9. Jan Smuts, Alfred Xuma, and the Struggle for Racial Equality in South Africa, 1939-1948

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Introduction

This chapter discusses the approach followed by Jan Smuts to address the 'Native problem' during his second premiership from 1939 to 1948. Rather than deal with the central issue of granting political rights to Africans, Smuts chose to improve social welfare services for Africans. This approach received criticism from the African Nationalist movement under Alfred Xuma, which insisted on full citizenship rights for all South Africans. The assertive approach adopted by Xuma and other moderate leaders of the African National Congress (ANC) reflected the changing political sentiment inside the African Nationalist movement itself, brought about by an increasingly restive urban African working class, as well as the emergence of the Congress Youth League (CYL). Although it took almost five decades before the cause for racial equality was won, its seeds were planted in the 1940s during Smuts's second premiership. Smuts's steadfast refusal to take initial steps towards racial justice for black people remains a major blot in his outstanding career in public life.

When Jan Christiaan Smuts, the Prime Minister of South Africa from 1919 to 1924 and again from 1939 to 1948, encountered Alfred Xuma, the sixth President-General of the African National Congress (ANC), at the United Nations General Assembly meeting taking place in New York in 1946, he is reported to have asked 'Xuma, are you here? What are you doing here?' In reply, Xuma said 'I have had to fly 10,000 miles to meet my Prime Minister. He talks about us but won't

talk to us.'[1] Their brief and unplanned encounter in New York appears to have been the first and only meeting they ever had.[2] Smuts's reluctance to meet with leaders of black people appears not to have been limited to Xuma. A survey of the voluminous literature on Smuts's long public career suggests that he did not have much time to talk directly with leaders of the African Nationalist movement.[3] To repeat the perceptive words of Xuma, Smuts talked about black people to many of his interlocutors but was persistently reluctant to talk to them.

I have started this chapter by recounting the encounter between Xuma and Smuts because of its significance as well as for the broader moment it signified. Xuma's decision to travel to New York to challenge the policies of the South African government before the United Nations while the premier, Smuts, was also at the UN promoting his government's policies was unprecedented. For far too long, leaders of the ANC, in particular, tended to adopt an obsequious approach in their relationship with the government. Xuma's assertive approach was a departure from this established tradition. It reflected, I suggest, the fundamental changes inside the broad African Nationalist movement as well as the increasingly tense political situation in South Africa over the political status of Africans. That the confrontation over the problem of the colour line happened during the second Smuts premiership, on the surface appears confusing because evidence suggests that Smuts's approach to the issue, as I will show, had softened. Part of the explanation for the hardening of attitudes on the part of the leadership of the African Nationalist movement can be traced to the enactment of the so-called Hertzog Native Bills in 1936, and the role that Smuts played in it. It is important therefore, to discuss, briefly, the political confrontation over

1 The exchange is contained in Steven D. Gish's biography of Alfred B. Xuma. (Gish, 2000:148).

2 Gish, 2000:148.

3 The exception appears to have been D.D.T. Jabavu with whom Smuts is reported to have enjoyed some relationship. Hancock (1968:265) describes their relationship as 'easy and friendly'.

the Hertzog Native Bills and to examine in particular Smuts's role as well as the opposition mounted by Africans.

Smuts, Xuma and the Hertzog Native Bills

In April 1936, the parliament of South Africa voted to approve the so-called Hertzog's Native Bills. Of the members of parliament who voted, 169 voted in favour of the two bills while only 11 voted against (Paton, 1964:231).[4] Amongst the 169 members who voted in favour of the Native Bills were Jan Smuts, the former Prime Minister and, at that time, deputy to Hertzog in the Fusion government they had established in 1933. Amongst the 11 who voted against the bills was Jan Hofmeyr, Smuts's protégé and a minister in the Hertzog cabinet. Paton (1964:231) notes that when the voting count was announced, it was met with cheering by members of parliament. This was in acknowledgement, he states, of 'Hertzog's achievement and the crowning of his life's work'.

