





6. Illusions of Sovereignty with Postcolonial Governmentality

Jan Smuts, Trusteeship, and the League of Nations

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Introduction

Trusteeship has legitimised Imperial power over foreign territories for over two hundred years. Over time, as the meaning of the concept has evolved, the accountability it imposes on trustees has been deferred. Prior to its establishment, in 1919, as a principle for Allied control of annexed territory, in the League of Nations' mandate system, the concept was adapted to various colonial contexts. From its original justification for direct colonial rule, trusteeship came to refer to mediated interim governance over a dependent state by a foreign power, which was expected to guide it to independence.

This latter conception presumes that the dependent subjects of trusteeship do not yet know their own best interests. It legitimates rule of the *capable* on behalf of the *incapable*, 'in a hierarchical relationship of *tutelage* based explicitly on a condition of *inequality*, to secure their welfare and protect them from exploitation until they can freely exercise the responsibilities of *mature* human beings' (Bain, 2003:27). As H. Duncan Hall explains, nations which are

‘mature, rational and governed... by high conceptions of law and justice undertake to assist less advanced peoples to climb the ladder of self-government’ (Duncan Hall, 1946:199).

Histories of trusteeship usually begin with Burke’s account. Burke criticised the concept of natural rights, insisting that explicit political arrangements are needed to secure freedoms of self-determination, which are lacking in nature. Burke’s Whiggish critique of rationalistic natural rights gained publicity during the trial of the Colonial Governor Warren Hastings, with reference to Imperial rule over India. Trusteeship, he argued, delivers social rights for foreign subjects (Boisen, 2013). For Duncan Hall, ‘it was the British House of Commons under Burke’s leadership, rather than the Crown, that established the principles of the ‘sacred trust’ [...] now enshrined in the League of Nations Covenant’ (Duncan Hall, 1946:201). But, with the growth of Britain’s Empire, by the twentieth century, Burke’s original justification of trusteeship for foreign social rights under direct Imperial rule had evolved into a distinct rationale for indirect rule, leading to decolonisation.

Responding to complex challenges of anti-colonial resistance the concept of trusteeship evolved in practice to take on a teleological justification, meaning that ‘alien rule could be justified only if it encouraged backward people to the ranks of civilised life’ (Bain, 2003:1). The normative goal of ‘civilisation’, as a criterion for independence, was relativised to a ‘developmental’ objective, as Imperialism realigned, in accordance with metropolitan governmentality, towards devolved relations of power. Political power was decentralised to local national representatives. Imperial duty was rowed back to a temporary caretaking role. This reconceptualisation of trusteeship shed responsibility to local powerbrokers and proxy state administrations. Such abdication of Imperial responsibility has gone unattended in the intellectual history of empire and decolonisation, resulting in scholarly misconceptions of the function of trusteeship, as a legitimating rationale for postcolonial international governance.

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The purpose of this chapter is twofold. First, we identify a significant distinction between Burke's conception of *direct trusteeship* in the eighteenth century and what we have termed a 'segregated' conception of trusteeship (Allsobrook & Boisen, 2017), espoused by the South African statesman Jan Smuts (1870-1950) in the early twentieth century. As a legitimating ideology for segregated, indirect rule, trusteeship was supposedly progressive at the time, for breaking with Eurocentric conceptions of cultural superiority. It was expected to protect vulnerable peoples, with different, but valuable and unique, cultural norms, from the harms of exploitation, and to integrate them gradually into modernity, under the guidance of a suitably powerful patron. With Allied victory after World War I, this rationale was used to justify international supervision of mandates over annexed territories. With reference to the segregation of trusteeship, we show how conditions in the racialised colonial periphery transformed the function of the concept - from a justification, urged by Burke, of direct responsibility for social rights in colonial rule - to one of indirect governance over culturally discrete nations, with distinct social rights, placed under the supervision of bought domestic power brokers.

Second, we challenge the contradiction asserted by some scholars (for example, Morefield, 2014:1; Mazower, 2009), between European support for a world system ordered by a universal ethic of sovereign equality, on the one hand, and continuation of an international hierarchy based on race, class, and Imperial status, on the other, which Smuts defended. In Smuts, Shula Marks sees a 'major contradiction between his identity as a white South African man and his self-perception as a liberal citizen of the world' (Marks, 2001:212). While Morefield (2014), Marks (2001), and Anker (2001) try to explain away this contradiction, we think they overstate the inconsistency. The concept of trusteeship, which Smuts advanced, aligned cost-and-force-saving decolonisation with colonies' demands for political independence. While postcolonial critics frequently target the universalistic rationalism of liberal norms and values, we find

that Smuts's liberal conception of trusteeship accommodates a segregated, cultural relativist view of national self-determination. Insistence on cultural particularism – the distinct ‘personalities’ of nations – informed and justified liberal segregationist ideology in South Africa (Dubow, 1990). This ideological interpretation of South African liberalism was born of liberals’ criticisms of Eurocentric assimilationist ideals of ‘salvation’ and ‘civilisation’ (which did not suit an industrialising economy, such as that of South Africa, in need of basic labour).

Smuts's pluralist, cultural relativist conception of trusteeship served South Africa's later justification for apartheid, which envisaged a Commonwealth of ‘Bantustan’ homelands, each practicing discrete ethnic customs, under the oversight of a more civilised white South Africa. This pluralist, cultural essentialist interpretation of trusteeship, influenced by liberal segregationists’ enlightened criticisms of direct rule and forced assimilation, supported a broader post-Imperial impetus towards the decolonisation of indebted, self-governing ethnic dependencies, whose relations with Western democracies were to be maintained under conditions of tutelage. The mandate system was the first institutionalised and internationalised step in this direction.

To say something of our limitations: our genealogy of trusteeship does not trace any consistent lineage in its adaptive evolution; rather, we elaborate on the significance for empire and postcolonial governmentality of an important and neglected distinction between two different conceptions of trusteeship. We do not trace influence of Burke's conception of trusteeship on the mandate system or compare League of Nations' mandates with United Nations' Trusts, insofar as Smuts influenced their designs. We acknowledge historical lines of conceptual pedigree in trusteeship, which we cannot trace, including John Stuart Mill's custodial notions of authority, which influenced nineteenth century British

public moralists, and British Idealists (see Boisen, 2013).¹ Smuts learned the term from Cecil John Rhodes, and from his experience as an administrator in the Transvaal (Smuts, 1942:7).² Being part of a ‘world of ideas’, such modifications to a concept may not be consciously recognised or formulated at the time (Boucher, 2016). Given the scope of our study, we simply distinguish the conception of trusteeship, which Smuts presented at Versailles, from Burke’s use of the term, to explain a significant change in its Imperial function. By the time South Africa was unified in 1910, it was apparent that Smuts’s notion of trusteeship could accommodate decolonisation as vehicle for more efficient, less cumbersome, Imperial consolidation. Smuts’s sobriquet of ‘Empire’s Handyman’ (Morefield, 2014), so named by his contemporaries, proved remarkably fitting.

