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CHILDHOOD IN FRANCO SPAIN

An oil painting by a young anti-Franco student, Maria Luisa Martin.

An Interview With

YEHUDI MENUHIN

**LOCATIONS - IN - THE - SKY
REMOVALS**

Prof. Z. K. Matthews on

AFRICANS & CIVIL LIBERTIES

"MASTER AND SERVANT"

Dr. H. J. Simons

Articles by C. W. M. Cell - Phyllis Altman
Hilda Watts

A MONTHLY JOURNAL FOR DEMOCRATS

"FIGHTING TALK"

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COMMENT

THE Johannesburg Festival, now completed, has been recorded on microfilm to be buried somewhere in an air-tight canister, so that people in 2050 will be able to read all about it—if anyone then wants to. But the most significant thing about the Festival will not be in the record. And that is that it marks the first real, thorough-going break in the "Europeans Only" iron curtain which has always sealed off events like this from the Non-European public in former years. Every one of the major overseas performers appeared before Non-European audiences. And so firmly was that procedure established that—surely for the first time—a professional European South African cast appearing in a Festival play so far overcame its prejudices as to appear also before a Non-European audience.

The kudos for this break-through must be shared. In large part they can be accorded to the British Musicians Union which placed a veto on its members appearing only before Europeans. In part, the responsibility is with those great artists like Menuhin and Sybil Thorndike who insisted on playing to Non-Whites audiences in years gone by. In part it is the result of the persistent barrage of attack against cultural apartheid which has been carried on by the Congress movement and especially its youth sections. And in part, no doubt, it is the result of progressive opinion, backed with the courage to carry it through, which has been shown by some of the official organisers. Purists, I know, are claiming that it is a hollow victory; after all, they say, the audiences were thoroughly segregated. True. But a breach has been made in the iron curtain, and anyone interested in tearing curtains will know that once the first slit is made, the ripping of the rest is easier.

DELEGATES to the recent widely representative Peace Convention in Johannesburg, focussed a lot of their attention on the need to sponsor cultural exchanges between nations as a step towards promoting inter-nation friendship, and thus securing peace. The Government—equally aware of the dynamic impact of a free exchange of culture—has done its best to maintain a cordon sanitaire around South Africa, using visa-control and censorship to cut us off from those peoples whose skins are tinged with brown or whose politics are tinged with red. The Peace Convention has resolved to break the cordon. In Cape Town, in about a year's time, there will be a truly national festival, at which all South African racial groups will be able to participate as equals—not just as audiences, but also as artists. Prominent artists from abroad will be invited. Its keynote will be peace, friendship between peoples.

There were a few who viewed the proposal with disfavour. They have become so enamoured of the idea of "boycott"—any kind of boycott, anywhere—that anything that sounds less radical smacks to them of compromise. In the long run, though, it is not the resolutions we adopt that make history, but the spirit and the energy with which we carry them out. Perhaps with a bit more vision, a bit more vigour, a bit less "boycotter's isolation," there could have been a bigger break through in the Johannesburg festival than there was. The Cape Town festival idea, properly worked for, properly prepared, enthusiastically supported, will, perhaps, prove to die-hard boycotters that there are more ways of killing the colour-bar cat than just choking it with butter.

FROM THE SIDELINES

by
Christopher
Cell

I SEE THAT DR. MTIMKULU'S speech at the recent Bloemfontein conference raised once again the question of "a greater measure of African participation in the control of their schools" through the Bantu School Boards

RUBBER STAMPS

I cannot say it is impossible. But all recent experience shows it to be very difficult for the Boards to act as anything except rubber-stamps for Pretoria. Anyone thinking of serving on a School Board needs to understand the pressures to which he will be subjected.

The dismissal of teachers is only the most obvious case. Everyone knows that boards are told by Pretoria whom to dismiss. If they object, the teacher's subsidy is withheld. In the case of one teacher who offered to continue without salary, the subsidies for the entire school staff were withheld till the man was dismissed. I only know of one board member who, to his honour, resigned rather than act against his conscience as Verwoerd's puppet.

It was said that school boards had a choice between more schools or the school-feeding subsidy. The choice was in any case heavily loaded against the feeding subsidy by a £ for £ bait offered, if the decision went in favour of more schooling. But in some cases where, even so, boards decided to continue school feeding, the scheme was dropped just the same—on the orders of Pretoria. Other boards have been *told*, not consulted, about dismissing caretakers at £14 a month and re-employing them as nightwatchmen at £9 a month—a domestic matter if ever there was one.

Why do so few Board members resign? Partly, of course, because of the small financial perks. Much more, because to resign over a difference with Pretoria draws attention to oneself as an "agitator." And thirdly, because so many of those who "founded" the early boards were official stooges, aspirant Bantu Authorities and so on, who value both the approbation of the authorities and the patronage a Board dispenses.

THE STATE INFORMATION OFFICE has now re-dressed the inadequate publicity given at the time to a speech by Councillor A. Schauder of Port Elizabeth to the Bloemfontein Volkskongres. In a recent issue of the *Digest of South African Affairs*, Mr. Schauder is reported *in extenso*. His theme—"we achieved wonder in providing Non-European housing because we held fast to the principle of the separation of the races. The choice was between the separation and the continued human degradation, crime and misery of racial mixing."

CONFUSED CONSCIENCE

The Councillor, now well into his seventies, has got his history wrong. There was no choice. Housing loans were available, both from the U.P. and Nationalist governments, only for segregated housing schemes. The "evils" Mr. Schauder referred to resulted from slums and abysmal poverty, not "racial mixing." In so far as the segregated housing alleviated those slums, it somewhat mitigated the evils—and opened the way to new social evils.

That Mr. Schauder has some inkling of this was shown by his apologetic explanations of how he, a member of "a race which has been persecuted for the last 2,000 years and who has also suffered race persecution myself," came before the Volkskongres as the advocate of "separation in a spirit of humanity, religion and respect for the brotherhood of Man." But if separation is garnished with all this sanctimony and actually eliminates "evils" why drag in "persecution?" A guilty conscience, Mr. Schauder?

Of course, the Port Elizabeth City Council and its most diligent publicist know that "social separateness" cannot be "combined with spiritual unity." But when you're bending over backwards to ingratiate yourself with the court, it's a good line to take. And the record of this non-Nationalist Council—and others—these last 18 months constitutes a record for obsequious Nat fellow-travelling even comparable to the performance of the United Party.

(Continued on page 5)

MASTERS AND SERVANTS

by
Dr. H. J. SIMONS

ONE hundred years ago the Cape Parliament, then only two years old, passed the Masters and Servants Act of 1856. It is still on the statute book, together with numerous offspring that govern the employment of Africans in territories stretching from the Cape borders to as far north as the equator.

The centenary should not be allowed to pass unnoticed. It is remarkable that this law, which originated in the slavery and forced labour of a simple type of agrarian colony, should have survived the change to a highly industrialized society.

It is even more surprising that the labour movement has made no effort to bring about the repeal of labour penal clauses under which 30,000 Non-White workers are convicted, fined or imprisoned every year.¹

Anyone who does not find this record extraordinary and upsetting should read the account of the British master and servant laws appearing in *Democracy and the Labour Movement*.² He would find that between 1856 and 1867, about 5,800 workers were convicted every year in England and Wales under the laws, and that these formed a major grievance of trade unions at the time. He will also learn that the workers after twelve years of "angry pressure" had the satisfaction of seeing the repeal in 1875 of the one-sided criminal penalties and the achievement of legal equality with employers.

How are we to explain the difference in attitude? It is certainly not due to an organizational weakness. South African trade unions are on the whole bigger, richer, more representative and better organised than were British unions in the middle of the last century. As late as 1890, scarcely more than 10 per cent. of the British working class belonged to a trade union, and this minority consisted almost wholly of artisans or skilled workers.

Our trade unions are indifferent, apathetic, not because of organizational weakness, but because the people who dominate the most powerful unions regard themselves as "masters" rather than "servants," and indeed are not exposed in their own persons to the penal clauses of the laws.

Who Are Servants?

The British statutes were used against skilled workers as well as labourers. Consequently, when the campaign got under way, it was backed by large and powerful unions including those of iron-moulders, potters, masons, carpenters, joiners, cotton-spinners, blacksmiths, bakers, shoemakers, miners, boilermakers and shipbuilders.

The South African laws, in contrast, are now applied only, or nearly so, to "labourers," that is to say, workers in farming, mining, domestic service and other occupations which are treated as "unskilled" and virtually confined to Non-White workers.

It was not always so. There was a time when indentured workers from Europe were subject to the same penalties for breach on contract as "free persons of colour." In terms of Somerset's proclamation of June 26, 1818, for instance, mechanics and other immigrants brought to the Colony under contract, were made liable to a maximum penalty of two months' imprisonment and

a fine of 25 rixdollars for desertion. Corporal punishment could be ordered for a second or repeated offence.

Even now, the statutory definition of servant shows no discrimination. It commonly embraces all persons "employed for hire, wages or other remuneration to perform any handicraft or other bodily labour in agriculture or manufactures, or in domestic services, or as a boatman, porter or other occupation of like nature."

The emphasis is on "bodily labour," which could be held to describe the work of any artisan, craftsman, machine operator or labourer. When enacted, the Acts were meant for White as well as Non-White workers. The Cape and Transvaal Acts do not discriminate on racial grounds. The Natal and Orange Free State statutes make separate provision for African or Coloured servants, but do not relieve White servants of criminal penalties.