There is truth in Paton's observation that the passing of the two bills was fulfilment of the ambition that Hertzog had had for a while. Indeed, Hertzog first introduced the so-called Native Bills a decade earlier in 1926. The bills sought to address two issues that were central to Hertzog's policy towards black people. The first issue concerned the political status and rights of black people. The second matter concerned the land question. About the first issue, Hertzog's main goal was to remove Africans from the Cape common voters' roll. In the case of the issue of land, one of the bills proposed to make available some hectares of land for settlement by black people in line with one of the recommendations of the commission of enquiry chaired by William Beaumont in the aftermath of the Natives Land Act of 1913 (see, for instance, Limb, 2010:186; Walshe, 1970:55-57). For a decade, Hertzog was unable to have the bills passed by parliament because of the two-thirds

4 Smuts's biographer, Hancock, (1968:266) gives a slightly different number of those who voted in favour of the two bills. According to him, 168 members of parliament voted in favour of the bills rather than the 169 mentioned by Paton.

majority that was required to interfere with the franchise rights of Cape Africans who were eligible to vote. It was only after the formation of the Fusion government[5] in 1933 that there was a possibility for the enactment of a law that would have removed eligible Cape Africans from the common voters' roll. For Hertzog, Paton (1964:198) claims, the very idea of forming a coalition government with Smuts was so that the ''native problem' could be settled once and for all'.

Of the two Native Bills that were passed in April 1936, the Representation of Natives Bill was the most contentious. As already mentioned, Hertzog's main goal through the bill was the total removal of Cape Africans from the common voters' roll. This policy proposal had been opposed by Smuts and organisations representing African political rights from the beginning when Hertzog introduced it in 1926. Hertzog had sought to have the removal of Cape Africans from the common voters' roll a condition for the coalition government during his negotiations with Smuts in 1933 (Hancock, 1968). Although Smuts rejected Hertzog's proposal, article 6 of the coalition agreement committed the two leaders and their parties to make an 'earnest effort' to find a solution to the so-called 'Native problem' (Hancock, 1968:251).

Hertzog followed through on the commitment to make an earnest effort by putting forward two revised bills to address the issue of the franchise for Africans as well as addressing the land issue. Hertzog's efforts had gained considerable momentum by late 1934 and early 1935, so much so that in his letter to Margaret Gillett, a friend from his days as a student at Oxford, Smuts wrote the following:

5 The Fusion government was a coalition government of the Nationalist Party led by Hertzog and the South African Party led by Smuts. According to the agreement, Hertzog became the Prime Minister while Smuts was offered the position of Deputy Prime Minister and the Minister of Justice. The coalition government was followed by the fusion of the two parties. The new party was called the United Party. See Hancock (1968) and Paton (1964) for an extensive discussion of the circumstances between the formation of the Fusion government.

> Here we are again busy with the Native bills. It is clear that I am going to be beaten and Hertzog will get his two-thirds majority in spite of my opposition. Many of my stalwarts are beginning to think that the mixed franchise will lead the Natives nowhere. The Native voters at the Cape have actually dwindled to about 10,000. As a constructive advance I have suggested a Native council or assembly for South Africa on the Bunga type to which Natives will be elected or nominated, and which will deliberate on all matters of Native interest and advise parliament. This may become a body of real importance as a platform for intelligent Native opinion and give Natives that voice in their own affairs which it will be impossible for parliament to ignore. This, with a land bill and improved educational and health facilities, may make a real advance. Personally I shall have to stand by the Native franchise at the Cape and cannot compromise on that issue. But public opinion is growing the other way, even among really enlightened people like Duncan and others. We are now discussing my new proposals to which Hertzog has agreed but which many of his friends don't like.[6]

Smuts's promise in the letter to 'stand by the Native franchise at the Cape' and to not compromise on the issue was not to last long. His change of heart, if it were to be called that, was evident in an April letter to Margaret Gillett.[7] Smuts stated that he saw the revised draft Bills as 'great advances'. According to him, the Native Trust and Land Bill gave Africans 'considerable additional land'[8], and the provisions in the Representation of Natives Bill, which included the representation of Africans in the senate by white representatives as well as the establishment of the Natives Representative Council as replacement of the Cape African franchise was also acceptable

6 Letter from Smuts to M.C. Gillett dated 23 February 1935, vol. 53, no. 194. In Hancock and van der Poel (1973a:11–12).

7 Letter from Smuts to M.C. Gillett dated 28 April 1935, vol. 53, no. 204. In Hancock and van der Poel (1973a:18).

8 Smuts's letter to M.C. Gillett dated 28 April 1935, vol. 53, no. 204. In Hancock and van der Poel (1973a:18).

to Smuts. He did concede that Africans would not be pleased by a Bill that took away their franchise rights, and also claimed that he would not have taken the Cape African franchise away had he had the power. In his opinion, what the so-called Native Bills offered Africans would in the long run prove useful to them. Smuts justified his volte-face on the issue of the Cape African franchise by arguing that 'white opinion is firmly opposed to the continuance of the Native franchise'.[9]

Smuts's decision to support a bill that removed Cape African voters from the common roll was particularly controversial. Amongst those who opposed the measure was Hofmeyr. Hofmeyr outlined several reasons for opposing the Bill that removed the Cape Africans from the roll. One of them was that the 1936 Bill was worse than what Hertzog had proposed in 1926 and 1929 respectively. Although Hofmeyr did not spell it out, Smuts had opposed both the 1926 and 1929 versions of the Bill, which, as he pointed out, were a lot more liberal than the 1936 version that Smuts supported. Hofmeyr also objected to the heart of the 1936 Bill, which was the removal of Cape Africans from the common roll and the introduction of the communal representation scheme. He regarded such a scheme, Paton (1964:227) notes, as 'dangerous.'