Rights and Responsibilities of Rule in Burke’s Trusteeship

Burke’s notion of trusteeship was predicated – at the outset – on a critique of rationalist idealism. An emerging culture of rights shaped the ideas of moral duties that Europeans, as they saw it, owed to foreign subjects. The interpretation of rights as claims developed by historically developed communities, not inhering in nature, but emerging by convention, paved the way for the transformation of the language of *natural rights*

1 Another divergent concept of trusteeship is the remodelled Imperial one associated with Lugard, which is then taken up by the colonial office to justify a holding on to settler and non-settler states in Africa, for instance in Kenya with a view to giving them independence later. We are grateful to Saul Dubow for this point in commenting on our chapter..

2 In the Transvaal in the late nineteenth century, where black people were prohibited from buying land, they registered it in the name of a white person, usually a missionary, or a public official, who would hold it in ‘trust’ for the real buyer. The system started informally but was recognised by Britain in 1880 (Bergh & Feinberg, 2004:171) and again after the Second Anglo Boer War, who determined that the purchaser owned land held in trusteeship. Later on, the Native Affairs Department was given the function of official trustee for black land (187).

to that of *social rights*. It is in this transitional setting that we must understand Burke's conceptualisation of trusteeship, which is evident in the later British Idealists' constructivist justifications for Imperialism, which recognises a system of social rights to be necessary for full self-realisation in the moral community (Boisen, 2013; Hall, 2011).

Burke conceived of trusteeship, on the one hand, as a criticism of the abuse of empire, and, on the other hand, as an assertion of Britain's legitimate political rule in India. He best summed up his conception of trusteeship in his famous speech of 1783 on Fox's East Indian Bill:

All political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit. If this is true with regard to every species of political dominion and every description of commercial privilege, none of which can be original, self-derived rights, or grants for the mere private benefit of the holders, then such rights, or privileges [...] are all in the strictest sense a *trust*: and it is of the very essence of every trust to be rendered accountable [...] (Burke, 1881 'Speech on Fox's East India Bill, WS, II:439).

For Burke, legitimacy requires a ruler to secure civil rights for the ruled (Whelan, 1996:23-25). Social rights enjoyed by Indians depended on their subjugation, the legitimacy of which, in turn, depended on rulers' being accountable for the security of their rights. Burke's concept of trusteeship therefore implied rights for subject races of the British Empire (Conniff, 1993:298):

Everybody is satisfied, that a conservation and secure enjoyment of our natural rights is the great and ultimate purpose of civil society [...]. Now, to aim at the establishment of any form of government by sacrificing what is the substance of it; to take away, or at least to suspend, the rights of nature, in order to an approved

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system for the protection of them [. . .] is a procedure as preposterous and absurd in argument as it is oppressive and cruel in its effect (Burke, 'Tracts on the Property Laws,' WS, VI:29-30).

In Burke's view, the task of deducing practical political policies from abstract 'natural' principles is a precarious affair. 'Government is not made in virtue of natural rights', he writes. 'Their abstract perfection' is in fact 'their practical defect'. (Burke, 'Reflections on the Revolution in France (1790)', WS, III:310). While abstractly speaking such principles might be good, they are nowhere to be found (Burke, 'Speech on Moving Conciliation with America (1775)', WS, II:120). 'Pretended rights', he famously stated in *Reflections*, 'are all extremes: and in proportion as they are metaphysically true, they are morally and politically false' (Burke, 'Reflections', WS, III:313). Rejecting natural rights as metaphysical nonsense, Burke carved out a unique conception of *social rights*, in so far as their justification depended (a) on established custom, (b) on the contribution made to the common good and (c) on the civility of the community in which they emerged. Justification of social rights under trusteeship imposes a duty on the trustee to provide adequate security for the enjoyment of these rights. As the concept of trusteeship evolved, with the civilising mission, so its teleological legitimation came to the fore, to secure distinct foreign social rights with separate development.

In the later stages of overt European Imperialism, trusteeship was widely prescribed as a normative framework for dealing with non-European races. It was institutionalised at the Berlin Conference, called to regulate European colonisation and trade in Africa. The idea of trusteeship that was charted at Berlin between 1884 and 1885 established the principle, later formulated by Lord Lugard, that, 'Europe is in Africa for the mutual benefit of her own industrial classes, and of the native races in their progress to a higher plane; that the benefit can be made reciprocal, and that it is the aim and desire of civilised administration to fulfil this dual mandate' (Lugard, 1965:617).

Like Burke's, this understanding of trusteeship insisted on obligations of right rule. But it also incorporated Victorian ideas about Britain's moral duty to promote prosperity and welfare to the furthest corners of empire. Lugard saw Britain as a trustee not only for the welfare and development of native races, but for civilisation itself. On the cover of *The Dual Mandate* was printed an epigraph from Joseph Chamberlain 'We develop new territory as Trustees for Civilization, for the commerce of the world'. Lugard believed the object of trusteeship was economic development for the mutual benefit of empire and its colonial subjects. In this, he discarded the more radical and constrained proposals of E.D. Morel, who saw trusteeship as guaranteeing a set of positive property rights for indigenous peoples and respect for the integrity of their cultures (Grant & Trivedi, 2006:34-5).

Segregated Trusteeship in South Africa

We have demonstrated elsewhere how trusteeship ideology was adapted in South Africa to justify the assignment of separate national identities to ethnic groups who were thought to hold essentially discrete customs (see Alsobrook & Boisen, 2017). Trusteeship justified outsourcing of the economic, political, and social costs of the reproduction of low-skilled labour to pseudo-independent homelands (Legassick, 1974; Smuts, 1942). This peripheral adaptation of the concept subverted the burden of responsibility, which, in Burke's account, rulers owed to their subjects, by devolving this duty to homeland administrations. The chief benefit of trusteeship ideology over ideologies of natural law, for Imperial legitimation, is that the practice of trusteeship is supposed to secure already existing customary practices and rights and to adapt them to Imperial interests. Natural law (in most of its early modern formulations), by contrast, presumes a preconceived set of rational principles. As it grew influential in South Africa, as a legitimating ideology for segregated rule, so the historicist conception of social rights which we find in Burke's idea of trusteeship, was essentialised by cultural pluralists. Anxious to preserve their cultural identity in Africa,

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threatened by encroaching 'barbarians', white South Africans cured trusteeship ideology with a peculiar white supremacist understanding of plural cultural relativism. Customary distinctions were fixed with metaphysical racial identity in South African politics (Posel, 2001).

