people for struggle ...". The demonstrations organized by the Congresses and FAC, attended by some 10,000 in Cape Town and similar numbers in Port Elizabeth and Johannesburg, to coincide with the tercentenary celebrations had more impact.

During the defiance of unjust laws Indian schoolchildren twice boycotted classes (2) in support of the campaign and its leadership but the weapon was not used in the main stream of the defiance campaign.

The joint planning council's proposal (3) for the use of industrial action in the campaign, primarily if it should escalate beyond the first stage, but, also, under certain circumstances from the outset (4) was implemented in only one instance, of any significance. It was strictly outside the campaign, but inextricably bound up with it. An apparently spontaneous riot occurred in New Brighton, Port Elizabeth in October 1952; it was followed by others elsewhere (5). The Eastern Cape defiance leadership called a strike shortly after the Port Elizabeth riot in protest at the City Council's reaction in proposing a ban on non-religious meetings and the imposition

- (1) 10 April 1952.
- (2) On 26 June and 26 August (the date on which began the preparatory Court examination of W. Sisulu and 19 other Congress leaders under the Suppression of Communism Act.
- (3) See particularly Section 13 of its Report (Appendix .A.).
- (4) The wording of section 13 suggests that Congress was divided on this matter.
- (5) pp 298 - 299, 310 - 311

of a curfew. The original intention was for the strike to be of indefinite duration and to apply throughout the Eastern Cape, the leadership subsequently restricted it to one day and the strike was confined to Port Elizabeth.

The Eastern Province Herald found that "only about one tenth of the African Workers in Port Elizabeth reported for duty" (1), some Coloureds participated as well. Before the strike began the City Council made minor concessions, but reprisals were taken against some of the strikers (2), underlining the problem of utilizing the strike as a weapon, even on quite a wide scale, when unemployment is high, the workers do not have strong unions and do not occupy vital skilled posts.

The principal tactic employed in the defiance campaign was that of non-violent breach of specified racially and politically discriminating laws. Three of the proposed targets, the Bantu Authorities Act, the Voter's Representation Act and the Group Areas Act had hardly been implemented at the outset of defiance and offered few opportunities for resistance. Nor did the Suppression of Communism Act provide a suitable mass defiance target. Messrs Dadoo, Kotane, Marks, Ngwevela, Bopape and Bhoola deliberately defied banning orders under the Suppression of Communism Act early in June as a "curtain-raiser" to the campaign (3). Other leaders were charged under the Act (4), but it was not in the interests of the leadership, intent on building up mass participation, for which their presence was required, positively to invite conviction under this Act.

(1) Eastern Province Herald, 11 November 1952.

(2) p 316

(3) The jail sentences received were subsequently set aside or suspended, p 307

(4) Banning orders were imposed on 52 Eastern Cape leaders in November (Eastern Province Herald, 8 November 1952), Sisulu and 19 others were tried under the Act in August.

In the circumstances, Pass laws and apartheid regulations (the latter originally being singled out for resistance by Coloured and Indian participants) became the principal foci of activity (Tables IV and V). Lutuli commented, "The main force of the Defiance Campaign was directed against the National Motto of white South Africa, EUROPEANS ONLY" (1). The main targets were railways and post offices where defiers deliberately made use of facilities reserved for races other than their own, thereby signifying their rejection of the discriminatory practice involved. In practice, there were fewer acts of defiance against apartheid laws than against pass regulations, except in Natal and the Free State. The disparity in totals would have been much greater if it were not for Port Elizabeth where virtually all the 2000 acts of defiance that took place were against apartheid regulations (2). Port Elizabeth was one of the very few centres in the Country which had not imposed curfew restrictions on Africans (3). Where pass laws were the subject of defiance it was the general practice to breach curfew regulations (4) by failing to carry a night pass. "Location" regulations imposed by local councils which restricted entry to residents and those with permits provided a further target for resistance, notably in the Transvaal, where "location" restrictions were particularly severe.

- (1) A. Lutuli, Let My People Go, p 106.
- (2) Some of the acts of defiance in practice turned out not to be illegal, see pp 306 - 307.
- (3) An "anomaly" rectified after the October riots, p 309.
- (4) Local Councils could ask the Government to issue an order imposing a curfew on Africans in their district in terms of Government Proclamation 68, gazetted 27 April 1945. Almost all councils, including in the Cape, had made use of this provision.

The practice of concentrating resistance against curfew and location regulations was in harmony with the wish of the campaign leaders to avoid (wherever possible) provoking racial friction with the white population. For the same reason, violation of apartheid regulations generally occurred when the facilities were being little used (1). Kuper (2) sees this approach as springing from the continuing influence of Satyagraha on the Congresses, but quite as much it was a pragmatic decision. Finally, curfew, location and railway regulation violations could take place at almost any time of the day, which is of some advantage to part-time organizations such as the Congresses.

In the rural areas, virtually all the acts of defiance recorded in Table V relate to breaches of curfew. Dipping and other stock regulations were also violated (3) but it is not clear how closely, if at all, some of the acts of resistance were associated with the defiance campaign. The ANC was active in the Ciskei and Zululand, where widespread opposition to stock regulations took place in 1952, but violations of the provisions began some months before the defiance campaign.

On occasions, in urban and rural areas, defiers were charged with offences additional to or different from that which had been their intention, or at least principal intention. Subsidiary charges included creating a public disturbance, forming an illegal procession, having no service contract, and not being in possession of a reference (pass) book.

Generally, acts of defiance were preceded by public meetings organized by Congress to heighten the impact on Congress members

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- (1) And often at places which were little frequented by whites at any time - such as New Brighton railway station.
 (2) Passive Resistance in South Africa, p 126.
 (3) Eastern Province Herald, 14 October 1952.

and sympathizers. Prayers and songs formed a vital element in the proceedings (1). Government or local public officials (and the press) were frequently informed, in advance, of acts of resistance, partly to try to ensure the defiance should not pass unnoticed (since much of the purpose would then have been lost) and also in an attempt to avoid potentially harmful racial or other incidents (2). Except perhaps from a strict Gandhian point of view there was little to be gained (and much to be lost in terms of morale) from violating a law, yet being ignored. At the worst under such circumstances (and they were not uncommon during the defiance campaign) the defiers could return for another attempt, perhaps against a different regulation, and, whilst awaiting arrest, distribute leaflets in support of their cause.

TABLE IV

<u>RECORDED ACTS OF DEFIANCE - OFFENCES COMMITTED (3) BY PROVINCE</u>					
	<u>TOTAL</u>	<u>CURFEW BREACH</u> <u>(Night Passes)</u>	<u>APARTHEID</u> <u>REGULATIONS</u>	<u>LOCATIONS.</u> <u>ILLEGAL ENTRY</u>	<u>MISC.</u>
Eastern Cape	5274	3258	2010	-	6
Transvaal	1446	515	317	577(4)	37(5)
Western Cape	386	64	247	20	55
Natal	283	121	162	-	-
Orange Free State	150	120	17	-	13
National	7539	4078	2753	597	111

- (1) A description of one of these meetings (though prayers are absent in this case) is given by Kuper, op.cit., pp12-211
- (2) Even so, there were instances where whites confronted resisters despite the presence of the police.
- (3) The totals relate only to the principal offences for which individual resisters were charged.
- (4) Included here are Patrick Duncan's group of resisters some of whom were sentenced under the interim proclamation of 28 November 1952, p
- (5) This includes 31 defiers at Bethal who deliberately formed an illegal procession.

TABLE V

RECORDED ACTS OF DEFIANCE - OFFENCES COMMITTED BY TOWNS

	<u>TOTAL ALL OFFENCES</u>	<u>CURFEW BREACH</u>	<u>APARTHEID REGULATIONS</u>	<u>LOCATIONS· ILLEGAL ENTRY</u>	<u>MISC.</u>
<u>EASTERN CAPE</u>					
Port Elizabeth	1951	-	1950	-	1
East London	1073	1071	-	-	2
Uitenhague	600	565	35	-	-
Peddie	583	583	-	-	-
Grahamstown	334	317	17	-	-
Ft. Beaufort	132	132	-	-	-
Queenstown	129	127	-	-	2
Kirkwood	110	110	-	-	-
King Williamstown	98	89	8	-	1
Port Alfred	84	84	-	-	-
Adelaide	66	66	-	-	-
Cradock	55	55	-	-	-
Alice	37	37	-	-	-
Jansenville	22	22	-	-	-
Total Eastern Cape	5274	3258	2010	0	6
<u>TRANSVAAL</u>					
Johannesburg	499	220	273	-	6
Germiston	259	40	-	219	-
Boksburg	132	29	-	103	-
Brakpan	96	51	-	45	-
Pretoria	92	51	40	1	-
Vereeniging	79	15	4	50	-
Springs	76	60	-	16	-
Krugersdorp	64	9	-	55	-
Roodepoort	55	-	-	55	-

..... cont.

TABLE V - cont.

<u>RECORDED ACTS OF DEFIANCE - OFFENCES COMMITTED BY TOWN</u>					
	<u>TOTAL ALL</u> <u>OFFENCES</u>	<u>CURFEW</u> <u>BREACH</u>	<u>APARTHEID</u> <u>REGULATIONS</u>	<u>LOCATIONS·</u> <u>ILLEGAL ENTRY</u>	<u>MISC.</u>
<u>TRANSVAAL</u> - cont.					
Benoni	52	29	-	23	-
Bethal	31	-	-	-	31
Witbank	11	11	-	-	-
Total Transvaal	1446	515	317	577	31
<u>WESTERN CAPE</u>					
Cape Town	125	-	125	-	-
Worcester	100	-	100	-	-
Stellenbosch	61	-	6	-	55
Kimberley	44	44	-	-	-
Mafeking	20	20	-	-	-
Paarl	20	-	-	20	-
Ceres	16	-	16	-	-
Total Western Cape	386	64	247	20	55
<u>NATAL</u>					
Durban	283	121	162	-	-
<u>ORANGE FREE STATE</u>					
Bloemfontein	150	120	17	-	13
NATIONAL TOTALS	7539	4078	2753	597	111

Arrest was never resisted, nor, usually, did those detained refuse to co-operate with the police, prison and court officials in the exercise of their legal duty (1). Many batches of resisters pleaded "not guilty", adding to the congestion in the courts, but the reasons for pleading "guilty" or "not guilty" are not always clear, there being no set pattern. It was however the practice to plead "not guilty" and to be defended in court, if necessary lodging an appeal against sentence, in cases where defiers were charged with committing a more serious offence than that for which they had intentionally resisted. A number of cases, for example, were brought against defiers under the Riotous Assemblies Act on counts of incitement. The defiance leadership also contested several "test" cases of which that of Regina vs. Lusit attracted most attention (2). In cases where resisters pleaded "not guilty" and especially in those where counsel were briefed, prospects for publicity and attention were greatly enhanced and this must have been a significant, if not the principal consideration, in many instances (3).

Those who were convicted normally went to jail if allowed to do so rather than accepting the option of a fine. The act of imprisonment had both an internal function (morale boosting) and an external role (encouraging respect, sympathy and publicity for the campaign in and outside the Union and bringing added inconvenience to the Government). Imprisonment represented the climax of a resister's involvement, symbolizing his determination of purpose and preparedness to sacrifice. According

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- (1) There are instances where resisters refused to give their addresses and names (just replying "African" for the latter). See, for example, a case at Fort Beaufort, Eastern Province Herald, 15 October 1952.
- (2) p 306
- (3) A number of defiers succeeded in making "political" speeches in support of the campaign during proceedings against them in the Courts, for example, M. P. Naicker (text published in Peoples World, 11 September 1952) and S. Mokoena (for text see Passive Resistance in South Africa, p 129).

to M. P. Naicker (1) resisters emerged from jail "ennobled" by their experience, offering an inspiration to others. It was an essential part of the mystique of non-violent resistance. As an outward symbol of their new status, prison "graduates" were sometimes presented with badges at public meetings (2). In prison, the defiers were persistent in demanding that they should be fairly treated. They maintained high standards of discipline and their presence is said, sometimes, to have boosted the morale of other prisoners (3).

The intensity of resistance varied markedly during the campaign which lasted from 26 June 1952 till February 1953, shortly before the imposition of new punitive legislation, and the climax of the general election campaign.

TABLE VI

<u>RECORDED ACTS OF DEFIANCE - BY PERIOD AND LOCALITY (PROVINCIAL)</u>							
	<u>TOTAL</u>	<u>26 6.52*</u> <u>to</u> <u>24.7.52</u>	<u>25.7.52</u> <u>to</u> <u>22.8.52</u>	<u>23.8.52</u> <u>to</u> <u>20 9.52</u>	<u>21.9 52</u> <u>to</u> <u>19.10 52</u>	<u>20.10.52</u> <u>to</u> <u>17.11.52</u>	<u>18.11.52</u> <u>to</u> <u>22.2.53</u>
Eastern Cape	5274	377	1912	1654	1047	222	62
Transvaal	1446	173	232	436	271	134	200
Western Cape	386	52	39	201	70	20	4
Natal	283	-	-	54	99	89	41
Orange Free State	150	-	-	-	130	20	-
NATIONAL TOTAL	7539	602	2183	2345	1617	485	307

* except for the last phase the divisions are of 30 days

- (1) Interview, 4 December 1969.
 (2) Evening Post, 28 October 1952. N. Mandela presided.
 (3) P. Joseph, interview, 17 December 1969.

TABLE VII

<u>RECORDED ACTS OF DEFIANCE - BY PERIOD (SAIC ANALYSIS)</u>	
June 1952	146
July	1504
August	2015
September	2258
October	2354
November/February	280

4528 of the 7539 cases recorded in Table VI, 60% of the total, were in the second and third months of the campaign (25 July - 20 September). The last three weeks in August was the most active phase, nationally. In the month preceding the outbreak of violence at New Brighton, on 13 October, resistance was already waning, most noticeably in the Eastern Cape (particularly if the special case of Peddie is excepted), but also in the main centres of the Transvaal and Western Cape. The statistical breakdown given in the Secretarial Report prepared for the 1954 SAIC Conference and referred to by Kuper (1) show a constant upward trend till the riots.

In the absence of detailed supporting evidence, such as is available for the figures in Table VI, the accuracy of the SAIC's monthly analysis is open to doubt. It is noteworthy that Kuper comments, "It is, of course, conceivable that the campaign had reached its peak prior to the riots, and was, in any event, in process of decline" (2).

(1) Passive Resistance in South Africa, p 124.

(2) Ibid, p 140.

The campaign began shakily. In the first month defiance took place solely in the Eastern Cape and the Transvaal, at a total of six centres. Few people were ready to defy at the outset, partly because of the Congress' organizational deficiencies, particularly outside the Transvaal, and, because there was a reluctance to be amongst the first to act, not least because it was unclear precisely what the penalties would be and how widespread the campaign would become.

The zenith of the campaign, in the latter half of the second month, and in the third, coincided with the spread of defiance beyond the main centres of population. Normally, the first stage of defiance, as laid down in the joint planning council report, may have only given way to the second in October, but it is clear from Table VIII that the spread of resistance took place earlier, in line with a call from the ANC national executive (1) and without awaiting formal approval of the national action committee. In some centres, as the table shows, it was shortlived.

