

THE SOUTH AFRICAN FLAG CONTROVERSY, 1925 - 1928

by

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PREFACE

Despite the great interest which the South African flag controversy evoked in 1926-7, historians have given it little attention. Brief reference to the struggle is often made in general histories or other works - such as biographies - covering the period, but there have been only three attempts to deal with the subject in some detail. The first of these was Dr. D.F. Malan's series of articles in Die Burger in January/February 1957, which were published two years later as a chapter of some forty pages entitled, 'Die Vlagstryd' in his book Afrikaner Volkseenheid. As Minister of the Interior, Malan was responsible for the introduction of flag legislation and his account is based on his record of the controversy made some months after the conflict.¹ Unfortunately, despite his intimate involvement in the controversy - or perhaps because of it - his is a highly tendentious account. Motives which Malan attributes to himself are often questionable and incomplete, while his treatment of his opponents lacks objectivity, sympathy and depth. Useful though the work is as a guide to the labyrinthine events of the flag controversy, it remains little more than a short apologia.

The second work on the subject, completed one year after Malan's book was published, is F.J. Human's M.A. thesis, Die Totstandkoming van die Unievlag.

1. D.F. Malan, Afrikaner Volkseenheid, pages 102-3.

Based on limited primary source material, the author has leant heavily on Malan's account and uncritically accepted the biased views of politicians and the press. The result is a very superficial study which adds little to an understanding of the flag conflict. Of somewhat more merit is the last study, M.J. Williamson's, Natal and the Flag Issue, 1925-1928, another M.A. thesis. This work is naturally limited to the relationship between Natal and the flag controversy; it is based only to a very limited degree on private papers (in this case frequently unreliable), often lacks depth and is not sufficiently critical - accepting at its face value, for instance, Heaton Nicholls' version of the controversy even though it was written from memory some thirty years after the events.² Unfortunately, the work cannot be said to sketch more than an outline of the controversy. Other secondary sources are brief and almost always unreliable.

Thus no satisfactory secondary source for the flag controversy exists and the historian trying to write a history of the controversy must rely heavily on such primary source material as he can find. In this work, a large number of private papers - some thirty in all, have been consulted. They include the papers of the leaders of the three political parties of the time - Generals J.B.M. Hertzog (Nationalist Party) and J.C. Smuts (South African Party) and Colonel F.H.P. Creswell (Labour Party), as well as those

2. G.H. Nicholls, South Africa in my time, page 19.

of other Cabinet Ministers - N.C.Havenga, C.W.Malan, J.C.G.Kemp, P.G.W.Grobler and T.Boydell, prominent parliamentarians, and leading public figures who were active in the conflict. Together with the McPherson (Labour Party) Papers and the papers of the Private Secretary to the Minister of the Interior, W.H.Louw, these collections proved indispensable to an understanding of the controversy.

Only the collections of two leading participants in the struggle could not be obtained - those of Malan and Tielman Roos, Minister of Justice in the first Pact government. Whereas Roos's papers are not to be found in any public repository and, apart from a few letters in private hands, are probably not extant, Malan's papers remained closed to me. Notwithstanding repeated application to the trustees of the Malan papers at Stellenbosch, access was denied. However this was probably not as unfortunate as might at first appear, for in view of Malan's published work on the conflict, his papers are unlikely to contain material significantly at variance with it.

The other main primary source material used in this work has been newspapers. Nationalist Party organs and a wide range of the English language press were consulted and perhaps a few remarks should be made concerning their use in the thesis. Because newspaper accounts bearing on the controversy were so often partisan and tendentious, in order to reach a more balanced conclusion several newspapers have often had to be consulted, and therefore cited, as sources of textual information.

Then too, because it was not unusual for many weeks to pass between the occurrence of an event in the platteland - say, a party branch meeting - and a report of this in the press, newspaper dates may occasionally seem not to tally with the event reported. Finally, a good deal of the strident battle of words in the controversy was fought through the press; it both expressed and helped to mould public opinion on the flag question. Quotations have therefore been introduced rather freely to impart the temper of the time in the belief that they transmit feelings more perfectly and vividly and often more succinctly than do paraphrases.