The concept of trusteeship evolved, in the context of African colonialism, to account more readily for customary distinctions with regard to social rights (as opposed to universal natural rights). Distinguishing different social rights for different nations, liberal pluralist settler colonists saw it in their duty as trustees to attend to the separate development of black Africans' distinctive customary practices. This thinking significantly influenced the conception of trusteeship which Smuts advanced at the Paris Peace Conference after World War I.

Smuts's Segregationist Conception of Trusteeship

In the wake of catastrophic maladministration exposed under King Leopold, the Congo Reform leader, E.D. Morel, was influential in articulating an Imperialist agenda that bound together with the concept of trusteeship the twin ideas of the Berlin Act: Native Welfare and Free Trade. By contrast with the Congo, prior to World War I South Africa's restructuring and unification proved a relatively successful model of trusteeship, by undergoing transition to self-governance in less than ten years, to gain Dominion status within the British Commonwealth. Furthermore, South Africa adapted the ideology of trusteeship to devise a system of segregated African ethnic national homelands, to be used as 'reservoirs of labour', under the guidance of the more advanced, white civilisation (Rich, 1984:4). These three strands of influence factored into Smuts's ideas for the mandate system.

Carving a key figure in international affairs between the two world wars, and advocating for effective authority in trusteeship over annexed territories, Jan Smuts was one of the most familiar colonial statesmen to British people born around the turn of the century. The public speeches of the Boer

General supported the supremacy of Britain's liberal Empire over a Commonwealth of diverse free nations. Lord Harlech, the High Commissioner of Basutoland, Bechuanaland, and Swaziland, who pressured the British to accept the mandate system (Pedersen, 2015:54), proclaimed, 'when his exploits as a soldier and a politician had been forgotten, he was a South African who would live in human history as a prophet [...]' (Smuts, 1942:19). George Orwell remarked that 'few modern statesmen were more respected in Britain' after World War II (Schwarz, 2011:286.) However, Smuts represents an awkward counterpoint in London's Parliament Square to his liberal compatriot Nelson Mandela. Although Smuts's statue was erected in 1956, Schwarz observes, 'it is revealing that someone so familiar could so quickly disappear from view... at the very moment Empire collapsed' (Schwarz, 2011:226).

Smuts helped the Imperial War Cabinet to establish the British Air Force and to calm the Irish Crisis. He helped guide East European nations, Egypt, and Israel to independence. He acted as a key negotiator in peace settlements after the Second Anglo Boer War and after both World Wars. A key ally of Woodrow Wilson and mediator between the USA and the British during the Peace Conference, Smuts played a leading role in designing the frameworks for the League of Nations; for mandates over effectively annexed colonies (Marks, 2001:203); for the Covenant of the League of Nations; and, later, for the preamble to the United Nations (UN) Charter (Lake & Reynolds, 2008:344). He was asked by the British government to produce a blueprint for the League, later published as the popular and influential *A Practical Suggestion* (Lake & Reynolds, 2008:298).

A fan of Cecil John Rhodes, before his Transvaal raid, and of the qualified Cape liberal franchise of 'equal rights for all civilized men', based on education and property (Marks, 2001:213), Smuts picked up the idea of trusteeship from liberal segregationists' plans to protect black people from white people. As Hobhouse writes in *Liberalism*, '[a] specious extension of the white man's rights to the black may be best way of ruining the black' (Hobhouse, 1919:43). Smuts found

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his position as both a Nationalist and a liberal Imperialist since the Second Anglo Boer War accommodated in trusteeship, which sought to assist dependent nations towards self-determination. He supported an independent Jewish national home in Palestine, but less developed Arabs, he argued, in 1917, were owed the guidance of trusteeship (Garson, 2007:169). Although liberalism is commonly associated with the universalism of human rights, Smuts claimed, where 'we have a more advanced and a less advanced race living side by side [...] the beautiful word 'trusteeship' has been found to describe the situation' (Smuts, 1942:8).

Smuts shows up the liberal Imperialist influence of segregation on trusteeship in post-war decolonisation. 'All too frequently,' Morefield points out, 'these imperialist assumptions remain unstated' (Morefield, 2014:34). In 1895, in Kimberley, Smuts declares, 'our white supremacy in South Africa brings grave responsibilities' since, as 'guardians of their own safety and development', the 'white race' must be 'trustees for the coloured races' (Hancock & van der Poel, 1966:95). Whereas Hyam claims trusteeship, 'in the early years of the century,' especially in South Africa, 'was in constant counterpoint with the parallel policies of white self-government' (Hyam, 2009:266), we find that Afrikaners' struggle for the self-government complemented the cultural pluralism by which they justified trusteeship of the segregated kind. The struggle of the former Boer republics for self-government was Smuts's first point of reference. Afrikaner frontiersmen migrating northward were escaping British Anglicisation. Prospecting *Uitlanders* arriving for diamonds and gold were not well-received by conservative, religious, rural Afrikaners, soon to be devastated by war and affronted by Milner's Anglicisation policies (Du Toit, 1970:534). Afrikaners appreciated the offence for Africans of missionaries' and administrators' 'universal' cultural impositions.

Smuts's ideas for a global commonwealth avoided the negation of local custom under the subsuming categories of universal constitutional law. In this he shared common ground with British Idealists' ideas of trusteeship, predicated

on the expansion of a sustainable moral community (see Boisen, 2013).³ He understood the Commonwealth to reconcile discrete customs within a mutually enabling community. Smuts's liberal relativist account of segregation (*'parallelism'*) was expected to enhance the respective strengths of discrete cultural identities by encouraging self-determined national individuation. The view appealed to white South Africans, who were tired of offensive Imperialist jingoism after the Boer Wars, and who despaired at naïve Victorian ideas of universal assimilation, urging, instead, for practical common-sense solutions to considerable cultural differences (Fletcher, 1996:124).

As Smuts stated, 'Everybody in South Africa is agreed that European and African should live apart, and preserve their respective cultures' (Hancock & van der Poel, 1966:345). Smuts articulated a pluralist interpretation of liberalism, developed in contradistinction to the assimilationist integration imposed by interfering Cape Liberals, missionaries, and administrators, who had failed to respect customary distinctions (by teaching Boers in English and discriminating against Xhosa initiation and marriage rites, for example) (Higgs, 1997:54). Smuts argued against the devastating effect of Cape colonials' imposition of European identity on 'native' Africans, that is, the 'amalgamationist' policies of former colonial Governors Smith and Grey, practised at the height of the humanitarian civilising mission in the mid nineteenth century (Dubow, 1989:30). He recommended a policy which would not force African institutions 'into an alien European mould', but which would, 'preserve her unity with her own past, conserve what is precious in her past, and build what future progress and civilization on specifically African foundation' (Smuts, 1930:78). This would, moreover, he claimed, be in good keeping with the traditions of the British Empire.

