

LIBERAL OPINION



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The South African Foundation

FRESH FROM PEKING, hot-foot for Havana, Field-Marshal Montgomery stopped off to dine with Dr. Verwoerd. It must have been a good dinner. Certainly it inspired in him a blind and uncritical devotion to apartheid not previously seen outside the ranks of the Nationalist Party.

It is doubtful whether Field-Marshal Montgomery's views on current questions carry much weight in 1962. However, even if his views are not important, his relationship with the South African Foundation is. The fact that his South African host was Sir Francis de Guingand and that, besides being an old army associate, Sir Francis heads the Foundation, makes it incumbent on that organisation to make its attitude on certain questions clear.

Unbiased Picture

The Foundation claims that its task is to keep aloof from politics and to present an unbiased picture of South Africa.

What do its members, and particularly those of them who have interests in the English-language press, think of the Field-Marshal's quite unfounded strictures on that press? Do they approve?

What do its members, and particularly those who support the Progressive Party and the United Party, say about his endorsement of the Transkei constitutional arrangements and of Nationalist Party policy in general?

If the Foundation is really the impartial body it is claimed to be, do its members approve of their Chairman's close public association with a person whose few weeks in South Africa showed him to be a blind and uncritical propagandist for apartheid and one who would let no opportunity slip to sing its praises?

If the Foundation does not wish to be associated with Field-Marshal Montgomery's views, what is it going to do about his visit?

Many people regard the Foundation as no more than a machine to whitewash apartheid, a sophisticated ally of the State Information Service. For, in spite of its frequent protestations of its impartiality, the Foundation has, to the best of our knowledge, not yet been heard to make any public condemnation of any important aspect of apartheid. On the other hand, what it certainly has done is to try to persuade the world that apartheid is not so bad as it seems.

After the Montgomery visit, the Foundation will become permanently and rightly associated in the public mind with the Government's propaganda machine, unless it takes drastic steps to dissociate itself from all the unfortunate pronouncements its Chairman's late guest made. ★

Mr. Nehru and Goa

It may be possible to find reasons to justify Mr. Nehru's invasion of Goa, but it is not easy to find good ones.

Mr. Nehru's past prestige has rested on his support for Gandhian philosophy, on his support for the United Nations, on his stated belief in policies of negotiation as opposed to those of aggression and on his apparent determination to introduce into the realm of international affairs the standards of behaviour expected of ordinary men in their private lives.

Goa shattered all this. ★

Jock Isacowitz

MEMBERS of the Party will, I know, want a prominent place in this issue to be given to a few words in memory of Jock Isacowitz.

Jock died in Johannesburg on the night of January 30th. To say that his death leaves a gap in the ranks of the Liberal Party would be an unforgivable understatement.

I will not say anything here about Jock's political activities, in the Springbok Legion and elsewhere, before the Liberal Party started; suffice it to say that he had already built up a formidable and honoured political name for himself by the early 1950s. Jock attended the meeting in Cape Town at which the Liberal Party was launched. There were people at that meeting who had doubts about whether a new political party should be formed, but Jock had none. He was convinced of the need at that moment in 1953, just after the Nationalists had won their second election victory, for a non-racial Party.

The contribution which Jock Isacowitz made towards building the Liberal Party into what it has now become, probably outweighs anything which any other individual has done. Certainly his was the drive which created the base on which the Transvaal Division has been built. He served us in many capacities—as Transvaal Chairman, as National Vice-Chairman, as a brilliant organiser, an outstanding conference chairman, a most perceptive political student, an incisive debater, a warm friend and, even on the darkest day, an inveterate optimist.

The Government recognised Jock Isacowitz for what he was—an opponent to be respected. So it banned him from all meetings for two years and, when the 1960 Emergency came, it put him in gaol for three months.

We cannot replace Jock. All we can do is try to emulate his example of unceasing work for the Party and of faith in the ultimate victory of the things for which it stands.

Our great sympathy goes to Eileen, her three children and the other members of his family.

PETER BROWN.

SABOTAGE

LATE 1961 and early 1962 have seen the entry into the South African scene of an entirely new element—organised violence against property. As the Liberal Party's statements on these outbreaks of sabotage have not succeeded in getting into the press, its attitude must be stated here.