The courts, however, have narrowed the law "in order," explained the Economic and Wage Commission of 1925, "to keep out persons regarded as unsuitable for its operations, and proceedings are infrequently taken under it where White employees are concerned!"

Persons "regarded as unsuitable" are generally Europeans and skilled workers. Non-White skilled workers and unskilled White workers also benefit from judicial tolerance. Thus the courts have held that the following are not servants: a barber, printer, storeman, bus driver, railway ganger, miner, and navy.

For, say the courts, the work of a printer and the like "depends primarily on the exercise of mental, rather than manual, skill." But an African who undertakes to shear a certain number of sheep is a servant under the Act.

Racial discrimination in the enforcement of the law is gross. In 1952, of 16,019 persons convicted under master and servant laws, only 76 were White, and some of them must have been employers.

Offences And Penalties

The Acts therefore bear hardly only on the less-skilled, mainly Non-White servants. They have to tread warily to keep on the right side of masters and the law, for the statutory pitfalls are numerous. Offences can be grouped conveniently under three heads: breach of contract, indiscipline, and injury to property.

In the first group are such crimes as failing to start work on the agreed date, unlawful absence from work, and desertion. Strikes are an illegal breach of the duty to work. Disciplinary offences include disobedience, using abusive language, brawling, drunkenness at work.

A servant can be punished criminally if he maliciously or negligently damages his master's property, uses it unlawfully, endangers it by negligence, fails to preserve it, loses stock or fails to report its loss. On the vexed question as to whether a mistress may deduct from wages the cost of crockery broken by her maid, the run of court decisions suggests that she would be wiser to lay a charge of neglect of duty and ask the court for an order for payment of compensation.

The Act draws a distinction between offences committed by farm workers and other classes of servants, or, in Natal and the Orange Free State, between African and other servants. The distinction is largely a matter of penalty. Only the first group, in each case, may be sentenced to hard labour, spare diet or solitary confinement.

Labour tenants, though more tenant than labourer, have been brought within the scope of the penalties by the Native Land Acts of 1913 and 1936. Boys under 18

1. An average of 18,000 convictions under the master and servant laws and 12,000 under the Native Labour Regulation Act, for period 1945-50.

2. Ed. by John Saville. Lawrence & Wishart, 1954.

may be given five strokes for breach of master and servant laws in terms of the notorious whipping clause of the Native Service Contract Act of 1932. Pirow, who piloted the Act through parliament, told it that farmers anyway usually beat their African workers: it was a South African "tradition."

Another "tradition" is practised on the mines. Here, in terms of the Native Labour Regulation Act, African labourers may be interrogated, tried, convicted and fined by an inspector of labour for breach of duty, neglect, drunkenness, or unlawful absence for 24 hours or less. The inspector, who combines the functions of policeman, prosecutor and judge, need not have legal training. He metes out cheap, expeditious "justice," calculated to intimidate workers and yet not remove them from their vital function of extracting gold-bearing rock.

Slavery And Forced Labour

These provisions bear the stamp of their origin in the Cape's slave-owning days. There is an actual, direct line of legislature descent linking the Cape Act of 1856 with early laws such as the proclamation of June 26, 1818, Ordinance 50 of 1828 (dealing with the employment of "Hottentots and other Free Persons of Colour"), Ordinance 1 of 1835 (which gave effect to the British Act of 1833 for the Emancipation of Slaves) and Ordinance 1 of 1841 (consolidating and amending the laws concerning Masters, Servants and Apprentices). The last two are of special interest.

The date of emancipation was fixed at December 1, 1834. But the slaves went on working for their masters, without wages as before: all that changed was their legal title, which became "apprentice labourer" instead of "slave."

Ordinance 1 of 1835, supposed to be the legal instrument for preparing the way to real freedom, regulated the employment of the apprentices. They were to receive the same food, clothing, lodging and medical care as under the slave laws, but were subjected to penalties harsher if anything than those inflicted by masters in the days of slavery.

The first chapter of the Ordinance (styled "for promoting the Industry of the Manumitted Slaves") spoke of "police settlements" and "houses of correction" for the "secure accommodation" of convicted apprentice labourers.

Indolence or careless work, disobedience, insolence, insubordination, and unlawful conspiracy were to be punished by 15 stripes for a first offence, and a month's imprisonment with hard labour for a second offence if committed within two months. A labourer was to receive ten stripes for every hour of unlawful absence up to a maximum of 39 stripes.

Apprenticing of slaves came to an end on December 1, 1838. Workers could then choose their own masters. Labour became scarce, partly because of measles and smallpox epidemics in 1839-40. Wages of artisans in Cape Town rose to 22s. a month with food and clothing. Employers pressed for a law to bind and discipline ex-slaves, other Coloured, and English artisans imported to relieve the shortage.¹

Ordinance 1 of 1841 was passed to meet the demand. It took over the offences of the Ordinance of 1835, but reduced greatly the severity of the penalties. For a first offence the servant was to be imprisoned for 14 days, or

pay one month's wages for the benefit of the master.

Complaining that the law was too lenient, employers agitated for a harsher measure, and obtained one, as we have seen, in the first parliament set up under representative government. Act 15 of 1856 was a concession to farmers and other employers. It whittled down the servant's benefits in sickness and accidents from two months' to one month's wages, added to the number of offences, and increased the penalties.

Protests

That the masters were hard to please appeared from the petition presented in 1859 by W. C. Botha and 182 other inhabitants of Somerset East district, asking parliament to appoint in each division a board consisting of a justice of the peace and a farmer to try and punish in all cases between masters and servants. For, to lay a charge and thereafter prove his complaint, a master might have to make two visits to court, in all perhaps 80 miles, only to get the servant sentenced to one month's hard labour.

Servants were also vocal. They lodged petitions in 1860 and again in 1871, the second one being against the proposal to increase penalties for farm workers. Titus Lergele, Jacob Haas and Frederik Pit, with 56 other inhabitants of the mission settlement at Genadendal, prayed for relief from the master and servant act and other laws "which injuriously affected the labouring classes." They objected to the proposed distinction between agricultural and town labourers, asked for various reforms, including the option of a fine "instead of imprisonment as a felon," and ended by complaining that "strong prejudices still exist in this Colony against colour, race, and class" yet they were unrepresented in parliament.

The masters had their will. Spare diet and solitary confinement were added in 1873, discrimination was introduced against farm workers, and, "to save time and expense," masters were authorized to summon servants to appear at court at a time named. In 1882 and 1889 special justices of the peace were given extended powers in cases under the master and servant law.

A concession was made also to servants in the amending law of 1873. It introduced the alternative punishment of a fine and, for the first time, allowed criminal penalties to be imposed on a defaulting master: £5 or one month for withholding wages or failing to provide other benefits stipulated; £1 fine in respect of each animal of the servant unlawfully detained.

W. E. Solomon, a 19th century champion of the servants, considered that the chief feature of the amendment was that it gave the servant equality with the master before the law. Both would be criminals if they broke the Act. He was "happy to say that that great blemish in the law, that great inequality which I considered to be a disgrace to our legislation has been remedied."¹

The equality, of course, is a fiction. The convictions show that only servants receive punishment. The penalties persist as part of the system of forced labour on which mine owners and farmers still largely depend, and which finds its most blatant expression in the convict labour that is rapidly becoming the mainstay of agriculture.

The use of penal sanctions to enforce labour contracts has been condemned by the International Labour Office, offends elementary principles of justice and democracy, and is a bad substitute for healthy incentives to diligence and efficiency. It would not be tolerated if mine workers and farm labourers were organized, and if the trade union movement recognized its responsibilities to the working people.

1. For details see Isobel E. Edwards, *Towards Emancipation*, 1943.

1. W. E. Solomon, by Saul Solomon, 1948, p. 141.

An Interview with Yehudi Menuhin

NO CHIP ON THE SHOULDER

I SLIPPED into the City Hall just after noon and for forty five minutes listened to a shirt-sleeved rehearsal. Menuhin seems to be the most untemperamental of great artists; completely unassuming. The rehearsal was scheduled to end at 12.30 p.m. but at Menuhin's request the strings remained and with him they rehearsed a Mozart Concerto. This final rendering was so superb that as it ended the orchestra applauded him.

Then I followed him across the stage to his dressing room and as he sat on a table, munching an apple, given him by his wife, I interviewed him. I told him that he had greatly heartened the progressive forces in South Africa by the stand he had taken six years ago when he had insisted on playing to an African audience at Orlando, despite the threat of a Court injunction against him. He replied that he had the interest of the African, Indian and the Coloured people at heart and that he would do whatever he could for them, in his capacity as an artist.

Boycott?

I told him that there was a section of the Non-White community who advocated the boycott of all performances of international artists who played to segregated audiences. Mr. Menuhin became quite vehement in his disagreement with this attitude.

"I do not believe at all in that kind of cutting your nose to spite your face," he said. "I believe in every possible contact between artists and people, whatever their colour. Any sort of contact is worthwhile and if artists can't play to mixed audiences they must play to each group separately."

He went on to say that there are many people in the United States who feel that artists should boycott South Africa altogether, but that he didn't believe in this attitude. "The more contact the better. If I had taken up that attitude I wouldn't have had the wonderful experience of playing to a Non-White audience last night and my experience of playing in Orlando six years ago."