For Smuts, 'The development of peoples, not yet able to stand by themselves, can only mean the progress and

3 For Smuts's philosophical idealist foundations see Will Sweet chapter 11 of this volume.

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civilization of these backward peoples in accordance with their *own* institutions, customs, and ideas, in so far as these are not incompatible with the ideals of civilization' (Smuts, 1930:258). Smuts did not reject the idea that there was a universal baseline of civilisation, in the same way that he did not reject the universal principle of natural equality between the races. Justice is colour-blind, he noted, 'and recognises no political differences on grounds of colour or race' (Smuts, 1930:263). However, he was keen to differentiate rights of natural equality from politically constituted rights, which depended on relative degrees of national self-determination. The former Cape Colonial practice of recognising equal political rights between the different races, he believed, was misguided; it 'arose at a time when the doctrine of native parallelism had not yet emerged, when native institutions were proscribed as barbarous, and the only place for the civilized native was therefore in the white man's system and the white man's institutions' (Smuts, 1930:263).

Smuts supported the Hilton Young Commission in recommending separate native institutions for local government purposes.⁴ The Commission's recommendations stopped short, however, on the question of parliamentary institutions and political rights. Smuts sought to overcome this dearth of native administration, summing up his model of political segregation as follows:

The new policy of segregation of political rights would seem to point to separate representation for the colours in the same parliament so that whites and native voters would vote in separate constitutions for separate representatives. There would still be equal political rights, and the Rhodes

4 The Hilton Young Report was released in 1929 and rejected the idea of self-government for Kenya on the Southern Rhodesia model. It was merely one in a line of official pronouncements that, as Ronald Hyam writes 'reflected the tussle for control between conflicting interests: officials as trustees, Parliament as watchdogs, the settlers and the Government of India'(2009:268-69).

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ideal in that sense would not be affected, but they would be exercised separately or communally (Smuts, 1930:78)

Smuts advanced the familiar idea of a duty of trusteeship to assist people beyond one's moral community. He also recognised the capacity of 'the natives' to formulate their own idea of 'the common good' (Smuts, 1930). He thought that traditional African political communities were not sufficiently robust to sustain a fully functioning system of equal rights, on the European model. Nor could they be. For Smuts, Africans' path to self-determination required the development of their own political systems and institutions, under the guidance of a more advanced power. Or at least this was his ideological riposte against the failures of assimilationist Cape Liberalism, in favour of separate development of the rights or customs of discrete nationalities under trusteeship.

Thus, essentialism about customary identity and practices informed the deferral of the obligations of trusteeship on which Burke's conception insisted. Smuts did not recognise the long history of trusteeship in Imperial history going back to Burke. At this point we may reassess the claim of Wm Roger Louis that '[t]he writings of Smuts and Wilson give no indication that either man was aware of this historical legacy' (1965:23). Wilson had in fact written a biographical sketch of Burke, and in the post-World War I reconstruction he found uncompromising devotion to liberty and equality akin to the revolutionary mindset Burke had criticised, advocating instead for a Burkean commitment to reform, preservation, and careful attention towards the customs and attitudes fostered by current institutions (Getachew, 2019:43). However, although Adom Getachew is correct in emphasising that the language of trusteeship 'was redeployed in service of expanding imperial power', it is misleading for her to further suggest that 'Smuts turned to Burke's model of trusteeship in service of [his] counterrevolutionary preservation of racial hierarchy' (Getachew, 2019:81).

Smuts's basic understanding of trusteeship was in fact influenced by Cape liberalism. He recalled, 'Cecil Rhodes used

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repeatedly to say that the proper relation between whites and blacks in this country was the relation between guardian and ward. This is the basis of trusteeship' (Smuts, 1942:7). However, key motivations for South Africa's *segregated* adaptation of trusteeship arose in response to perceived failures of the paternalist Cape Liberalism associated with C.J. Rhodes. Largely accepted by the Cape African bourgeoisie, by educated elites, such as T. Soga, E. Makiwane and J.T. Jabavu, agrarian Cape Liberalism was undermined by the cultural essentialist racial ideology that came with mining capital. Unlike the assimilationist Cape, the relatively weak colony of Natal had established tribal 'reservations' to settle resilient Zulu chiefdoms. In the reconstruction process after the Second Anglo Boer War, experienced Natal administrators, such as T. Shepstone, H. Nicholls and C.T. Loram, pushed for the establishment of such segregated homelands (Allsobrook & Boisen, 2017).

The African Intelligentsia were co-opted, first, with promises of inter-racial co-operation and sovereign independence, offering rural landholdings and prospects for upward mobility, and second, by the Joint Councils and the Phelps-Stoke Commission into African education, drawing on Booker T. Washington's and J.E.K. Aggrey's ideals of African self-reliance (Rich, 1984:18-21, 26, 63). Out of concern for 'native welfare', in light of the hazardous effects of hasty urbanisation, humanitarians argued for 'evolution not revolution' and for retribalisation of Africans (Rich, 1984:5,31). As Garson explains, 'in the trusteeship relationship, it was accepted that African wards would slowly advance toward 'civilisation' ... in white employment, and education; but it was also assumed that trusteeship was a long-term task' (Garson, 2007:168).

Smuts's biographer W.K. Hancock intimates Smuts's cautious 'readiness to consider at some future time some limited improvements upon Native Parliamentary representation' (Hancock, 1968:490). Smuts had told the house in a speech of 17 April 1946 that while the idea of trusteeship might not provide all the solutions 'the idea and practice of

guardianship also [means] [...] that as those portions of the population who are under our guardianship develop, one must to a certain extent grant them political rights' (Smuts, cited in Hancock, 1968:490). Hermann Giliomee astutely notes that apartheid – established with the 1948 defeat of Smuts's United Party – 'was a modernised form of paternalism and trusteeship [...] and [...] liberal ideology' (Giliomee, 2003:373). It is crucial to see that the teleological pluralism which informed apartheid, distinguishing customary differences between nations, also deferred and devolved the direct duties on which Burke's idea of trusteeship insisted.