Hofmeyr was not alone in opposing the 1936 Hertzog Native Bills. He was joined by 10 other members of parliament who voted against it. There was also strong opposition from the African Nationalist camp. As a matter of fact, this opposition was long-standing; it had started when Hertzog introduced the Bills in 1926. Then, as in 1926, the opposition of the African Nationalist movement led organisationally by the African National Congress (ANC) was 'immediate and decisive' (Walshe, 1970:113). African Nationalists rejected the Land Bill on the basis that it was anchored on the 1913 Natives Land Act and its allocation of land, which they considered to be unjust to Africans. In addition, they objected to the Representation

9 Smuts's letter to M.C. Gillett dated 28 April 1935, vol. 53, no. 204. In Hancock and van der Poel (1973a:18).

of Natives Bill on the basis that it did not recognise the rights of Africans to participate in the affairs of the country as equal citizens (Walshe, 1970; Ngqulunga, 2017). Leaders of various groups representing Africans were particularly affronted by the proposal to do away with the Cape franchise. They also called for the repeal of the 1913 Natives Land Act, which was the cornerstone of the Native Trust and Land Bill (Walshe, 1970:113).

The reintroduction of the Hertzog Native Bills (in amended form) in 1935 provoked strong opposition from the African Nationalist movement. Walshe (1970:119) observes that it also coalesced this opposition around the All-African Convention (AAC), which had been formed in December 1935 under the leadership of Professor D.D.T. Jabavu as its president and Xuma as Vice President. Indeed, both Jabavu and Xuma - 'two men of outstanding stature' (Walshe, 1970:115) - had by 1935 become the leading opponents of the Hertzog Bills. The main reason for the emergence of the AAC and for the prominent role played by Jabavu and Xuma was the enfeeblement of the ANC in the 1930s under the leadership of Pixley ka Isaka Seme (Ngqulunga, 2017). Jabavu, Xuma and other leaders of the AAC anchored their objections to the Native Bills on their fundamental faith in the Cape liberal tradition, which promised - and indeed offered - individual franchise to all 'civilised' men (Walshe, 1970; Gish, 2000). Their reaction to the presentation of the revised Bills in 1935 was to insist on the preservation of the individual Cape African franchise and to call for more land to be given to black people. So strongly did Xuma believe in the preservation of the Cape franchise that when Hertzog offered a compromise of putting Cape Africans on a separate roll and allowing them to elect three white representatives to the House of Assembly, he, according to his biographer, Stephen Gish (2000:87), 'became alarmed'. 'To his mind the principle of a common franchise - so integral to the Cape liberal tradition - could not be forsaken' (Gish, 2000:87). Xuma joined other leaders of the AAC who were in Cape Town meeting Hertzog 'determined to persuade

his colleagues to repudiate Hertzog's proposal', which they did (Gish, 2000:87).

Although Xuma and the AAC's opposition to the Hertzog's Native Bills failed with their approval by parliament in April 1936, his participation in opposing them [the Bills] 'had catapulted him into the front ranks of African political leadership (Gish, 2000:88). Gish makes a telling observation, which is that Xuma came out of the opposition to the Bills quite sceptical of the sincerity of white politicians whom he believed 'merely gave lip service to racial reconciliation' (Gish, 2000:88). As a result, he came to believe that independent political organisation was critical to advancing the interests of Africans. Based on this belief and his loss of faith in participating in government institutions, Xuma rebuffed entreaties to participate in the Native Representative Council (NRC) (Gish, 2000:89). This set a tone for how he approached his leadership of the ANC when he became its President-General in 1940. Crucially, his belief in independent African organisation and his loss of faith in government institutions such as the NRC influenced his approach to his interaction with the Smuts government over the rights of Africans during the 1940s. It did not help matters that Smuts anchored his government's policy towards Africans on the pillars laid by Hertzog in the 1930s (Davenport, 1975).