Mr. Menuhin said that "the Africans, as a group, are very fortunate that, thanks to the short-sighted and rather stupid policy of the Government, the Indians are included as Non-Europeans. The Indians have had the greatest experience of this age—the most inspiring of passive resistance

campaigns with Gandhi. Nothing would be more wonderful than to have the Indian group here produce a man like Gandhi—always remembering that he came quite naturally from a body of traditional Indian thinking.

"The policies of the South African Government must fail. The Non-Whites are already an essential and indispensable part of the economic life of the country. It is neither a short term nor a long term policy to use them economically and to try to deny them socially. When the Non-Whites learn this they will be able to apply pressures which will be irresistible."

Chip on the Shoulder

He then returned to the question of boycott and stated that it was a matter of maturing to understand that the chip on the shoulder approach is wrong. "These types of people, when they do have success, will not be worthy of the people they represent. Speaking as a Jew, I represent a race which has spent thousands of years in Ghettoes. Those who wear chips on their shoulders succumb to the Ghetto mentality and they are the people who become most ruthless in exploiting when they are in a position to do so. I repeat that the attitude should be to concentrate on all positive contact."

I then interrupted Mr. Menuhin to tell him of the forthcoming Peace Convention and he said that he "feels it misleading to have the slogan 'peace for peace sake' and that all the diplomats of the world have abused the word peace with the least rational justification. There is very little peace between allies. I am opposed to the slogan peace at any price and I do not want to become the partisan of any one group. *I believe that the road we're on now—that of contact between people—is the one which will have the best result.*"

At this stage Mrs. Menuhin tactfully reminded her husband that they had a 1 p.m. appointment and that it was now 1.25 p.m.

We could not thrash out this peace issue as it was clear that the interview would now have to end. As I thanked him for having seen me, I told him again how much his insistence on bringing his art to all people, whatever their colour, meant to us in South Africa.

PHYLLIS ALTMAN

FROM THE SIDELINES

by Christopher Gell

(Cont. from page 2)

I'VE been startled by the outcry over the Johannesburg group areas proclamations. What else did people expect?

JUDGE AND EXECUTIONER

By all means let us publicise the outrage as widely as possible. But don't let us lose sight of the basic fact that this is not just an accidental injustice. It is the necessary and inevitable consequence of a fundamentally unjust law. Then perhaps we shall direct the campaign against the real source of evil, not just its visible manifestations.

The application of the Group Areas Act can never be "just and fair" to Non-Whites as Dr. Donges once promised. It isn't intended to be. In so far as they may find "loopholes" through which to apply to the courts for "justice and fairplay" these loopholes are assiduously plugged by amending the Act. The Minister and his crea-

tures, the Group Areas Board, the Reference and Planning Committees, the Development Board, are prosecutor, judge and executioner in their own case.

I am not one who has recommended boycott of the Board's public hearings. Even though they are only intended to provide a *show* of impartial hearing to all parties—and the Act had eventually to be amended to give the Board absolute discretion whom it shall hear, when the Indian Congresses started to win Supreme Court cases—the opportunity to expose the fraudulent, inhuman and selfish character of various official proposals should be exploited to the full.

But it is only a *show* of fair hearing. And when all the arguments are over, the Board makes its secret suggestions to the Minister. Neither it nor the Minister ever have to justify the decisions before a court of law. Johannesburg is only a foretaste of what is to come. The pattern has been pre-determined.

A DISEASE OF THE SPINE

AT what point does compromise cease to be an act of statesmanship and become a cowardly surrender? This is the question more than any other which the United Party needs to ask itself today, even if it has never faced the problem before. And especially does the question need an answer in Johannesburg, where the United Party City Council retired for the weekend on Friday, October 19th, talking boldly of "deadlock," of "throwing the Locations in the Sky Act back in the Minister's lap," of "refusal to co-operate"; only to waken on Monday morning to Dr. Bore's Wilson's statement of abject surrender.

"The Sky Locations Act comes back into full force today . . . The Council will resume its removal of natives from back gardens and roof-tops . . . Compulsion will be applied in the case of illegal natives . . . The Council will be obliged to take strong action and we will be compelled to raid premises . . . People who send natives to Dube Hostel but allow other natives to filter in to the accommodation vacated will be subject to very severe penalties . . ."

(*Rand Daily Mail*, 22.10.56)

It would, perhaps, be putting the case unfairly to say that, until Friday, the City Council had blustered in the hope of getting away with it; but that on Friday Dr. Verwoerd cracked his whip and the Council rapidly came to heel. Dr. Verwoerd did crack his whip. The Council did come to heel. Not alone because it lacked political courage to stand up to the man with the whip, but—more importantly—because it lacked the principles which are the only possible challenge and opposition to offer to a rampant Verwoerd.

Excess People

That principle is that Africans are human; that they are people. It sounds ludicrous to say it—Dr. Wilson would be the first to protest that he has always accepted it. But it needs more than an academic appreciation of the fact that since the species breathes, grows and moves it is human; academic appreciation, verbal acceptance is not enough. It is necessary also that the concept of Africans as people, human beings with rights, personalities and feelings must be an inseparable part of their all their thinking. No doubt every Johannesburg City Councillor and every Native

Affairs Department official will claim that in his case it is.

But the language of all the Locations in the Sky Act talk proves otherwise. The most frequently recurring phrase is: "Surplus Natives." Surplus Natives" clearly, are not people; they are—according to my dictionary—"things in excess of what is required." That, too, was the meaning of the

by **L. BERNSTEIN**

word when it was used elsewhere for men and women—at the slave auctions where "surplus" slaves were sold off at the best price offered along with—and on the same bill of sale—as surplus ploughshares, surplus crops and surplus cow-hides. The Nazis used it too, when they disposed of surplus semites through the gas-ovens, in the same way—and with much the same process—as the municipality disposes of surplus vegetable waste and surplus newspaper.

It has become common cause between Dr. Verwoerd and the Johannesburg City Council that certain Africans in Johannesburg are "surplus"—things in excess of what is required. All that remains in dispute—when once this premise has been accepted—is the method of disposing of the surplus. For clearly a surplus can get in the way if not suitably disposed of. Perhaps the City Councillors did not see it that way when they asked for special consent to supervise the disposal for themselves. Possibly they were guided by the humane consideration that disposal of the surplus by the Johannesburg City Council would be less painful, less disruptive of industry, less objectionable than in the brutal horny hands of the Native Affairs Department. On that basis the compromise with Dr. Verwoerd was justified, and the agreement reached which Dr. Verwoerd flung in their faces last month.

"Johannesburg, of their own accord, applied to be appointed, and this was done on certain clear-cut conditions, including that they would carry out the policy involved and would accept directives." (Statement, 19.10.56)

Price of Compromise

Compromise exacted its price. The Johannesburg City Council was to carry out Nationalist Party policy, and accept Dr. Verwoerd's directive.

Perhaps, to the United Party, the compromise looked like an act of statesmanship. For a time the illusion could continue. The Council decided that—at least for a start—"surplus Natives" from the sky-locations would not be moved; priority for removal—to the new Dube Hostel—would be given to "illegal Natives" in back-yards and roof-tops. A brave gesture of independence; but the Councillors forgot that their independence had been bartered away by their act of statesmanship. Dr. Verwoerd recalled them, bluntly, to their dependent status.

"If this fair compromise . . . is now to be upset or unbalanced by the Council refusing to fulfil its obligations . . . I must review the whole position. Firstly, I would have to decide whether I could trust the Council to fulfill its new undertakings in connection with the agreement on the £3 million plan . . . I felt it to be fair to the City Council to warn it . . . I will not shrink from accepting responsibility . . . If the City Council wishes to curtail its authority and responsibility by opening the way for the introduction of another authority in its area, it may, however, be sorry afterwards . . ."

(Statement, 19.10.56)

Two days later, recalled to reality, came Dr. Wilson's announcement of capitulation. No doubt this too was made acceptable to themselves by the consoling thought that this was another "statesmanlike compromise" aimed at preventing a greater evil—a Verwoerd appointee riding rough-shod over the council. But now, even the thickest of United Party heads must have awoken to the suspicion that the statesmanlike compromises have become remarkably like a cowardly surrender. Now, even they must be asking: "Where did compromise go too far? Where did we go wrong?"

The answering of that question is long overdue in the United Party. And the answer is not easily found. There is no single point at which the historian will point his finger and say: "Thus far you acted wisely; but here you compromised once too often!" The trouble is not one of a wrong tactic, of a mistaken move in a game of chess. The trouble lies deeper. The surrender was inevitable from the day the United Party accepted Verwoerd's principle that human beings can be classified—some as people, others as disposable surplus.

How to Tame Giants

by HILDA WATTS

LAST summer we travelled by car from East London to Grahams-town. For long, hot miles the road runs through reserves, and the country is barren and desolate. There had been no real rainfall there for more than three years. On either side of the road there are rising undulations of hills and deep valleys, and for mile after mile you see nothing on those hills except stony, rocky earth and small cactus bushes.

Along the roadside Africans stand, women and children. They hold out to passing motorists the only fruit of that barren land—prickly pears. You pass group after group, for in mid-summer, in its prime, that great stretch of land yields not even a handful of wild flowers.

