

THE CONVENTION MOVEMENT

By

Oct 1961

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I have been asked to explain what is meant by a national convention and to deal with the question whether it is, or may be, practical politics to summon a national convention in South Africa.

It is worthwhile trying to think about these questions clearly and soberly, because nowadays in this country an awful lot of woolly nonsense is being spoken on the subject of national conventions.

Let me say immediately that I am not going to throw cold water on the convention movement. I would not be speaking on this platform if that were my intention. On the contrary I am going to support the movement, and support it strongly. But precisely because we are dealing with things that matter vitally - because we are dealing with the lives and happiness of human beings - I shall not hesitate to uncover and emphasise the grave difficulties which stand in the way of ultimate success. Nor will I attempt to conceal from you the long (I repeat, long), rough and uphill road which you, who yearn for a new deal, will have to climb before you achieve success.

If dangerous confusion is to be avoided it is necessary at the outset to realise that the call for a national convention is an ambiguous one : it urgently needs clarification.

Two different ideas must be distinguished. On the one hand, a national convention may mean a body of persons who have actual power and authority to give a country a new constitution. This is what I shall call a national convention in the strict sense of the term. On the other hand, when people call for a national convention they may mean a pressure group - a group of people whose aim it is to act as a prod or spur so that a real national convention in the strict sense - i.e. a body with actual constitution-making power and authority - may eventually be called

into being. The establishment of such a pressure group may appropriately be called a "convention movement" as distinct from a national convention in the strict sense.

Now let us examine these two ideas a little more closely. National conventions in the strict sense, bodies with real constitution-making authority, may in turn be of two kinds. They might either be set up and be empowered peacefully, by the established government; or they might be set up and be given authority by a revolutionary government which has successfully assumed power. The national convention which drafted our South African constitution in 1909 is an example of the peaceful type set up by the established governments of the associating colonies. The conventions which drafted the various French constitutions at the end of the 18th Century, and the conventions which established the United States Constitution, are examples of bodies which were established after violent and successful revolution.

What are the prospects in South Africa, in the immediate or near future, of setting up conventions in the strict sense of either of these two kinds - i.e. peacefully or by force? Let me say with all the power at my command: absolutely no chance at all.

To begin with, the existing Government plainly will not of its own accord summon a national convention to change the constitution. Nor (and this is more important) do I see any prospect of the white electorate, which alone has lawful authority under the existing constitution to establish governments in South Africa, voting a government into power with a mandate to change the constitution so as to do away with racial discrimination. And I say this because in my view the overwhelming majority of White South Africans actually support apartheid, or some ill-concealed variant of it.

Get out of your heads therefore - if you have ever entertained it - the notion that a national convention with real

constitution-making authority is likely to be convened with government backing in the near future.

Nor, at the present time, are the prospects of successful revolution any different. No doubt a majority of South Africans - as distinct from white South Africans - want a new deal. But for the time being it must be accepted that the established government has the will, and the undoubted ability, to put down all revolt with devastating force. This, I feel, may not always be so; but at present, and during the immediately foreseeable future, all thought of revolution seems to me to be vain; all talk of revolution so much hot air - and what is more, dangerous for those who indulge in it. Nor should one set too much store by what the United Nations can do - after all, the United Nations has just had its nose put out of joint by little Katanga and a single jet air-craft!

Does this mean that one should abandon hope of working for a genuine new deal, a new constitution which will allow a sane and decent way of life to develop in this country free from the colour bar? Most certainly, most emphatically, not. The fight for the decencies must never be given up.

And this brings me to what I have called the convention movement - that is to say, the establishment of a pressure group which would aim at popularising the need for a new constitution, and more particularly, would aim at building up a popular demand for a real national convention so strong that no government could resist the demand.

There is real hope along these lines, ladies and gentlemen. But, here again, I must beg you not to underestimate the difficulties. The difficulties are indeed most formidable. If I may be allowed to stress the obvious - for it is the obvious which too often escapes notice - pressure groups are effective only if they are able to exert real pressure. And so the question that we must grapple with is this : is it

possible to build up a pressure group in South Africa capable of formulating a demand for a new deal in sufficiently clear and meaningful terms, and with sufficient backing, to be irresistible?