TABLE VIII

RECORDED ACTS OF DEFIANCE BY PERIOD AND LOCALITY (TOWNS)

	TOTAL	26.6.52 to 24.7.52	25.7.52 to 22.8.52	23.8.52 to 20.9.52	21.9.52 to 19.10.52	20.10.52 to 17.11.52	18.11.52 to 22.2.53
Port Elizabeth	1951	203	792	790	89	77	-
East London	1073	124	748	133	52	16	-
Uitenhague	600	50	100	350	100	-	-
Peddie	583	-	-	-	583	-	-
Grahams-town	334	-	272	62	-	-	-
Fort Beaufort	132	-	-	77	55	-	-

(1) On 23 and 24 August. Peoples World, 28 August 1952.

TABLE VIII - cont.

	TOTAL	26.6.52 to 24.7.52	25.7.52 to 22.8.52	23.8.52 to 20.9.52	21.9.52 to 19.10.52	20.10.52 to 17.11.52	18.11.52 to 22.2.53
Queens- town	129	-	-	77	36	16	-
Kirkwood	110	-	-	-	110	-	-
King Williams- town	98	-	-	44	-	53	1
Port Alfred	84	-	-	84	-	-	-
Adelaide	66	-	-	-	-	20	46
Cradock	55	-	-	-	-	40	15
Alice	37	-	-	37	-	-	-
Jansen- ville	22	-	-	-	22	-	-
TOTAL Eastern Cape	5274	377	1912	1654	1047	222	62
Johannes- burg	499	106	148	65	55	-	125
Germiston	259	-	-	86	31	34	58
Boksburg	132	53	-	67	12	-	-
Brakpan	96	-	34	11	51	-	-
Pretoria	92	-	17	42	24	8	1
Vereenig- ing	79	-	-	-	68	11	-
Springs	76	-	-	51	9	-	16
Krugers- dorp	64	14	-	50	-	-	-
Roodepoort	55	-	33	22	-	-	-
Benoni	52	-	-	42	10	-	-
Bethal	31	-	-	-	-	31	-
Witbank	11	-	-	-	11	-	-
TOTAL Transvaal	1446	173	232	436	271	134	200

TABLE VIII - cont.

	TOTAL	26.6.52 to 24.7.52	25 7.52 to 22.8.52	23.8.52 to 20.9.52	21 9.52 to 19.10.52	20.10 52 to 17.11.52	18.11.52 to 22.2.53
Cape Town	125	-	27	74	-	20	4
Worcester	100	52	12	36	-	-	-
Stellen- bosch	61	-	-	55	6	-	-
Kimberley	44	-	-	-	44	-	-
Mafeking	20	-	-	-	20	-	-
Paarl	20	-	-	20	-	-	-
Ceres	16	-	-	16	-	-	-
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TOTAL Western Cape	386	52	39	201	70	20	4
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Durban(4)	283	-	-	54	99	89	41
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Bloemfon- tein	150	-	-	-	130	20	-
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NATIONAL TOTALS	7539	602	2183	2345	1617	485	307

(1) (2) (3) (4) see corresponding footnotes in Table II for an explanation.

Following a Cabinet meeting on 14 August, at which the defiance campaign was discussed, Moroka, Sisulu, Marks, Dadoo, Cachalia, Mandela and 14 other Congress leaders were arrested on charges under the Suppression of Communism Act. Kuper comments, "Certainly, the arrest of the leaders must have contributed to the decline of the Campaign" (1) In the long run this may have been so, but the short term effect was the very reverse. It helped to bring about a climax of resistance activity immediately

(1) Passive Resistance in South Africa, p 145.

before the start of the preparatory examination on 26 August. Similarly, in Port Elizabeth, immediately following the arrest of Njongwe and other Eastern Cape leaders, 330 acts of defiance were recorded on one day (12 September) (1). The high figure for the Peddie district at the end of the fourth month must be partly related to the trial there of two leading ANC activists on charges of incitement (2). Such responses represented a popular challenge to the Government and gave some temporary substance to Njongwe's comment that the arrest of leaders was no impediment as "individuals do not count" in the campaign. The negative impact of leadership culling was lessened in the Sisulu and Njongwe cases because the defendants were allowed out of jail after being charged and they remained politically active (3).

Why then did resistance decline prior to the riots, taking the figures for the Country as a whole, regardless, for example, of efforts in the Transvaal, probably spearheaded by the SAIC, to intensify defiance in the days leading up to the meeting of the UN Assembly (14 October)? It is possible that if it had not been for the riots the campaign might have gathered strength after a temporary lull, which could have been attributed to an essentially voluntary decision by the defiance leadership to take stock and decide where the campaign was heading. But, if so, evidence is lacking. More likely, the downturn indicated some doubts on the part of the rank and file, and may be the leadership, about what more the campaign could achieve. In part, at least, such doubts may have resulted

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- (1) It is very unlikely this was a coincidence. The quick mobilization of defiers on this occasion is noteworthy, suggesting Congress was not always as inept as some would make out, nor totally lacking in able second rank leaders.
- (2) 300 people resisted on the eve of the trial. Evening Post, 20 October 1952.
- (3) Both Dr Njongwe and N. Mandela, for example, addressed the Natal ANC AGM at the end of October/early November. It was only after the New Brighton riot that 52 Eastern Cape ANC leaders were prevented from attending public gatherings, even this did not put them entirely out of action.

from Government intimidation, manifest in the bringing in of police reinforcements to the Eastern Cape, in threatening Government speeches, and in increasingly stiff sentences meted out to defiers. Purely local factors may have also contributed to the downturn in activity. A number of centres may have exhausted their original volunteer resources and for a variety of reasons failed to attract replacements. In East London nearly 900 people resisted in the space of a few days at the end of July, but only 400 more participated there in the whole of the rest of the campaign, in part a reflection of the idiosyncratic leadership of Alcott Gwentshe. In the Eastern Cape, occasional references suggest that the planting season, which was under way before the riots began, could have had some impact on resistance levels (1).

The riots that occurred at New Brighton, Denver, Kimberley, Grahamstown and East London between 18 October (2) and 9 November hastened the end of the campaign on a national level. It should be stressed that these outbreaks, which warrant study of their own, cannot justifiably be attributed directly or indirectly to the defiance leadership which reacted strongly against the violence which occurred (3). Six whites were murdered and others injured during the riots and at least 30 Africans were killed by the police, who overreacted, as was widely recognized by whites at the time (4). There can now be no definitive explanation of the riots, but the impact on the campaign was clear. In the Eastern Cape, Matthews said "the heart went out of the Campaign" (5), this was particularly true of Port

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- (1) Daily Dispatch, 2 October 1952.
 - (2) The very day the UN was considering whether to debate South Africa's racial policies.
 - (3) See, for example, the statement of the ANC following the New Brighton riot. Eastern Province Herald, 20 October, 1952.
 - (4) Who, for example, commented on the use of guns when tear gas would have been adequate.
 - (5) J. Matthews, interview, 29 January, 1970. He was talking in the immediate term and this need not conflict with Lutuli's later assessment (p 333 ,ftnt 3.)

Elizabeth and East London. Mayer records the spirit of dejection present in the townships of East London at the time (1). There, defiance ceased abruptly, in Port Elizabeth it lingered on, on a much reduced scale. Elsewhere in the Province and in the rest of the country the short term impact is less clear. For example, defiance at Adelaide and Cradock only began after the riot at New Brighton and continued well into November. But at Grahamstown defiance had ceased over a month before the first riot. In the Transvaal, where only one riot occurred - at Denver, Johannesburg - resulting in the death of 3 Africans, killed by the police, there appears to have been a temporary halt to defiance in Johannesburg and its environs, but resistance subsequently revived. Violence was so commonplace on the Reef that the impact of the disturbances may have been much less than in the relatively peaceful Eastern Cape. In Natal and the Orange Free State, where resistance began late, for "operational reasons", and in the Western Cape, none of which were directly affected by the riots, the campaign continued, the last act of defiance occurring in Natal, on 22 February 1953 (2). But the immediate impact of the riots on the campaign is only one aspect. The disturbances became associated in the minds of whites with the defiance leadership, regardless of the lack of circumstantial evidence and gave the Government a pretext for the introduction of draconian legislation which hastened the end of the campaign (3). The disturbances exposed the Achilles heel of non-violent resistance and the leadership was ill prepared to meet the threat, once again being put on the defensive.

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- (1) P. Mayer, Townsmen or Countrymen, p 82.
 (2) The group was headed by M. Yengwa who claimed that resistance was gathering momentum in Natal at the end of the year, after its late start (30 September), encouraging the national action committee to continue the campaign. Interview, 16 May 1970.
 (3) pp 309-310

CHAPTER V: REACTION

This chapter is concerned primarily with the reaction of the Government and the White population in South Africa to the defiance campaign and peripherally, with the response outside the Country. It complements Chapter 3.

Defiance took place against a background of considerable ferment amongst white South Africans - manifest in the Torch Commando and Springbok Legion, talk of secession in Natal, and a major constitutional crisis over the proposed High Court of Parliament Act (1). Abroad, the United Nations was an increasing thorn in the flesh of the South African Government, and White South Africans watched with some alarm constitutional developments in the Gold Coast and even more the declaration of emergency in Kenya in 1952 following the outbreak of the Mau Mau disturbances. None of these phenomena moved the National Party Government to consider a "liberal" approach in its administration, and the prospect of a non-white campaign of defiance of the law was hardly likely to do so. Dr Malan told party supporters that he saw three influences at work behind the campaign, "the United Kingdom's unfortunate policy in the Gold Coast, Communism and India". He commented, "It is clear the aspiration of the Indian Prime Minister is to make Africa a dumping place for the superfluous population of India". Associating the defiance campaign with the October/November riots and with the Mau Mau, Dr Malan told his audience, "people overseas are now beginning to see that barbarism cannot be beaten in years or even generations ... the Kenya and South African natives are not far removed from barbarism" (2). If such views could be expressed by the Prime Minister it is

(1) p 206

(2) At a National Party meeting in Johannesburg, 9 November. Daily Dispatch, 10 November 1952. For other Ministerial Comments, see p 315

scarcely surprising that official reaction generally to the campaign was uncompromisingly hostile. Official opinion did not dismiss the campaign as being something so minor as to be safely left to wither of its own accord. Rather, till the time of the riots, the Government adopted a tactic of "limited response". It could not be certain of the strength of its adversary, but it may have thought there was little to be lost by adopting a fairly low profile, waiting for the movement to collapse, virtually of its own volition, or for a suitably damaging opportunity to give the coup de grace with the minimum effort. In the meantime, the Government and its agents kept a close interest in the defiance of unjust laws, sometimes discussing it at the highest levels (1). Whether the Government evolved a coherent strategy to tackle the campaign seems doubtful but their reaction bears the mark of more than casual, ad hoc decision-making.

The first official response to the proposed campaign came in the reply of 29 January 1952 from the Prime Minister's office to the ANC, in response to their memorandum of 21 January calling for repeal of repressive legislation and threatening a defiance campaign. Levvin commented at the time that the letter "was really the opening of a new chapter of race relations in the Union ... the Prime Minister's letter was a new departure because it implied recognition of the fact that the A..N..C.. is the body that speaks to the Government on behalf of the Africans"(2). Even if this were so, the "achievement" was short-lived. The letter was uncompromising, though it is noteworthy Malan caused a full reply rather than a curt acknowledgement to be sent. Rejecting any idea of repealing "the

- (1) Take, for example, the special Cabinet meeting called in mid-August to discuss the defiance campaign. Pretoria News, 15 August 1952. Following this, Sisulu and 19 other leaders were arrested and police reinforcements sent to the Eastern Cape.
- (2) Forum, July 1952.

long existing laws differentiating between European and Bantu", which Malan claimed protected the "Bantu" and trained them, "in the performance of those duties which must be fully observed by all who wish to claim rights", the Prime Minister warned the ANC, "should you adhere to your expressed intentions of embarking on a campaign of defiance and disobedience to the Government, and should you, in the implementation thereof, incite the Bantu population ... the Government will make full use of the machinery at its disposal to quell any disturbances, and thereafter, deal adequately with those responsible for initiating subversive activities of any nature whatsoever" (1).

The Congress/FAC organized boycott of the Van Riebeck celebrations may have offended the Government, and it had to deploy police to watch over the demonstrations mounted by Congress, but the protest evoked and necessitated, in physical terms, little official response.

The Government response to the mainstream of the campaign had several facets, the first of which was recourse to the due process of law (2). Only comparatively rarely did the police exercise the option of not responding to breaches or threatened breaches of the law by defiers, though often resisters were kept waiting for some hours. But, in Durban groups seeking arrest for breach of curfew regulations were sometimes totally and deliberately ignored by the police (3) and if ultimately arrested, perhaps for some other offence, might be almost immediately released, being told they would be summoned later (4). At King Williamstown a group of "defiers" who sought arrest by using facilities set aside for whites in the post office were

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- (1) Malan's use of the term "subversive" is indicative of the Government's attitude to any opposition.
 (2) The other aspects of its response are considered on pp 311ff
 (3) Advance, 6 November 1952.
 (4) ibid., 27 November 1952.

served without question, whereupon they apparently felt obliged to leave (1). An alternative, little used policy, was to prevent an act of defiance taking place. At Pretoria the police blocked the European entrance at the station to prevent its use by 50 defiers, only 15 succeeded in reaching the concourse and being arrested (2). Such "obstructive" tactics by the police could be very off-putting for the resisters, underlining the need to give volunteers training before sending them to defy. The Government might have made more frequent use of these means of countering resistance but there were risks in being seen to countenance breaches of the law. Both sides were in a dependent relationship during the campaign and the initiative was not entirely with the Government.

After arrest, resisters sometimes suffered harsh treatment and if they refused bail often had to wait several weeks in prison before their case was heard. To cite one example. At Worcester, a group who "trespassed" into a white area at the railway station were, with the exception of one person, who may have pleaded guilty, remanded for over thirty days. The man whose case was heard received a sentence of only 20 days with the option of a £5 fine (3). Sometimes those on remand were subsequently found not guilty, but had effectively served a sentence (4).

As shown in Table IV, the three commonest offences intentionally committed by defiers were breach of curfew, apartheid and location regulations, in that order, resisters sometimes

- (1) Peoples World, 9 October 1952
- (2) Pretoria News, 15 September 1952.
- (3) Cape Argus, 8 August 1952.
- (4) See, for example, the group at Boksburg under Flag Boshielo which were held for a month and reportedly maltreated by prison and other officials during that time before being freed on a technicality. Clarion, 31 July 1952.

additionally being charged for creating a public disturbance, forming illegal processions, having no service contract and not being in possession of a pass book. Latterly, those who defied the law were liable to prosecution in terms of a proclamation (1) under the 1927 Natives Administration Act. This proclamation gave way to the Public Safety and Criminal Law Amendment Acts in March 1952, hastening the end of the campaign. Participants also faced prosecution under the Riotous Assemblies Act (1914, amended 1930) for incitement. In some cases resisters were liable to deportation from the area in which they lived, back to the Reserves. Those who led the campaign, irrespective of whether they defied or not, faced special penalties under the Suppression of Communism Act.