A good deal of the battle of words was also fought in parliament - during the second reading of the 1927 Flag Bill, for instance, almost every Opposition M.P. addressed the Assembly in a debate which lasted several days - and here the writer of a history of the controversy is confronted with a difficult problem. How much space should he allot to the interminable debates over flag legislation which today seem little more than tediously repetitious? If he is to tell the full story of the controversy and recreate the feeling of the times, with its intense public interest in the debates, he has to accord them due prominence. If his yardstick is purely the relevance of the debates to the final outcome of the conflict, then the debates (though important in convincing members of the Government that further compromise was called for) must receive less prominence. In this work, an attempt has been made to strike a balance between the two positions.

The purpose of this work is to produce a comprehensive history of the flag controversy. Narrative, analysis and description are the stuff of written history and their blend must vary according to the nature of the topic tackled. In a comprehensive history of a most complex subject such as the flag controversy, a story which has never been fully told and in which numerous committees, commissions, conferences, deputations, pressure groups and different compromise proposals make their appearance, narrative and description are inevitably prominent.³ But it is hoped that analysis has not been neglected.

It is also hoped that in the telling of the story of the flag controversy, much that is of interest to, and characteristic of, South African history in the twentieth century will emerge. In the introduction to his article on the flag struggle, Malan observed that the conflict provided a valuable image of the political conditions which then reigned and of the forces, individual as well as collective, which influenced them; it disclosed nearly all the conflicting political viewpoints of the time. This is true, for inter alia the flag controversy reveals: the divisions within the Nationalist, Labour and South African Parties and the influence of these divisions on parties and policies; the divisions within the Cabinet itself and their consequences; the decline of the Labour Party; the fear of racial domination, Afrikanerization and secession; the degree of elitism prevailing in South African politics; the appeal of racialism; the abiding desire for toenadering and a centre party;

3. Because of the unusual complexity of the flag controversy, the unusual step has been taken of including a diagram of the most significant developments in the conflict. See pages xviii-xix.

the masking of political aims - the real aim being hidden behind a more avowable one which is more suited to winning the approval of the electorate; the desire of political parties to save face; the dangers of a junior partnership in a coalition government; the emergence and importance of pressure groups; the consequences of an ideological style of politics and a clash between ideologies: extreme partisanship and ready distortion, a 'righteous passion' for one's own cause and 'virtuous indignation' at another's, the equating of one's own interest with that of the nation and one's opponents' with the 'enemies of the country', the dilution of the rational element in politics, the decline in political sensitivity, the resort to violence - all of which serve to reduce the manoeuvrability of party leaders and render compromise more difficult. Needless to say not all of these features have repeated themselves in South African history, but many have.

In his inaugural lecture, Maurice Cranston submitted that nearly all political conflicts turned around the questions of justice, prudence and public gain - each side insisting that its policies were fair, prudent (in the sense that they were the fruit of intelligent foresight used to avert future harm) and in the general interest.⁴ This is clearly evinced in the flag controversy and one would be hard put to find a political conflict in which the various parties were more insistent that their policies were just, prudent and in the general interest. But though a general interest may manifest itself

4. Politics and ethics, pages 18 ff.

from time to time, it does not always exist; it is neither reliable nor constant. Instead, the head of state must feel his way through opposition, prejudice, objections, threats, wounded interests and dissatisfied and sometimes alienated supporters. For a democratic government, the normal political process remains one of accommodation and conciliation. This too the flag controversy reveals.