At its inception the Liberal Party was committed to the principle of bringing change to South Africa by non-violent means. Today, nine years later, it stands as firmly committed to that principle as it was in 1953. There are good reasons, practical, expedient and moral, for this stand.

In the first place, violence won't work in South Africa. It will not bring the Nationalists tumbling down. The Nationalists have the best-equipped, best trained and most determined military machine in Africa at their disposal. They could deal easily with any attempt at armed insurrection.

Skin becomes Uniform

Sabotage? What has been tried has not yet created a ripple on the placid surface of the South African economy—nor is anything short of a large and determined and widespread organisation committed to sabotage likely to do so. Is it possible that such a thing could survive for long the attentions of the South African police and their armies of informers? Is it in fact possible to run a sabotage campaign which is not supported by a reign of terror which ensures that nobody dares *be* an informer? Has sabotage, in isolation from terror, any chance of success in South Africa? And what would terror achieve? It would achieve a consolidation of white opinion and a determination to make separation complete and to define the physical racial frontiers, so that there would be some visible line to defend.

But from a Liberal point of view there would be far worse consequences to a descent into violence. Violence cannot discriminate. Algeria is there for all to see. There, violence and terror in a multi-racial society has reached its logical

conclusion. There, white kills Arab and Arab kills white blindly and an eye-for-an-eye is the order of the day.

In this situation the individual and his views count for nothing, a man's skin becomes his uniform and the ultimate absurdity of racialism is reached. As in Algeria, so also in South Africa racialism will thrive on violence and as it thrives, non-racialism will shrivel and die.

Chance to show Solution

Liberals support non-violence because they are anti-racialist and because racialism will thrive on violence. They support it because while non-violence will slowly sap the will of white South Africa to dominate, violence will drive it to defend itself to the last. They support it because non-violent change can be brought about by people of all groups working non-racially together. They support it because only change brought about by people of all groups together offers a reasonable prospect of there being a place for all in the new South Africa.

But there is also an over-riding moral question involved. Nuclear armaments face the world with complete destruction should there be war. The world is going to have to live without war and without violence. South Africa, with the most difficult and complex human relationships problems in the world, has the chance to show, on a small corner of the world stage, what can be achieved in the solution of men's problems without violence. If we can do that here, we will have done mankind an unrivalled service. If it is not our destiny to show that men of all races can live together in peace, we have no destiny worth talking about.

Sabotage requires courage. Non-violence requires perseverance. The present turn to violence in South Africa will not provide a shortcut to liberation. It may instead be the beginning of a long detour which will keep the end of apartheid out of sight for years and ensure that when it comes, one racialism will be succeeded by another. ★

The South African Way of Life . . .

Freedom in Transkei

● *Matatiele is a small "white" village in the Transkeian Territories. Throughout the whole of the Transkei one must get permission from the local Bantu Affairs Commissioner before one can hold a political meeting which might be attended by more than ten Africans.*

The Matatiele Branch of the Liberal Party was granted permission to hold its Annual General Meeting in February on two conditions:

1. *That the Special Branch could attend;*
2. *That neither Bantustans nor the Transkei Territorial Authority were discussed.*

Really!

(P.S.: At the last minute even this permission was withdrawn and it was subsequently refused for the Kokstad A.G.M. in the same area.)

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"Lucky she was not Shot . . ."

● *Late in 1961, Regina Tofile, Liberal Party member in the Transvaal, was charged with resisting arrest. Found guilty of squatting and resisting arrest, she was sentenced to six months' gaol, without the option of a fine, on each count. It was her first offence. In passing sentence the magistrate told her she was lucky that she was not in Russia, because there she would have been shot!*

★ ★ ★

"Branch" shows Interest

● *After a meeting had been held in a private home in Newcastle, Northern Natal, for the purpose of getting people interested in the Liberal Party, the house-owner was visited and questioned by the Special Branch. They travelled from Ladysmith, sixty miles away, to do it.*

Law and Order

● *In early February the Minister of Justice announced that in the ten years 1951 to 1960, 3,511,151 Africans were **convicted** of pass and influx control offences. He didn't say how many were **arrested**. The figure for 1960 was 340,958, slightly below average, but still a fantastic figure.*

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"Just put them in a Home . . ."