South African Unity in Segregated Trusteeship

The global influence of a segregated conception of trusteeship, shaped by mining interests on the Rand, away from the Cape, on the Highveld, after the Second Anglo Boer War, is generally underappreciated. Unlike the case of the Congo, whose colonial abuse perversely reinforced demand for trusteeship, successful examples of trusteeship were to be found first, with white representatives for black voters in liberal Cape colonial franchise, and then, with South African unification, in cultural pluralist Rand liberalism. Smuts saw the Dominions as role models for less developed Commonwealth nations, who aspired to advance along their own cultural paths (Lambert, 2000:199). He gained an understanding of trusteeship and Commonwealth through his experience after the Second Anglo Boer War, as a defeated general, invited to help plan South African unification in 1905 after Lord Milner left Governorship of what was then the Transvaal and Orange River Colony. He envisioned a cosmopolitan global community, to which each nation would bring unique cultural niche strengths, guided to self-determination by Greater Powers. It is too hasty to single out racial segregation as the model for Smuts's mandate system. Inspiration for both begins with South Africa's coming of age to responsible government.

'Espousing a policy of 'reconciliation' between Briton and Boer', Shula Marks claims that Smuts 'was *the* architect of

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South African unification' (Marks, 2001:202). The first years, leading to Union in 1910, gave unparalleled power to Milner's 'Kindergarten', including Lionel Curtis, P.H. Kerr, and Patrick Duncan, to reconstruct South Africa. In this period, Legassick argues, 'a central area of concern for unification was the effort to address 'native policy' systematically, to secure 'a sufficiency of black labour at a suitably low price' (Legassick, 1995:43, 46). The South African Native Affairs Commission of 1903 to 1905 (SANAC), headed by Sir Geoffrey Lagden, outlined the premises of devolved segregation: using territorial racial separation to provide cheap black labour to mines and white cities and to effect a political system that excluded Africans from direct representation in government by awarding them local self-government elsewhere (Legassick, 1995:43). The rate of capital accumulation in gold mining depended on pre-capitalist relations of production in the reserve economy to keep costs of production down and a self-supporting peasantry compliant (Legassick, 1974:7). The economic structure of migrant labour, supported by poor homelands, survives to this day. Smuts adapted trusteeship in his 'native policy' of segregation:

To promote the cause of civilisation without injustice to the African, without injury to what is typical and specific in the African, we shall render a great service to the cause of humanity. For there is much that is good in the African and which ought to be preserved and developed. The negro and the negroid Bantu form a distinct human type which the world would be poorer without (Smuts, 1930:74).

Such innovation was inspired by the progressive, humanitarian concerns, of anthropologists, social workers, and education reformers, that rapid assimilation of black labour in the cities was breaking down 'civilisation' and tribal customs on the mines, without imposing new ones, making settled urban workers difficult to manage (Legassick, 1995:47). Rural migrant labourers were thought to be more disciplined than urban Africans who had lost the influence of tribal customs (Dubow, 1989:24-5). The 1905 SANAC Report, prepared in the

Imperial tradition as a guidebook for future reference, argued, 'advance cannot be stayed, but must be conducted under civilised guidance', to support the advancement of indigenous peoples in ways that do not align too closely with European lifestyles (Legassick, 1995:48-9). The assimilationist ideals of Cape Liberals, promoting universal rights, were thus challenged, with South African unification, by the turn of the centre of gravity in political affairs to Rand Liberalism, influenced by social anthropologists' 'progressive' promotion of cultural pluralist social rights (Legassick, 1995:46. Dubow, 1989:34. Rich, 1984:2).

Liberal paternalists, such as Milner's protégé, Lionel Curtis, Eastern Cape parliamentary 'native representative' Richard Rose-Innes, and the Johannesburg Quaker accountant, Howard Pim, appealed to trusteeship to justify the case for keeping a self-governing white community in charge of an immature black population, living on separate land in the Protectorates and represented by 'native councils' (Legassick, 1995:55). In 1907, Curtis, in a letter to Patrick Duncan, wrote, 'we are moving from a policy of assimilation to separate development' (Legassick, 1995:43). After unification, the liberalism that developed in the 1920s was born in explicit opposition to universalist, assimilationist Cape Liberalism. The discourse of 'culture' replaced that of 'civilisation'. 'Difference' and 'pluralism' replaced 'individualism' and 'identity' (Legassick, 1995:34). South Africans essentialised race as a cultural construct, rather than a biological category (Posel, 2001).

As Minister of Mines, Smuts supported legislation for the colour bar in the workplace in 1911 and confinement of black people to a relatively small portion of separate territory in 1913, contributing to the establishment of the South African system of racial separation during the inter-war years (Marks, 2001:203). 'Defended by paternalist notions of trusteeship and segregated 'parallel institutions'', Marks adds, this policy united an alliance of English and Afrikaans supporters. Dubow explains the role 'South Africanist' ideology played in shoring up the racial order, to unite the white minority in its appeal

to a shared Anglo-Dutch heritage of cultural, legal, religious, scientific, and technological progress (Dubow, 1992)

The Concept of Trusteeship by which Smuts Defended Mandates

Smuts's 1929 Rhodes Memorial lecture explicitly aligns segregation with the 'sacred trust of civilization' he had set out in the Covenant of the League of Nations and in the mandate system, to guard 'the well-being and development of peoples not yet able to stand by themselves under the strenuous conditions of the modern world' (Smuts, 1930:89). This precursor to postcolonial governmentality suited the pragmatic British turn to indirect rule and American neo-Imperial expansionism. Smuts appealed to Lugard's *Dual Mandate* to defend South Africa's policy of segregation as a legitimate form of trusteeship. He suggested that this policy provided Africans with 'native institutions' for self-government that were in line with their own traditions and customs (Garson, 2007:167). Segregated trusteeship in indirect rule (Rand liberalism) departed from the 'older policy' of coerced assimilation with direct rule (Cape liberalism), which sought to 'scrap native institutions' as 'barbarous.' Smuts credits Rhodes' Glen Grey system, extended throughout the Cape, for introducing 'indirect white rule' with native councils (Smuts, 1930:78-79). Whereas the policy of direct rule imposed the white man's culture, trusteeship encouraged a sense of pride and duty in national institutions (Smuts, 1930:84). In sympathy with Burke's counter-revolutionary critique of natural rights, Smuts argues,

The principles of the French Revolution which had emancipated Europe were applied to Africa; liberty, equality and fraternity could turn bad Africans into good Europeans. The political system of the natives was ruthlessly destroyed in order to incorporate them as equals [...] we shall have to build her future progress and civilization on specifically African foundations [...] in line with the traditions of the British Empire [which] does not stand for assimilation of

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its peoples into a common type [...] but along their own (Smuts, 1930:78).