Outline of the Smuts Government's Policy towards Africans: 1939-1948

Smuts assumed the premiership of South Africa for the second time under the shadows of World War II. Indeed, all the voluminous literature on Smuts indicates that South Africa's participation in the war became Smuts's primary concern during the first few years of his second premiership (see, for instance, Hancock, 1968). Although the political status of Africans attracted public prominence from time to time, as was the case leading up to the 1943 general elections for instance, it was only in the aftermath of the war that the South African government's policies and treatment of non-white races,

especially people of Indian descent, received critical attention at international forums such as the United Nations (Dubow, 2008; Hancock, 1968). In the absence of any focused attention to the 'Native problem', Smuts leaned on the policy framework set by Hertzog with the enactment of his Native Bills in 1936. As Davenport suggests (1975:80), Hertzog's policy framework was anchored on three major pillars. These were the territorial segregation between black and white people, with Africans largely confined to the reserves; communal and indirect representation of Africans in parliament with Cape African voters consigned to a separate voters' roll; and the segregation of urban Africans to ensure that there was a limitation to the number of Africans allowed to move to the urban areas.

As I have mentioned already, Smuts had supported the thrust of this policy position when Hertzog presented it to House of Assembly in April 1936. His reasoning for doing so was that it was a much better deal for Africans, especially considering that the Representation of Natives Act enabled the establishment of the NRC, an advisory and consultative statutory body through which it was envisaged that Africans would advise government on matters that affected them. In fact, Hancock (1968:482) notes, Smuts had hoped that the NRC would develop into a 'legislative body on the national scale' for Africans. That ambition did not materialise. If anything, the NRC became an ineffective and toothless 'talking shop' (Hancock, 1968:482). Crucially, the policy framework that Smuts inherited from Hertzog and sought to implement, came under tremendous threat and challenge from the very beginning of his second premiership. In fact, the social and economic sands were shifting underneath it even as Hertzog was trying to entrench its key pillars in the mid-1930s (Davenport, 1975:81). For instance, the policy goal to limit the movement of Africans to the urban centres was undermined by rapid economic growth in the 1930s, which followed the devaluation of the pound in December 1932 (Davenport, 1975). This, in turn, led to strong demand for labour, which led to significant numbers of Africans moving to urban areas to meet the demand, at times being employed in skilled jobs reserved

for white people in terms of the 'civilised' labour policy. The outbreak of World War II and South Africa's participation on the side of the Britain and its allies further attracted an influx of Africans into cities and towns to meet the demands of the war economy. Between 1936 and 1946, the African population in Johannesburg, for instance, increased by a staggering 68% (Davenport, 1975:85). The presence of such a large number of Africans in cities such as Johannesburg created its own problems. For instance, there emerged a squatter movement from the mid-1940s, which had a direct correlation to the inadequacy of housing for Africans living in urban centres. To compound matters, the low wages paid to Africans and high cost of living in urban centres led to the eruption of labour strikes. Writing to his friend, Margaret Gillett in January 1943, Smuts acknowledged as much that Africans in urban centres faced depressed economic and social conditions. He wrote:

> We are having a very difficult time with the Natives who are getting infected with the virus of change and unrest and have moreover fallen into the hands of our Communists. Strikes are once more becoming common, and some regrettable shooting incidents have taken place. Of course the Natives are not without a case. They are dreadfully underpaid and feel the economic stress very severely in the towns. I have urged our Wage Board to accelerate the determination of higher minimum wages for unskilled workers, but the needs and demands are outpacing these reforms. Hence the unrest, and the outbursts. This morning I saw a very influential deputation of the churches who urged me to hurry on the good work, and the necessary reforms in social and political conditions. This is easier urged than done, and the proximity of the election makes the situation still more awkward. I am going to do whatever is politically possible and may even exceed the limits of political expediency. But I dare not do anything which will outpace public opinion too much just on the eve of an

> election which may be the most important ever held in this country.[10]

Smuts had already outlined his government's main approach to the so-called 'Native problem' a year before this correspondence with Margaret Gillett. In an address to the South African Institute of Race Relations delivered in January 1942 in Cape Town, he made a startling admission that the policy of segregating black and white South Africans, which was the bedrock of the Hertzog's Native Bills and his own, had failed dismally. For Smuts, it was not a belief in the superiority of white people that was at issue. Rather, he implored his audience to '[L]eave alone the question of higher race and lower race'. In its place, he proposed what he termed a relationship of trusteeship between black and white people (Smuts, 1942 in van Der Poel, 1973a:338). The central obligation - indeed duty - of white people was to 'discharge our trusteeship' (van der Poel, 1973a:339). Smuts proposed various ways in which white people as trustees could discharge this duty. In the main, these involved taking practical steps to improve the social and economic conditions of Africans. For instance, he pointed to the field of education for black people and argued that white people could do more to improve the situation. This was followed by health. In this case too, he contended that a lot more needed to be done to improve the health status of black people. He then tackled the issue of wages and the general living conditions of Africans especially those who resided in the urban centres of the country. In this respect, he argued: 'Leaving aside, tonight, the rural areas, the farms, and looking merely at the position in the big towns, all the evidence goes to show that, in general, the African cannot support his family in most places on the wage he is getting.'[11] 'The idea of trusteeship' Smuts argued, 'carries heavy implications and very serious duties'. As trustees, white people