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A B B R E V I A T I O N S

H.P.	-	Hertzog Papers
P.S.M.I.	-	Archives of the Private Secretary (W.H.Louw) to the Minister of the Interior
S.P.	-	Smuts Papers

C H R O N O L O G Y

- 1919 Cape Congress of the Nationalist Party calls for a national flag
- 1921 Free State Congress of the Nationalist Party appeals for a new flag
- 1924
 June Pact Government comes to power
 October Cape Congress of the N.P. resolves in favour of a national flag
- 1925
 Feb 16 First reading of the 1925 Flag Bill
 July 21 Flag Bill withdrawn
- 1926
 Jan 22 Parliament convenes
 Feb 26-
 May 7 Select Committee fails to agree on a flag design
- 20 First reading of the 1926 Flag Bill
 25 Withdrawal of the Flag Bill
- Sept 6 Crown proposal
 25 Hertzog leaves for England
- Nov 22 Reports of the results of the Imperial Conference
- Dec 13 Hertzog returns to South Africa
- 1927
 Jan 1 Labour Party Conference at Bloemfontein
 Creswell announces that the Government will proceed with Bill
 Royal standard offer
 28 Parliament opens
- Feb 15 Provincial Council elections in Transvaal and Cape Province
 16 do Natal
 22-25 Flag Commission meets in Cape Town
 25 Flag Organization deputation meets Hertzog and Malan
 25 Malan announces a joint Flag Conference
- Ap 2-7 Flag Conference meets

1927 (contd.)

May	6	Smith's and Jansen's visit to the Flag Organization
	7	F.O. rejects design no. 2
	8	Malan cancels Flag Conference
	16	First reading of the (design no. 2) Bill
June	6-17	1927 parliamentary Select Committee ('shield flag' mooted)
	21	Strachan's amendment
	23	Assembly passes third reading of the ('shield flag') Bill
July	11	Conference of Patriotic Societies at Bloemfontein
	25	M.P.s begin recess political campaign
August	4	Hertzog at Smithfield
	6	Smuts at Potchefstroom
Sept	7	Natal Congress of the S.A.P. Smuts at Pietermaritzburg
	9	Smuts at Durban city hall
	14	Malan at Calvinia
	16	Malan at Clanwilliam
	23	Smuts at Pretoria city hall
	26	Hertzog at Pretoria
	27	Malan at Hopetown
	28-30	Transvaal Congress of the Nationalist Party
	30	Bloemhof riot
Oct	1	Roos's manifesto
	3	Malan at Durban city hall
	4	Hertzog at Bloemfontein
	6	Cape Congress of the Nationalist Party
	7	Smuts at Bloemfontein
	11	Transvaal Congress of the S.A.P.
	12	Roos's <u>Pretoria News</u> statement
	13	Malan complains to Hertzog
Fri	14	Opening of Parliament Cabinet discusses Roos's statement
Mon	17	First reading of the Flag Bill
	18	Hertzog-Smuts talks begin
Wed	19	First Cabinet meeting on Hertzog-Smuts talks
Fri	21	Second Cabinet meeting on Hertzog-Smuts talks Roos's <u>toenadering</u> address at Malmesbury
	22	Roos at Vredenburg
Mon	24	Hertzog-Smuts compromise
Tues	25	Caucus meetings
Wed	26	Hertzog and Smuts address the Assembly