● *A white woman from Durban married a St. Helena seaman in 1939. It was perfectly legal for her to do so then. But under present South African race classification laws he is regarded as Coloured. The woman had six children and she later divorced her husband. Three children have since married Coloured men. The woman has now remarried a white man. The children live with them—for the moment. Unfortunately husband and wife are classified as white and the three children as Coloured. The Group Areas Act says white and Coloured may not live in the same area. What do the authorities suggest? "Put the children in a home . . ."*

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Immoral Marriage

● *Mr. and Mrs. S. Singh, man and wife legally married in Rhodesia in December, were recently subjected to trial in open court in Durban under the Immorality Act, read together with the Prohibition of Mixed Marriages Act, because their normal conjugal relations were alleged to be "unlawful carnal intercourse" in the opinion of the State, she being white, he being an Indian. The magistrate found them not guilty—because the State could not prove that Mr. Singh was domiciled in South Africa.*

Uhuru for Umtata?

IT IS HARD to escape the impression that, in his Parliamentary announcement of independence for the Transkei, and in his subsequent national broadcast, Dr. Verwoerd deliberately deceived his listeners. He spoke of a system of government for the Transkei based on the principles of Western democracy. He emphasised the importance in the Government's eyes of the vote and the "element of representation". He implied that it would be up to the people of the Transkei themselves to decide whether or not they wished their chiefs to retain some special position in the new parliament, similar, perhaps, to that in operation in Basutoland.

The constitutional proposals released in Umtata the following week bore very little relation to what the Prime Minister had suggested was to be expected. The principles behind the constitution could hardly be more remote from those of Western democracy, the "element of representation" is kept to a minimum, and the "special position" accorded to the chiefs will leave them in complete control of the Transkei Assembly. The constitution creates no more than a refurbished "Bantu Authority".

Propped-up Chiefs

Some small franchise crumbs are thrown to the Xhosa-speaking people who live in the Transkei and some even smaller ones to the large number of them who live outside it, but it is with the chiefs that the power remains. They will themselves constitute 68 of the 131 members of the Assembly and they will nominate a further 27. The ordinary citizens of the Transkei will elect 27 members and Transkeians from the Republic a further 9. Those ordinary citizens living inside the territory will have precious little influence over how they are governed, and of what possible use will it be to a man with his home in Johannesburg to have a vote in Umtata?

While the rest of the continent of Africa is dismantling its tribalisms, Dr. Verwoerd persists

in his attempts to prop up South Africa's. But even the Transkei's Assembly of propped-up chiefs will not enjoy the "independence" the Prime Minister has suggested that it would. In fact its powers will be strictly circumscribed. On most important matters legislative powers will remain in the hands of Dr. Verwoerd in Cape Town. Foreign affairs, defence, immigration, finance and, significantly, "internal security", will be his affair. As if this were not enough, the final veto on Transkeian legislation in other fields will remain in the hands of State President Swart.

No Economic Viability

If the Umtata constitution will not mean political independence for the Transkei, will the recent announcements of expenditure for development in African areas mean economic viability for it? In trying to assess this possibility the only available yardstick for comparison is the report of the Tomlinson Commission. The Commission regarded it as essential for such development that private white capital be encouraged to move into the African areas. Dr. Verwoerd rejected this suggestion at the time and he has now done so again. But even with private white capital investment, the Commission estimated that *Government* expenditure for the ten years between 1955 and 1965 would have to be at least £108,000,000 or R216,000,000. If Government expenditure proceeds at the rate so far announced only some 170 million rand will have been spent on the development of African areas by the end of 1966 — a shortfall of over 40 million rand over *eleven* years.

The Transkei constitutional proposals do not offer political independence and the money to be spent on developing African areas will not make the Transkei or any other future Bantustan economically independent. After 14 years of apartheid, South Africa stubbornly remains an integrated economic unit. The growth in the African population of every single important urban centre in Dr. Verwoerd's "white South Africa" in those 14 years shows how ineffective all his plans for separation have been.