The reaction of magistrates to defiers varied from one of relatively mild disapproval and bafflement to outright and bitter hostility in which no recognition was accorded either to the problems faced by non-whites or to the restrained manner in which they had expressed their dissatisfaction. A magistrate in Uitenhague remarked to groups of defiers in his court, "you people are like a goat which puts its head down and charges at a wall. The goat usually knocks his brains out but the wall stands firm. The law is like the wall" (2). In another instance defiers were told "you talk of freedom, but I don't know what you are complaining about as you already have freedom" (3). Such magistrates were unlikely to have much patience when defiers tried to make political speeches in courts, nor with the crowds who sometimes flocked to hear cases. Indeed in at least one instance hearings took place in the police cells to avoid public involvement (4).

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- (1) No 276 of 28 November 1952, read with Government notice no 2753
 (2) Eastern Province Herald, 18 July 1952.
 (3) Eastern Province Herald, 26 July 1952. Magistrate Moony, like a number of whites, thought that if the defiers really had grievances they should have been aired by "constitutional means". (This was at a time when the Government was trying to force through the High Court of Parliament Bill!).
 (4) Eastern Province Herald, 7 July 1952.

No guidelines appear to have been laid down, let alone observed, on the sentencing of defiers, penalties varying from town to town and from one time to another, with some, albeit conflicting, evidence of an upward trend. Male youths usually were sentenced to lashes, but not so adults. Young females were normally discharged, however reluctant they might be to avoid sentence of imprisonment. At the outset of the campaign in Port Elizabeth the senior public prosecutor there said in court that the Attorney General had instructed him to seek "the most drastic" sentences, a request with which the magistrate did not comply imposing a penalty of £6 or 30 days (1). This was higher than many in the early weeks of the campaign when sentences of from £1 or 10 days to £2 or 20-30 days plus lesser penalties for subsidiary offences were commonplace (2). By September imprisonment had risen to 60 days and fines to £12 in Port Elizabeth and by the following month to 90 days or £15, sentences there tending to be higher than in other centres, regardless of the City's "liberal" traditions. Some of the severest sentences were meted out to the group of Transvaal resisters under Patrick Duncan who were charged under the November Proclamation against incitement of Africans (3). Duncan was sentenced to £100 or 100 days, other members of the group receiving penalties of from £20 or 20 days to £50 or 50 days, part suspended.

Magistrates were aware of the importance participants in the defiance campaign attached to being given jail sentences and hence did not always "co-operate" though it was their general practice to do so

In Durban, where officials had had more recent

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- (1) A sentence described by Die Oosterlig, 11 July 1952 as "simply ludicrous". Its solution was "the cane and the lash", followed by deportation.
- (2) A table of sentences handed down in various parts of the Country is at Annex B.
- (3) p 309.

experience of handling organized non-violent opposition than elsewhere in the Country, some resisters received punishments in October as low as fines of 2/6d or 4 days imprisonment and in the same month in Mafeking the sole group of resisters there were cautioned and discharged on the pretext that the jail was full (1). Occasionally, resisters were not given the option of imprisonment, money found in their possession being seized for payment of a fine (2) in terms of the 1917 Criminal Procedure and Evidence Act, but it had limited application, a weakness rectified in the Criminal Law Amendment Act.

The Government did not always achieve what they set out to do in bringing defiers before the Courts, as is revealed by the case of Regina vs Lusu. Lusu was one of 24 Africans arrested for entering a European waiting room at Cape Town Station. The crux of Sam Kahn's case for the defence was that the railways had no right in law to discriminate against non-whites on their premises in the provision of facilities and that since the amenities were not of an equal standard the charge against the defendants should be rejected. It was, and the verdict was upheld on appeal both to the Supreme and Appellate Courts (3). There were several similar cases, though pleas on the grounds of unequal facilities were not invariably accepted.

A group of defiers arrested for supposed breach of post office apartheid regulations in Port Elizabeth were acquitted when it turned out they had not obstructed business, the only basis on which it was discovered a conviction might be brought. The Post Master's circular No 13, 1949, the authority for

(1) Peoples World, 23 October 1952.

(2) Evening Post, 25 August 1952.

(3) Cape Argus, 15 and 25 August (court case), 19 November (1st appeal). Eastern Province Herald, 24 March 1953 (2nd appeal).

enforcing post office apartheid simply stated that Africans should be requested to form separate queues, failing which they were to be served last (1). As a result of this belated finding a number of defiers held for supposed breach of post office apartheid were released. Defiance leaders did not attempt to exploit the temporary loophole and though its discovery could be seen as a "victory" for the campaign it did not make any easier the task of defiance. Arrest for apartheid "offences" became less certain. L. Phillips, a Cape Town activist, commented when his group was not arrested (for using European facilities on a train and also, incidentally, for pass offences), "we are stuck ... there is not much left we can do in the way of resistance" (2). The prospect of non-arrest was bad for morale.

It is debatable to what extent the Government succeeded in interfering with the progress of the campaign prior to the October riots by taking defiance leaders to court for various offences, notably under the Suppression of Communism Act. A potentially serious situation arose at the outset of the campaign, Bopape, Bhoela, Dadoo, Kotane, Marks and Ngwevela had already been arrested for deliberate breach of banning orders and were joined in prison by Mandela, Sisulu, Yusuf Cachalia and Seperepere who were arrested unexpectedly for incitement, under the Riotous Assemblies Act, whilst observing the first acts of resistance on the Rand. All the members of the national action council and the most senior Transvaal Congress leaders were thus in prison. If this situation had lasted it could clearly have had a serious effect on resistance, at least in the Transvaal, but Mandela and those with him quickly succeeded in getting bail. Bopape and his colleagues obtained bail on 16 July, having lodged appeals against sentence (ranging from

(1) Clarion, 24 July 1952.

(2) Cape Argus, 26 August 1952. This was immediately after the verdict in the Lusu court case.

2-6 months imprisonment) This latter group were nevertheless severely handicapped in their contribution to the defiance campaign, as a result of their banning orders, but having succeeded in exploiting their legal right to bail they were far from inactive behind the scenes in support of the campaign. In August, as the campaign gathered momentum, the Government, at cabinet level, took the decision to arrest Sisulu and 19 other prominent, primarily Transvaal based, Congress leaders on charges of promoting the objects of Communism as defined in the Suppression of Communism Act. The following month (1) Njongwe and 14 fellow Eastern Cape defiance leaders were charged for similar offences. Kuper claims that working under the threat of heavy penalties "their effectiveness as leaders must have been seriously impaired" (2). But the evidence is lacking. The leaders were not remanded in custody, nor restricted in their activities by the court and the cases were heard only at the end of November and early December, continuing for some months. Suspended prison sentences were eventually imposed in both cases.

Where the Government perceived gaps in the existing legal powers to counter radical opposition, such as it faced in 1952, it did not hesitate to seize opportunities to acquire additional powers. The October riots (3) provided a perfect pretext, and as such, raises questions about the possible role of the Government in the disturbances. Against the background of the state of alarm engendered amongst Eastern Cape whites by the riots, and the supposed widespread threat to law and order (greatly exaggerated by false rumours) the Government responded with renewed vigour to the defiance campaign, at the same time berating the "liberalistic" "native" policies of United party dominated councils, such as there were at Port Elizabeth and

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- (1) Why there should have been this delay is not clear.
 (2) Passive Resistance in South Africa, p 193.
 (3) See pp298-9 above.

East London (1). On 7 November banning orders were issued against 52 Eastern Cape defiance leaders - virtually all the top leadership in the Region. The Government exercised powers under the Riotous Assemblies Act to ban meetings of non-religious or social nature in main centres of the Eastern Cape and immediately agreed to a request from Port Elizabeth Council for the imposition of a 9 p.m. - 5 a.m. curfew on Africans in the city. Government action in banning political meetings and the ANC leadership served to increase tension in the Region. In an outbreak of violence in East London on 9 November at least 6 people were killed in brutal circumstances. Both the City Council and the ANC contended the Government action had invited such a response (2).

The Government reacted sharply to the renewed rioting, deporting several hundred Africans in the Eastern Cape from the cities to the reserves. As a further, interim measure the Government issued Proclamation No 276 of 28 November 1952, which contained a major extension of the offence of incitement. It was first enforced against Patrick Duncan and his group when they defied in December (3). The Proclamation was superseded in March 1953 by the Criminal Law Amendment Act, which, like the Proclamation, was specifically intended to counter the defiance campaign. It was enacted with the Public Safety Act which facilitated the declaration of states of emergency (4). The Criminal law Amendment Act which had been in draft for some months prior to the riots stated that "any person (who) is convicted of an offence which is proved to have been committed by way of protest or in support of any campaign against any law ..." is liable to a fine not exceeding £300 and/or imprisonment of up to 3 years and/or whipping up to 10 strokes.

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- (1) Port Elizabeth Council's "native" policy was severely criticized by Dr Verwoerd at the time of the riots, Eastern Province Herald, 21 October 1952. For a wider ranging attack, see report of speech of J. G. Strydom (Minister of Lands), Eastern Province Herald, 13 November 1952.
- (2) Mayor Fox, Eastern Province Herald, 12 November 1952. Alcott Gwentshe, Advance, 20 November 1952.
- (3) p 305
- (4) Acts No 3 and 8 respectively, both promulgated on 4 March 1953.

Incitement to protest or campaign against a law carried a fine of up to £500 and/or imprisonment up to 5 years and/or up to 10 strokes. There were heavier penalties for subsequent offences. The Act also contained provisions against soliciting for or receiving funds to assist campaigns in opposition to the law, and blocked the loophole through which defiers had generally been allowed to refuse the option of a fine. Lutuli admitted the Government acted "more swiftly and harshly than we had foreseen" (1), the result being to hasten the suspension of the campaign.

The timing of the Government's initiative set out in the two preceding paragraphs is instructive, coming in the aftermath of the riots. The new Acts, the Proclamation and the banning order on the Eastern Cape leaders were a direct response to the non violent defiance campaign, per se, and only, by extension, to the riots. Why then did the Government hold back till the riots occurred? As early as August it was evidently concerned at the development of the campaign, yet its response was in a relatively low key, even allowing for the Sisulu and Njongwe court cases. In part the Government may not have been sufficiently concerned at the "threat" posed by the campaign to believe additional legislation was urgently required, it may have also been inhibited in its response by the non-violent nature of the campaign, mindful of international considerations, but this is unlikely to have been a decisive factor. There remains the possibility that the Government confronted for the first time with sustained and fairly widespread black resistance, which was attracting some sympathy abroad, took the decision to undermine the campaign and sully its image by provoking outbreaks of violence which would become associated with the defiance of unjust laws. Minister Swart commented, shortly after the riot at New Brighton, which apparently arose out of a trivial incident said to involve the apprehension of

(1) Let My People Go, p 120

two petty thieves, "We are satisfied that what has happened at New Brighton is one of the direct results of the Defiance Campaign and the dangerous game being played by a number of the leaders of the ANC and SAIC" (1). But there was no opportunity to investigate, fully and impartially, the possibility that Government agents had been instrumental in provoking the disturbances. The Government rejected demands from Congress and other sources for an independent enquiry. Lutuli was in no doubt about the infiltration of agents provocateurs, at least in Port Elizabeth and Kimberley, at the time of the riots, claiming it was well attested. As he commented of the riots, "It was all the Government needed. The riots and the Defiance Campaign were immediately identified with each other in the White South African imagination. The initiative was with the Government"... (2).

The Government did not hesitate to use intimidation to deter resisters and their supporters. Kuper comments, "Police spies, raids, the displays and use of force not only harassed, but also discredited, the Congresses. Most people are so well trained to law and order that they believe there must be something disreputable about an organization of which the police disapprove" (3). Police were almost invariably present at Congress public meetings - recording speeches, photographing those present and on occasions interrupting proceedings, often for trivial reasons. Occasionally, meetings were abandoned as a result of police interference (4) but more usually their presence was an accepted fact of life though it may have prevented some potential sympathizers from becoming more closely involved with Congress. The police attempted to disrupt Congress and defiance activities by raids, often without

(1) Eastern Province Herald, 22 October 1952.

(2) A. Lutuli, Let My People Go, p 115.

(3) Passive Resistance in South Africa, pp 191-2. It would seem surprising if police disapproval of the ANC really served to discredit the organization in the eyes of the black population.

(4) An example at Evaton is cited in Eastern Province Herald, 23 June 1952.

warrants, on Congress offices, documents were seized on an indiscriminate basis. It is difficult to gauge the extent to which such actions impeded the campaign but probably not a great deal, given the nature of the Congresses' organization. There is likely to have been extensive covert police activity against the campaign, the ANC being infiltrated by police spies and informers (1) Kuper suggested the knowledge by Congress activists of their presence "sows doubt and suspicion, undermining the mutual confidence so necessary to co-workers in a movement over which hangs the threat of drastic reprisals" (2). The police and security agencies may have employed agents provocateurs to discredit the campaign.

Throughout the campaign the police made much play of their physical superiority, though the nature of the defiance of unjust laws may have generally acted as a restraint on the use of the resources at their disposal. In mid-August, at the time of industrial unrest in the Eastern Cape and rumours of a proposed ANC-organized dock strike (3), the Eastern Province Herald, under a headline, "Police mass to combat East Cape defiers" reported, "strong police reinforcements are moving to Port Elizabeth, Grahamstown and East London by road and rail to deal with the non-European Defiance Campaign" (4). This show of force was clearly intended to intimidate, in addition, as Mandela pointed out, "the police reinforcements are in line with a Government desire to provoke violence and thereby to crush the Campaign" (5). Even before the riots had occurred the police did not invariably refrain from using violence against those associated in some way with the

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- (1) Informers gave evidence of their activities in the case of Regina vs Sisulu The People's World, 4 September 1952, cited an instance of a would-be resister being ordered to withdraw from a group about to defy on the suspicion she was a police spy
- (2) Passive Resistance in South Africa, p 191.
- (3) A story put about by Die Oosterlig, Evening Post, 7 August, 1952. It had no basis.
- (4) Eastern Province Herald, 13 August 1952.
- (5) Eastern Province Herald, 18 August 1952.

campaign. They, for example, mounted a baton charge on a gathering outside the Queenstown Court where a case against a group of defiers was being heard. The police action left many people injured, the majority women (1).