SELECT DIAGRAM OF THE FLAG CONTROVERSY

1925

1925 Flag Bill
by executive fiat
withdrawn



Flag competition

1926



1926 Select Committee
fails to agree on a
national flag

1st prize awarded to
the Walker flag

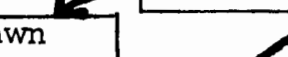


1926 Flag Bill (with
Walker flag) introduced

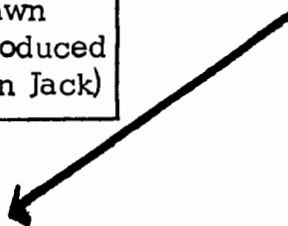
Labour Party difficulties



1926 Flag Bill withdrawn
Flag Bill to be re-introduced
in 1927 (without Union Jack)



Dual flag plan



Gvt. compromise aids:-

Crown | Flag Commission | Referendum

Imperial Conference

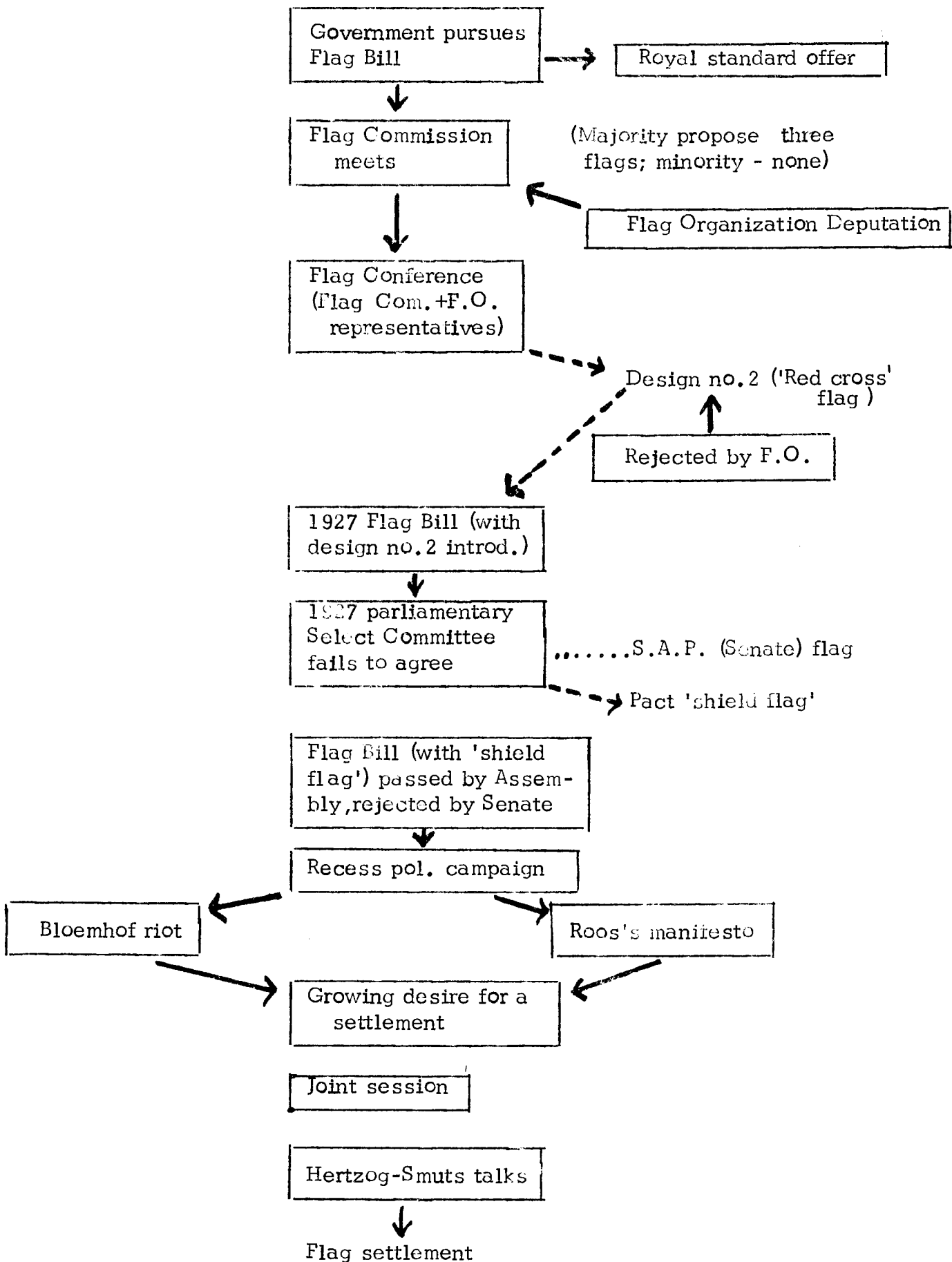


Roos supports →

Hertzog wishes to
postpone flag legislation

← Malan opposes

1927



CHAPTER I

MOVES TOWARDS A NATIONAL FLAG, 1910-1924

The Union's first flag

In 1908-9 when the National Convention met to explore the possibility of Union, the question of a national flag was not discussed. It had not been forgotten; rather, it was tacitly recognized as wiser to leave the subject in abeyance. However, less than six months after Union, the South African Government found itself in need of a distinctive flag and obliged to fill this gap in the devices of the young state without delay. For, as Lord Crewe, the Colonial Secretary, pointed out in April 1910, the impending visit of the Duke of Connaught to open the Union's first Parliament, made a distinguishing flag for South Africa imperative.¹ The correspondence which Crewe

1. House of Assembly Debates (hereafter cited as Hansard), vol. 9, 4230-1, J.B.M. Hertzog, 27 May 1927; A 2-25, pp. 1-2, Crewe to Viscount Gladstone, 27 April 1910. Crewe's views were forwarded to the South African Government on 1 June 1910 -- after Union.