His proposals for political rights in remote homelands will never meet the aspirations of African people outside his "Bantustans". The kind of spurious independence he is offering in the Transkei will not satisfy his critics in the outside world. Furthermore, it will not satisfy the aspirations of the Transkeian people themselves. That this is so, is clearly shown by the sharp division, already evident in the Transkei, between those chiefs who still do as the Bantu Administration Department wants them to do and those who are not interested in an ersatz independence restricted to Black Transkeians, but who want a democratic Transkeian Assembly open to all races as a first step towards a democratic all-South African Parliament open to all races. ★

Apartheid and the Law by a lawyer

1. *IMPRISONMENT OF THE TENANT FOR FAILURE TO PAY THE LANDLORD'S RENT:*

The lessons that Charles Dickens taught about civil imprisonment are seen in the legislation of most civilised countries where imprisonment for debt is today greatly restricted. If anything the South African law is even more liberal than the English laws. By Act No. 21 of 1942, called the *Civil Imprisonment Restriction Act*, the Supreme Court has no power to order the civil imprisonment of a debtor because of his failure to pay a sum of money in terms of any judgment unless the claim enforced by the judgment arose from a wrong committed by a debtor or from his liability to maintain a wife, parent or child, or from the seduction of a girl committed by the debtor, or from the birth of a child of which the debtor is the father.

Of course, if any one is in contempt of an order of court he may be committed to prison but this is usually suspended on condition that the person concerned obeys the court's order. It also sometimes happens that if someone owes

money and it is suspected that he is about to flee the country, he will be arrested and detained until he gives security for the amount claimed pending the decision of the action.

No one will quarrel with these rules and they are consistent with the average man's ideas of fair dealing. However, when one examines the implications of Apartheid legislation, one sees how the lessons of civilising reform in the law are ignored and replaced by the old harshness of earlier centuries.

Local Authority's Powers

A startling example is found in the legislation and regulations that govern an African's occupation of his home.

Most Africans who live in urban areas are required to reside in locations which are areas of land especially set aside by urban local authorities for the occupation and residence of such people. Ordinarily they may not live elsewhere in the town and this is how residential segregation is brought about.

The local authority provides housing in these areas and lets the dwelling to the Africans who must dwell in the area in terms of the Segregation Proclamation.

The urban local authority is given power by Section 38 (3) of the Natives (Urban Areas) Consolidation Act, No. 25 of 1945, to make regulations on various matters—among them tariffs of fees and charges for rent, water, sanitary and other services, and the collection and recovery of such fees and charges. It is also empowered by the same section to make regulations for the imposition of penalties in respect of the failure to pay any rents, fees or other charges and for the summary ejection from the location of any resident failing within a reasonable time of due date to meet his obligations in respect of residence therein.

These powers already existed in the old Natives (Urban Areas) Act of 1923. The Johannesburg Municipality made its Location Regulations under this earlier Act. Regulation 14 is worth quoting in full:

"14. Any person failing or refusing to pay any sum for which he is liable under these regulations within one month from the date on which it becomes due shall be guilty of an offence, and, upon conviction, shall be ordered by the Court to pay the amount which is found to be owing by him within such period as the order shall specify, and/or, in default of payment as ordered, shall be liable to be imprisoned with or without hard labour for a period not exceeding one month; provided that no fine or imprisonment undergone shall have the effect of cancelling the liability or barring an action for the recovery of the amount due by such person, and provided that no person shall be sentenced to a second term of imprisonment in respect of failure to pay the same debt."

The Municipality is permitted to prosecute for contravention of this Regulation and it does so. Large numbers of tenants who are in arrear with their rentals are brought before the courts and sent each year to prison for the offence that these laws have created. They are usually people who have fallen into arrear because their wages are below bread-level. Their imprisonment makes the financial problem worse and very often lack of administrative co-ordination results in the wage earner going to gaol even when the rent has been paid, because the prosecutor has not been informed and the bewildered and undefended accused does not know his rights.

It is rather a grim comment on the state of affairs that under the common law a landlord may only claim forfeiture of the lease for default of payment if the tenant is in arrear with his rent for more than two years.

Here is matter for a new Dickens. ★

Liberal Opinion

. . . is sent free of charge to newspapers, in South Africa and oversea, to representatives of foreign governments, to libraries and universities, to various organisations, and to all individuals and organisations who want to receive it.

Background to Transkei Self-government

IT IS DIFFICULT to say exactly when and why Government policy changed to "this year next year" from the "sometime, never" with which Government spokesmen met attempts, before 1961, to pin it down to an approximate date for the birth of a self-governing Transkeian state.