Once the riots occurred the police appear to have been given a virtual carte blanche. The Minister of Justice, speaking after the New Brighton riot said, "My instructions to the police are that they should act and act drastically" (2) He is also reputed to have said "if policemen go slightly beyond the limits of their powers . . . they should not be condemned in view of the difficult times" (3). Some units used indiscriminate and excessive force at the time of the riots, and afterwards, and on occasions went out of their way to be provocative (4). The intimidatory effect on the black population, hardly unused to shows of force, particularly outside the Cape, is difficult to assess but the claim by the Daily Dispatch that the presence of police reinforcements in the Peddie District was a reason for the suspension of defiance there (5) may have been equally applicable elsewhere. It could be argued that the presence of the police in large numbers could just as well ^{have} provoked people into active opposition, as indeed it appears to have done in Port Elizabeth, East London and elsewhere, but the circumstances scarcely encouraged the opposition to take a non-violent form. Both the people who reacted with violence and those who were cowed into inactivity by the riots could

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- (1) Daily Representative, 16 September 1952.
 (2) In a speech at Klipkoppers 2 November. Eastern Province Herald, 3 November 1952.
 (3) Treason Trial Record, p 600.
 (4) Many contemporary sources attest to this. Examples include, (i) a report of the situation in East London at the time of the riot by A. Campbell, The Heart of Africa, pp 39-48, (ii) a critical assessment by the magistrate appointed to examine the conduct of the police during the disturbance at Denver, Eastern Province Herald, 25 February 1953, and (iii) an account by a police officer of a liquor riot at New Brighton shortly after the riot there. Evening Post, 28 October 1952.
 (5) Daily Dispatch, 4 November 1952.

be said to have played into Government hands. The Government might, however, have been embarrassed if non-violent resistance had again begun to develop. The defiance of unjust laws had, for example, already resulted in the Government deploying sizeable manpower and other resources. The Evening Post reported in August that prisons (presumably only in the Eastern Cape) were finding it increasingly difficult to accommodate resisters and that the "already over loaded" system of Justice was under strain (1). By the middle of September there were over 700 defiers in the Port Elizabeth jail alone.

Civilian officials also contributed to the intimidation of Congress members and sympathizers, who might have defied the law. The Ciskei Chief Commissioner, Mr Brink, delivered a number of speeches intended to discredit the campaign. On one occasion in the Peddie District, when Brink was reinstating a formerly "errant" tribal elder he warned, "if headman Msutu does not co-operate (with the Government against) the many ignorant people preaching a violent and subversive doctrine ... in this district he may find that things will go hard with he and his people" (2). In October, Chief Lutuli, increasingly prominent in Congress, was presented with an ultimatum by the Department of Native Affairs (NAD) either to cease his political activities or lose his chiefly status. He was dismissed in November (3). The powers of the NAD to harass Congress in the rural areas were virtually limitless. In the urban areas, black public employees faced the threat of dismissal for participation in the campaign (4).

Ministers were at pains to discredit the campaign and, latterly, mindful of the impending general election, to demonstrate that they were handling it firmly. They portrayed the

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- (1) Evening Post 11 August 1952. This led to a meeting between the Minister of Justice, the Commissioner of Police, and others at which new legislative sanctions to combat the campaign were discussed.
- (2) Daily Dispatch, 27 October 1952.
- (3) A. Lutuli, Let My People Go, pp 108-12
- (4) Alfred Hutchinson and Duma Nokwe, both teachers, were sacked for participation. Interview, A Hutchinson, 31 January, 1970.

defiance campaign as a part of a universal "anti-white plot", fanned by Communists, "mis-guided liberals, socialists and clerics", over them all hanging "the shadow of India" (1). Under the circumstances, it was argued, "the Government is entitled to expect the support of every right thinking citizen of South Africa, irrespective of party, in any action it may take against the leaders of the defiance campaign (2). The Government for a time during the campaign promoted the pro-apartheid "Bantu National Congress" which Dr Donges claimed had two million members (3). Bhengu, its leader, in a message to the United Nations said the defiance campaign did not have the support of "the millions of Bantu whom we represent" and argued it was the "handiwork of a group of so called leaders who had been bought by rich Indians" (4). Bhengu's standing was subsequently confirmed by his conviction for theft and fraud.

The reaction of local councils to the campaign was significant in certain centres, primarily after the riots, though before this councils sometimes put obstacles in the way of defiance-related meetings. In November, a delegation of the Municipal Association of South Africa called on Mr Swart, pledging the Association's total opposition to the defiance campaign, advocating the round up of resistance leaders, and the introduction, as necessary, of further measures "to maintain order and a feeling of security". It is likely the delegation intimated to the Minister the general view of the recent

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- (1) Mr Louw, Minister of Economic Affairs, London 23 November 1952, Eastern Province Herald, 24 November 1952.
- (2) Mr Donges, Minister of Finance, Pietersburg, 9 November 1952, Eastern Province Herald, 10 November 1952. The qualified response of the United Party to the Government's handling of the events of 1952 provoked National party allegations that the United Party approved of the campaign and were acting as "protectors of Communism" (Mr Swart, Bloemfontein, 9 September 1952, Eastern Province Herald, 10 September 1952). The pro-United Party English language press was strongly condemned by the Government, the Minister of Transport arguing it was, "largely to blame for the riot in Port Elizabeth" because of the publicity given to the defiance campaign (Mr Sauer, Kimberley, 27 October 1952, Eastern Province Herald, 28 October 1952).
- (3) Eastern Province Herald, 20 September 1952.
- (4) Peoples World, 9 October 1952.

meeting of their Association that the Congresses were responsible for the outbreaks of unrest (1).

In the wake of the New Brighton riot Port Elizabeth Council, requested the Minister of Justice to place the City under military control and proposed that wartime civilian protective services be revived. This was refuted, but, in the meantime, several councillors held meetings to organize civilian patrols and these functioned for a time, heightening tension by their arbitrary actions (2).

Whilst accusing Congress of intimidation, Councils indulged in such activity themselves. Port Elizabeth Council warned that if the ANC organized protest strike (3) went ahead, (it) "must lead to unbearable conditions in areas such as New Brighton. Sanitation and refuse services will cease immediately and cessation of electricity and water supply may follow. Home building will stop. Incomes will cease ..." (4). The ultimatum was not carried out in its entirety but municipal and other employees who participated in the strike were dismissed and those who were re-engaged were often put at the lowest point on the salary scale. There is a report that some who stayed at work were rewarded with a pay rise (5). The punitive acts of the Council, linked with those of the Government, represented unequivocal warning not only to strikers but to those who might still be contemplating defiance of the law.

Local Authority response was, however, not entirely negative. Several Councils announced plans for new African housing in

- (1) Eastern Province Herald, 21 November 1952. Evening Post, 22 November 1952.
- (2) Eastern Province Herald, 7 November 1952. Evening Post, 8 November 1952.
- (3) **PP 284 - 285**
- (4) Statement of Port Elizabeth Council following its meeting on 6 November. Eastern Province Herald, 7 November 1952.
- (5) Evening Post, 25 November 1952.

November and December (1) and the Mayor of Johannesburg called a meeting of fellow mayors to discuss this issue in the aftermath of the disturbances. In addition, Port Elizabeth City Council promised limited "concessions" at a meeting in November with representatives from New Brighton. The Council agreed to try to improve education and social facilities in the township, to try to secure some relaxation of apartheid restrictions in New Brighton, and to reinstate municipal workers dismissed for taking part in the Congress led strike (2).

White public opinion was overwhelmingly hostile to the campaign. This was reflected with particular force in the pro-Government Afrikaans press where, it seems, there was virtually no attempt to examine the nature or validity of the grievances at the root of the defiance campaign. An editorial in Die Transvaaler commented, "the brown hand of the Indian is reaching for the treasures of Southern Africa... The octopus arms of Indian imperialism are daily penetrating deeper into Africa and deeper into the economic life of South Africa, all is happening with only one aim in mind, to sweep the European out of Africa and to use the ignorant native for it" (3). Nor was there any apparent recognition, or sympathy for the non-violent character of the defiance (4). Die Oosterlig, shortly after the Campaign began criticized the Government for the inadequacy of its response arguing that the only language the defiers understood was that of "the cane and lash" (5).

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- (1) For example, Port Elizabeth, Evening Post, 19 December 1952, East London, Daily Dispatch, 12 December 1952, Durban, Daily Dispatch, 12 December 1952.
- (2) Eastern Province Herald, 18 November 1952.
- (3) Die Transvaaler, 5 December 1952.
- (4) It was never, for example, contrasted favourably with the violent disruptive tactics of National Party activists at Torch Commando rallies!
- (5) Die Oosterlig, 11 July 1952.

Dagbreek (1) rejected this approach as liable to incite non-whites still further, instead advocating the deportation of resisters to the reserves where they could be put to forced labour. A statement from the South African Bureau of Racial Affairs (SABRA) revealed a similar intransigent approach (2). There were, however, elements in the Afrikaaner population which took a more constructive view but they were in a very small minority (3).

The United Party reacted uncertainly to the campaign. In an effort to stave off National Party criticisms and because of its innate conservatism it condemned the defiance campaign urging that it should be suspended. It argued the campaign was not furthering the interests of participants and that the only acceptable method of repealing laws was by "constitutional" means. It voted in favour of the Public Safety and Criminal Law Amendment Acts. For electoral reasons, it felt obliged to attack the National Party accusing it of provoking defiance. J. G. N. Strauss, the leader of the Party, in a major speech on "non-European Policy", in November, advocated the removal of the "colour question" from the party political arena and envisaged a non partisan approach to "the peace-loving non European majority ... re-establishing consultation with the moderate non European leaders" (4). The "substance" of

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- (1) Dagbreek, 10 August 1952.
 (2) Eastern Province Herald, 25 August 1952. Daily Dispatch, 26 August 1952.
 (3) Their views diverged widely. a group of 40 "Outstryders" called for a "return to a policy of racial harmony" (Evening Post, 19 July 1952), Mr Broeksma, Q.C. advocated "progressive" changes and called for a Council of State of Blacks and Whites to guide the Government on race matters (Evening Post, 24 September 1952), Bettie du Toit participated in the defiance campaign.
 (4) Speech at Bloemfontein, 18 November 1952. Text in Daily Dispatch, 19 November 1952.

Strauss' speech, ^{which} revealed the dilemmas of the United Party position, is less important than the fact that he made the speech at all, and that others, in a similar vein, were delivered by politicians during the defiance campaign. In part, at least, they were a reaction to the campaign (and latterly the riots) which acted as a catalyst to the discussion of the "non-white issue" amongst English speaking South Africans. This debate contributed to division within the United Party for example, some of the less conservative elements subsequently joined the Liberal Party.

The English language daily press was generally critical of the Government's handling of the campaign, but showed little appreciation of the rationale behind the defiance of unjust laws which they reported in an intermittent and often scanty fashion, indicative of the wish of many white South Africans to cut their mind from the, for them, disagreeable prospect of organized non-white discontent (1). But there were occasional editorials on the defiance campaign. The Daily Dispatch, for example, after criticizing the Government's record (its main purpose) commented, "in the circumstances, it is not surprising that the Bantu people have reached the stage when they feel that some form of protest against this legislative trend (removing what "freedoms" the Africans still had) is necessary. Whether they have chosen the best way of registering their resentment is open to argument, but this should be remembered the way chosen is one that will cause least embarrassment to the European community and which will inflict suffering only on their own community" (2). This is one of the very few instances of expressed white recognition of the non-violent tactics adopted in the defiance campaign. The

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- (1) In the later stages of the campaign, editors may have also taken cognizance of Ministerial statements critical of press "publicity" for the defiance of unjust laws. See, for example, Dr. Donge's warning statement at Parow, 9 December 1952. Evening Post, 10 December 1952. There are earlier examples.
- (2) Daily Dispatch, 26 June 1952.

Evening Post, sometimes more open minded than its contemporaries (1), carried an editorial indicating that it would be foolish to belittle the campaign, warning, "we must expect ever increasing political and economic unrest, isolation and despair as part of the price of our National mental illness (the correlation of colour with ability and opportunity)" (2). The King Williamstown Mercury also warned of the dangers of dismissing ANC leaders as communists and agitators and accordingly belittling Congress activities. It noted that Congress leaders "were well educated ... many of them highly cultured and there is evidence also of a strong religious background to their thinking". Recognizing that some of the leaders may still have been "interested" in Communism, the paper accepted that "this is scarcely surprising given the Communist Party's constant association with African aims". The editorial concluded, "to those who try to take an objective view of our problems in South Africa and recognize the natural urge in all men who have come into contact with Western civilization to reach for a higher standard of life and liberty, the struggle upon which the non Europeans are now engaged is similar in many ways to the struggle of Afrikaner Nationalism itself" (3).

Whatever limited comprehension the English speaking press revealed of the campaign largely evaporated with the riots. The Daily Dispatch wrote, "much of the responsibility for Saturday's events (New Brighton) must rest on the shoulders of those so called leaders of African opinion who have incited the masses to express resentment of and opposition to the laws of the country ...". It accused them of provoking "ignorant lackeys to proclaim an insouciant nationalism which has as its basis an underlying hatred of the white man and all his works ...". The paper

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- (1) J. Matthews, interview, 27 January 1970, said its Editor was a supporter of the campaign.
 (2) Evening Post, 2 June 1952.
 (3) King Williamstown Mercury, 2 August 1952.

commented that that had been "the pattern of the current resistance movement" (1). The English speaking press was, however, strongly critical of the Government for imposing a ban on meetings in centres in the Eastern Cape following the New Brighton riot and subsequently voiced opposition to the criminal law Amendment Act, which the Rand Daily Mail described "as the most shocking measure ever placed before Parliament" (2).

The campaign, and even more the riots, provoked much discussion amongst English speaking South Africans about the "native question", but little sympathy or comprehension. For the average United Party supporter, like his National Party counterpart, the defiance campaign was a pawn in white politics from which political capital was to be made. It was not a catalyst, at least at the time, to fundamental re-thinking of the race issue and the majority of whites, seeing their own position threatened by what they perceived to be the aspirations of defiance leaders sought to dismiss the campaign (3).

But there were some whites, not all of whom were identified with a particular grouping, who recognized the need for a less negative approach. They included, for example, members of the Labour Party, the emergent Liberal Party, the South African Institute of Race Relations, the Civil Rights League and the Church (4). Twenty-two leading liberals published a letter,

(1) Daily Dispatch, 22 October 1952.

(2) Rand Daily Mail, 4 February 1953.

(3) White insensitivity, at its worst, was revealed in the letter columns of the press. "Ex-Kaffir Boetie" wrote, "I have done a lot of thinking since the riots and I have come to the conclusion the great majority of the natives are still savage barbarians and no amount of civilizing or consideration given to them by Europeans will ever make them different .. I am convinced now that they will always have one foot in the bush". Evening Post, 28 October 1952.

(4) The white orthodox churches, as organizations, hesitated to support the campaign. Even the Methodists and Quakers who Kuper (Passive Resistance in South Africa, p 161) says adopted "a more positive, Liberal approach to passive resistance than other churches" kept a low profile.

in September 1952 (1), in response to the defiance campaign, calling for the revival of the Cape "liberal" tradition. They also advocated the repeal of the Pass laws, in their existing form, and of the Group Areas and Suppression of Communism Acts (2).

There remains the last element in the spectrum of the white population - the very small group who spoke out in clear support of the defiance campaign, even if they were not in total agreement with its tactics. The defiance leadership held a meeting in November 1952, solely for whites, to explain the purpose of the campaign and solicit support (3). The meeting was attended by 200 people, some of whom took the opportunity to express their support for the campaign. A number of them formed a provisional committee from which developed, in late 1953, the Congress of Democrats, subsequently to form part of the Congress alliance. Twelve whites participated in the campaign by defying the law and there were others who were also closely associated with it, such as Brian Bunting and Sam Kahn. Some belonged to organizations, such as the Modern Youth Society and the Democratic League, but they participated as individuals. The South African Trades and Labour Council and its constituent parts, the Transvaal Peace Council and the Springbok Legion, gave the campaign moral support but these organizations were pre-occupied with their own problems.