For Smuts, '[s]tates are not to be controlled by compulsion from above but by consent from below' (Smuts, 1918:33). After World War I, his plan for devolved administration presented to the Treasury helpful cutting of costs, adapting trusteeship to the altered balance of power.

Although Smuts is often called the 'father of the mandate system', the Pan-African activist and historian, Rayford Logan, claimed that its basic parts had been established long before Wilson read his pamphlet (Logan, 1928:426). By 1916, the idea of trusteeship had already been promoted in plans for international trusteeship proposed by E.D. Morel, J.A. Hobson, and P.H. Kerr, in *The Round Table*, and by Fabians in *New Statesman* (Winkler, 1951:156; Louis, 1963:415). But Smuts sold to Wilson a peculiar, segregated concept of trusteeship, which helped to reconcile colonial rivalries and disputes, by uniting, under international supervision, the principle of open-door trade with the practice of separate national development.

Smuts proposed his mandate plans to mediate between ill-advised conquest and ill-prepared colonial independence, arguing that a diversity of conditions in various territories meant that each should be considered individually. In a speech to both Houses of Parliament on 15 May 1917, Smuts advocated for the establishment of an organisation to uphold rights and maintain general peace, reminding his former British foe that the 'British Commonwealth of Nations does not stand for unity, standardization, or assimilation, or denationalization; but [...] for a fuller, a richer, and more various life among all the nations that compose it' (Hancock & van der Poel, 1966, viI:512).

Smuts put together his ideas in a hastily written 'short sketch' for a practicable workable scheme for a League of Nations, to 'occupy the great position which has been rendered vacant by the destruction of so many of the old European Empires and the passing away of the old European order' (Smuts, 1918:foreword). His draft plans for the covenant

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played deliberately to American sentiments and proved highly influential on Wilson (Bain, 2003:91-3), who eventually endorsed the segregated account of trusteeship Smuts set out, to take on the duty to develop 'backward people' of the world,

In accordance with their own institutions, customs, and ideas, in so far as these are not incompatible with the ideals of civilization. This was the plain meaning and intention of the article I can state with some authority, as I was in a measure responsible for this mandate principle and for its formulation in article 22 of the Covenant [... which ...] gives the native his own traditional institutions (Smuts 1930:89;91).

Wilson's chief delegate and advisor in negotiations towards the peace settlement, David Miller, notes that a third of Smuts's 21 proposals (sections 2 to 9) were devoted to the workings of the mandate system (Logan, 1928:35).

The internationally institutionalised precedence of mandated territories in the Berlin and Brussels Acts provided evidence for Smuts and G.L. Beer, Wilson's adviser, as a basis for mandated authority (Pedersen, 2015:18). Wilson and Lloyd George recognised that international control over dependent people must involve accountable responsibility for their interests, but there was not yet a workable system devised by which this could be determined in practice. Smuts and Beer appealed to the *Round Table* argument that international trusteeship of the Congo Free State had failed due to the lack of a directly accountable enforcing authority. On this basis, Smuts argued, mandated powers should be appointed to look after the foreign territories of fallen empires. Between the 'world state' ambitions of Wilson's utopian internationalism and *Round Table* federalists, Smuts drove home the argument that joint administration would be too chaotic and cumbersome, recommending the delegation of authority to trustees (Louis, 1965:20-34).

Wilson distrusted European leaders, who saw him as a dreamy idealist, and he suspected that France and Britain had

gathered for spoils. During his initial cautious interactions with them, Wilson became captivated by Smuts's *Practical Suggestion*, which Lloyd George presented to him. The articles Smuts set out on the constitution of the League, he continues, 'made a real advance toward the final solution', with explicitly assigned mandates, made publicly accountable to international supervision (Miller, 1928:36). 'Europe requires a liquidator or trustee of the bankrupt estate,' Smuts writes, 'and only a body like the League could adequately perform that gigantic task' (Smuts, 1918:27) The principles he thought vital to his 'modest scheme' include:

Nationality, involving... political freedom and equality... autonomy, which is the principle of nationality extended to peoples not yet capable of complete statehood; the political principle of decentralisation, which will prevent the more powerful nationality from swallowing the weak autonomy... and finally an institution like the League of Nations, which will give stability to that decentralisation, and thereby guarantee the weak against the strong (Smuts, 1918:27-28).

Smuts persuaded British colleagues that with three major powers left in the world, it made sense for Britain to support the League to gain support from America. He explicitly modelled the League on the British Empire's Imperial Cabinet, minor Dominions, and liberal preference for open-door trade. An 'enduring Temple of future world government' that was 'built on the debris of an old dead world' was to be exercised in trust for a world government (Smuts, 1918:30-31). Churchill agreed, 'there were to be no annexations, but Mandates were to be granted to the Principal Powers which would give them the necessary excuse for control' (Haas, 1952:528).

Wilson's subsequent drafts borrowed many of Smuts's ideas and in due course German colonial territories were added to the plan, to be administered by small nations (MacMillan, 2003:89). He further adopted Smuts's idea of an executive council of Great Powers, representatives of minor states in rotation, the council veto by three or more negative votes, details on arbitration, penalties for breaking of covenants,

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abolition of conscription, and, most directly, mandates. Wilson insisted on extending the plan to substitute mandates for annexation to avoid the impression that the war was fought for the purpose of Imperial territorial aggrandisement. While the French expressed support for trusteeship, they were reluctant to abandon direct rule in favour of mandated supervision (MacMillan, 2003:98; Haas, 1952:525). Minister of Colonies Henri Simon argued that annexation was more efficient and beneficial for the natives during discussions with the Supreme Council. Australia and New Zealand also advocated for annexation, testing the patience of Wilson and Lloyd George.

Nevertheless, Wilson stood firm (MacMillan, 2003:102-3; Haas, 1952:533). No one disagreed with the notion of trusteeship, *per se*; the debate turned on whether annexation or mandate was best suited to the purpose of trusteeship (MacMillan, 2003:99). Keeping in mind South Africa's ambition for South Africa, Smuts argued, for a stadial concession, that immediate independence was suitable for advanced East European Balkan territories but not for 'backward' nations inhabited by 'barbarians' (Smuts, 1918:15, 28, 36).

Thus, Smuts and Robert Cecil came up with the compromise, accepted in Article 22 of the Convention, of a system of trusteeship distinguished by 'A, B, and C' Mandates (MacMillan, 2003:103); although, it was Balfour, the British Foreign Secretary who first suggested the terms could differ, to allow the Dominions their colonies (Louis, 1963:421). The degree and duration of temporary supervision for territories was graded according to 'the stage of the development of the people, the geographical situation of its territory, its economic conditions, and other similar circumstances' (Thomson, 1947:344, Pedersen, 2015:29). Smuts's proposals for C mandates virtually allowed annexation, leading to Logan's criticism, that Africa was never expected to 'grow up', under permanent tutelage and lacking an open-door policy (Logan, 1928:431; Curry, 1961:981). Nonetheless, Wilson accepted the

adjustment, with Smuts's assistance, handling wary delegates (Curry, 1961:982).