The earliest call for a flag for South Africa appears to have been made by S.J. du Toit in 1879 (J.D. du Toit, Ds. S.J. du Toit in Weg en Werk, pp. 199 ff.). President F.W. Reitz in 1891 suggested a flag which included the Union Jack for a united South Africa (Cape Times, 19 November 1895; The Friend, 12 June 1926; Hansard, Vol. 9, 4349, J. Henderson, and 4353-4, Lt.-Col. N.J. Pretorius, both 31 May 1927).

initiated on this subject soon bore fruit.² In September -- barely two months before Connaught's arrival -- the South African Government requested and received permission to use a modified version of the Red Ensign as the South African flag.³ The approved modification was the insertion in the Ensign's bottom right corner of the Union's new coat-of-arms: the insignia of the four provinces⁴ on a shield surmounted by a red lion and supported by two antelope, with the motto Ex Unitate Vires below.⁵ This flag never became popular. It was not flown on the 'vast majority' of government buildings so that most South Africans seldom saw it; it remained an unfamiliar flag.⁶ Though the Government's minute inviting

2. A 2-25, pp. 1-3.

3. Ibid. p. 3. The Red Ensign is the plain red flag of the British Mercantile Marine with the Union Jack in the top left corner. (The thesis avoids the use of the Union Jack's official designation, 'Union Flag', because of possible confusion in the South African context.)

4. The lady of Good Hope (Cape Colony), two running wildebeest (Natal), a tree of liberty (Orange Free State), and the ox-wagon (Transvaal).

5. See page 262

6. Hansard, vol. 9, 4055, Tielman Roos, 23 May 1927. Its use appears to have been limited to government ships, magistrates' courts on public holidays (ibid. 4043, Brig.-Gen. Byron, 23 May 1927) and a few other buildings such as the Treasury in Cape Town. Sir Thomas Smartt alone claimed that it had flown over Parliament and schools (ibid. 3655, 19 May 1927). On 28 January 1925 the Natal Mercury reminded its readers that South Africa already had a flag but that 'for various reasons it is rarely seen.'

The flag flown over the Union's government offices abroad was the Blue Ensign (Hansard, vol. 9, 4470-1, Dr. D.F. Malan, 2 June 1927).

the Colonial Secretary's approval for its design spoke of 'the Flag of United South Africa',⁷ Dr. D.F. Malan was later to insist that it had never been intended as a national flag: it had been chosen without reference to the people, without Cabinet discussion, and without the approval of Parliament; it was, he said, an ensign, not a symbol of nationality.⁸ Even more forthright were the terms in which General Hertzog rejected the flag: 'Have we ever yet heard of a flag of any country which was so still-born?' he asked the House of Assembly in May 1927; a flag so 'absolutely dead' that apart from General Smuts and himself possibly no-one in the House knew anything about it.⁹ To Afrikaans-speaking South Africans its flaw was clear: its Union Jack meant that from the start it was 'an English, a purely English flag.'¹⁰ But whether it was so or not, most English-speakers ignored it. Just as many Afrikaners preferred the flags of the former Transvaal and Free State Republics, so too did English-speakers prefer the Union Jack of the former colonies of Natal and the Cape. Here was anomaly indeed, for despite a Union brought about voluntarily by its peoples, pre-Union sectional flags were still preferred to the 'Flag of United South Africa'.