I think it may be possible. But only if the difficulties are clearly faced up to, and only if certain stupid mistakes are carefully avoided. Let me now elaborate this and explain what I mean.

In the first place it is a hard fact, and a most important fact, that a majority of the people of South Africa (and by the people I mean all the people, white, black, brown) do not like the present set up, and would like to see it ended. But merely to be anti-apartheid, anti-Dr. Verwoerd, will get one absolutely nowhere. A negative call of that kind will never weld together the vast potential opposition into an effective pressure group.

What is needed if a really effective pressure group is to be built up in South Africa is some positive, clear cut, alternative to apartheid which a majority of those opposed to the Government believe in with all their heart and with all their might. And it is precisely at this point that we come face to face with reality. For when we ask just what is it that the various opposition groups really have in common, what policies they are capable of agreeing on, and - more important - acting on, we begin to make heavy weather.

And the reason we make heavy weather, in my view, is that people too often fail to see - and sometimes refuse to see and analyse - the real problem we are faced with in South Africa. The challenge of apartheid is absolutely fundamental : it compels every South African to find an answer to the question whether skin colour and racial origin have any relevance at all in any of the social, religious, economic and political activities of daily life. And what is more, it compels every South African to be specific and concrete in his views on these

matters. Every one of us must make up our minds on such issues as whether skin colour has any relevance in regard to : who shall vote for the government; whether all careers shall be open to talent; whether there shall be equal pay for equal work; whether the protection of the law shall apply equally to all; whether individual freedom and private property shall be respected, and so on. These issues cannot be shelved.

Now I am very well aware that there are people, who imagine that they are good tacticians, and who say "for goodness sake let us not be specific - let us not, for example, raise the dreadful franchise issue. Let us leave all that for the National Convention, otherwise we will scare off the solid citizens and the big brass", by which they mean the big money. "Let us find", they say, "some nice-sounding general formula like 'a democratic South Africa' or 'equal opportunity for all regardless of colour', or 'a Bill of Rights in a Rigid Constitution'; and let us build up our pressure group on that broad ground".

I must tell you quite frankly that I do not see much health in these amorphous generalities. As soon as one begins to probe the phrase "a democratic South Africa" - one finds that it means vastly different things to different people. Remember that Russia claims to be a democracy. A great deal of public education will have to take place before the true democratic ideal becomes meaningful in South Africa. Then again, what does equal opportunity mean? Does it include equal access, regardless of colour, to those schools which open the way to the best opportunities? Does it mean the vote for non-whites on exactly the same basis as for whites? And what does one mean by a Bill of Rights? Is it to be a Canadian-style Bill of Rights - mere canons of statutory interpretation where the legislature has failed to express itself clearly - or does one envisage an American-style Bill, that is real limitations on the power of Parliaments even where they do express themselves clearly? Is it to outlaw restrictive covenants in residential areas? And so on. These are the basic issues; and if they are to be

shelved until a national convention is summoned, it would break up in disorder and hopeless disagreement.

No doubt the vaguer and less specific one's call for unity is, the wider will be the immediate support; but the more devastating and disappointing will be its disruption when the chips are down, and the real issues have to be faced. Mere bulk is not strength; a balloon may be pricked; a small well trained force has more potency than an undisciplined mob. The reason why the, 1909 Convention achieved agreement was very largely the careful preparation made by the Transvaal delegation, and the force and determination with which they pressed their views.

Let us not forget, too, that racialism and the deprivation of political rights among the non-whites are not the only evils which are eating into the fibre of South African life. They are admittedly immense evils, and unless rooted out soon, will destroy us. But even if racialism were eradicated, even if political rights were extended as far as one man one vote, our problems would not be solved. It would still be necessary to ensure a society in which true democracy as distinct from totalitarian democracy can survive, a society in which human freedom and human dignity can flourish; and where it is recognised that a mere majority decision can never make wrong right. There are some who favour a vague call to unity at this stage because they hope that impliedly a majority decision might become accepted as the sole criterion of what is just.