10 Smuts's letter to M.C. Gillett dated 13 January 1943, vol.72, no. 198. In Hancock and van der Poel (1973a:407-408).

11 Smuts's address to the South African Institute of Race Relations on 21 January 1942 in Cape Town. In Hancock and van der Poel (1973a:341).

'have to look after the health and housing conditions, not only of our European, but also of our African, wards'. Continuing on this theme, he implored white people that they, as trustees, shall have to do this duty.[12]

Following on this speech, Hancock (1968:480-481) observes that the Smuts government took practical steps to improve the social and economic conditions of Africans. He points out the government's budgets of 1945 and 1946, which he states extended social security benefits to Africans although at lower levels as compared to white people. Hancock (1968:480-481) also notes that there were substantial improvements in expenditure for the education of Africans, and that a special law was passed in 1945, which made 'Native education' 'wholly a charge upon the central revenue' - a new development at the time. 'In the fields of health and housing' Hancock (1968:481) observes, 'the government steadily stepped up its financial aid to the provincial and municipal authorities', and in the case of wage determination the government 'made the cost-of-living allowances obligatory'.

A look at correspondence that Smuts exchanged with his acquaintances suggests that he believed genuinely that the social and economic lot of Africans needed to be improved. For instance, in a letter to Mary Gillett written in January 1943, Smuts admitted that the protests of Africans over their economic and social conditions were legitimate and he promised to do something about it. He conceded that Africans were 'dreadfully underpaid and feel the economic stress very severely in the towns' (Smuts in Hancock & van der Poel, 1973a:408). The question that confronts us regarding these concessions and attempts at social and economic improvements is whether they addressed in a fundamental way the problems faced by Africans. Were these attempts a proverbial matter of too little, too late? To address this

12 Smuts's address to the South African Institute of Race Relations on 21 January 1942 in Cape Town. In Hancock and van der Poel (1973a:339).

question, it is important to consider the views and reactions of Africans to Smuts's attempts to address the 'Native' question.

Xuma and the *African Claims*

Smuts's second stint as the Premier of South Africa coincided with the revival of the ANC under the leadership of Xuma. In fact, it is almost impossible to examine the attempts by Smuts to address the 'Native' question without discussing at the same time the presidency of Xuma and the measures he (Xuma) and his colleagues in the African Nationalist movement took to press the political and economic claims of Africans. Xuma's rise to the summit of leadership of the African Nationalist movement was an uncommon one. Unlike his predecessors as President-General, Xuma had not been present at the founding of the ANC in 1912. In fact, he was drawn from another generation altogether, having been born in 1893, for instance, two decades younger than John Dube, the first President-General of the ANC. When he returned to South Africa from the long absence overseas training to become a medical doctor, Xuma shunned serious participation in politics (see Gish, 2000, for an extensive discussion of Xuma's life). It was only Hertzog's Native Bills that drew Xuma into active participation in African Nationalist politics where he rose to become the Vice-President of the All-Africa Convention (AAC) (Gish, 2000:86). Even then, Xuma showed signs that his political approach to pressing the political claims of Africans was slightly different from the older leaders such as D.D.T. Jabavu and Pixley Seme, the leading figures of the African Nationalist movement at the time. For instance, when a representative of the South African Institute of Race Relations (SAIRR) suggested that the institute and the SAIRR should work together with the AAC to oppose the Hertzog's Native Bills, Xuma, going against his senior colleagues Selby Msimang and Jabavu, turned down the suggestion. As he later wrote about the incident in his incomplete autobiography, he said he considered the approach 'improper as we had no mandate from the Conference to seek alliances on the way' (Xuma in Limb, 2012:38). He would demonstrate a similar

independent and somewhat radical streak when he opposed a proposal by Hertzog for the Cape Africans to give up the franchise in exchange for a separate voters' roll created for them and for indirect representation at the House Assembly by six white representatives. Xuma, as he later recounted the incident in his autobiography, strongly opposed the so-called Hertzog compromise, as it came to be known. He persuaded his colleagues in the AAC to reject it altogether (Xuma in Limb, 2012:38-39).