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- (1) Text in Daily Dispatch, 29 September 1952. The letter was signed by the Ballingers, Senator Brookes, Winifred Hoernle, Fr. Huddleston, Bishop Reeves, Lewin, Keppel-Jones, Leo Marquard, Molteno, Paton and others.
- (2) The Congresses did not openly criticize the "liberals" during the campaign but the Peoples World, 2 October 1952, probably spoke for many in the ANC in arguing that the Liberal and Labour Party policies "are designed to preserve the essentials of the South African way of life by eliminating through conciliation what appears to be the most direct challenge to it - the Defiance Campaign".
- (3) Advance, 27 November 1952.

Outside South Africa, the defiance campaign provoked a considerable verbal and written response (1) but very little if any material assistance (2). Most important, presentationally, of the external responses was the decision by Asian and Arab Governments to raise the question of South Africa's racial policies before the United Nations. This might have happened regardless of the campaign, as an extension of the South African Indian question which had been with the United Nations since 1946, but the April boycott and the launching of the defiance of unjust laws provided an additional incentive. The General Assembly appointed a Commission of Enquiry which received no co-operation from the South African Government. It produced a detailed report (3).

The prospect, from September 1952, of South Africa's racial policies being discussed at the United Nations had no discernible favourable impact on the Government's approach to non-whites, indeed it may have strengthened the Government in its view that it should pursue resolute policies in the face of what it perceived to be a developing international anti-white conspiracy. The ^{United Nations} debates received extensive coverage and editorial comment in the English language South African press and may have given some encouragement to defiance leaders and their supporters.

The reaction of whites in South Africa, officials and private citizens, to the defiance campaign was predictably and overwhelmingly, though not uniformly, hostile. The campaign did focus attention on the widespread grievances of non-whites and made a nationwide impact probably greater than

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- (1) Solidarity meetings were held and statements of support sent from the communist and non-communist world. There was also press coverage.
- (2) See p 254
- (3) Report of the UN Commission on the Racial Situation in the Union of South Africa (1953).

the whites were publicly prepared to admit. The disturbing question in the last analysis, is whether a few hours of unbridled violence did not impress upon the white community far more strongly the bitterness of feeling amongst the black population in South Africa and the need to take action than months of dignified non-violent defiance of the law.

CHAPTER VI AN ASSESSMENT OF THE DEFIANCE CAMPAIGN

Mary Benson described the campaign as "an amazing success" (1), Mrs Ballinger sees it as a "failure in itself (though it) drew the people to the Congress ranks in ever increasing numbers" (2). Gwendolen Carter, in The Politics of Inequality, likewise refers to "the failure of the Passive Resistance Campaign" (3) but refines this view in her joint study with Karis (4). There is no simple answer, the question of the success or failure of the campaign must be considered in relation to the different and not always well defined goals of the campaign.

It did not bring about a repeal of the laws selected as targets. Indeed immediately before, and during, the campaign the Government proceeded further with their implementation (5) and not only were the Acts not repealed or modified but harsh additional legislation was introduced on the pretext of the October-November riots, but as much in response to the campaign. However, as this shows, the Government had not felt able simply to dismiss the campaign as being of no consequence. And they had felt obliged to deploy substantial manpower and other resources, notably from the police, prison and court services in response to the campaign. The speeches of Ministers reflected some concern at the development of the campaign.

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- (1) Struggle for a Birthright, p 159.
 (2) From Union to Apartheid. A Trek to Isolation, p 419.
 (3) The Politics of Inequality South Africa since 1948, p 376.
 (4) From Protest to Challenge (Vol 2), p 425 ff. In addition to Karis and Carter's useful assessment of the campaign see also "Circular letter to all Congress Branches in the Cape Province" (for text see From Protest to Challenge, p 489 ff). Other assessments of interest include A. Lutuli's Let My People Go, and L. Maser, Passive Resistance in South Africa.
 (5) See, for example, the numerous cases of banning under the Suppression of Communism Act in 1952, the introduction in that year of the Group Areas Act in various districts, and discussion in Parliament on the eve of defiance of the proposed Natives ("Abolition" of Passes and Co-ordination of Documents) Act.

But the Government did not, and it would have been a major achievement if it had, suggest talks with the Congresses nor did it intimate that it might be prepared favourably to modify the laws selected as targets for the campaign. The defiance leadership and many of the rank and file cannot have expected much, if any progress, in securing the removal of the laws through the campaign. The combination of the increasing implementation during 1952 of already announced apartheid measures and the introduction of the Public Safety and Criminal Amendment Acts must, nevertheless, have had a depressing influence, as did the riots, leading to the suspension of defiance shortly before the introduction of the new Acts in March 1953 (1). Mandela claimed to see a positive development in Government thinking in 1952, which he attributed in part to the defiance campaign, notably that previously the Government had relied on blatant "Bass Kap" (white supremacist) policies whereas it subsequently referred, for example, to "self-government" for Africans (2) but whether this was more than a semantic exercise and the extent to which the "change" resulted from the defiance campaign is questionable (3).

Walter Sisulu argued in September 1952 that the defiance campaign "has proceeded according to plan to such an extent that today it has shaken the white people of South Africa" (4). Nelson Mandela and other Congress leaders referred to the achievement of the campaign in "pricking the consciences of the European public" (5) Whilst, if this were so, it could be

- (1) The defiance leadership perhaps gave too little attention as to how the campaign might best be concluded. But the riots and their legislative aftermath made it difficult to end the campaign on the Congresses' own terms.
- (2) Treason Trial, p 15790-1.
- (3) The Government had already established the Tomlinson Commission on the Socio-economic development of the reserves, indicating some awareness of the need for a new strategy.
- (4) "Appeal and Directives to Branches, Areas, Groups, Members and Officials", 19 September 1952. For text see Treason Trial, p 1665.
- (5) ibid., p 15789.

interpreted as an achievement, the practical benefit to the population then and subsequently was very limited. Lutuli commented, "among Europeans the Defiance Campaign had some happy political effects. The Liberal Party is very much the child of these times ... the fact that the Party could be formed was a sign that some Europeans were beginning to recognize our plight as something real" (1). Perhaps that is how it seemed in the 1950's to many, but, significantly, the Eastern Cape working committee of the ANC appears to have had a more jaundiced view (2). And whilst the campaign may have stirred the consciences of some whites, other whites may have been persuaded by it to adopt a more extreme political stance (3).

Joe Matthews (4) said amongst Eastern Cape Congress leaders there was a certain impatience during the campaign about the time spent in "cultivating" non-Africans, but whether this was a fair criticism seems doubtful and, for example, the whites who took part in or were very close to the campaign provided significant practical and presentational support, though few in number.

Defiance leaders expended little energy on winning public support abroad. Nevertheless the campaign received publicity and support in a wide range of countries and at the United Nations and was a contributory factor in the isolation of the South African Government abroad.

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- (1) A. Lutuli, Let My People Go, p 125.
 - (2) This may be inferred from the Working Committee's circular letter, dated December 1952, which criticized a newly established "liberal" paper which "so stupidly advocates a return to the Old Cape tradition". For text see From Protest to Challenge (Vol 2), p 491.
 - (3) Which some would see as a beneficial effect, hastening inevitable and decisive confrontation.
 - (4) Interview, 29 January 1970.

The principal positive results of the campaign are in the "internal" sphere - in building up the organization of the Congresses - notably the ANC - and in generating increased support and political consciousness. There is no sense in pretending that by the end of the defiance campaign the ANC had built up an efficient organizational system likely to endure. During the campaign much of the organization was extremely rudimentary. Feit saw organizational weakness as the key factor in support of his contention that the "failures" of the ANC could be explained "in terms other than the odds themselves" (1). Congress itself was not unaware of its organizational shortcomings (2). But it is difficult to see how much more could have been done in the most active areas during the campaign, given the very small number of experienced officials available to give guidance and instruction and the Congresses' general lack of resources. The Congresses were "weekend" organizations run on a shoe string. Arguably, the ANC should have spent more time before launching the campaign fund raising and strengthening its formal organizational network, but the ANC was caught in a vicious circle where, in order to make progress on these fronts, the leadership had first to demonstrate to potential supporters its own commitment and determination. Financial assistance from wealthy South Africans (of whatever race) or from abroad could have been of assistance in building up a cadre of full time officials who in their turn might, for example, have been able to help in consolidating branches which had mushroomed in the Eastern Cape. But even if the funds had been available it is questionable whether it was realistic to contemplate developing a conventional political machine even in 1952, given the Government's increasing propensity for leader "culling". The "M Plan", Mandela's brainchild (3), introduced in 1953, was

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- (1) E. Feit, African Opposition in South Africa: the failure of Passive Resistance, p vii
- (2) See, for example, "Circular Letter to All Congress Branches of the Province" (Cape), op. cit., December 1952.
- (3) Some details are given in Spark for Congress, 13 February 1953.

a response to this problem and presumably partly derived from the experience of the largely autonomous ANC branches which emerged in the Eastern Cape 1952 (1). Too little was done and too late to prepare for the ANC's demise as an overt organization. But the defiance campaign had at least given a large number of people all over the Country experience of organizing defiance and co-ordinating on a district, province and nationwide basis. Even if Congress failed to capitalize on this, partly because so many senior leaders suddenly found themselves banned by 1953 (for which they may have been ill prepared) there was in existence by the end of the defiance campaign, unlike at the beginning, a body of people, some of whom, at least, might be ready to use their experience at some future date, on the ANC's behalf.

The success of the campaign in spurring people to join the Congresses - notably the ANC - and to participate in defiance is noteworthy even if the level of active support subsided fairly rapidly in the later months of the campaign and subsequently. Through public meetings organized by Congress all over the country during the defiance campaign large numbers of people, far in excess of the formal membership, came to identify themselves temporarily, or in the longer term, with

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- (1) The importance, for the future, of the development, of a true grass roots Congress network in the Eastern Cape during the campaign should not be ignored, for all the risks involved it is unfortunate that the development was not more widespread.
- (2) Over 3000 people of all races participated in the campaign, during which the ANC membership rose from under 20,000 to perhaps three or four times that number, some putting the figure in excess of 100,000. (See, for example, M. Benson, The Struggle for a Birthright, p 159.) By December 1953, though, the total (? paid up) membership was given as 28,900, 16,000 coming from the Eastern Cape, Report of the ANC Annual Conference 1953. For text see From Protest to Challenge (Vol 2), p 439. Comparable figures cannot be given for the SAIC which was organized on a different basis but its standing and active support will have grown during the campaign.

Congress and its aspirations (1). Mass meetings played a crucial role in building up popular support and politicizing. Through defiance and mass meetings the ANC confirmed its position as the principal mouthpiece for African grievances and demands. In the process the new, relatively militant, leaders of the ANC (and of the Indian Congresses) enhanced their authority, demonstrating convincingly their popular backing. The Union Government had not faced such a widespread and sustained demonstration of non-white discontent since the heydays of the Industrial and Commercial Workers Union and never before on a multi-racial basis. The campaign provided for the first time a focus through which long standing discontent at the local level could be co-ordinated and channelled into a national protest movement. Even with the suspension of the campaign, in depressing circumstances, the organizational and psychological achievement of the episode remained, passing into Congress mythology. If the campaign brought a heightened awareness of the difficulties of opposing the Government, it also gave participants and Congress supporters a new sense of corporateness and purpose.

The campaign attracted participants and support from all races. There were elements inside Congress of the "Africanist school", who were less than enthusiastic about the Congress alliance, and members of Thema's "Nationalist-minded Bloc" withheld support for the campaign seeing it as Indian and

(1) A. Lutuli, Let My People Go, p 122, commented "In Zeerust ... Sekhukhuniland, on the Reef, in the Free State, and elsewhere, there have (since the campaign) been upsurges of passive resistance ... To our surprise many of these resisters called themselves "Congress" or "ANC". They were not on our books ... but they had caught the Defiance Campaign mood and sometimes its techniques".

communist dominated (1). And the Government made play of Indian participation in the campaign, as a way of belittling it. Nevertheless multi-racial participation in the defiance campaign, whatever complications it brought with it, underlined to non-whites and whites alike the ability of people of different races, cultures and political creeds in South Africa not simply to co-exist but to co-operate with a high degree of harmony and for mutual benefit. If a price had to be paid for the racial, cultural and ideological differences of the defiance leadership and the campaign's participants, it was perhaps reflected in the contrast between defiance in the Eastern Cape and elsewhere in the country, but the circumstances in the Eastern Cape were unique.

In commenting on the use of the tactic of non-violent resistance, Lutuli said "The Defiance Campaign was far too orderly and successful for the Government's liking, and it was growing. The prospect before the white supremacists, if they were going to react to our challenge in a civilized way, was that arrests would continue indefinitely. Behind the thousands already arrested there were more, many more. The challenge of non-violence was more than they could meet. It robbed them of the initiative. On the other hand, violence by Africans would restore this initiative to them - they would then be able to bring out the guns and other techniques of intimidation and present themselves as restorers of order" (2) In this he

(1) Opposition to Congress during the campaign from such groups as Thema's National Minded Bloc, the All African Convention and Bhengu's "Supreme Council for the Federation of Bantu Organizations" did not amount to much. The Indians did have a disproportionate say in decision making at the national level and in the Transvaal and Natal in 1952 but the defiance campaign helped to transform the ANC from the position of titular head of the radical alliance to one where it was clearly the dominant partner. People of the stature of Mandela, Lutuli and Njongwe were, in any event, not open to manipulation.

(2) Let My People Go, p 115.

identified both a potential strength and a very real weakness of the defiance of unjust laws and other campaigns of non-violent resistance mounted in similar circumstances. In a liberal democracy, non-violent defiance of the law or regulations might not be successful but generally the organization against which the resistance is directed will be obliged to act within certain constraints and even decide to negotiate. In South Africa, in 1952, the Government reacted according to its own arbitrary dictates. Neither party to the "dispute" held values in common. There was accordingly no disposition or ground for reaching a "rational" and mutually acceptable solution, regardless of the tactics selected by the Congresses to further their demands.

Non-violent resistance, as with any other tactic, had limitations and Lutuli pinpointed to what is, arguably, its achilles heel. But it could be said if the participants in a non-violent resistance campaign were of sufficient mettle and experience, the use of violence by their opponents should not dissuade them from continuing. However, there was never any intention on the part of the defiance leadership that rank and file participants should be expected to pay the severe penalties, for example, laid down in the Criminal Law Amendment Act. And because the tactic of non-violent resistance did not bring an immediate alleviation in the position of the black population during what was essentially a "preparatory" campaign, it should not be dismissed as having "failed". As Karis and Carter commented, "Whilst the Defiance Campaign never approached the stage of mass resistance that had the dimensions of a general strike ... it transformed the ANC into an embryonic mass movement" (1). The adoption of the tactic of non-violent resistance was central to this achievement. It was a means of opposition well suited to the time and circumstances, thriving

(1) From Protest to Challenge (Vol 2), p 426.

on and attracting widespread participation (1). It also instilled a sense of discipline and dedication and, being eminently "civilised", contrasted strongly with the Government's response. Whilst it might be argued that the very "civilised" nature of the campaign was in one respect a weakness, the Cape ANC working committee noted, towards the end of the defiance campaign, "Congress has exposed the false and shallow doctrine of white supremacy and proved that the white man rules South Africa, not because he is fit to rule but because presently, he holds the monopoly of offensive military and police power. His rule rests not on superior moral strength, discipline or character but upon tanks, stenguns, armoured cars and aeroplanes. That is one important lesson which our people have learnt during the campaign, that the cowardice of fascists who are inclined to be sadists is a result of fear ... The imperialists are no more the "inKosi" but his sten gun, indeed" (2). This statement, despite its inflated language, should not be overlooked in assessing the strategy of resistance used in the defiance campaign or when searching for pointers to a change in that policy.