You wonder how people can live off such land. And why it has become like that. I do not know its history. I do know that there must be a way of turning that wilderness of wasteland into a fertile area.

You can see, however, that it is a job to be tackled on a vast scale. No individual, no small group of people, scratching that rocky, denuded soil with primitive tools, can change the whole nature of the countryside. Water conservation, soil conservation, tree-planting schemes . . . it needs a great plan, backed by the country's resources, carried out with the full co-operation of the people.

Pipe-dreams? Not at all. It will be done—one day. Proof of it lies in what the Chinese people are doing *today* about their own natural resources.

(Continued from previous page)

From here on everything they did was wrong; for everything they attempted led to the fulfilment—by Dr. Wilson or Dr. Verwoerd, the personalities differ but the effects would have been the same—of Dr. Verwoerd's policy.

It is this that the United Party needs to ponder over and understand. It is no use their asking: "Did we say the wrong thing? Did we eat the wrong thing?" The fact is that the patient has a deep-seated disease of the spine; he lacks a backbone, a solid core of principle to keep him upright and unbowed. And until he rediscovers it, the petty issues of what he says, what he eats or what his name is, will not save him from an early trip to the graveyard.

THE people of China, over thousands of years, had resigned themselves to the disasters brought by their second greatest river—the Yellow River. From ancient times they called it "China's Sorrow," and "The Yellow Scourge." "When the Yellow River runs clear" was a synonym for "never."

This great river was both beneficial and destructive. Three thousand miles long, its basin embraces 40 per cent. of all the cultivated land in the country, and nearly a third of the total population of China lives there. It has rich mineral deposits. But in the past three thousand years it has burst its banks 1,500 times, always with disaster. Twenty-six times this mighty river gouged itself out an entirely new channel to the sea, each time spreading suffering as it left its old course barren and flooded new lands. Each inundation, breach and change of course brought heavy losses of life and property—often the tragic wiping out of whole villages, even cities. In 1933, terrible floods killed 18,000 and affected over 3½ million people. In 1938, Chiang Kai-shek blew up a main dyke at Huayuankou in Honan, hoping that the flood caused would cover the retreat of his armies before the Japanese. The irresistible torrent that overran the plain south of the river rendered over 10 million homeless, and killed 890,000.

Good Earth To The Sea

The Yellow River is yellow because it bears down huge masses of silt, which year after year accumulated in the lower reaches. The silt comes from the middle reaches, where the river flows through a huge tract of fine, loose soil—geologists called it "loess." It is a vast region, and during two summer months there are torrential rains. For centuries the rains have eroded the loess highlands, so that the once even plateau has become a tortured mass of bare, barren outcrops and great gullies of canyons, some a thousand feet deep. One writer from Shensi province describes how, where he was born, you can see a neighbouring village, but may have to walk dozens of miles to get to it because of the immense clefts in the land.

As the good, fertile earth ran to waste, so the peasants cleared more and more land to try and find a living. And the whole process of soil erosion became worse and worse.

The fine, loose, fertile soil was washed by rains and rivers into the Yellow River, and there it flowed down to silt up the plains in the lower reaches, muddying the water and giving it its name. At one Gorge in Honan province, they found that an average of 1,380 million tons of silt flowed by each year.

The Elevated River

As a result, over the course of many centuries, the people built dykes along the lower reaches, for more than a thousand miles to hold the fierce, muddy waters in check. The river became "elevated." As more silt was borne down, the dykes rose higher, until in some places this fantastic river runs twenty-feet *higher* than the surrounding countryside, held in its course only by the great dykes of earth.

From 1946 onwards, area after area along the river valley came into the hands of the peoples' forces, and the liberated regions began to fight their enemy, the river, to keep it under control. Then, in 1949, the new Peoples' Republic of China made the river the object of intensive work. Thousands of people were organised into flood prevention teams every year (400,000 alone at one time when flood threatened), and the crumbling, hole-ridden dykes were repaired. Grass was planted, and millions of trees, to hold the banks. The result has been no bursting of the dykes, no floods, since 1946.

The dykes held the river, but the problem remained. Now, after six years of work by surveyors, geologists, architects, hydrologists, and experts of many kinds, the National People's Congress has adopted a plan for controlling the river permanently and exploiting its water resources.

How It Will Be Done

First, they propose to build a series of dams and reservoirs on the main river and its tributaries (46 in all). Once the dams are complete, floods and disasters can be completely stopped; the lower reaches of the river will become clear, the river-bed will become lower and more stable, and people in those areas will be free from the present burden of dyke-building and

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Inequality – in the Name of The Law

By Z. K. MATTHEWS

THE Tomlinson Report shows abundantly that the Commissioners were concerned with showing how European rights in South Africa can be preserved as against the claims of the Africans for similar rights. In other words, the question they set out to answer was what can be done in the Native areas to which the White man might be able to point in justification of his refusal to recognise or admit any rights of claims Africans may put forward to the rest of the country in which they intend to reserve rights for themselves exclusively.

Political Rights

My submission is that Africans have no political rights in South Africa. They have political disabilities, not political rights. The Native Representation Act of 1936 was designed not to give Africans political rights but to deprive them of such rights. The position is that prior to 1936 Africans in the Cape enjoyed political rights on the same basis as other sections of the population in the Cape. Admittedly the right was hedged about with qualifications which the African found it more difficult to acquire, and to that extent the right even then was more theoretical than real. But what the Act of 1936 did was to maximise the theoretical character of the right and to minimise the reality of the right especially as this followed the abolition of qualifications for Europeans in 1930 and 1931. Thus to say that Africans have the right to be represented in Parliament by three White representatives is an empty right which in no way approximates to the standard set forth in the Universal Declaration of Human Rights, article 21 of which provides that :

"Everyone has the right to take part in the government of his country directly or through freely chosen representatives (ii) the will of the people shall be the basis of the authority of government: this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

What has been said about Parliamentary representation applies *mutatis mutandis* to provincial council representation in the Cape and municipal and divisional council representation in the Cape. Then there are bodies like the Advisory Boards and the Local Councils now to be replaced by Bantu Authorities which, in the view of the Commission, confer some sort of benefit on the African people. Here again we are dealing with bodies which are intended to be substitutes for real representation. Any one of these bodies which presumed to think that it had any real power and attempted to exercise it would soon find out who was really boss even in the small insignificant matters with which they are concerned. *Both the local Council system in the rural areas and the Advisory Board system in the urban areas have fallen on evil days.* The African people have lost interest in them because they have discovered that they gave the people concerned no effective share in the management of their own local affairs to say nothing of general affairs. *The Government is hoping to infuse some life into these bodies by calling them by a different name and by substituting appointed or nominated members for*

elected members. But what is required is not a change in name but a genuine change in the functions and powers of these bodies, making them real instruments for the expression of the will of the people and not mere echoes of the voice of the Government.

Constitutional Rights

As far as constitutional rights are concerned the Tomlinson Commission states that in terms of the S.A. Citizenship Act the Bantu population, like members of other population groups, have Union citizenship and are thus Union citizens. The conclusion is drawn from this statement that in terms of constitutional law "no distinction is made and this fact naturally implies equality of persons, property and rights."

It is difficult to see how the Commission arrived at this conclusion. *The South African constitution is laid down in the South African Act as amended, and even if this Act is read together with the S.A. Citizenship Act there can be no doubt whatever that it draws distinctions between the rights of the Bantu population and that of other sections of the population.* A greater value is certainly placed upon "persons of European descent" than upon persons of Bantu descent. The land rights and the whole administration of the Bantu are vested differentially in the Governor-General of Union opening the door to discriminatory legislation affecting the property rights of the Bantu. But even if in theory it had been intended in 1910 that there should be "equality of persons, property and rights," legislation since Union has made very serious inroads upon the so-called constitutional rights of the Bantu. The limited political rights which were vouchsafed to them in the Constitution have been whittled down and indeed the emasculated rights which they still retain stand in imminent danger of being swept away altogether, thus leaving the S.A. Act as a White Citizenship Act. This has been done through the Natives Representation Act read together with the Bantu Authorities Act, The Senate Act and the Separate Representation of Voters Act. A succession of Acts starting from the Native Land Act of 1913 through the Natives Urban Areas Consolidation Act, The Native Land and Trust Act of 1936, the Native Resettlement Act, have divested the Bantu of property rights in different parts of the country. As for "equality of rights" my submission is that this is a completely meaningless expression in the context of the South African situation. *There is hardly any sphere in which there can be said to be equality of rights between the Bantu and the Europeans.*

Legal Rights

Under this heading the Report states categorically that "all individuals of all groups are equal in the eyes of the law and receive equal protection from the law." The Report goes on to clarify the significance of the statement by saying that it implies that :

- a) Nobody can be illegally deprived of his liberty or held in slavery.
- b) Nobody is exposed to arbitrary arrest, detention or banishment.
- c) Any person can apply to the courts when he is threatened in the possession of his goods or when his person, honour or reputation is violated.
- d) That the South African courts are accessible to all persons on an equal basis.