No, ladies and gentlemen, we will have to do better than bandy vague phrases if we are to get anywhere with the task of building up a real and healthy pressure group. And it is at this point that I would like to offer my main suggestion for constructive work. As I see it, it is essential to remember that apartheid is based on fear and prejudice; these things flourish because of ignorance and are being bolstered up by myths. And the best way to break down these fears and prejudices is for people to meet across the colour line, to work together, to plan together,

and to prove that the fears are groundless, the prejudices born of ignorance. Those who would prop up the structure of apartheid realise, only too clearly, the danger to them of contact across the colour line. That is why the open universities had to be closed to non-whites; that is why there are group areas laws, and scores of other discriminatory laws designed to keep people apart, lest by meeting each other as friends they show up the whole fabric of apartheid for the pathetic fear and lack of courage of which it is made.

Fortunately it is still possible for people to get together across the colour line; to meet as human beings, and above all to plan together for a sane political life in the future. This, ladies and gentlemen, is the real hope. Non-racial meetings like the one we are attending this afternoon are the real hope for South Africa. While they continue, and while people are prepared to continue to persevere with them, come what may, all is not lost. Maybe we meet together only in perplexity; maybe there will be many differences of opinion to reconcile; maybe it will not be easy to find common ground. But the bridges must be kept open. Inter-racial contact must continue - otherwise we will assuredly be consumed and destroyed by the forces of fear and prejudice.

I have said that while meetings such as the present one continue all is not lost. But it is well to realise that laws may be passed, and pressure may be brought to bear, to prevent their continuance. However where people feel strongly enough, mere laws cannot prevent human association. The question is : are the laws likely to be stronger than conscience? Or do the people of South Africa feel sufficiently strongly that they should live together in one undivided country, on equal terms, without a colour bar? Time alone will tell.

And so I say go on with the convention movement. Extend the range and membership of conferences of this kind to

a national scale, but let me warn you that your conferences will get nowhere, and will have no chance of becoming real pressure groups, unless they are prepared to take a clear and firm line on the issues that matter in this country. It will not be good enough for your conferences to call upon the Government to summon a National Convention to change the constitution, if you have no idea as to who should be at the Convention, and if you remain hopelessly divided on the real issues, or carefully avoid having them discussed while trying to build up your pressure group. And by the real issues I mean, the franchise, the question whether South Africa should be one undivided country shared by all its people on terms of equality, equal pay for equal work, careers open to talent, the pass laws, and the effective protection of human rights. A really big measure of agreement on these issues must be developed among opposition groups in South Africa during the next few years, otherwise the present Government, and like-minded Governments, will treat your call for a Convention with scorn - and rightly so.

I realise that the Africans and the Coloured people and the Asians have reasonably clear views as to what they want : among other things, they want "one man one vote" in an undivided South Africa. But "one man one vote" - however important it might be, and I have supported it publicly - is not the whole of constitution-making; and constitution-making, in turn, is not the only task involved in building up social and economic welfare and happiness. Unfortunately, however clear the non-whites might be in their constitutional demands, the whites are still politically poles apart. If one is to build up a common South Africa in which white and non-white can live harmoniously, if disaster is to be avoided, the whites will have to learn to become politically adult - and they will have to learn quickly.

Now I would like to say something about the composition of a National Convention - about the important question of who



should be there to decide upon a new framework of government.

The first, most obvious, but perhaps least important, thing to say on this subject is that the question of the composition of an effective National Convention is not a legal question but a practical political question : what will work is the criterion. And in this regard much must depend upon the conditions actually prevailing in the country at the time when your pressure group becomes sufficiently strong to make the summoning of a National Convention an immediate necessity. Political parties may well come and go; and parties and groups that have a fair claim to representation today may have no claim, and might even have disappeared, in a few years time.