The Congress alliance was in no position at the end of the defiance campaign to give up its reliance on non-violent tactics and the leadership as a whole, and probably the great mass of their supporters, had no wish to do so (3). But the implacable response of the Government to the campaign may have hastened the germination of the seeds of doubt in the minds, particularly of the younger more radical members of Congress about the future efficacy of overt and non-violent tactics.

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- (1) This could be seen both as a strength and a weakness of non-violent resistance, depending how repressive are the circumstances and popular the campaign.
- (2) From Protest to Challenge (Vol 2), p 490.
- (3) Lutuli, giving his impressions of a meeting he attended in Port Elizabeth in January 1953 commented, "it was made clear to me that the spirit of resistance had by no means abated. The provoking of the riots had, if anything, wedded the Congress more firmly to passive resistance". Let My People Go, p 127.

It will not have escaped their attention that whilst the tactic of non-violent resistance brought substantial internal benefits and some recognition outside South Africa, the months of non-violent defiance of the law appeared to make a less marked impression on the white population as a whole than a few hours of unbridled violence during the riots of October and November 1952.

The conventional wisdom is to take the early 1960's as the watershed in black resistance politics in South Africa but this should not obscure the importance of the events of 1952 which whilst in practice representing the high point in the use of a militant non-violent strategy by Congress also clearly pointed to its practical limitations in securing fundamental change. It took a decade during which the Congresses' adherence to non-violence was put to an increasingly severe test, before they were finally forced into a fundamental change of strategy, but the defiance campaign prepared the ground and may be said, in retrospect, to have brought the Congresses on to the road of covert action and violent resistance.

ANNEX A

*Report of the Joint Planning Council of the African National Congress
and the South African Indian Congress*

To the President-General and Members of the Executive Committee of the African National Congress and the President and Councillors of the South African Indian Congress
WHEREAS the African National Congress, at the meeting of its National Executive, held on 17th June, 1951, decided to invite all other National Executives of the National Organizations of the non-European people of South Africa to a Conference to place before them a programme of direct action, and WHEREAS a Joint Conference of the National Executives of the African National Congress and the South African Indian Congress and the Representatives of the Franchise Action Council (Cape) met at Johannesburg on the 29th July, 1951; and WHEREAS it was resolved at the aforesaid Conference (1) to declare war on Pass Laws and Stock Limitation, the Group Areas Act, and the Voters' Representation Act, the Suppression of Communism Act, and the Bantu Authorities Act, (2) to embark upon an immediate mass campaign for the repeal of these oppressive laws; and (3) to establish a Joint Planning Council to co-ordinate the efforts of the National Organizations of the African, Indian and Coloured people in this mass campaign
NOW THEREFORE, the Joint Planning Council, as constituted by the foregoing resolution, have the honour to report to the African National Congress and the South African Indian Congress as follows:

1 We the undersigned, were constituted into a Joint Planning Council in terms of the resolution adopted at the

Joint Conference of the executives of the African National Congress and the South African Indian Congress and the representatives of the Franchise Action Council of the Cape, held at Johannesburg on the 29th July, 1951. Dr J S Moroka, the President-General of the African National Congress, was elected as the Chairman and of the four remaining members of the Council, two each were nominated by the Executive Organs of the African National Congress and the South African Indian Congress

2. We are, in terms of the resolution mentioned above, charged with the task of coordinating the efforts of the National Organizations of the African, Indian and the Coloured people in a mass campaign agreed upon at the Joint Conference for the repeal of the Pass Laws, the Group Areas Act, the Voters' Representation Act, the Suppression of Communism Act, the Bantu Authorities Act and for the withdrawal of the policy of stock limitation and the so-called rehabilitation scheme

3. Having given due and serious attention to the task before us, we have great pleasure in recommending the following plan of action to the African National Congress and the South African Indian Congress for consideration and decision at their forthcoming Annual Conference.

4. The African National Congress in Conference assembled at Bloemfontein on the 15th-17th December, 1951, should call upon the Government to repeal the aforementioned Acts by NOT LATER THAN 29TH FEBRUARY 1952. This call to be supported by the Conference of the South African Indian Congress and by all other democratic organizations which find themselves in full agreement with it.

5. In the event of the Government failing to take action for the repeal of these Acts which cannot be tolerated by the people any longer, the two Congresses will embark upon mass action for a redress of the just and legitimate grievances of the majority of the South African people. It is our considered opinion that such mass action should commence on the 6th

4th 1952 the Van Riebeeck Tercentenary. We consider this date to be most appropriate for the commencement of the struggle as it marks one of the greatest turning points in South African history by the advent of European settlers in the country followed by colonial and imperialist exploitation which has degraded, humiliated and kept in bondage the vast masses of the non-white people. Or alternatively, on 26th June, 1952. We consider this date equally as significant as April the 6th for the commencement of the struggle as it also ranks as one of the greatest turning points in South African history. On this day we commemorate the National Day of Protest held on 26th June, 1950, the date on which on the call of the President-General of the African National Congress, Dr J. S. Moroka this country witnessed the greatest demonstration of fraternal solidarity and unity of purpose on the part of all sections of the non-European people in the national protest against unjust laws. The 26th June was one of the first steps towards freedom. It is an historical duty that on this day we should pay tribute to the fighting spirit, social responsibility and political understanding of our people, remember the brave sacrifices of the people and pay our homage to all those who had given their very lives in the struggle for freedom. Although we have suggested two alternative dates, the Joint Planning Council strongly favours the earlier date as it considers that three clear calendar months would give the people ample time to set the machinery of struggle into action.

6. With regard to the form of struggle best suited to our conditions we have been constrained to bear in mind the political and economic set-up of our country, the relationship of the rural to the urban population, the development of the trade union movement with particular reference to the disabilities and state of organization of the non-white workers, the economic status of the various sections of the non-white people and the level of organization of the National Liberation movements. We are therefore of the opinion that in these given historical conditions the forms of struggle for obtaining the

repeal of unjust laws which should be considered as (a) defiance of unjust laws and (b) industrial action.

7 In dealing with the two forms of struggle mentioned in paragraph 6, we feel it necessary to reiterate the following fundamental principle which is the kernel of our struggle for freedom. We believe that without the realization of this principle race hatred and bitterness cannot be eliminated and the overwhelming majority of the people cannot find a firm foundation for progress and happiness. It is to be noted, however, that the present campaign of defiance of unjust laws is only directed for the purposes of securing the repeal of those unjust laws mentioned in the resolution of the Joint Conference.

ALL PEOPLE, IRRESPECTIVE OF THE NATIONAL GROUPS THEY MAY BELONG TO AND IRRESPECTIVE OF THE COLOUR OF THEIR SKIN, ARE ENTITLED TO LIVE A FULL AND FREE LIFE ON THE BASIS OF THE FULLEST EQUALITY. FULL DEMOCRATIC RIGHTS WITH A DIRECT SAY IN THE AFFAIRS OF THE GOVERNMENT ARE THE INALIENABLE RIGHTS OF EVERY MAN - A RIGHT WHICH IN SOUTH AFRICA MUST BE REALIZED NOW IF THE COUNTRY IS TO BE SAVED FROM SOCIAL CHAOS AND TYRANNY AND FROM THE EVILS ARISING OUT OF THE EXISTING DENIAL OF FRANCHISE TO VAST MASSES OF THE POPULATION ON GROUNDS OF RACE AND COLOUR. THE STRUGGLE WHICH THE NATIONAL ORGANIZATIONS OF THE NON-EUROPEAN PEOPLE ARE CONDUCTING IS NOT DIRECTED AGAINST ANY RACE OR NATIONAL GROUP, BUT AGAINST THE UNJUST LAWS WHICH KEEP IN PERPETUAL SUBJECTION AND MISERY VAST SECTIONS OF THE POPULATION. IT IS FOR THE CREATION OF CONDITIONS WHICH WILL RESTORE HUMAN DIGNITY, EQUALITY AND FREEDOM TO EVERY SOUTH AFRICAN.

8 *Plan of Action*. We recommend that the struggle for securing the repeal of unjust laws be *DEFIANCE OF UNJUST LAWS based on Non-co-operation*. Defiance of unjust laws should take the form of committing breaches of certain selected laws and regulations which are undemocratic, unjust, racially discriminatory and repugnant to the natural rights of man. Defiance of Unjust laws should be planned into three stages -

although the timing would to a large extent depend on the progress, development and the outcome of the previous stage

Three stages of Defiance of Unjust Laws (a) *First Stage* Commencement of the struggle by calling upon the selected and trained persons to go into action in the big centres, e.g. Johannesburg, Cape Town, Bloemfontein, Port Elizabeth and Durban (b) *Second Stage* Number of volunteer corps to be increased as well as the number of centres of operation (c) *Third Stage* This is the stage of mass action during which, as far as possible, the struggle should broaden out on a country-wide scale and assume a general mass character For its success preparations on a mass scale to cover the people both in the urban and rural areas would be necessary

9 *Joint Planning Council* In order to prosecute and put into effect the plan of Defiance of Unjust Laws and in order to co-ordinate the efforts of the various national groups as well as of the various centres both urban and rural, it will be necessary for the Planning Council from time to time to make recommendations to the Executive Committee of the National Organization which will jointly conduct, prosecute, direct and co-ordinate the campaign of defiance of unjust laws as agreed upon by the Conference of the African National Congress and supported by the Conference of the South African Indian Congress. The Council must be empowered —(a) to co-opt members of the Council and fill vacancies with the approval of the Executive organs of the African National Congress and the South African Indian Congress, (b) to invite representatives from non-European organizations which are in full agreement with, and active participants in, the campaign, to serve as non-voting members of the Council, (c) to frame rules and regulations for the guidance of the campaign, for approval by the non-Europeans, (d) to set up provincial regional and/or local councils within the framework of the existing organization (e) to issue instructions for the organization of volunteer corps and frame the necessary code of discipline for these volunteers

10 THE JOINT EXECUTIVES shall establish Provincial, Regional or where possible Local Councils, which will have the primary task of organizing and enrolling volunteers into volunteer corps on the following lines (a) A leader to be in charge of each volunteer corps for maintenance of order and discipline in terms of the 'code of discipline' and for leading the corps into action when called upon to do so, (b) Corps to consist of members of both sexes, (c) The colours of the African National Congress - black, green and gold - shall be the emblem of the Volunteer Corps, (d) Each unit of the Volunteer Corps shall consist of members of the organization to which they belong i.e. A N C, S A I C and F A C The Coloured Organizations in the provinces of Natal, O F S and the Transvaal participating in the campaign with the approval of the Joint Planning and Directing Council shall also be allowed to form units of the Volunteer Corps, (e) In certain cases, where a law or regulation to be defied applies commonly to all groups, a mixed unit may be allowed to be formed of members of various organizations participating in the campaign

11 *Laws to be Tackled* In recommending laws and regulations which should be tackled we have borne in mind the Laws which were most obnoxious and which are capable of being defied

The African National Congress In so far as the African National Congress is concerned, the laws which stand out for attack are naturally the Pass Laws, and Regulations relating to Stock limitation.

Method of Struggle on the Pass Laws (a) A Unit of Volunteer Corps should be called upon to defy a certain aspect of the pass law, e.g. enter a Location without a permit. The Unit chosen goes into action on the appointed day, enters the location and holds a meeting. If confronted by the authorities the leader and all the members of the Unit court arrest and bear the penalty of imprisonment. (b) Selected leaders to declare that they will not carry any form of passes including the Exemption Pass and thus be prepared to bear the penalty of the law.

Other forms of struggle on the Part Laws can also be undertaken depending on the conditions in the different areas throughout the country.

2nd Area - Whilst the Volunteers go into action on the Part Laws in the Urban Areas, the people in the rural areas should be mobilized to resist the culling of the cattle and stock limitation. (a) Stock Limitation - People in the rural areas to be asked not to co-operate with the authorities in any way in culling cattle or limiting livestock. (c) Meetings and demonstrations to be held. (e) Regional Conferences - Such conferences in the rural areas should be called to discuss the problems of the people and to decide on the most suitable form of Defiance of Unjust Laws in the area.

The South African Indian Congress - In so far as appropriate action by the South African Indian Congress is concerned, the conditions and effects of the laws vary in the three provinces, but we submit the following for the consideration of the South African Indian Congress: (a) Provincial Barriers, (b) Apartheid Laws such as train post office railway stations etc. (c) Group Areas Act - if and when possible.

The Federation of South African Councils - (a) General Apartheid segregation in post offices railway stations trains etc. (c) Group Areas Act - if and when possible. Both (a) and (c) will apply to the Coloured people in the other provinces as well. In the Cape a strong possibility exists of having mixed units rather than having separate national organization units.

12 The Population Registration Act - During the conduct of the campaign it should not be forgotten that the Government is preparing the machinery for the enforcement of the Population Registration Act. This Act is repugnant to all sections of the people and the campaign must pay particular attention to the preparing of the volunteers and instructing the masses of the people to resist the enforcement of this Act. The campaign on this Act may well take the struggle from stage one and two into stage three of mass actions.

13 We cannot fail to recognize that industrial action is,

that an inspired National Pledge should be issued which could be read out at public, factory and group meetings and repeated by all those present. A special day - e.g. April 6th - should be set aside so that special meetings are called everywhere, in towns, villages and hamlets, in factories and locations, and special church services be held on this day while the National Pledge could be publicly read out. This day or any other day which the Conference of the African National Congress sets aside for the purpose should be called '*The National Day of Pledge and Prayer*'

(Sgd) J S MOROKA (*Chairman*).

Y. M. DADOO, Y. CAGHALIA (*Representatives of the South African Indian Congress*)

J B MARKS, W M SISULU (*Representatives of the African National Congress*).

Thaba'Nchu, November 8th, 1951.