"A mere description of a thing as a right does not make it into one, certainly not from the point of view of the person who is supposed to enjoy that right. A so-called right may be so hedged about with restrictions, or so difficult of realisation, or be capable of attainment by so few people, that far all practical purposes it may be meaningless. Thus to say that every American has the right to become the President of the United States may sound all right as a piece of propaganda in favour of the United States Constitution and give some Americans a nice feeling inside, but it is not of much practical consequence to over 99.9 of the 160 million inhabitants of the United States of America. Similarly it would be a mockery to say that the Negro child has the right to go to the same school as the White child unless the right of the Negro child to do so is adequately protected by legal authority. Indeed what is described as a "right" may in fact be a disability because the giving of it may rob the individual of something which he prizes more highly than what he is in fact given. After all, what is actually done in these matters is far more important in the long run than what appears to be done."—PROF. MATTHEWS.

Here again we are confronted with the abstract theoretical approach so characteristic of the Tomlinson Commission. *One would think that the learned gentlemen came from another planet or went about South Africa with their eyes and ears closed.* It seems to me to be the merest sophistry to say that nobody can be *illegally* deprived of his liberty. Of course when the Bantu are deprived of their liberty this is done *legally*, i.e., by the passing of a law by a legislature on which they have no influence whatsoever. The pass laws deprive them of their freedom of movement and, as far as the Bantu are concerned, it makes no practical difference whether this has been done legally rather than *illegally*. As far as he is concerned the whole legislative process in so far as it is supposed to guarantee his rights is a travesty of justice.

It is interesting to compare this conception of equality before the law with that contained in Article 7 of the Universal Declaration of Human Rights which reads as follows :

"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

It is even more interesting to recall that when this Article was under discussion in the General Assembly of the United Nations, the South African delegate advocated the deletion of the words "against any discrimination in violation of this Declaration and against any incitement to such discrimination." My submission is that that delegate had a greater respect for the facts of the South African situation than the Tomlinson Commission appears to show.

How can the Commission say "nobody is exposed to arbitrary arrest, detention or banishment" when at the time when the Commission wrote, it was part of the law of this country that the Governor-General in his capacity as Supreme Chief of the Natives in Natal, the Transvaal and the Orange Free State could order the arrest of any Native and his detention in gaol for three months without assigning any reason and such native had no right of recourse to the courts until the three months had elapsed. Since then this has been made applicable to the Cape Province as well. (Section 1 of the Native Administration Act 38 of 1927 read together with the Natal Code of Native Law). It's all done in the name of the law—it is nothing illegal and so conforms to the standpoint of the Commission. "Nobody is exposed to banishment!" Shades of Gwentshe & Lengisi, Champion, to mention only a few of the Bantu who have had practical experience of this aspect of "equality before the law." Every local

authority possesses the right to ban without prior trial.

One of the most effective remedies against a threat to one's rights is the interdict, and until recently it was possible for this right to be used by the Bantu in defence of their rights. But now the Prohibition of Interdicts Act has rendered this right largely nugatory, because access to the courts is permitted only after the very mischief against which the interdict was supposed to be effective has already taken place.

The last legal right mentioned is that the South African courts are accessible to every person on an equal basis. In any country in which litigation is as expensive as it is in South Africa and in which economic inequalities between different groups are as great as they are, it is not much consolation to a poor litigant to be informed that he has access to the courts on an equal basis with his more affluent countrymen. Thousands of persons who feel they have been done an injustice, especially in our inferior courts, take the matter no further for the simple reason that they cannot afford the fees of counsel and of legal process in the Superior Courts in which they have more confidence. But not only is the right of access to the Courts vitiated by economic inequalities but by the increasing tendency on the part of the Executive to limit the powers of the courts on the pretext that the courts may interfere with the sovereignty of Parliament. Executive powers over individuals and groups are vested in administrative officials, both central and local, in such terms as to make it difficult for the Courts to protect their rights. Every time the courts in the interests of that justice of which they are the primary custodians intervene in a situation to prevent arbitrary interference with the rights of persons, the Executive if assured of a majority in Parliament can bring in legislation to deprive the courts of their powers in that regard.

Economic Rights

In the sphere of economic rights mention is made of the fact that every person has the right to work, and that Africans have the right to form (unregistered) trade unions.

When we examine the labour laws of South Africa we find that they are shot through and through with discriminations against the Bantu worker. As has been well pointed out :

"White workers have perhaps as many rights as workers in most countries. They have freedom to organise, form trade unions and have them legally recognised, engage in collective bargaining, and sell their labour where they will."

"African workers are in a completely different position. Not only are African trade unions denied legal recognition, but every possible obstacle is placed in their way to prevent their growth. The Government looks upon such organisations

as a menace to White civilization . . . African workers are not permitted to engage in collective bargaining through the industrial council system . . . All strikes are prohibited under heavy penalties. Other laws and regulations applicable only to Africans are woven into the fabric of labour code for African workers. One example is the Native Urban Areas Act which restricts the free movement of African labour. Another is the Labour Bureau system established under the Native Labour Regulation Act" (see Hepple: *Labour and Labour Laws in South Africa, Africa South*, Vol. 1, No. 1, p. 25).

These differences in the working conditions of Bantu workers can hardly be regarded as adding up to "rights."

Social Rights

On the subject of social rights the Commission confines itself to dealing with the question of marriage and observes that "every person (except a lunatic) has the right to marry and procreate children, except that marriages and extra-marital sexual relationships between Europeans and Non-Europeans are prohibited. Contrast this with Article 16 of the Universal Declaration of Human Rights which reads :

"Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution."

Religious Freedom

Here the statement of the Commission that there is complete religious freedom in South Africa is in theory correct. It is true people in South Africa are, broadly speaking, free to adhere to religious beliefs of their own choice, and we have probably represented in the country most of the main religious systems of the world, both primitive and modern. Christianity, Judaism, Islam, Hinduism, Confucianism, the ancestor-cult—all these and more probably have their adherents in the country. But of course cutting across all these is the colour bar, which prevents fellow-believers, if they happen to be of different colours from worshipping together in the same church, as Mr. Drum found in his visits to various European Christian churches. Certainly it is doubtful whether any Christian Church which proclaimed itself to be open to all believers of all races on terms of complete equality would be permitted to have that religious freedom for very long.

Freedom of Association

The Commission affirms that the Bantu have freedom either by themselves or together with members of other groups to form all kinds of association. Freedom of association is a very important right which is treasured very highly in all democratic and civilised countries. But in a country like South Africa it is doubtful whether this right can be said to exist when there are so many laws or regulations which are calculated to interfere with the exercise of this right. At the present time meetings of Africans except for religious or domestic purposes are frowned upon in both rural and urban areas. Permits have to be obtained in order to have meetings and officials seem to have complete discretion to refuse or grant such permits. Where a permit is obtained the gatherings concerned are attended by members of the Special Branch who take notes of all speeches. The Com-

mission make mention of the African National Congress but this organisation has been virtually declared an illegal organisation. Both at branch, provincial or national level, the A.N.C. is hampered in its activities by government interference. The same applies to other organisations such as Teachers' organisations. Unless an organisation proclaims itself to be pro-government or neutral in its policy, it is treated with suspicion and its members are liable to be victimised for their views, and that without any charges being preferred against them. It is obviously a mockery to speak of freedom of association if by that is meant that the association must always be in agreement with government policy.

The Commission asserts, as previously indicated, that the Bantu possess all the rights mentioned above and concludes with the statement that "as regards these wider civil rights there is no differentiation between the various population groups and that in this respect the Bantu are substantially in no worse position than the other population groups." This in a country in which we have on the Statute book a law—the Separate Amenities Act—justifying any differentiation which may be decided upon with regard to the various population groups. *Differentiation is part of the law of the country, but the Tomlinson Commission asserts that it does not really exist and that where it exists in regard to other than wider civil rights, it does not place the Bantu in a substantially worse position than the other population groups. When, one may ask, is a worse position not substantially worse?*

What has been said so far refers to the present position of the Bantu in the country as a whole. As regards the future it seems to be intended that as the Bantu national homes are developed the bulk of the Bantu should be transferred to them and should there enjoy a measure of local autonomy, with ultimately something approaching provincial status for the Bantu regions. Presumably within these areas the Bantu would enjoy all the civil rights which they are denied in the non-Bantu areas, but even on this point there is no explicit assurance. The Bantu areas are expected to be firmly under the control of the White government, and just as the rights of the Bantu in the present day are of somewhat doubtful significance, so it would seem that the Bantu national home will be areas set aside for Bantu occupation, but in which the Baaskap of the White man will be no whit less than in the so-called European areas. As for the 6 million Bantu who will still be within the white areas by the year 2000, it would appear that the only right they will be guaranteed is the right to work for the White man. Any demand for anything more than that will be met with the reply that such rights must be sought in the so-called Bantu national homes.

It seems to me that whatever way one looks at it, one cannot help coming to the conclusion that the notion of civil rights of the Bantu attainment of full citizenship status, and not a second or third class citizenship status, the struggle may be long, but what of that? Others have been longer but they have been won in the end.

We are not opposed to the White man or anyone else claiming for themselves in the land which they have made their home all the fundamental rights to which as human beings they are entitled. What we cannot concede is that this is a claim of which the White man has a monopoly.

* This is an abbreviated version of the address on "Africans and Civil Liberties" delivered by Prof. Z. K. MATTHEWS to the Bloemfontein Anti-Apartheid Conference convened by the Inter-denomination African Ministers' Federation.