At the time of Union, this sectionalism had been

7. A 2-25, p. 3, Minute No. 465, signed by Hertzog, 6 September 1910.

8. Hansard, vol. 9, 4470, 2 June 1927.

9. Ibid. 4231, 27 May 1927.

10. Ibid.

submerged in a wave of goodwill; the former Boer generals Botha, Hertzog, and Smuts, had reflected this goodwill when they included the Union Jack in the 'Flag of United South Africa'. But this spirit was shortlived. Hertzog's break away and formation of the National Party in 1914 stimulated the growth of Afrikaner nationalism and thereby increased the difficulties of the South African Party. Botha's conciliation policy relied on the support of English-speakers, and therefore imposed certain restraints on the Afrikaners' drive towards full economic, social and cultural equality.¹¹ Furthermore, even though the conciliation policy had placed political power in the hands of Afrikaners, the symbols of that power -- the King, the Governor General, the Empire, the Flag -- were British. In competing against a Party whose support was exclusively Afrikaner, these were distinct liabilities.

This disadvantage was demonstrated in the election results of 1915 when the Nationalist Party polled nearly one-third of the total vote -- only 16 000 short of the S.A.P.'s poll.¹² With many English voters supporting the S.A.P. it was reasonable to conclude that the Nationalist Party, in less than two years, had won the support of half the Afrikaner voters.¹³ In the face of this growing

11. W.K. Hancock, Smuts The Fields of Force 1919-1950 (hereafter cited as Hancock), pp. 23-4.

12. Ibid. p. 25. In the interests of brevity S.A.P. replaces South African Party wherever convenient.

13. Ibid. pp. 30-31.

threat, Botha had to tread warily to avoid further seepage from his Party. If it was dangerous to raise issues on which the Dutch and English sections of his Party might take opposing standpoints, this was even more true of emotional issues related to the Union's symbols. Additionally, from March 1915 Botha could govern only by grace of the Unionist Party; wherever possible their views had to be accommodated. It is not surprising therefore that when in 1917 Botha was asked to advocate a national flag containing the Union Jack and a former republican flag, he refused to do so. It was inadvisable, he explained, to raise, at that time, a question so beset with difficulty. So long as 'this agitation for a republic, and particularly for the restoration of the vierkleur, is on the tapis', he said, 'it would be dangerous to raise the question.'¹⁴

Smuts, the S.A.P. and a new flag

Botha died at the end of August 1919. At the beginning of the same month Smuts had returned to South Africa after an absence of three and a half years. Acceding to the premiership on 3 September, he found himself faced with a hereniging movement he could not afford to ignore and it is against this background that Smuts's and

14. Forward, 17 June 1927, letter to George Hay.

his Party's pronouncements on the need for a new flag must be seen.

From 1915 onwards Afrikaners from both main Parties had been meeting each other in hereniging congresses; the armistice had given the movement fresh impetus for it was held that the ending of the war had removed the major source of division among Afrikaners, while Botha's declining health had eliminated the complication of his personal conflict with Hertzog.¹⁵ Enjoying much support, the movement was largely out of the control of Party leaders. In the wake of the war two congresses had already been held in the first half of 1919; a third was to take place in October -- one month after Smuts became Premier.

Smuts was secretly opposed to the proposed reunion. He believed that while it might unite Afrikaners in one party, it would destroy co-operation between British and Dutch and shatter the edifice that Botha had built, that is, a Party representative of both British and Dutch. It would be a betrayal not only of Botha and the British, but also of his own principles if he agreed to the formation of a purely racial party. To purchase reunion at the cost of recognizing the right of the Union to secede, could

15. N.G. Garson, The Role of Smuts in the South African Party-Unionist Fusion of 1920 (hereafter cited as Garson), unpublished paper. I am much indebted to this work for the explanation in the next few paragraphs of Smuts's attitude towards hereniging.

threaten the country's unity and peace. If reunion of the nature suggested were to occur, he told Lord Buxton, the Governor General, it would be pure racialism and might possibly lead eventually to civil war.