It was, however, as president-general of the ANC from 1940 to 1949 that Xuma's prominence and esteem rose. As many historians of the ANC (see, for instance, Limb, 2010; Walshe, 1970; Ngqulunga, 2017; Gish, 2000) have noted, Xuma inherited a moribund organisation that had lost political influence and initiative. And yet, as his biographer, Gish (2000:111) notes, Xuma embarked on a vigorous programme of reviving the ANC as soon as he became President-General in 1940. 'Within six months of taking office as ANC president', Gish (2000:111) observes, 'he outlined his vision for Congress'. His vision for his presidency of the ANC was contained in a document published by *Inkululeko* - an official newspaper of the Communist Party of South Africa. Titled *The Policy and Platform of the African National Congress*, the document repeats and emphasises the founding principles of the ANC, especially its central mission of bringing about the unity of Africans. In the section that deals with social and economic rights, Xuma showed his intention to chart a course that was different from his predecessors. About political rights, for instance, Xuma's document boldly called for the right of franchise to Africans, and their representation in the legislative bodies of the country (Karis & Carter, 1973:168-171). Although these political claims appear mild by today's standards, they were extraordinary at the time, especially when read against the Smuts government's insistence on indirect representation of Africans in parliament and the continuation of the Native Representative Council. The part of the document that deals with economic, industrial and economic policies also calls for inclusion and equality of all races. The document also

made significant proposals concerning land, education and employment of Africans in the civil service. Xuma commended these political claims to 'Fellow Africans' and urged them to 'organise, unite, close ranks, work and fight for' (Karis & Carter, 1973:168-171).

Xuma's August 1941 policy statement set the tone for his presidency of the ANC and for his approach to interacting with the Smuts government. His engagement with the government regarding its policies and actions that affected Africans was numerous and vigorous. He wrote letters and memoranda, appeared before government commissions, and sought and met numerous functionaries of the state. In June 1941, for instance, he sent a telegram to Smuts protesting an incident in which police officers 'shot two Africans dead', 'wounded' another, and 'assaulted [a] pregnant woman' (Limb, 2012:76). In March 1942, he led a delegation of ANC leaders to meet with Smuts's deputy, Colonel Deneys Reitz, who was also Minister of Native Affairs. Xuma and his delegation had requested to meet with Smuts, who turned down their request 'owing to the onerous burdens cast upon him by reason of the war' (Karis & Carter, 1973:188).

As President-General, Xuma dispatched numerous memoranda and appeared before various government commissions to advocate the cause of Africans. In September 1943, for example, he submitted a memorandum to the government commission appointed to inquire into the issue of bus services for Africans living in the major centres in the Transvaal. In that memorandum, he represented the interests of residents from Alexandra township outside Johannesburg. In the memorandum, Xuma called for the increase of wages of African workers, and for the bus fare not to be increased. Furthermore, he advocated for the employment of Africans 'on all transport services serving them no matter by whom promoted' (Limb, 2012:195). Xuma's memorandum was followed by the evidence he gave before the Native Mine Wages Commission, which the Smuts government established to inquire into what Limb (2012:209) describes as the 'long-standing grievances of black miners and the formation in 1941

of the African Mine Workers' Union under the leadership of J.B. Marks. True to his position regarding the representation of Africans on matters that affected them, Xuma (see Limb, 2012:210) began his evidence by complaining that Africans were not represented in the commission. He proceeded to attack the exclusion of Africans from skilled jobs and insisted on their right to organise themselves in trade unions. In July 1946, he gave evidence before the government Commission on Penal and Prison Reform held at the Johannesburg Magistrate Court. Here too, he asserted the right of the ANC to appear before the commission because, he argued, it represented the 'majority population' (Limb, 2012:199). Xuma accused the government of passing 'voluminous legislation' 'creating more crimes and offences for 'Natives only' so that 95% of Africans convicted of prison population are in custody for technical offences not crime'. He added that only 'less than 5% of the Africans are tried for serious crimes' (Limb, 2012:199).

Xuma's fundamental challenge to Smuts's so-called Native policy came in the aftermath of Smuts's victory in the 1943 elections. Apparently, Xuma chose the moment of the challenge very carefully. In the early 1940s, Smuts had always explained his reluctance to do more for Africans by pointing to the elections of 1943 as a constraint. This is evident in a January 1943 letter to Margaret Gillett in which he wrote: 'I am going to do whatever is politically possible, and may even exceed the limits of political expediency. But I dare not do anything which will outpace public opinion too much just on the eve of an election which may be the most important ever held in this country.'[13]

Xuma seized the opportunity of Smuts's victory in the 1943 elections by pressing the political claims of Africans. In a congratulatory letter to Smuts, Xuma argued that the victory provided Smuts with a 'last and God-given opportunity of serving your country in a great measure by bringing about freedom and prosperity for the non-European sections who