The Desert Hawk

By DESMOND BUCKLE

The name of a man who died more than 70 years ago is often on the lips of the soldiers of the Algerian Army of National Liberation as they go into battle against the French forces in the war which is now two years old. The name is that of Abd-el-Kader, revered and held in deep affection not only in Algeria but throughout North Africa.

EMIR ABD-EL-KADER, who was later to be known far and wide as the "Desert Hawk," was born in 1807. His family were *sherifs* or descendants of the Prophet Mohammed and his father, Mahi-ed-Din, was celebrated throughout North Africa for his piety and charity. Mahi-ed-Din took his son, then in his early youth, on a pilgrimage to the tomb of Sidi Abd-el-Kader El Jalili at Baghdad. This visit so stimulated the boy's imagination and religious enthusiasm that he adopted the name Abd-el-Kader.

Abd-el-Kader's story really starts in 1827. That year a dispute arose between the Dey of Algiers and the French in connection with wheat which had been supplied to the French representatives in the city by two Jews, Bakri and Busnach. In the course of the negotiations which were undertaken to settle the matter, the irascible Dey Hussein struck Duval, the French consul, with a fly-whisk. To avenge the insult the French blockaded the city for three years and eventually sent an expeditionary force of 37,000 men under General de Bourmont and Admiral Duperré against it. The force landed at Sidi-Ferruch on June 14, 1830, and on July 5 captured Algiers and drove the Dey into exile.

This is where Abd-el-Kader really comes into the picture. Only 23 years old, he was a scholar who was much more fond of his books than of anything else. He could read and write at the age of five. He had received an excellent education in theology and philosophy and had graduated at a theological college at 12. But he had also distinguished himself in horsemanship and in other manly exercises.

Incensed at the capture of Algiers and the expulsion of the Dey, Abd-el-Kader came forward as the champion of Islam against the infidels. He attempted to arouse the tribes to resist the invaders. But many of the chieftains clearly showed him that they were not interested. They hated the Dey—a hangover from the time when the Turks held nominal sway over Algeria and maintained their suzerainty by setting the tribes against each other. One of the chieftains, indeed, laughed in Abd-el-Kader's face when he called for resistance and

mocked him telling him to go back to his books.

However, the French soon found that though they had ended Turkish overlordship over Algeria they had by no means gained possession of the country. It had to be wrested yard by yard from the Algerian population despite the difficulties met by Abd-el-Kader in uniting the tribes.

Devils, Not Men

In 1832 the tribes of Oran Province proclaimed Abd-el-Kader emir of Mascara, his birthplace, and rallied to his cause. The French, after hesitating for some years, decided to complete the conquest of the country. A decree was issued by King Louis Philippe (who used to call himself Egalité in deference to the French Revolution) on July 22, 1834, appointing a governor-general of French possessions in North Africa. At the same time the King formed the Foreign Legion from criminals, thugs and other riff-raff from half the countries of Europe.

The Algerians soon found that in these men they were up against the most desperate and ruthless adversaries they had ever encountered. The Legionaries killed, raped and pillaged without mercy. In a single terrible action they wiped out the Ouffia tribe to the last man, woman and child. The western Algerian tribes now believed they were up against devils not men. They proclaimed Abd-el-Kader emir el Moumenin (Commander of the Faithful) and prepared to launch a counter-attack.

Meanwhile the sea-port towns of Oran, Bougie and Bône fell to the French. Abd-el-Kader held back, for he did not wish to engage the French within firing range of their warships anchored off the coast. For a time the French were content to consolidate their hold around a few points on the sea-board—Algiers, Oran, Bougie and Bône, with the areas immediately surrounding them. The French commander, General Desmichels, was obliged to sign a treaty with Abd-el-Kader recognising the latter's authority in the hinterland.

Desert Columns

However, the French launched an

attack on Abd-el-Kader's positions in 1835. Kader, displaying great military capacity, severely defeated a large French army at Makta in June of that year. There now appeared two centres of stiff resistance in Algeria, one in the province of Constantine led by the bey Ahmed, and the other in the rest of Algeria under Abd-el-Kader.

In October, 1837, the French struck at the fortified city of Constantine with 12,000 Legionaries. Abd-el-Kader hurried to Ahmed's assistance. He organised his white-robed horsemen into flying columns which struck with lightning suddenness at the flanks of the French battalions and vanished into the desert before the French could put up any kind of organised defence. It was these exploits that earned for Abd-el-Kader the title, "Desert Hawk." For in truth he swooped swiftly and silently and with the power and unerring aim of a hawk.

At Guelma, Abd-el-Kader's intrepid horsemen surprised a French company of engineers. In no more than 20 minutes 150 Frenchmen lay dead. Their corpses were all that a relief company found the following morning.

Abd-el-Kader often spent as much as 48 hours without respite in the saddle. He lived most of the time during his campaigns on a handful of boiled rice and a bowl of milk a day. He often led the raids in person. In one engagement at the head of 2,000 horsemen attacking a French regiment marching on Sétif, he had two horses killed under him and his cloak riddled with bullets. He seemed to lead a charmed life. After a series of persistent charges the Algerian horsemen broke the French square and put the soldiers to flight. Only 15 Frenchmen survived the pursuit; the desert claimed those who escaped the horseman's sword.

The French fell back to their coastal strip and sued for peace. The Treaty of Tafna brought the fighting to an end. But the French used it only to provide breathing space and to regroup their forces. They quietly assembled a force of 58,000 armed with the latest weapons, including the heaviest artillery then made.

THE DESERT HAWK

(Continued from page 11)

Four Cannon

Abd-el-Kader meanwhile ruled his two-thirds of Algeria sternly but with wisdom. He enforced the laws of the Prophet, prohibiting wine and prostitution and even discouraging the drinking of coffee and smoking. He himself continued to live austere on his daily handful of boiled rice and a bowl of milk.

The French treacherously broke the Treaty of Tafna and advanced into Kader's territory. Although the Algerians could not match the fire-power of the French re-inforced by the latest artillery field-pieces (Kader had only 4 ancient cannon, one of which was a Dutch field-piece cast more than 200 years previously) they fell on the invaders with heroic disregard of the odds against them.

The Algerians halted the French in the Mitidja Plain and then drove them back. Their counter-attack took them almost to the gates of Algiers.

The French, faced with the prospect of being expelled from the country now sent a third of their entire army—more than 100,000 men—to Algeria in 1841. It was commanded by General Bugeaud whose slogan was, "There are no civilians." Bugeaud's troops shot at sight every male Arab or Berber. Their flying columns penetrated deep into Abd-el-Kader's territory destroying crops and killing off the cattle. This meant—and was intended to mean—slow starvation for the Algerians. The Algerians retaliated by butchering French prisoners of war and the French did the same to all Algerians who fell into their hands.

Bugeaud permanently settled 40,000 French colonists in Algeria among whom were many of his soldiers. The rest were largely the unemployed of Paris and other large French cities.

The bitter war, with all its horror and frightfulness, went on for another 7 years. Then Abd-el-Kader could not maintain the struggle any longer. His ultimate failure was in part due to the refusal of the Kabyles, Berber mountain tribes whose faith in Mohammedanism was rather loosely held, to make common cause with the Arabs against the infidel French. It is one of history's ironies that it was the descendants of these same Berber tribesmen who launched the first attacks of the present revolt in the Kabylia and the neighbouring Aurès Mountains in November, 1954. Algerians today have realized the kind of national unity for which Abd-el-Kader strove but could never quite achieve.

HOW TO TAME GIANTS

(Continued from page 7)

flood-prevention. The dams will generate huge amounts of electric power.

Secondly, they will carry out soil and water conservation work in the Yellow River basin on a large scale, particularly where the loss is most serious. They will stop the loess being washed away by the rain. Section by section, from highland to gully, water is to be stored and retained, so that earth and rainwater stay where they are needed.

Completion of the plan will mean four stupendous changes. First, floods will be no more. The course of the river will be deep and fixed, the flow regulated. Secondly, power stations will generate 23 million kilowatts with an annual output ten times as great as the whole national output of 1954, providing cheap power for industry, transport and modernised agriculture

over huge areas. Thirdly, the irrigated area will be nearly ten times as large as now. And fourthly, the whole river will be navigable.

This is a scheme that can only be carried out in the course of decades. They estimate that the part covering conservation of water and soil alone will take fifty years. So meanwhile, a "first-phase" is to be put into effect to end flooding and use the river for power and irrigation. This phase will be completed by 1967.

As the huge dams are built, hundreds of thousands of people must be re-settled, and this in itself can only be done over the course of many years.

Reservoirs and hydro-electric power stations cannot be built by handicraft technique, nor can soil and water conservation work be done on a large scale if it must depend on the efforts of individual peasants. That is why such a scheme could never have been adopted except under present circumstances. The plan calls for the efforts not only of the government, but also of the people of the whole country. They say they are turning "China's Sorrow" into China's Joy".

We Can Do It Too!

CAN one begin to picture the wonderful transformation that will take place in the lives of millions of people? I think of the vast areas of semi-desert in our own country; of the Transkei, and its droughts and famines; of rivers run dry; of land eroded; of over-stocked reserves. Yet it can be changed! The individual efforts of ignorant and poverty-stricken peasants in desolate reserves cannot bring this vast change. But the power is there, locked in by the oppression of the people.

First we must liberate ourselves and unlock this great, creative power. Then we can liberate the land. Then, like the Chinese people today, we too will tame giants.