There were also practical considerations that discouraged hereniging. Smuts's own Afrikaner supporters would be dominated by Hertzog's more numerous followers so that, particularly in the Cape (where the reunion movement was strongest), the Nationalists would be likely to have a majority of their nominees selected as parliamentary candidates. Then too, having fewer followers in the new party, Hertzog and not Smuts would be its leader and therefore Prime Minister. However, bearing in mind Smuts's later conduct, particularly in 1933, it seems unlikely that personal ambition caused him to reject hereniging.

Whatever his reasons for opposing reunion, Smuts could not resist it openly. To do so was to risk a split in the S.A.P. His great stature in and his grip over the Party had yet to be established. Furthermore, his long absences during the war meant that he was out of touch with local politics; it meant too that he lacked the immediate personal following that Botha had enjoyed. In September 1919 he confided to Buxton that he could not oppose reunion; he would have to humour it. The strength of the movement and Smuts's own position relative to the Party demanded that he deal with hereniging tactfully.

Accordingly, while reviving the idea of best man government but hoping ideally to form a central party on non-racial lines, Smuts, in public, espoused the cause of hereniging. In keeping with the latter, it is not surprising to find him declaring before the end of the year that he was not opposed to a new flag. This was a subject which Smuts had not raised since Union but between the end of September and December he touched on it four times.¹⁶ In his concluding address to the Central Congress of the S.A.P. at Bloemfontein on 12 December, Smuts said that the hereniging congress at Paarl had taken a decision on the flag and that soon all sections would agree on this subject.¹⁷

16. At Calvinia -- De Volkstem, 3 October 1919; at Ventersdorp -- De Volkstem, 2 December 1919; at Rustenburg (in response to a question) -- Ons Land, and Cape Times -- 6 December 1919; at Bloemfontein -- Ons Land, 16 December 1919, De Volkstem, 19 December 1919.

Both Die Burger (25 May 1927) and South African Nation (25 May 1927) erred in insisting that Smuts also dealt with the flag question at Caledon at the end of September; this was his Calvinia speech.

17. Ons Land, 16 December 1919; De Volkstem, 19 December 1919. Smuts's memory was at fault. It was not the hereniging Congress that had taken a decision on the flag. A Congress of the Cape Province branch of the S.A.P., which was meeting concurrently at Paarl, had taken the decision. When during a meeting between the hereniging representatives of the two Parties, the S.A.P. representatives were asked whether they were willing to allow the Union Jack to be superseded by a South African flag, they replied that the S.A.P. Congress had accepted this on the previous day and on another occasion. Die Nasionale Party van die Kaap-Provinsie vierde jaar kongres gehou op Paarl, van 2 tot 4 Oktober, 1919, met verslag van die herenigings-konferensie wat daar plaasgevind het (hereafter cited as Nasionale Party van die K.P. kongres gehou op Paarl, 1919), p. 19. The question/answer procedure adopted by the hereniging delegates was humorously referred to by the S.A.P. representatives as 'n katekisasieles'.

It would not be long, he told them, before a Union flag would fly over South Africa.¹⁸

Yet, in the following year, Smuts dropped the flag question from his speeches; on no occasion did he raise the subject.¹⁹ It was the fate of this question in 1920, as in 1919, to be governed by more important political considerations. On 24 December 1919, Sir Thomas Smartt, leader of the Unionist Party, had voiced concern over the flag. Disturbed by 'another suggestion' of a new flag for the Union, this time from the S.A.P.'s Bloemfontein Congress, he cautioned against hasty action.²⁰ The question of a national flag, he told the Western Province Unionist Council, would have to be handled with great care: it could be interpreted as the first step towards breaking the British connection -- under no circumstances, even to the death, would the British section tolerate this,²¹ These loudly applauded remarks doubtless reflected the views of many in a Party which had no desire for change in a flag status quo which enabled its supporters to use the

18. Ons Land, 16 December 1919; De Volkstem, 19 December 1919.

19. However on two occasions he was forced to reply to questions put to him on the flag: at Paulpietersburg (Hansard, Vol. 9, 4154, 25 May 1927), and in the House of Assembly (J. Albert Coetzee, Nasieskap en Politieke Groepering in Suid-Afrika (1652-1968), p. 253.