Smuts's segregated, stadial, teleological conception of trusteeship enabled a compromise at Versailles on the sovereign status of annexed colonies. By the sanctioning authority of trusteeship, British policies of open-door trade and indirect rule over satellite economies were aligned with the USA objective of independence for mandated territories. It was Smuts's conception of segregated, temporary, indirect rule, as opposed to Burke's argument for direct Imperial dominion, which informed plans for the administration of mandates. Smuts's cultural essentialist idea of different national customs, with distinctive social rights, legitimated the Imperial turn to postcolonial governmentality, as assistance for segregated development.

For Americans, since Imperialism was no more, 'the League was to be the heir of the Empires'; for British sympathisers, it was not a substitute but another empire, with the same broad purposes and principles as the British Empire (Bain, 2003:92, 93, 97). To foreign subjects, especially in the C mandates, mandates did not seem much different from colonies.

Smuts's plan for trusteeship was the first to recognise new techniques for management of international relations made possible by the creation of the League, in a world, as Anghie reminds us, where 'sovereign states were the only actors recognised by international law' (Anghie, 2005:115). Smuts justified this hierarchical Imperial order with a conception of trusteeship that mandated the supervised dismantling of empires, to transform colonial territories into sovereign states and integrate them into the universal whole (Bain, 2003:21).

After World War II segregated trusteeship was established globally, involving the elimination of indirect rule, the summoning of new elites, and repurposing of the Imperial mission and colonial service for 'development' as a means of 'staying on' (Cain & Hopkins, 1987:17). Trusteeship

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was adapted from a justification for empire to the provision of a more convenient alternative (Bain, 2003:21). As W.E. Rappard comments, on the World War I peace settlement in 1946, '[t]he terms of the compromise were obvious: President Wilson succeeded in preventing annexation; the conquerors in retaining their conquests' (Rappard, 1946:409). Ernst Haas concurs '[t]hat politics, and especially international politics, is the art of compromise is a cliché of ancient standing.... Acceptance of the Mandate System is a case in point' (Haas, 1952:521).

Liberal Segregation with Human Rights under Trusteeship

Critics highlight the inconsistency in Smuts's alignment of racial segregation with liberal human rights. However, after World War II, promotion of universal rights, representative democracy, liberal capitalism, and decolonisation aligned well with cultural and national segregation. His stadial theory of history placed Europeans at the top of a hierarchical system, with lesser political societies below. Marks, Morefield, Garson, and Anker explain how Smuts appealed to holism to reconcile liberalism and racism. We add that his belief in gradual moral and political progress reconciled liberalism with his racist worldview.

For many late nineteenth century writers, Kate Fletcher notes, 'there was no opposition between liberal humanism and colonial racism' (1996:126). 'Smuts's privileging of the concept of humanity, limited to the 'European races' in South Africa, she argues, provided a compelling justification for a political structure founded on liberal humanism, which encompassed inherent racism within it (Fletcher, 1996:126). We largely agree with her, but with some reservation towards her assumption that Smuts denied the humanity of black Africans, and that of Marks, that he reserved liberalism for white people. As Smuts's concept of trusteeship denotes, the concept of universal humanity does not entail equal identity. The supposed humanity of Western Christianity justified

colonialism for centuries, first, in rights to conquer and exploit foreign lands, and then in duties to assist and uplift those who had not reached full development or self-determination (Boisen, 2013). Late nineteenth century international law presumed specific norms of civilisation as the test of statehood (Sylvest, 2008:416), just as the Cape Liberal franchise had insisted on property and education as a qualification for the franchise.

The inconsistency critics identify between Smuts's endorsement of paternalistic segregation and liberal human rights reflects a common misunderstanding of human rights as natural rights, and of liberalism as the ideology of a certain order of universality. As we have demonstrated, Smuts saw human rights as social rights (a view he held in common with positivist international legal theorists, British Idealists, and constructivist social anthropologists). Moreover, his policies of racial segregation followed a common liberal pluralist critique of homogeny. 'Smuts emphasised an important, 'inner creative factor', Fletcher explains, which for him was, 'the real positive motive force of Evolution': that of 'Variation'' (Fletcher, 1996:117). Variation supports adaptation to different contexts and, so Smuts believed, 'ensured the fundamental inequality of holistic development between individuals that was necessary for the progress of the whole' (Fletcher, 1996:118). The evolutionary level of the higher-minded personality of individuals or legislative authority of the state depended on organisational capacity, 'to order, sublimate and regulate into a harmonious unity, but not to equalise, the disparate elements' (Fletcher, 1996:118).

Garson raises the valuable consideration that 'race' was used loosely in general discourse in Smuts's lifetime when he identified the English- and Afrikaans-speaking population as 'two white races' (Garson, 2017:157). 'Race' was associated with 'nation'. Race was also commonly accepted as a cultural category in South Africa. In keeping with Burke's critique of natural rights, trusteeship ideology in South Africa was not based on natural *biological* racial difference. Segregationists appealed to cultural social rights of national self-

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determination. Giliomee insists that 'biological racism was a fringe phenomenon' in South Africa (Giliomee, 2003:386). However, cultural differences were essentialised, such that racial hierarchies were used to ratify and reinforce social and economic inequalities (Rich, 1984:5; Posel, 2001:94-6). The influential racial policy developer, Werner Eiselen, insisted that segregation pays sensible attention to the cultural basis of nationality: 'The duty of the native is not to become a black European, but to become a better native, with ideals and culture of his own' (Dubow, 1989:37). In *Africa and Some World Problems* Smuts agreed that black people should build up their own institutions in their own areas, so they were not turned into 'pseudo-Europeans' (Smuts, 1930:47, 74-76).