On December 21, 1847, Abd-el-Kader surrendered to General Lamoricière at Sidi Brahim. In violation of a promise that he would be allowed to go to Alexandria or St. Jean d'Acre (Acre, now in North-West Israel), Abd-el-Kader and his family were incarcerated in the grim and forbidding fortress of Toulon. They remained there until October, 1852, when Napoleon III ordered their release on Kader taking an oath never again to disturb Algeria.

Abd-el-Kader went first to Brusa in Asia Minor and then to Constantinople, finally settling in 1855 in Damascus. During the anti-Christian riots which broke out in the town in 1860, Abd-el-Kader gathered as many Christians as he could into his own house and drew his sword in their defence.

In exile he wrote a philosophical treatise, of which a French translation was published in 1858 under the title, *Rappel à l'intelligent, Avis à l'indifferent*. He also wrote a classic about the Arab horse of the Sahara.

On May 26, 1883, Abd-el-Kader, born leader of men, great soldier, distinguished scholar, capable administrator, persuasive orator and chivalrous opponent died at Damascus. Had he been living today he would cast aside his books to do battle for his country's liberty. It is the spirit of this truly great man that inspires Algerians fighting at Tlemcen and Tebessa, Sétif and Sidi-bel-Abbès for the freedom and independence of their beloved country.

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7/6 A YEAR

MR. GEORGE PADMORE, a native of Trinidad in the West Indies, is a professional African abroad. He has spent his life talking and writing about Africa, mainly in Britain. According to a recent press report he has now been appointed Ambassador in America by the so-called Negro Republic of Liberia. Despite all he has said and written about our continent, Mr. Padmore's real knowledge and understanding of Africa and its people is negligible. To him "Africa" is an abstraction; an emotional symbol, identified with the American Negro movement and the tiny minority of privileged intellectuals who manage to make their way overseas. Of the teeming millions of people who inhabit Africa, groaning under imperialism exploitation, landlessness, disease, illiteracy and brutal colonial administrations, he knows nothing and cares nothing.

Nothing illustrates this better than Mr. Padmore's new book: *Pan-Africanism or Communism*. On the face of it this is a completely false antithesis—that is, if we understand by the term "pan-Africanism" the idea that Africans in all parts of the continent should get together in the struggle against imperialism. But as we read this book we find that nothing is further from Mr. Padmore's mind than a genuine struggle by the masses of Africa against their various colonial masters. There is a good deal of wordy demagoguery about "freedom" and "self-determination" leading "ultimately to a United States of Africa. How is this freedom to be attained? As a gift, apparently from the imperialists. Here is a revealing passage from the "Introduction":

" . . . in West Africa (British) Colonial Office policy is based upon the principles of national self-determination for Africans by a policy of gradual constitutional reform. If this policy were only honestly and vigorously pursued by the British Government . . . it would be the most effective bulwark against Communism."

The African leaders, on their part must "resolve their own internal communal conflicts and tribal differences so that, having established a democratically elected government, the imperialist power will find less danger in passing power to popularly elected leaders than in withholding it."

Such is the fantastic, distorted picture of African political development presented by the remote Mr. Padmore.

The Liberian "Experiment"

I mentioned above Mr. Padmore's lack of any real sympathy with the masses of African people. This is brought out with remarkable clarity in his chapters on the development of Liberia, into the service of whose government Mr. Padmore has now entered. Liberia was established over a hundred years ago as a colony of former slaves from America, under the auspices of the American Colonisation Society. Its constitution, adopted in 1947, is based upon that of the U.S.A. and proudly proclaims that "there shall be no slavery within this Republic."

Apart from their purely external physical characteristics, the handful of settlers from America (they were only a few thousand) had nothing in common with the Native people they found living in the territory now known as "Liberia." Their language was English, their customs Western, their outlook and aspirations typical of the graft-ridden America to which their ancestors had been transported.

The political institutions which they set up there were meant for "Liberians" (i.e. the settlers and their descendants) only—not for "Natives", whom the settlers regard with just as much contempt as do settlers anywhere else in Africa. In fact the only difference I can see between the Liberian and the South African herrenvolk is in the skin-colour.

Nor is Liberia really "independent." Always a dependency of the United States, the so-called "Republic" has for many years been virtually the private property of the Firestone rubber company which supplies most of the public finances and in return enjoys a number of remarkable privileges. The Liberian government has agreed to "provide" labour for the rubber plantations. This is done by forced labour recruited by the Government through its "Native Commissioners" in a way which makes a mockery of the fine words of the constitution. And this merciless exploitation is being intensified: recently a 600,000 acre concession was granted to the Goodrich Rubber company. For the unfortunate two million real Africans who live in Liberia the Black settlers along the coast are just as much a curse as the White settlers of Kenya and the East Coast: they have brought nothing in the way of education; health services, political rights or

higher living standards; they grab the best land and coerce the tribes people into forced labour.

Yet, in all his two chapters on Liberia (it is the longest section of his book) Mr. Padmore has not a word of sympathy with the suffering masses of the country, nothing but praise for the Tubman administration. Apologising for the lack of representation in the legislature for the "indigenous people of the hinterland still living under tribal law and custom" Mr. Padmore comments:

"The risk of integrating the *indigenes* into the modern state is a formidable one, and can only be achieved by raising their standards of living and closing the cultural gap between them and the westernised Negroes."

Just what the White settlers say in other colonies while they are busy closing every door to economic and cultural progress! The truth is that Mr. Padmore, though he calls himself a "democratic socialist" is neither democratic nor socialist but a vulgar Negro chauvinist. He is horrified by Strijdom's South Africa but praises the very same sort of tyranny when practised in Liberia by foreign settlers who chance to have black skins.

Unscrupulous

"Pan-Africanism" in Mr. Padmore's vocabulary, then, turns out to be a case for handing over the administration of the African colonies to westernised Negro agents as a means of retaining control and preventing the African masses from winning genuine self-government. On the cover of his book he quotes approvingly from John Gunther:

"If reform doesn't come in time, Africa—the greatest prize on earth—may be lost to the West, as much of Asia was lost."

Similar sentiments, it may be recalled, were recently expressed by Minister Erasmus. Gunther, the Union's Minister of Defence, Padmore—they all want to keep this "great prize" for the "West," though each has his own formula for doing it. It doesn't seem to have occurred to any of them that Africa doesn't belong to "the West" or "the East," or anyone, except the African people themselves.

Another feature common to Gunther, Padmore and Erasmus is the shabby ideology of ferocious "anti-communism."

Mr. Padmore is a former Trotskyite, and in pursuing this particular line of propaganda he displays all the usual unscrupulous disregard of facts common to this breed of sectarians. As an example of his twistings and lies, on a subject familiar to most of my readers, I give you, with my notes, the following sentence from his utterly unreliable chapter on South Africa:

"The latest Stalinist manoeuvre (1) is the setting up of another *ad hoc* organisation (2) in 1955 called the Congress of Peoples (3) to draw up a "Charter of Freedom" (4) to present to the Strijdom government (5).

(1) False. The C.O.P. was originated by the African National Congress on the initiative of Professor Matthews, who is not and never was a "Stalinist"

or any other sort of Leftist. (2) False. It was not an organisation but a meeting. (3) False. It is the Freedom Charter. (5) False. It was never intended to "present" the Charter to the Government, but to make it the common programme of struggle and organisation by the people.

This short sentence with its gross errors is typical of Mr. Padmore's section on South Africa. Why, to listen to him you'd imagine it wasn't the Nationalist Party but the African National Congress and the former Communist Party which are responsible for the present state of affairs in South Africa. It is not difficult, of course, to trace the source of all the nonsense Mr. Padmore writes about our country. It echoes the frenzied voices of Mr. Tabata and the Non-European Unity movement.

Why spend all this space on Mr. Padmore's meretricious book? Because, if I am not very much mistaken, this book is designed to be used by the Colonial Office in all English-speaking colonies, for the purpose of diverting young African intellectuals and patriots from the road of struggle for national liberation, into Mr. Padmore's cunning by-paths of red-baiting and his own peculiar brand of "pan-Africanism". Therefore it is necessary for all who truly seek African freedom and unity to be placed on their guard.

Pan-Africanism or Communism. The Coming Struggle for Africa. By George Padmore. Published by Dennis Dobson. Price 25s.

ALAN DOYLE

NATIONALISM IN AFRICA

THE lack of a standard work on the national movements of the peoples of Africa has been felt by almost every serious student of the matter, as well as by every serious political leader of the national movement in Southern Africa at least. That lack will not be filled by Thomas Hodgkin's "Nationalism in Colonial Africa," issued in the "Man and Society" series. Hodgkin has gathered together a great number of facts—albeit on a fairly restricted number of facets of the national question in Africa—without managing to draw them together into a single, comprehensive picture of the whys, wherefores and whithers of the national movement. That work remains to be done.

But having said that, let me add that the book is full of information, much of it unobtainable elsewhere, which serves as the best introduction to African nationalism that is at present obtainable. Hodgkin has new and refreshing information and opinions on many things, on the differences and yet the similarities between British, French and Belgian colonial administration; on the influence exerted by the newly developing towns on the national feelings of the people; on the role of prophets and priests in developing national consciousness; and on the character of some of the larger movements, their leaders and their motivations.

