

aire, and United States of America, the institution of federal systems, modifications to secure minority representation, e.g. Ceylon, educational qualifications as in Brazil, Tanganyika, etc. At the same time it wishes to demonstrate something of the processes by which backward peoples are being introduced to and ^{progressively} trained in

democratic methods. *The contradiction in South Africa is that it is pursuing two divergent policies - one, the transfer of certain aspects of Western civilization, the other, which is contrary to trends elsewhere, the limitation and exclusion of Non-Europeans more and more from participation in national democratic processes.*

It is after a review of such democratic procedures, a study of the history of the Cape Coloured franchise and its working, and bearing in mind the necessity to safeguard and extend Western civilization and at the same time secure happier race relations that the Institute has come to the considered conclusion that outright forms of communal representation are harmful to the state and that, in particular, the maintenance and indeed the extension of the present Cape Coloured franchise to the Northern Provinces and to the Cape Coloured women is essential.

RECOMMENDATION THAT A COMMISSION BE APPOINTED.

21 While the Institute has directed its attention particularly towards the Cape Coloured franchise, it is naturally concerned with the repercussion of the implementation of the Separate Representation

of Voters Act on other Non-European groups. While it realises that the political representation of all Non-Europeans is ^{outside} outwith the terms of reference of the Commission, ~~it~~ ^{it} would, nevertheless, respectfully suggest that the Commission recommend the setting up of a Commission to study constitutional developments in other multi-racial ~~countries~~ countries and to travel to such other relevant countries to examine the functioning of such constitutions in situ.

CONCLUSION

✓ ~~In conclusion~~ ^{In conclusion} The Institute is of the opinion that unless the present status of the Cape Coloured people is maintained racial friction will increase over the next few years, and the highly undesirable position be reached that European and Non-European blocs will face each other in bitter and mutually destructive animosity.

Comment on parts now excluded

Cape West.

Another criticism is of the question at the bottom of page 2 ("To what extent,.....") In the first place, the question is criticised as being irrelevant to the point at issue, i.e. The application of a communal roll to The Coloured voters are in fact not culturally inferior to many of the European voters, who have not at all had to fulfil the same qualifications. (the Coloured people.) Secondly, if the question is raised, why is it left unanswered? This is felt to be most unfortunate since it certainly opens the door to compromise.

Page 2

Page 3

Prof Harris

1st. para. of questionable value.

Prof Harris -

'Power'

Likewise the following section headed - i.e. links should be omitted.

Cape West

Paragraph 1:

6 lines from bottom - "South Africa itself has seen"

5 " " " - 1910 instead of 1909

4 " " " - 1910 instead of 1909.

5 lines from bottom - the establishment of a differentiated "but common franchise" must be elucidated; what does it mean?

Paragraph 2:

"People with power.....logical consequences of that giving (on page 4)" This section is not relevant; is felt not to advance the argument; suggest it be rewritten. The question set up on page 2 is not answered on page 3 or 4

Line 5: for "finds many justifications" substitute "finds many arguments in justification."

PARTS OF OLD MEMORANDUM
NOW EXCLUDED

2
To what extent is this a valid democratic principle in a multi-racial, self-governing society with undeveloped peoples where there is a numerical minority of a superior culture holding power?

Recently, in other parts of the world there has been much constitutional experimentation - in India, Burma, Ceylong, in other African territories and elsewhere. Many of these experiments, whether in independent countries or in dependent territories such as those in Africa, have arisen from the desire to apply Western democratic principles to societies in which there are a variety of races or of religious interests without Western democratic traditions, or where there are culturally backward peoples. In independent countries such experiments or adaptations of traditional democracy have been made with a view to protecting the interests of numerical minorities and securing their adequate representation in the affairs of the country concerned. In dependent territories such as British possessions in Africa with a settled white minority, the attempt is being made to reconcile the civilized and economic interests of such a minority with the demands of a culturally backward but numerically stronger group and at the same time direct events towards the attainment of the ultimate objective of Western democratic self-government. Such experiments have taken the form of the reservation of seats, or of communal representation, or of adaptations of the common franchise in such ways as to secure the representation of culturally minor or sectional interests. South Africa itself has been the application of the principle of the common roll in the Cape prior to 1909, the establishment of a differentiated but common franchise after 1909, the application of a communal franchise with the Representation of Natives Act of 1936 and the Asiatic Representation and Land Tenure Act of 1946, and the unequal loading of constituencies as between town and country.

POWER

People with power very seldom, if ever, wish to give it up or share it with others. This is true of the position of imperial

2nd para, fifth line, insert 'apparent' or 'specious' or
 'plausible' ^{arguments} before 'justification'. 'specious and plausible
 arguments in justification:'. . . .

line 4 delete 'There is certain validity. . . . put forward but'
 substitute 'The ~~range~~ of these arguments are of questionable
 validity and in spite of them'

End of para obscure + involved. Would it not be better omitted?

Cape West

Page 4: For "but the fact is that such power is shared" - 5 line sfrom top -
 substitute "nevertheless the general tendency in Africa outside the
 Union has been increasingly to share such power".