13 Smuts's letter to M.C. Gillett dated 13 January 1943, vol.72, no. 198. In Hancock and van der Poel (1973a:407-408).

have sacrificed their all, their lives, in defence of and for the freedom of South Africa' (Xuma quoted in Walshe, 1970:273). Xuma did not end there. He established what he called the Atlantic Charter Committee with him as its chair whose sole mandate was to study the implications of the Atlantic Charter for the African population in South Africa and draft a set of political claims based on the Atlantic Charter (Walshe, 1970:272). The document produced by Xuma's committee came to be known as the *African Claims*. The document challenged the very heart of Smuts's policy towards Africans by insisting that Africans were entitled to fundamental freedoms such as universal adult suffrage and participation in political decision-making as equal citizens. The *African Claims* also rejected the continued existence of the NRC and called for Africans to be represented directly in the legislative bodies of the country such as parliament (Walshe, 1970:275-278).

Xuma dispatched the document to Smuts and described it as 'the accepted expression of the Africans idea of a new world order' (Gish, 2000:128). Xuma then requested a meeting with Smuts to discuss the document and 'the implications of the Atlantic Charter for South Africa' (Gish, 2000:128). Smuts was not pleased by the *African Claims* document and Xuma's demands that he change policy direction with regard to the rights of Africans. Replying through his private secretary, Henry Cooper, Smuts described the *African Claims* document in rather unflattering terms, calling it:

> ... a propagandist document intended to propagate the views of your Congress. As such it is free to you to do your own publicity to secure support for your views. The Prime Minister cannot agree to be drawn into the task by means of an interview with him. He does not agree with your interpretation of the Atlantic Charter and with your effort to stretch its meaning so as to make it apply to all sorts of African problems and conditions. That is an academic affair which does not call for any intervention on his part.[14]

14 This letter from Smuts's private secretary to Xuma is archived in the A.B. Xuma Papers located at the Historical

Smuts went on to chastise Xuma for not acknowledging his government's efforts to improve the social and economic conditions of Africans. His main focus, Smuts argued, was on practical steps to improve the social welfare of Africans. Upon receiving the letter from Smuts, Xuma is reported to have read it to the 1944 ANC annual conference and reconfirmed its commitment to the ideals contained in the *African Claims* document (Walshe, 1970:274).

Smuts's strong reply to Xuma betrayed a certain irritation with the manner in which Xuma used the Atlantic Charter - a document with which he (Smuts) identified - as a stick with which to beat him. Around the same time, Smuts was facing a challenge in the international arena particularly from the Indian delegation at the United Nations over his government's treatment of South Africans of Indian descent (Hancock, 1968). So affected was Smuts by the international opposition to the government's approach to race relations that in a letter to Margaret Gillett he wrote:

> I have told you that the going is very bad here. Violent opposition both on the Indian and South West Africa questions. Colour queers my pitch everywhere. I quite understand and can look at it all philosophically. But South Africans cannot understand. Colour bars are to them part of the divine order of things. But I sometimes wonder what our position in years to come will be when the whole world will be against us. And yet there is so much to be said for the South African point of view who fear getting submerged in black Africa. I can watch the feeling in my own family, which is as good as the purest gold. It is a sound instinct of self-preservation where the self is so good and not mere selfishness.
>
> But of course I am considered a hypocrite, saying nice things and doing such awful things![15]

Papers, University of the Witwatersrand. The extract cited above is taken from Walshe (1970: 74).

15 Smuts's letter to M.C. Gillett dated 17 November 1946, vol.80, no. 223. In Hancock and van der Poel (1973a:407-408).

At home, his insistence on indirect representation of Africans in parliament faced heavy headwinds. Members of the NRC questioned its relevance and continued existence. This was of course a blow to Smuts who had staked his support for the Hertzog Native Bills in 1936 on the basis that the NRC 'may become a body of real importance as a platform for intelligent Native opinion and give Natives that voice in their own affairs which it will be impossible for parliament to ignore.'[16] By 1946, however, Smuts's hopes came under considerable threat from members of the NRC itself. In one of their meetings held in August 1946, members of the NRC moved for its indefinite adjournment on account of the government's unwillingness and failure to grant political rights to Africans (Matthews, 1986). Z.K. Matthews, one of the leading figures of the NRC, explains the reasoning behind their resolution. He states that the NRC members resolved to adjourn the NRC indefinitely 'until the Government should undertake to abolish discriminatory legislation' (Matthews, 1986:146).