From a South African point of view it is unfortunate that Hodgkin leaves the Union of South Africa out of his "colonial Africa south of the Sahara," although there can be little quarrel

with his reasons for doing so. South Africa, he says, "contains its colonial problem within itself," and is therefore outside a study confined to those areas dependant on metropolitan countries abroad. But more questionable is Hodgkin's failure to bring uppermost the relationship between ideas and economic conditions of life, between production relations and political movements. Without such interrelation, the national movements of Africa, and, for that matter, the methods of colonial administrators in

Africa, become merely the outward expression of "ideas" in the heads of dreamers. If such were the case, the national liberation movements of Africa would not have inspired the masses so profoundly that, in a short space of ten post-war years, they have redrawn the political map of colonial Africa from end to end.

"Nationalism in Colonial Africa," by Thomas Hodgkin. Published by Frederick Muller. Price 13s.

L.B.

SOUL IN TORMENT

IN *You Are Wrong, Father Huddleston*, Alexander Steward revealed an inability to reason in a convincing manner. In his novel, *A Single Soul*, he reveals an equal inability to portray convincing characters.

Perhaps the most that can be said in praise of this work is that it attempts—albeit unsuccessfully—to describe a wide range of emotions and an even wider range of incidents in comparatively few words. Covering two hundred pages in a pedestrian, journalistic style, Mr. Steward makes a laboured effort to present the life and hard times of his hero, Luke, from early childhood to inevitable suicide.

To convey some impression of the triteness of the plot, one need only quote from the blurb: "Luke . . . is seen first as a small child . . . on a sugar plantation in Zululand . . . But Luke's life is not destined to run smoothly. His school-days end unhappily . . ."—he has a completely unconvincing affair with a teacher—" . . . He joins a firm of stock-

brokers in Johannesburg, and this hard city develops the net work of conflict which is to draw closer and closer about his soul . . . It is the conflict within himself, the conflict with his family and friends, the political conflict in S.A., and the conflict between S.A. and the outside world . . ."

Because the author lacks the faculty of selection, he describes certain incidents in wearisome detail, and is then forced into guillotining vast—and no doubt emotion-drenched—periods of his hero's career. The result is a patchy piece of writing.

On one occasion Luke says: "What bothers me . . . is that all this stuff doesn't tally. The more I read the more sure I become that . . . what I'm reading simply isn't true." He might well have been passing a lenient judgement on the book in which he appears.

A Single Soul, by Alexander Steward. Published by Werner Laurie, London, 1956. R.B.

FIFTEEN YEARS IN FRANCE

ALEXANDER WERTH is probably one of the last of his kind: a foreign correspondent who seeks the truth and dares to write it, who is not a propagandist for some or other foreign office. Whether consciously or not, he proceeds from the premise that the common people make history, that class struggles are not just a theory but the basic fact of life. Add to that his profound knowledge of France and its people and it is easy to understand why he has written a history which will become a classic.

South Africans are separated by barriers of distance and language, not only from the French, but also from the peoples of the French colonial empire. A strike in Rhodesia, understandably, excites us more than the massacre of 80,000 persons by the French authorities in Madagascar. (This massacre took place in March 1947). We are more interested in the Gold Coast than in the 55 million Africans who live under French rule actually 15 million of them have just won for themselves virtual independence. The rapid collapse of the French Empire, the reaction of

the French ruling class and people to this collapse, are matters of tremendous consequence for the liberation struggle everywhere but especially in Africa.

The greatest value of this detailed, factual analysis of political events in France is that it holds up a mirror to our times. It confirms and illustrates the working in practice of the theoretical basis of the political working class movement. It therefore makes an understanding of our own problems clearer, and points to solutions for them. An honest man who reads this book and then tests South African problems in the light of French experience cannot but end up supporting the policies of the progressive movement.

Shall we follow a policy of forcible racial oppression? France shows that it leads to defeat and bankruptcy.

Shall we repress the working-class movement? France proves that the drive to Fascism is endemic in capitalist countries, that Big Capital "has no fatherland," that little repressions lead to an enslaved nation.

Does America seek freedom for na-

tions? Here is proof that Marshall Aid was always intended as martial aid and cost France her independence.

One can extend this list of questions and answers indefinitely, but just one more: Ho Chi Minh, according to French reactionaries represented "nothing at all": the leaders of the liberation movements of Morocco and Tunisia represented "nobody but themselves." Did not the delegates at the Bloemfontein Conference on apartheid, according to *Die Transvaler* represent "only themselves?" By this analogy, it cannot be long now before Luthuli succeeds Strijdom!

Those good people who doubt whether "Freedom in our lifetime" is a practical slogan should read this book. It is striking evidence of the pace of history in our times. The experience of France shows that he who today believes that something can "never" happen, that governments are in power "for ever," will soon find history mocking them.

France 1940-1945, by Alexander Werth (764 pp.). Published by Robert Hale. Price 35s.

M.M.

Readers' Views

WHY DO WE WRITE—AND ARGUE—SO LITTLE ABOUT SOCIALISM?

IN recent years there has been very little discussion in South Africa in progressive—or other—journals about socialism. This is surprising because in other countries articles on the advantages—or disadvantages of socialism, and the best way of achieving—or preventing—it, are a continual source of lively controversy.

It is all the more remarkable that journals read by and supported by the Congress movement should contain so little on the pros and cons of a system which in one form or another, for example, Nkrumah's liberatory movement in the Gold Coast has adopted as the very first article of its constitution; or which Nehru's Indian Congress has declared is "the only path India can follow"; or which was the basis of China's liberation—a system which, in fact has the following of the majority of the world's population.

I suppose the main reason people aren't writing and arguing about socialism is the Suppression of Communism Act. Now what exact-

ly the weird rigmarole of things is which the Act bans, it certainly does **not** ban all discussion of socialism. Dead letter as it may be, the Labour Party still has an objective in its constitution the achievement of socialism and there is no doubt that this is perfectly legal.

What you *can't* do is advocate that there should be a dictatorship of the proletariat (defined in a manner which is an obvious travesty of the real meaning of that concept as a system "under which one political organisation only is recognised and all other political organisations are suppressed or eliminated.") Nor can you advocate or threaten law-breaking, violence or disturbances, or aim to bring about changes under the guidance or in co-operation with foreign governments or institutions which aim to bring about "Communism" in the Union; nor can you encourage hostility between Europeans and Non-Europeans.

There is hardly anything in this crude mix-up of misconceptions (which needless to say is *not* Communism) which any writer on socialism today

would advocate, and writers have been over-timid if they have allowed the Act to frighten them off from all discussion of socialism.

In fact, if by the long silence, many, many readers have no real knowledge of even the fundamental principles of this immensely important political system, what a great victory we have allowed—quite unnecessarily—to Strijdom and the other Nat. obscurantists!

WHAT IS COMMON TO ALL SOCIALISTS?

Socialists of widely differing general outlooks all have this in common:

They believe that capitalism is unjust and unworkable because it is based on the exploitation of the workers by the rich.

The capitalist—the factory owner, mine-owner, big farmer—gets his profit by paying the worker less than the value of the goods he produces. Apart from the injustice of this it is unworkable because if the worker is not paid the value of what he produces, the general public, which is mainly composed of working people, is unable to buy back the immense supply of goods flowing from the factories to the stores. Huge stocks accumulate, there is a slump, the factories close down, the workers are unemployed and there is immense misery.

(Cont. overleaf)

Socialists believe there should be a planned society, in which individuals are not left to run the factories for their own profit. Those who make the factories possible — the workers — should, together with the rest of the people, have control of them. Only when this is achieved and private profit is eliminated will it be possible to ensure the fair distribution of goods and the ending of the evils of capitalism.

On these rudiments there is an immense range of agreement (though some socialists soft pedal sometimes). Where the differences have come in is in the means of *achieving* socialism.

In the first political study-class I attended, about fifteen years ago, our text-book asked: "What is the fundamental difference between the Labour Parties and the Communists?" and answered, "The Labour Parties believe that socialism can be achieved through gradual reforms by parliamentary means. Communists hold that parliamentary power cannot achieve socialism as long as the capitalists control the state machinery which can corrupt or forcibly destroy the achievements of Parliament—as for example the Spanish army was used to destroy the Popular Front parliament—and that therefore socialism can only be achieved by the revolutionary seizure of state power."

That was a correct statement of the difference between the Labour and Communist Parties at the time. Today, however, when world capitalism is immeasurably weaker and world socialism immeasurably stronger, it no longer holds true for all countries.

In Britain, France, Italy, and the U.S. for example, almost all socialists are agreed that a decisive parliamentary victory by a popular front could pave the way for a peaceful transition to socialism because world capitalism is no longer in any position to inter-

vene in those countries as it did on behalf of Franco in 1936, or in Guatemala last year.

And because of that the realisation is growing that as old differences on the correct road to socialism disappear the time is rapidly approaching when all socialists will be able to come together on a common programme as indeed is already proposed by the leading British Labour Party writer, G. D. H. Cole.

What stands out in the world situation today is that socialists agree that each country will follow its own road to socialism—that what is done in one land will not necessarily be correct in another.

Would socialism be a good thing for South Africa? My own view, of course, is not only that it would be—but that it *will* be. I think we will have a socialist South Africa in which there will not only be full voting equality but also full economic equality.

What do other *Fighting Talk* readers think?

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