Writing 9 months ago, I said in my book "The Foundations of Freedom", that if, at the present time, the pressure for a National Convention were strong enough, it would be realistic to think in terms of, say, 80 members, 40 being chosen by the existing Parliamentary institutions (Parliament and the Provincial Councils), both Government and opposition parties being represented according to their strength. Having regard to the existing laws these would all be white members. And I suggested that it would be necessary to leave the non-whites free to organise politically, so that all parties and organisations having substantial support, might elect, say in equal numbers for each party or organisation, the other 40 members of a National Convention.

This scheme seemed to me to have two merits. It insisted that the non-whites, and particularly the Africans, should be left entirely free to organise politically, and elect a substantial number of their own members to the body which would draw up a new deal. Never again must we have the debacle of 1910 where a body of white men, with not a single non-white representative, proceeded to draw up a constitution for both whites and non-whites to live under; and what is worse, proceeded to write a colour-bar into the Constitution -

the colour bar which Mr. W.P. Schreiner described as the blot on the South Africa Act.

And the other merit which this scheme seemed to have is that it recognised that the Afrikaner, and particularly the Nationalist Afrikaner, also has to be taken into account. They too have to be represented at any realistic National Convention. If there is to be one undivided South Africa shared by all its peoples then some modus vivendi has to be found which will accomodate all its members : the Afrikaner cannot, and most certainly will not, be spirited away by your closing your eyes to his existence. On the contrary, he will make his existence very much felt.

I am aware that what I wrote 9 months ago is far from perfect. As the Economist pointed out, in a review of my book, a Convention 50% white and 50% non-white, is more than the whites are prepared to concede today, and will probably be less than the non-whites are prepared to accept if and when the summoning of a National Convention becomes practical politics. Again, I am aware that the opposition to the Government in Parliament is becoming increasingly representative of very cautious white opinion, and less and less representative of what I would call more enlightened white opinion; so that provision might also have to be made for representatives of groups and organisations (e.g. the Churches and some more liberal political parties) in addition to those who manage to get into parliament.

These difficulties, however, merely emphasise, what I said earlier, that one cannot in advance plan the composition of a future National Convention in precise detail. The realities of the situation as and when a Convention becomes practical politics will be decisive.

But - and this is the important point that I would like to leave with you - to say that one cannot plan the precise details in advance, is not the same thing as saying that one should shelve the whole question of composition. On the contrary, it

would in my view be utter folly if you were not prepared immediately to recognise that no future convention will have any hope of success unless it is really adequately representative of elected members of the non-white peoples. More particularly, unless the African people are left free to organise politically, and choose their own representatives in substantial numbers - and when I say choose their own representatives, I mean choose without fear of banning or victimization - any future convention would be an ignominious farce.

I have little more to say, save to repeat this : it will take years and many conferences before you have hammered out among people, and especially among the whites, enough agreement on the alternative to apartheid to make the call for a National Convention sufficiently powerful to become irresistible. But meanwhile one must go on with the work of political education, especially among the whites who seem to need it most; and one must go on with this work of education in conferences of this kind, where one has the invaluable benefit of making real contact, and of exchanging real views, across the colour line. There is hope along these lines for breaking down the fear and prejudice that give life to the scourge of apartheid.

In conclusion I would like to say how honoured I feel to be talking on this platform under the Chairmanship of my friend, Dr. R.E. van der Ross. When the history of the times we are living through comes to be written it will be recorded that the Malmesbury Convention Movement achieved something profoundly significant. There at Malmesbury, last July, the representatives of one and a half million South African citizens attained political maturity and cohesion. They said clearly that the Coloured community did not wish to join a white camp against the blacks, nor did they wish to gang up with the blacks against the whites. They said they

were a group by exclusion and legal definition - this they repudiated : they wished to be recognised along with other South Africans, on a basis of complete equality, regardless of skin-colour and ethnic origin. What is more, they came out clearly in favour of the principle of adult suffrage - a principle supported by the overwhelming majority of Africans in this country; a principle supported by the overwhelming weight of opinion in the modern world; a principle which, increasingly, in my view, whites will have to learn to live with.

And finally the Malmesbury conference took the initiative in convening this historic conference, representative as it is of many different points of view, and of all races. This was no easy feat of organisation. I congratulate the movement enthusiastically and humbly. May it flourish and not falter in the grinding task ahead of it.