Paragraph 1: Line 5 should read "to dispel such fear especially where
 it is irrational and unfounded and to give outlets"

Paragraph 3: "representation of the cape Coloured people in South..."

Mrs Hoernle

(4) Page 4:

Give examples of powers shared and pull argument together.

- (5) Illustrations should attempt to maximise a minority interest
 but in South Africa these act as an attempt to minimise same.
- (6) Elsewhere the attempt is to spread Western civilisation; here
 the attempt is to curtail the spread of it.

Mrs Hoernle

(12) Page 4:

Give illustrations of powers shared. (Q.W. start new
 paragraph after word "shared".

powers in Africa and is particularly true where such ruling powers have a settled ruling minority in such territories. Reluctance to share such power finds many justifications :- the African people are illiterate; they know little or nothing of the workings and

conventions of a democratic state; they would destroy christianity and civilization if they came to power; the country would retrogress economically, there would be miscegenation and so on. There is a certain validity in many of the arguments so put forward but the fact is that such power is shared. Peoples' motives are mixed and the appreciation that motives are complex is a better basis from which to work than a belief that the motives are simple and uncomplicated. Man is not merely an economic or political animal, he is a religious and ^{moral} ~~normal~~ being and he tries to find satisfaction for all such drives. The white people of South Africa, for example, have shown this throughout their history, English and Afrikaans alike: they have given with one hand, and shamefacedly taken away with the other. We have been reminded recently that the Dutch Reformed Churches, held to be the religious aspect of a very intense nationalism, raise £400,000 per annum for Non European mission work yet the political expression of that nationalism, while also giving, denies what is the logical consequences of that giving.

The existence of such mixed motives on the part of Europeans and such aspirations as the Non-Europeans show, are factors which must be taken into account in the application of the principles of democracy in a multi-racial society. The aim of government should be to dispel such fears, especially when they are irrational and unfounded, and give outlets for aspirations building up mutual trust and mutual responsibility for it is the function of government to ensure that no man need be afraid of another.

It is with such considerations in mind that the Institute approaches the question of the political representation of the Cape Coloured in South Africa.

Page 8

Cuba West

Paragraph 2: (a) "has had and probably still has members belonging to all political parties"

(f) omit reference to assumptions.

Page 12

Page 13

THE INSTITUTE'S ATTITUDE TO THE ACT

6

In considering the Institute's attitude to the Separate Representation of Voters Act, the Institute respectfully asks the Commission to remember, -

that the Institute is non-party political and that it probably has members of all political parties;

that its composition and deliberations are inter-racial;

that it is disinterested in any party - political or sectional sense;

that it has no mandate from the Cape Coloured people;

that it endeavours to be objective and practical;

that its assumptions have been laid out in paragraphs .. to ..

OTHER CONSTITUTIONAL EXPERIENCE

12

In holding to these views, the Institute has taken into consideration not only the conditions of the Cape Coloured people, the values which should inform a Christian democratic state, and the practical considerations involved in the change of political status of the Cape Coloured people, it has also considered the position in other countries consisting of various racial and religious groups. Such consideration has brought the Institute to the conclusion that,

where peoples of a simpler civilization wish to enter into and enjoy the benefits of a more complex and higher civilization such as that represented by Western civilization, they must qualify to do so, and that

the application of democracy in multi-racial or multi-

religious/....

religious countries may require such modification of the "one man one vote" principle as may enable cultural or numerically minority groups to be politically represented.

Page 13

Page 17

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In support of these views the Institute draws the attention of the Commission to the appendices ^{→ enclosures} attached to this memorandum:-

P13

- a. White Civilization
- b. Go Forward on Faith
- c. Democracy in multi-racial South Africa
- d. The Cape Coloured Franchise
- e. Memorandum RR
- f. Memorandum RR
- g. Memorandum RR
- h.
- i.

From/...

77

In India, a quasi-federal republic, there is one citizenship for the whole country, certain fundamental rights are entrenched, educational and cultural rights are guaranteed to minorities, and there is full suffrage for all, men and women, over the age of 21 years. The House of the People (the Lower House) consists of 489 members directly elected, plus 10 members appointed to represent special constituencies. For a period of 10 years, seats in the House are reserved for scheduled castes and scheduled tribes in proportion to their members. At present there are 66 seats reserved for scheduled castes and 27 for scheduled tribes. A special officer is appointed by the President to investigate and report on all matters relating to the effectiveness of the provisions in the constitution aimed at improving the condition of the more backward sections of the population. The 10 appointed members represent areas such as Kashmir, the tribal areas of Assam, the Nicobar and Andaman Islands where it is not possible to hold elections at present.

Pakistan has just (1953 Nov) formulated a constitution about which the Institute has ^{little} no information. Its constituent assembly, however, had special provision for the representation of women. The

18

population of Pakistan is 85% Moslem, 12.9% Hindu and 7% Christian.
(see appendix)

Collection Number: AD1715

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974

PUBLISHER:

Collection Funder:- Atlantic Philanthropies Foundation

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

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