Influenced by Hoernle's influential paper, Nationalist academics like N.P. van Wyk Louw and several Dutch Reformed Church (DRC) theologians argued for segregation or 'parallelism,' based on an essentialist view of 'custom' promoted by emerging social anthropologists (Dubow, 1989:8; Giliomee, 2003:387). Smuts's 1929 Oxford lectures, supporting segregation, citing the distinctive character of African culture, influenced the Hailey Survey's review of African Imperial governance. Most of Prime Minister Hertzog's ideas for the 1936 Land Bills were based on liberal ideas concerning the homelands system, such that 'apartheid' was 'largely derived from existing segregation and trusteeship ideology' (Dubow, 1989:22). In the 1920s, Afrikaner apartheid ideologues increasingly emphasised 'culture', to allocate groups to Bantustans based on 'ethnicity.' P.J. Coetzee, the father of *volkekunde*, differentiated each 'ethnos' according to a culture's distinctive teleological calling (Dubow, 1994:359). The DRC viewed its role towards natives as paternalistic welfarism, a 'sacred trust' (Dubow, 1992:213), rejecting failed missionary attempts at 'detransformation' and advocating for non-white welfare to develop pride in one's *volk*. Progressive, liberal trusteeship ideology was influenced by the cultural fetishism of the Great Trek, which mythologised Afrikaner self-determination.

In the 1944 parliamentary debate, D.F. Malan, later the first Prime Minister of South Africa, along with his political associate Paul Sauer, defended apartheid with reference to the 1930s DRC practice of 'self-governing, self-supporting, self-propagating churches' (Giliomee, 2003:390). Giliomee explains that their stance was rooted in the Cape Afrikaner ideology of paternalism and British colonialism, emphasising indirect rule and trusteeship, rather than racial ideology. Malan advocated an independent white republic, practising apartheid and trusteeship, to ensure the safety of the white race and the development of the non-white race, each according to their own distinctive abilities (Giliomee, 2003:388). South African segregationists justified segregation with Malinowskian cultural relativism, British pluralism, and indirect rule, employing the language of cultural adaptation and trusteeship (Dubow, 1989:37).

The ideology of segregated trusteeship, on the basis of discrete customary differences, which arose in South Africa, was influenced by Imperial adaptation, responding to Africans leaders' insistence on recognition of their distinctive social rights and their right to self-determination. Gradualist elites like the newspaper editor J.T. Jabavu leveraged the language of legitimation to secure African social rights. They recognised that working within the framework of South African society, rather than opposing it, was crucial for future African welfare. We should not imagine that these leaders were deceived about their subordinate situation. But they appealed to British justice, to insist on the path to European 'adulthood'. They skilfully and subtly employed 'sly civility' (as described by Homi Bhabha), using colonial mimicry to work the system. In 1887, Jabavu stressed in his newspaper that allegiance to the Queen aided the weaker, subject race in the British Empire, since this secured freedom, law, and protection (De Kock, 1996:61, 107-114, 131).

Concluding remarks

The evolution of the concept of 'trusteeship' in South Africa was characterised by a significant shift from its original legitimisation of direct rule and universal assimilation to a doctrine of segregated postcolonial governmentality. Not only did this adaptation depart from Burke's understanding of trusteeship, which emphasised direct accountability, but it also marked a divergence influenced by Smuts's perspective on the legitimacy of mandates.

Contrary to Burke's model of trusteeship, the segregated ideology that emerged in South Africa essentialised customary differences and promoted separate political institutions for groups with distinct customs. Segregation accompanied the delegation of responsibility for separate social rights to proxy national regimes, associating Imperial political obligations with a moral duty to protect the interests of foreign subjects. Eventually, the perpetuation of this segregated ideology catalysed the establishment of ethnic homelands ruled by compliant collaborators, transitioning trusteeship from a rationale for formal empire to a rationale for indirect rule. By tailoring different political institutions to the specific needs of distinct nations, trusteeship functioned to justify informal empire. The turn to international segregation allowed for ongoing supervision of decolonised nations, allowing for financial and commercial control without direct annexation, while eroding the accountability for subjugated citizens that Burke's trusteeship brought to Imperial rule.

Anghie suggests that the League of Nations' adoption of wardship and tutelage ideology was intended to replicate in non-European societies the specific developmental process of Europeans, to promote individualism in mandated territories as a means for efficient governance and fostering of social rights (Anghie, 2005). On the contrary, segregated trusteeship thrives on multicultural postcolonial governmentality. Anghie fails to recognise that the mandate system never intended the erasure of cultural pluralism. Inculcation of distinct social rights and diverse identities was the pluralist

liberal aim of segregated trusteeship, transforming the enlightened, rationalist, universalistic, and evangelical basis of the civilising mission into a financial development aid programme, by which puppet leaders of indebted, ethnically segregated postcolonial regimes would access funding for the infrastructural development and defence of dependent administrations.

Hopkins rightly acknowledges the distinction between Imperialism, rooted in loyalty to the empire, and nationalism, driven by aspirations of self-determination. Presuming that the hierarchical structure of the empire clashed with the decentralised, multicultural concept of the Commonwealth, however, he argues that the shift towards post-Imperial civic nationality jeopardised Imperial power. Hopkins further asserts that Smuts's vision thus required dismantling and replacing the structure of empire for the establishment of a new postcolonial order (Hopkins, 2008:230). By contrast, we contend that nationalism aligned well with the segregated conception of trusteeship that Smuts advocated, in line with Robertson and Gallagher's argument that: 'responsible government was far from ... a separatist device' (Robertson & Gallagher, 1953:4). Hopkins' view exaggerates the distinction between Commonwealth and Empire, misunderstanding the beneficial interaction between these two systems, made possible by Smuts's segregated conception of trusteeship.

As Anghie explains, political sovereignty was transferred to independent states without economic autonomy. Our reading of Smuts's segregated conception of trusteeship shows how these two modes of dominion were bridged and extended to maintain cultural, financial, and economic hegemony. Decentralised sovereignty relieved empire of direct responsibilities for the social rights of dependent peoples, while acceding to demands of Nationalist resistance and international competition by buying in proxy ethnic leaders. In Mamdani's terms, the two systems of equal citizenship and independent sovereignty came to represent 'two parts of a single but bifurcated system' (Mamdani, 2010:56). Trusteeship bridged decolonisation and global governance.

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Informal and formal empires became interchangeable, as Gallagher explains, with varying degrees of control.

In the mid twentieth century, Bain argues that ‘the legitimacy of trusteeship collapsed in the face of rapid and widespread decolonization’ (2003:68). He claims, ‘[h]olding people in a state of dependence, subject to the rule of an alien authority, constituted an offence to fundamental human rights and freedoms that could no longer be justified in post-colonial society’ (Bain, 2003:68). The idea of proportionate equality, allowing power or privileges on the basis of merit, does not square with the principle of universal equality, he claims: ‘[t]he right of self-determination transformed trusteeship into a crime against humanity’ (Bain, 2003:66). Yet postcolonial governmentality introduced by Smuts's segregated conception of trusteeship is evident in the outsourced development of former colonies by the aid of great powers, to meet the demands of advanced corporations and citizens of the developed world.

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