Even in May 1961, when a resolution of the Transkeian Territorial Authority set up a Recess Committee to "go into the implications of the granting or otherwise" of self-government, the Government was still avoiding any commitment to the most approximate date, though, after Sharpeville, "Africa Year 1960" and the East Pondoland disturbances, the resolution received a better hearing than several previous independence motions had done.

When they are Ready

After the resolution had been passed, the Government, with the co-operation of the presiding Chief of the Transkeian Territorial Authority, Chief Kaizer Matanzima, its trusted confidant and instrument in the Transkei, still successfully stalled the calling together of the Recess Committee. Self-government was kept vague as something for the future, "when the Bantu are ready for it".

Then events came in a rush. On 10th November, 1961, Chief Tutor Ndamase, heir to the Paramount Chief of West Pondoland, told the Minister of Bantu Administration at a meeting in West Pondoland, that the Transkei wanted "self-government by 1963 and complete independence soon after". On 8th December, 30 chiefs and advisers went to Pretoria to discuss Bantu Education grievances with the Minister. To their surprise, they met Dr. Verwoerd, who told them

that the Government was ready to grant their wish for self-government and advised them to draw up constitutions for the Recess Committee to consider before the Transkeian Territorial Authorities met in April.

The decision had been taken: full propaganda value had to be gained from so momentous, and probably unwilling, a move.

Local Advantage

When the announcement of "independence" came on 23rd January, the secret had been well kept, but the propaganda gains were small. The meeting called in Umtata to hear the announcement was a distinct flop, and oversea news agencies were unimpressed. Dr. Verwoerd had seen to it, however, that he stood to gain a local advantage, even if the outside world failed to react. His statement was very effective indeed as part of his reply to Sir de Villiers Graaff's no-confidence motion after the opening of Parliament. The Parliamentary opposition was thrown into a confusion from which it has not yet emerged.

Louw's Warning

Yet certainly this dramatic announcement was primarily intended to impress the outside world and this indicates the probable "when" and "why" of the self-government decision. Both were provided by Mr. Eric Louw's return from his nightmare session at the United Nations. Several of the Transkei party who went to Pretoria have privately said that they were convinced that the interview with Dr. Verwoerd and his ready agreement to grant them "self-government" were brought about by the vehemence of Mr. Louw's warning to the Cabinet. South Africa would not escape sanctions, even intervention, unless positive proof were given of the Government's genuineness in offering self-government "in their own areas" to the Africans with whom they refused to share power. Perhaps this was Mr. Louw's grim theme.

Whether the discussion on Bantu Education was a pretext for, or the real purpose of, the

Pretoria meeting, and the plan changed hurriedly, we cannot know yet. What is becoming clear is that Dr. Verwoerd had to give up his plan of holding the Transkei self-government *danegeld* in reserve for a good many more years. Outside (and perhaps inside) pressures forced him to pay it now, and he decided to make the best of it by confounding the parliamentary opposition and doubters in the Afrikaner Nationalist camp, as well as by trying to buy time from the outside world. The real interests of his black fellow-countrymen appear, as always, to have been beneath his consideration.

Hardened Opposition

He may have succeeded in his aims, despite the immediate lack of reaction outside the Republic. But he may also have seriously breached his defences, when his whole object was to strengthen them.

For instance, the disgracefully irregular conduct of the Recess Committee meeting of 31st January and 1 February, and the nature of the constitution which Chief Kaiser Matanzima put forward, allegedly with the Government's support, have hardened the opposition of the group of chiefs whose claim for the Transkei is full independence based on a non-racial, democratic constitution. What in 1961 was a disagreement among the leading chiefs, has now turned into a split. Furthermore, the estrangement of even the progressive chiefs from the outlawed political leaders of the Transkei may have been ended by the democratic line these chiefs have now taken.

Yet another Tyranny

The people of the Transkei, who have never forgiven their chiefs for allowing the Bantu Authorities system to be imposed on them without their consent, will follow those who deny the right of Matanzima and his group to impose yet another tyranny on them. That what is about to be imposed on them *is* yet another tyranny is clear from the most cursory examination of the new constitutional proposals. ★

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