ANNEX B

DEFIANCE CAMPAIGN: TYPICAL COURT SENTENCES: By Locality

	<u>OFFENCE</u>				<u>Approx date of sentence</u>	<u>SENTENCE</u>
	<u>Apartheid Regs</u>	<u>Curfew</u>	<u>Location permit</u>	<u>Other</u>		
<u>EASTERN CAPE</u>						
Port Elizabeth	Railway Regs				10 July	£6 or 30 days. Leaders £10 or 2 months ($\frac{1}{2}$ suspended)
	Post Office Regs				11 July	Freed no actual offence
	Railway Regs				Early Aug	£8 or 40 days ($\frac{1}{2}$ susp.) to £12 or 60 days. Leaders from £10 or 50 days to £15 or 80 days.
	Railway Regs				Mtd Aug	£10 or 60 days (rank and file). Youths Lashes.
	Railway Regs				4 Sept	£12 or 60 days. Young females cautioned and discharged.
	Railway Regs				12 Sept	£15 or 90 days
East London		✓		+ no service contract	21 July	£1 or 10 days + 10/- or 5 days. no service contract
		✓		+ loitering/ public nuisance	28 July	from £1 or 10 days to £2 or 20 days + £1 or 10 days on second count
		✓		+ no service contract	late Oct	£3 or 1 month + £1 or 10 days no service contract + £1 or 10 days no tax receipts
Uitenhague		✓		+ disturbing peace	2 Oct	£2 or 28 days + £2 or 28 days on second count
Peddie		✓			13 Oct	£2 or 30 days

	<u>OFFENCE</u>				<u>Approx date of sentence</u>	<u>SENTENCE</u>
	<u>Apartheid Regs</u>	<u>Curfew</u>	<u>Location permit</u>	<u>Other</u>		
Grahamstown		✓			10 Aug	from £1 or 20 days to £2 or 30 days. Youths. Lashes
Fort Beaufort		✓		+ refusing to give names	7 Sept 14 Oct	£2 or 21 days £12 or 90 days
Queenstown		✓				£2 or 30 days
Kirkwood		✓				£5 or 30 days
King-Williamstown		✓			late Aug 10 Nov	10/- or 7 days £2 or 27 days
Port Alfred		✓			Early Sept	£2 or 30 days
Adelaide					November	£2 or 21 days
Craddock					18 Nov	£2 or 30 days
Alice		✓		+ nuisance + no names	10 Sept	£13 or 94 days; women £10 or 74 days, Youths Lashes
Jansenville		✓			late Sept	30/- or 21 days

	<u>OFFENCE</u>				<u>Approx date of sentence</u>	<u>SENTENCE</u>
	<u>Apartheid Regs</u>	<u>Curfew</u>	<u>Location permit</u>	<u>Other</u>		
<u>TRANSVAAL</u>						
Johannesburg	Railway Regs	✓		+ no pass book	mid Aug	£10 or 2 months + £1 or 10 days no pass £2 or 20 days
Germiston		✓	✓		26 Aug 28 Nov	£2 or 14 days £2 or 14 days
Boksburg		✓	✓		Late July 11 Sept	£1 or 7 days £2 or 30 days
Brakpan		✓			October	£1 or 10 days Youths Lashes
Pretoria	Railway Regs			+ no pass	5 Aug	£5 or 14 days Leaders £10 or 30 days + £1 or 4 days no passes
	Railway Regs	✓		+ no pass	September 27 Nov	from £2 or 30 days to £5 or 20 days £10 or 60 days + 10/- or 1 week no pass
Vereeniging			✓		30 Oct	£2 or 20 days
Springs		✓			22 Aug	5/- or 4 days
		✓			Early Sept	5/- or 4 days
Krugerdsorp			✓		Late Aug	fine or 27 days

	<u>OFFENCE</u>				<u>Approx date of sentence</u>	<u>SENTENCE</u>
	<u>Apartheid Regs</u>	<u>Curfew</u>	<u>Location permit</u>	<u>Other</u>		
Roodepoort			✓		26 Aug	fine or 30 days
Benoni		✓	✓	+ passes	Late Aug Early Oct	fine or 7 days £5 or 30 days + £1 or 7 days no night passes + 10/- or 7 days no valid documents
Bethal				illegal procession		n.a.
Witbank		✓				£1 or 14 days
<u>WESTERN CAPE</u>						
Cape Town	Railway Regs Railway Regs				September November	£15 or 90 days, later quashed £15 or 90 days
Worcester	Railway Regs Railway Regs				Late July 26 Aug	£5 or 20 days £8 or 30 days Youth Lashes
Stellenbosch				illegal procession	September	£5 or 30 days
Kimberley		✓				n.a.
Mafeking		✓			October	cautioned and discharged

	<u>OFFENCE</u>				<u>Approx date of sentence</u>	<u>SENTENCE</u>
	<u>Apartheid Regs</u>	<u>Curfew</u>	<u>Location permit</u>	<u>Other</u>		
<u>Paarl</u>				✓	n.a.	
<u>Ceres</u>	Post Office Regs			+ illegal procession + no location permit	September	£10 or 60 days (leader 90 days + threat of deportation) + for some £5 or 1 month or £5 or 30 days on 2nd and 3rd counts
<u>NATAL</u>						
<u>Durban</u>	Railway Regs	✓			Early Sept October October	£7/10/- or 30 days 2/5d or 4 days £5 - £7/10/- or 30 days
<u>OF'S</u>						
<u>Bloemfontein</u>	Railway Regs	✓			23 September Late Sept	£5 or 30 days £1 or 10 days

Organized non-violent rejection of the law
for political ends An assessment of
the experience of Blacks in South Africa

The Campaigns which form the subject of this study reveal a coherent pattern which permits the drawing of some general conclusions about the achievements of organized non-violent rejection of the law in South Africa between 1906 and 1960.

The points in common are manifold. The Campaigns took place against a background of deteriorating circumstances, social political and economic, for the race groups principally involved. Each was directed against racially discriminatory legislation and practices in general, but focused on particular items of legislation, usually newly passed, which were subject to deliberate violation by acts of organized non-violent resistance. And each had other, arguably more important, ends, of which the most important was to politicise and organize blacks in South Africa with the aim of building up a momentum of opposition to the racial policies of successive governments in the hope that it would eventually develop sufficient strength to bring about the fundamental changes sought by the participants of all three Campaigns. The leaders of the Campaigns adopted similar forms of non-violent resistance, encouraged mass participation and each placed heavy reliance on ad hoc arrangements for mobilizing support and generally conducting operations. The end results were not dissimilar.

As a means of securing the repeal of particular, racially discriminatory, laws or of winning a general improvement in the treatment of blacks in South Africa the Campaigns were almost totally unsuccessful, though Gandhi was able to exercise some influence on the form of the Immigration Act finally passed by the Union Parliament in 1913 (1) and his agreement in

1914 with Smuts which resulted in the passage of the Indians' Relief Act brought a few "concessions", of more presentational than immediate practical benefit (1). The Campaigns were not a significant deterrent, if a deterrent at all, to the imposition of further legislation restricting the freedom of blacks. The limited rights some had had in the early 1900's were steadily eroded, to the point of extinction, during the period spanned by the non-violent resistance Campaigns. There is little evidence even to support the contention that the Campaigns, to any significant degree, caused governments to hesitate or delay before introducing new racially restrictive legislation.

White intolerance of the black population strengthened rather than moderated as a result of the Campaigns. On occasions, the Campaigns provoked anxiety amongst the whites, but their position was never sufficiently threatened to persuade them of the need to make concessions to black demands. Instead, the Campaigns were the occasion for calls for the adoption of extreme counter-measures to "safeguard" the future of the white population, popular emotion being excited by National Party and other political groups for their own electoral ends. The immediate result in the period 1906 - 1960 was the imposition by successive governments of increasingly tough counter-measures against black political activists, leaving the black population little option but to respond in an equally uncompromising manner or face subjection. The intransigent response of the white population to the campaigns of non-violent resistance may thus have served to bring nearer the time of a decisive confrontation in South Africa.

During each of the non-violent resistance Campaigns there was a small element in the white population which was detached from the main body of opinion and which expressed

(1) p 94

varying degrees of support for the aims of the Campaigns. But there was not a progression in which the size of the detached element grew, proportionate to the white population as a whole the number of active sympathisers was probably little higher in 1952 than in 1914, though in the period 1945-1960 the proportion espousing "liberal" policies may have risen, partly as a response to mounting black unrest.

Abroad, the Campaigns gave lie to the claims of successive South African governments to enjoy the backing of the black population. They attracted fairly widespread attention and, in the period 1945-1960, contributed to the decline in South Africa's international standing. South African Indian political leaders were particularly intent on bringing pressure to bear on South African governments by enlisting the support of other governments, notably that of India. The influence of the Indian Government had a limited impact on the South African Government between 1906-1914 (1) but, for example, the debates at the United Nations in 1946 and 1947 about the treatment of Indians in South Africa, which had been occasioned by the Indian Government, in liaison with leaders of the passive resistance campaign, did not result in any amelioration of the conditions under which South African Indians lived and if Smuts had won the 1948 general election there is no basis for supposing he would have taken early action to improve their lot. However, the campaigns of 1946 and 1952 played a part in the gradual build up of international pressure for change in South Africa which may one day be decisive (2).

But the principal achievements lay in other directions. The Campaigns resulted in the transformation of the black political organizations principally concerned from elitist

(1) pp 23, 53, 69, 74, 93, 99

R (2) See ~~A.~~ W. Johnson, How Long will South Africa Survive?

discussion groups into populist bodies with relatively militant programmes of action and they presented unparalleled opportunities for people to demonstrate in an organized and meaningful way their rejection of the political economic and social structures imposed on them by successive governments. Factors such as political experience and belief, educational and social status and race did not affect an individual's ability to participate (1). The Campaigns, which form the subject of the study, all won mass-support and from a wide spectrum of the population, though, in general, the number who took part in acts of resistance constituted only a small percentage of the race groups principally involved (2). The achievement of mass involvement was significant for a variety of reasons. Thousands of people, as a result of each of the campaigns, were made politically aware for the first time and many gained political experience through participating in acts of resistance or helping to organize the campaigns. The potential multiplier effect was incalculable. Although the campaigns were fairly short-lived, many participants and supporters joined the Congress organizations, which greatly expanded during periods of resistance. Whilst many members did not play an active part in the Congresses for very long, if at all, others remained committed members. Not only did the Campaigns significantly contribute to peoples' awareness, both of domestic and international issues and give them first hand experience of political activity but they served to boost morale. They demonstrated to the individual participant or supporter that he was a member of a popular broad based movement, drawing

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- (1) It should, however, be admitted that Gandhi did not encourage African participation in his campaigns.
- (2) In 1907 the Transvaal Indian population, en masse, refused to co-operate in the imposition of the Asiatic Law Amendment Act, p 49, but this did not involve the majority in "positive" acts of resistance.

support from all parts of the country and from abroad, whose interests were essentially his own, and gave him the means of challenging the government which he was otherwise unable to do. The experience of resistance and imprisonment contributed to the sense of achievement. The element of sacrifice involved helped to ensure that the campaigns won a place in the mythology of black nationalism in South Africa.

The scale of involvement and the fair degree of success in sustaining resistance over some months, in difficult circumstances, demonstrated the capacity of the various elements of the black population to co-operate and to organize themselves. Whilst this had obvious tactical importance in challenging the government it also served to undermine myths put about by the whites, in support of their racial policies, suggesting that there was an essential incompatibility between the different racial groups in the country whose interests were thus best safeguarded by a system of separation.

To distinguish the non-violent phase of black nationalism in South Africa from that which succeeded it after Sharpeville by representing the former as being associated with "middle-class" leadership and "middle-class" values and the latter with populist revolutionary leaders and ideals has evident tactical merit in distancing the current phase from the "failures" of the past but it is of questionable justification.

Non-violent resistance, as practised in the Campaigns which form the basis of the study, was not associated with a single class or stratum of society, nor did it reflect the values of a particular ("middle-class") group. It was one of the foremost achievements of the Campaigns that they brought together people of all "classes" and a wide range of political persuasions. The background of many of the National leaders in the Campaigns could be said to be "bourgeois" and "middle-class" (insofar as those terms are relevant to blacks in South Africa) and the majority of them and their supporters would not, ^{in all probability,} at least at the time, have favoured ^{as an ideal,} the transformation of South

Africa into, for example, what might be called a "revolutionary, marxist-orientated state". And as people actively engaged in campaigns of resistance they generally showed themselves more concerned with ~~making progress in~~ ^{the immediate task of} securing the dismantling of the existing racially biased politico-economic system. Their commitment to that end is not to be devalued by their background, by their "unrevolutionary" image or by their reliance on non-violent means.

If Blacks in South Africa had had the opportunity in the years prior to 1960 to mount a substantial campaign of organized political violence in response to the repressive policies of successive Governments, yet had balked at the idea in favour of sole reliance on "passive" resistance there would be some grounds for interpreting the period as one where commitment to radical change was at most equivocal, being compromised by essentially bourgeois interests. But it was not so. The development post-Sharpeville in favour of violent tactics gave the Nationalist movement, as represented by the Congresses, a more revolutionary, and, arguably "committed", image but whether it was warranted or amounted to much in practice is another matter (1).

Participants in the Campaigns were divided in their approach to non-violent resistance but the moral courage required to engage in such activities was the same whatever the nature of the commitment. It would be a fundamental misconception to see the non-violent resistance campaigns which form the subject of this study as offering a "soft" option in political opposition, a criticism more properly levelled in the circumstances at reliance on petitions, deputations and comparable forms of "passive resistance".

(1) The assessment of Richard Johnson is instructive, How Long will South Africa Survive? pp 20 ff.

Broadly, the resisters divided into two groups in their attitude to non-violence the "opportunists" and the "Satyagrahis". The former comprised the overwhelming majority in each of the Campaigns. Their "opportunism" should not be misunderstood, in general the attachment to non-violence was substantial and involved a moral commitment. The tactic was implicitly accepted as being appropriate to the circumstances. If, in some, at the time unforeseen, way the circumstances were fundamentally to change the "opportunists" could be expected to modify their views, but the tradition of non-violent opposition was such as not to be easily supplanted.

The "Satyagrahis", who under Gandhi's influence, regarded the practice of non-violent resistance as central to their way of life, exercised substantial influence as a group only in the Campaign of 1906-1914. Their belief that the means - non-violent resistance - represented an end in itself gave the campaign a distinctive dogged (and to some "irrational") character. The commitment of the Satyagrahis to sacrifice was no less than that of the equally select band who have subsequently engaged in organized armed resistance for political ends in South Africa.

In conventional terms the organization of the campaigns was often makeshift and has been the subject of much criticism. William Miller, for example, in arguing that "a candid assessment cannot absolve the ANC itself a share of blame for its defeat (in the 1950's)" drew attention to its "weak and cumbersome organizational structure ... (its) virtual absence of any full-time professional staff and insufficient finances" (1). Feit voiced similar conclusions (2) and the ANC itself was not

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- (1) W. R. Miller, "Non-violence A Christian Interpretation, Civilian Resistance as a National Defence, pp 282-3.
 (2) pp 238, 328

unaware of its organizational shortcomings (1). But some cognisance has to be taken of the circumstances in which the Campaigns took place. The leaders of the Campaigns did not have the resources at their disposal enabling them to prepare for and conduct a campaign in the manner of a prosperous political party in a western democracy and there was never any prospect they would have, however popular and skilful they were. In almost every respect they were operating in a hostile and deteriorating environment where there could be no possibility of a campaign being "adequately prepared" in the sense that Ebert (2) suggested was necessary for the "successful" use of non-violent resistance (3). Before and during each of the Campaigns there were people who counselled against resistance on the basis that the planning and organization was inadequate but if their advice had been heeded the record of non-violent resistance in South Africa would have been immeasurably weakened. It may be recalled that the Programme of Action specifically provided for the development of mass support (and implicitly the organizational framework necessary to marshall it) by means of "civil disobedience" and other forms of political activity. In the circumstances, there was no other way to proceed. There were evident risks in adopting such a course of action and more could have been done to repair organizational weaknesses. But such deficiencies as there were should be taken in context and were not of

(1) See, for example, "Circular Letter to all Congress Branches of the Province". Review of 1952 by the Working Committee of the ANC (Cape). December 1952. From Protest to Challenge (Vol 2), pp 489-494

(2) p 9.