Although the NRC had made this demand in the past, its decision for an indefinite adjournment of the NRC until the demand was met, reflected largely the tense moment in South Africa in the aftermath of World War II. As Matthews (1986:144) observes, there was great expectation by the African community that the aftermath of the war would bring fundamental political changes in the country. The reasoning was that the Smuts government would grant African political rights and treat them fairly owing to the sacrifices they had made during the war. Reflecting on the hopes of the moment, Matthews (1986:144) states 'South Africa was going to become a better place for all concerned, including the African population'. Those hopes were not met. In fact, the Smuts government fired and killed about nine mine workers who had joined the general strike called by the African Mineworkers Union in 1946. In response to the strike, the Smuts government mobilised the police and soldiers to clamp down on striking workers. For his part, Smuts issued a statement in

16 Smuts's letter to M.C. Gillett dated 23 February 1935, vol.53, no. 194. In Hancock and van der Poel (1973a:375).

which he said he was 'not unduly unperturbed' by the strike (Matthews, 1986:145). Like he did in the aftermath of the Bulhoek massacre in May 1921, he left South Africa to attend a conference overseas, in this case a meeting of the United Nations in New York. According to Matthews (1986:145), it was during that week of the violent suppression of the miners' strike, along with Smuts's statement, that relations between Smuts, the NRC and his government, 'reached breaking point'.

Rather than address substantively the demands of the NRC, Smuts instructed his deputy, Hofmeyr, not to make any concessions to the NRC. He feared that doing so would be considered a 'surrender to Native dictations.' Although conceding that his government's 'Native policy would have to be liberalized', Smuts insisted that his approach remained focused on '[P]ractical social policy away from politics'.[17] Avoiding addressing the political status of black people, as Smuts hoped to do, had become untenable during the 1940s. The world had and was changing. As Smuts himself had acknowledged in his January 1942 address to the SAIRR, old social arrangements were disappearing. More Africans had moved to urban areas, thereby creating a political base that the ANC and other political forces mobilised to press for political reforms. The decolonisation sweeping through the world was bringing voices of opposition to the South African system of racial discrimination. Smuts was not exaggerating when he observed in September 1946 that:

> There is growing widespread opinion adverse to us. South Africans are getting into ill odour, owing to colour bar and wrong Native publicity, and perhaps also owing to our prosperous condition in an impoverished world. I fear our going will not be too good. As Nicholls puts it 'South Africa will be on the spot' at New York. Our difficulties are due partly to our bad propaganda. Even South Africans do nothing but crab us...

17 Smuts's telegram to Hofmeyr dated 28 September 1946, Vol. 80, no. 131. In Hancock and van der Poel (1973a:375).

> I sense a worsening atmosphere in many directions. Mostly of course the trouble is due to the South African attitude on Native political rights and the difficult structure of our social racial system.[18]

These forces that were pushing Smuts towards the path of political reform were also nudging Xuma towards a more assertive approach to his dealings with Smuts and his government. The formation of the Congress Youth League (CYL) in 1944 and its push for a radical response to the Smuts government's policy towards Africans played an important role in shaping Xuma's ANC's relationship with the Smuts government. Some elements in the CYL were deadly opposed to the continuation of the NRC and campaigned for its abolition. Others argued for the mass mobilisation of an increasingly growing African urban working class to force the government to introduce political and economic reforms (Walshe, 1970). The CYL's campaign against participation in the NRC and its insistence on direct and full representation of Africans in all chambers of government and public affairs pushed Xuma and other moderate leaders such as Z.K. Matthews, for instance, to take an uncompromising line towards the Smuts government. In these circumstances, Smuts's extremely cautious reforms, which focused on improving the social welfare of Africans were a matter of too little, too late.

Conclusion

In 1948 Smuts and his United Party were defeated in an election in which the political rights of Africans occupied centre stage. The Nationalist Party that won the election campaigned on a policy of what it called a*partheid*. Smuts, on the other hand, preached what he called the middle way that he thought South Africa should follow (Hancock, 1968:504). As his biographer, Hancock argued (1968:504), Smuts's middle way 'meant to him what it had meant twenty-one years before when he delivered his Rhodes Memorial Lectures:

18 Smuts's letter to Hofmeyr dated 8 September 1946, Vol. 79, no. 30. In Hancock and van der Poel (1973a:375).

South Africa as a unitary state, within which the weaker races as well as the stronger must have electoral representation'. What Hancock does not mention is that Smuts's version of electoral representation did not include one person, one vote for all South Africans. It meant, rather, the continued exclusion of black people from participation in the political affairs of their country. Although the Nationalist Party would take the political exclusion of black people to the extreme, Smuts's failure to take the first steps towards their inclusion remains a major blot to what is universally considered to be an outstanding career in public life.

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