(3) Particularly in run up to the Campaigns of 1946-8 and 1952, the government would probably have taken decisive pre-emptive action if the preparations for the Campaigns had been really substantial, there was thus some tactical merit in proceeding through ad hoc arrangements.

pre-eminent importance nationally to the outcome and impact of the Campaigns (1), nor were they always as pronounced as might seem to be the case on a superficial examination

Arguably, it is not so much the organizational weaknesses of the Campaigns which should be the subject of comment but the skill of the leaders in exploiting opportunities, as they occurred, to develop support for the Campaigns and thus, hopefully, enhance their impact. In particular, the leaders successfully built up networks of informal contacts in parallel with and in part as a substitute for more "conventional" channels (2) and succeeded in achieving a considerable degree of co-ordination over long distances and between participants of widely differing backgrounds and outlook. If the campaigns had been generally ill-organized and poorly led it seems unlikely that so many people would have been prepared to put their livelihood in jeopardy by participating, even if they strongly supported the aims of the Campaigns (3), or that the resisters would have so consistently conducted themselves in a disciplined, non-violent manner (4).

Amongst the leadership of the Campaigns were most of the foremost black political activists of the period from the beginning of the Century until 1960 and, indeed, subsequently, and the campaigns played a major role in providing a platform from which they could establish and enhance their status as leaders of popular opinion. They shared a common belief that South

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- (1) Organizational weaknesses had a more serious impact in between rather than during the campaigns
 - (2) With the benefit of hindsight, it could be argued that congress leaders in the 1950's should have paid more attention to building up localised networks in which informal links would have been vitally important.
 - (3) This is partly borne out by the failure of the campaign in the mid-1950's against the Bantu Education Act.
 - (4) Outbreaks of violence did occur in 1913 amongst Indian workers in Natal but they did not belong to the mainstream of the Campaign. p 85

Africa should be governed according to democratic principles and that racially based social, economic and political systems designed to maintain white supremacy should be abolished, but the leaders were very diverse in other respects. This does not appear seriously to have impaired co-operation between them during Campaigns. Whatever loss of efficiency or clarity of purpose there may have been as a result of the disparate nature of the leadership was outweighed by the advantage of being broadly representative of Indian and African opinion and, hence, likely to appeal to a wide spectrum of the population, providing a suitable focus could be found to attract their attention. Most of the leaders had had little or no direct experience of large-scale sustained political activity at the outset of the campaigns and this may in part account for the occasional lack of surety of purpose, apparent, for example, in their handling of the passive resistance campaign from the end of 1946, after the passage of the United Nations resolution on the treatment of Indians in South Africa (1). And with greater experience the leadership might have taken more risks, such as Gandhi did in 1914 and the Eastern Cape leaders in 1952, in acquiescing in or actively encouraging spontaneous expansion of the Campaigns or movements associated with them as a means of undermining the morale and confidence of the Government and its supporters.

The leaders had few precedents on which to base their decisions and each step constituted an experiment. For a combination of reasons, including the lengthy gaps between Campaigns, the failure to sustain political activity in the intervening years and, notably in the 1950's, government harrassment and imprisonment of political activists, the lessons of those experiments were not always available to participants in subsequent Campaigns.

The problem of maintaining a momentum of popular political activity in opposition to government policies

when such opposition was the subject of increasingly harsh penalties and when constitutional means of redress were not available to the mass of the population was to some extent resolved for the duration of the Campaigns, but they

could not be indefinitely extended and at the same time hope to make more than a very limited impact either on the government or the black population. The Campaigns acted as a powerful boost to regular political activity but they could not be expected to substitute for such activity and, given the unfavourable political climate in South Africa,

could only be mounted fairly infrequently if they were to have a real prospect of winning popular backing and involvement, particularly where the preceding campaigns had failed to secure any improvement in the conditions of the participants.

The achievements and failures of the Campaigns in the period from 1906-1960 point to the potential and the limitations of non-violent resistance as a means of challenging long established, powerful and undemocratic governments which are intent on maintaining and developing their existing policies. In some respects the circumstances facing the leaders of the South African Campaigns could scarcely have been less promising since, for example, they had few resources at their disposal with which to mount a campaign and were subject to harrassment from the government and local administrations from the outset, but, in others, the position could have been much more difficult. Rank and file resisters might have received far more severe sentences (1), their leaders could have been detained before the Campaigns had even begun and new leaders arrested as they emerged. Their organizations might have been banned and publicity denied them. Such measures applied increasingly after 1952 but not, generally, before

(1) A notable exception concerns the deportation of resisters to India and China in 1909 (p 64), sentences which could scarcely have been more draconian.

that If they had been, the Campaigns would not have achieved what they did.

The ability of the leaders to operate openly was vital to the success of the Campaigns. By their very nature the tactics of non-violence could not be used other than overtly if they were to make any impact and the leaders could not mobilize mass support for the Campaigns and, as an extension, for the parent Congresses, except openly and in public, though initial arrangements and certain tactical decisions could have been taken covertly. Mass meetings played a central role in publicising the Campaigns, in associating people with them, and in keeping them informed of progress.

Whilst it remained possible to oppose the government, in any meaningful sense, through popular overt action, tactics of non-violent resistance offered a uniquely flexible and potentially powerful means of doing so. The tactics employed in the campaigns, ranging from petitions to a mass-strike, provided the means of bringing together individuals of diverse backgrounds who shared little in common except the desire, variously articulated, to bring about a reversal of the successive governments' policies of racial discrimination. By jointly participating in programmes of non-violent resistance the participants offered a credible challenge to government policies, at the same time boosting their morale and contributing to their political and sometimes organizational experience, achievements which were of potentially lasting significance. In conducting the Campaigns the leaders could respond to changing circumstances by resorting to the many different forms that non-violent rejection of the law could take. Tactics could be adjusted to provide for resistance by tens or by thousands and in widely varying circumstances.

It may be asked why, with such a versatile tactic at their disposal and with popular backing for the cause which they espoused, did the leaders of the Campaigns have so little success in effecting changes in government policies.

The answer does not lie to any significant degree, with the strategies they adopted in pursuing the Campaigns of non-violent resistance. If, for example, in 1952, leaders of the defiance campaign in the Eastern Cape had attempted to organize a sustained stoppage of work, it is unlikely it could have been maintained for more than a few days, achieving temporary publicity at the expense of many peoples' jobs and possibly their goodwill. Whilst there was the prospect that "dramatic" gestures, such as the calling of a national strike, could have snowballed into a decisive confrontation in which the government was forced to make concessions, the chances of success were very small. South African governments may have generally felt constrained from using armed force against non-violent resisters, but if they had perceived a sufficient threat to their interests they would not have hesitated to employ violent counter measures.

The spectacle of suffering was notably unsuccessful in winning over white opinion.

Whilst it is conceivable if thousands of people had been prepared to adopt the more extreme sacrifices advocated by Gandhi and his fellow satyagrahis white sympathies might have been excited and world opinion sufficiently incensed to persuade Governments to exert pressure on South Africa to moderate its policies, the odds are heavily against such an outcome. In any event it was not a realistic scenario.

The tactics of non-violent resistance have certain limitations which became apparent during the Campaigns and which had some bearing on their course. It was not, for example, always an easy task to find ways of focusing resistance on the laws which caused the greatest offence to Indian and African opinion. During the 1946-8 passive resistance campaign the Government consistently refused to prosecute resisters under the law which they set out to violate, namely the Asiatic Land Tenure Act, and on occasions governments chose to ignore resisters entirely. Both these responses were liable to have an effect on morale and on the momentum of a campaign. Non-violent resistance, in its principal forms makes heavy

organizational demands, particularly in circumstances such as existed in South Africa where, in general, if non-violent resistance was to have any serious chance of making an impact on the government and also on the black population, it required sizeable, if not mass, participation and this had to be sustained over months rather than weeks or days. Moreover, a high degree of discipline was required if the Campaigns were to remain non-violent, but this was very difficult to achieve when large numbers of politically inexperienced people were involved and when it was easy, because of the open nature of the Campaigns, to infiltrate agents provocateurs to incite resisters to violence. Outbreaks of violence, whether on the part of resisters, or, as happened during the defiance campaign, simultaneous with and at close quarters to the Campaign itself, could have a serious effect on peoples' will to resist as well as providing the government with a pretext for taking draconian measures against non-violent resisters, alleging that they were responsible for the unrest.

However effectively the leadership deployed their resources they could not in the time available overcome the principal disability they faced, namely an overwhelming imbalance of coercive power vis a vis the Government of the day. This was of crucial importance in opposing governments which showed themselves to be unmoved by considerations of conscience and equity and which were generally not disposed to reach an accommodation with their opponents. If the two parties had shared values in common and the matters at issue had been limited the disparity in realisable coercive force between them would not have been so significant. The prospects for the resisters might also have been very different if they had engaged an occupying power and particularly if it was under pressure from other quarters. Such factors help to explain why the practice of non-violent resistance in wartime Europe, pre-Independence India and the United States apparently made a material contribution to campaigns for human and political rights, whereas in South Africa, after many years of resistance activity, few

if any concessions had been won, whatever the internal gains for black political consciousness and organization. In India, for example, where the history of non-violent resistance under Gandhi, is very chequered, the most famous of the "satyagraha" campaigns, which took as its target the Salt Acts, resulted after a nation-wide campaign, in an Agreement between the Viceroy of India and Gandhi which made substantial concessions to Indian opinion (1). Moreover, the British Government had already agreed two years before that India would eventually be granted Dominion status and that a conference should be convened to hear the views of the various interested parties. Thus, although the struggle for Indian independence was far from easy Gandhi and Congress were able to wring increasingly substantial concessions from the Government, whose will and power to stem the tide progressively diminished particularly as the metropolitan power itself came under threat during the second World War. Non-violent resistance contributed to the undermining of the Occupation by the Nazis of Norway (2) and Denmark (3) but it was only one, albeit important element in the pressures brought to bear on the occupiers. By itself internal opposition, both violent and non-violent, did not secure the downfall of German rule in either country. Both the Norwegians and the Danes, unlike the Blacks in South Africa, had a long history of "modern" political activity, they were relatively homogeneous and had a very specific target in the occupying German forces who had taken away their national freedom, virtually at a stroke.

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- (1) There are numerous accounts of "Satyagraha" campaigns in India. See, for example, S. Panker-Brick, Gandhi against Machiavellianism, M. K. Gandhi, Non-violence in Peace and War, D. G. Tendulkar, Mahatma Life of Mohandar Karamchand Gandhi, R. Kumar (ed) Essays on Gandhian Politics The Rowlatt Satyagraha of 1919
- (2) See M. Skodvin, "Norwegian non-violent Resistance during the German Occupation", Civilian Resistance as a National Defence (ed. A. Roberts). The teachers' resistance is particularly noteworthy.
- (3) See J. Bennett, "The Resistance Against the German Occupation of Denmark 1940-45", ibid.

Moreover, the occupying power, unlike the (much larger) white population in South Africa was under physical attack on a number of fronts and Denmark and Norway hardly constituted the German heartland. In the United States, the non-violent civil rights campaigns of the 1960's, whilst meeting intense opposition in the southern States, had substantial support in Congress and, for example, from the Supreme Court (1). In the 1960's the black population in the United States, though seriously disadvantaged vis a vis the whites, notably in the South, were in an uncomparably stronger position than the blacks in South Africa.

The odds faced by the blacks in South Africa in seeking fundamental change are more closely mirrored by those confronting resisters in the East German uprising of 1953 (2) or the Hungarian Revolt of 1956 (3) where they were, in effect, confronting the Soviet Government and without the benefit of substantial external material support or strong National resources. Whatever the achievements of the resisters, particularly in Hungary, they failed to undermine, except temporarily, the confidence and position of those who wielded effective power in their countries and who were committed to the maintenance of the status quo.

But because the black population lacked the power in the 1950's and earlier to coerce the government there was no reason why this should always be so and whilst Congress leaders and their organizations were still permitted to engage in political activity, tactics of non-violent resistance continued to offer them the best means of politicising an increasing number of ^{the} black population, giving them experience which could

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- (1) The Supreme Court, for example, took the important step of ruling bus segregation unconstitutional in Montgomery, Alabama, following Martin Luther King's "walk for freedom" campaign.
 - (2) See T. Ebert, "Non-violent Resistance against Communist Regimes", ibid.
 - (3) For a brief account, see D. Thomson, Europe Since Napoleon, pp 835-6. Both violent and non-violent resistance occurred during the Revolt

be of value at a later stage in the campaign to win democratic rights. If, instead of adhering to non-violent tactics, Congress leaders had, for example, in the 1950's, found the resources to embark on limited acts of violence the results could only have been negative. The government would have reacted with full force eliminating groups directly involved and exploiting the situation to disrupt other associations which were not party to the acts. The achievements of the non-violent resistance campaigns in mobilizing and politicising large numbers of people and contributing to the strengthening of their resolve through a "baptism of fire" would have been forfeited, and the leaders would not have secured the broad-base of support which they did. And, perhaps, most important for the future, they would not so readily have been able to shift the onus on to the government for the change to violent tactics as they could in the 1960's when they and their organizations were banned or otherwise effectively precluded from engaging in overt political activities, nor would they have been able to prepare the black population and opinion abroad for the transition to violence.

The campaigns and certain related occurrences, whilst highlighting the positive role played by non-violent resistance, at the same time gave some insight into the potential of the two other tactical approaches, namely violent activity and international pressure. It was noteworthy both in 1913 during the outbreaks of violence associated with the strike of Natal sugar workers and in October/November 1952 at the time of the disturbances in Port Elizabeth, East London and elsewhere the extent to which these events provoked alarm amongst Europeans and they may have, temporarily at least, undermined the confidence of the white communities most closely affected. Seemingly, the whites as a whole were generally less concerned by the spectacle of non-violent resistance. But for violent activity to have brought about radical change it would have had to be sustained and probably widespread, not a practical possibility at the time. The efforts of Gandhi and the

leaders of the 1946-8 passive resistance campaign to win international support for their cause achieved a considerable measure of success, and whilst the practical benefits at the time were few, a foundation was laid to be built on as the international climate became more favourable. For example, the trade boycotts imposed by India and Pakistan in the light of contacts with leaders of the 1946-8 campaign, though hardly very significant, in themselves, in practical terms, represented an important pioneering step (1).

By themselves none of the three broad areas of activity - non-violent resistance, violence or international pressure - seem likely, judging by experience so far, to bring about radical change in South Africa in the foreseeable future. But a combination of these tactics - such as was employed against the Nazi occupation of Norway and Denmark in the 1940's - might succeed in doing so. Moreover such an approach would have the merit of offering the best prospect of involving a very broad spectrum of people within and outside South Africa which could be of crucial importance in further^{ing} the chances for the establishment of a stable, cohesive and genuinely democratic state in South Africa.

(1) The potential importance of international pressure in bringing about radical change in South Africa is clearly shown by R. W. Johnson, How Long Will South Africa Survive?

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