20. Cape Times, 23 December 1919; Ons Land, 25 December 1919; De Volkstem, 30 December 1919. Smartt was probably referring to Smuts's remarks in his concluding address to the Congress.

21. Ibid.

Union Jack. Smartt's remarks could not be overlooked, least of all by Smuts. As early as October 1919 he had told Buxton that coalition between the S.A.P. and the Unionists would come about as a certainty.²² Having accepted a future combination of these two Parties as inevitable if the Nationalists were to be kept out of power, it required little insight to see that pursuit of this issue would be foolhardy.

Smuts's attitude to the possibility of change in the Union's flag during 1919-1920 was intimately related to the questions of hereniging and party realignments; it did not indicate that he felt any urgent need for a new flag. Much the same may be said of the S.A.P. The final resolution passed in favour of a national flag before the flag controversy by a S.A.P. congress (that of its Cape Province branch in October 1919) was closely related to the hereniging movement; only one other S.A.P. congress had ever resolved in favour of a flag change.²³ It would seem therefore that within the Party too there was no urgent desire for a new national flag.²⁴

However, if Smuts found it impolitic to make public

22. Garson.

23. Nasionale Party van die K.P. kongres gehou op Paarl, 1919, p. 19.

24. Compare, O. Pirow, James Barry Munnik Hertzog, p. 120: 'It is true that the S.A.P. had for years declared itself in favour of a "national flag".'

statements on the need for a new flag in 1920,²⁵ he did not abandon the principle of a distinctive flag for the Union. In 1921, when he attended the Conference of Prime Ministers in London, he took with him a long memorandum which towards its close emphasized the need for symbolic recognition of a proposed change from Empire to Commonwealth. Accordingly, it recommended that besides a common Imperial flag (which could be the Union Jack), each nation should adopt its own distinctive national flag.²⁶ Whether Smuts hoped that the acceptance of his proposals by the Conference would help to overcome opposition to a new flag from former Unionists in his recently enlarged Party, must remain an open question. In all events, he met with no success in this matter, and left the question of a new national flag in abeyance.

The desire for a new flag amongst Nationalists

Amongst the Nationalists, however, there were those who were not prepared to leave the question in abeyance. A complex compound of reasons drove them towards the goal of a national flag for, being no different from ardent nationalists elsewhere, they could see no valid reason for

25. For Smuts's need to treat delicately with the Unionists see Smuts Papers (hereafter cited as S.P.), vol. 102, no. 201, Smuts to C.P. Crewe, 25 March 1920: also in Jean van der Poel (ed.), Selections from the Smuts Papers, volume V, September 1919 - November 1934 (hereafter cited as van der Poel), no. 23.

26. Hancock, pp. 46 ff; Hansard, vol. 9, 4211, Hertzog, 27 May 1927.

maintaining symbols that were incompatible with their own sense of pride, dignity and individuality. The Union Jack was par excellence such a symbol. It offended pride because it was a reminder of humiliation and defeat. It offended dignity because it implied obeisance to the emblem of those who had persecuted their ancestors. It offended individuality because it was alien and stood for values which were repugnant. Liberalism, philanthropy, imperialism -- all had advanced under its shadow. Slachter's Nek, Jopie Fourie²⁷ and the concentration camps were its fruits. The path of British imperialism was strewn with similar historical grievances and at each milestone had stood the Union Jack. So long as it survived in the Union, so long, they believed, would it be a divisive influence in the South African body politic.

Many of these sentiments were revealed when Dr. D.F. Malan addressed a Joint Congress of the Nationalist Party in January 1919. He insisted that if they were to become a happy and prosperous people in South Africa, they must have a unifying flag. The British flag that flew was the flag of only one section:

Dit is geen vlag wat verenig nie, maar wat skei.
'n Vlag moet die uitdrukking wees van die vrij
siel van 'n volk. Maar die Britse vlag is vir
ons die teken van Britse gesag. Dis vir die

27. Executed in December 1914 for his part in the Rebellion. The affair aroused strong feelings for many years. See, for example, Ons Land, 2, 4 December 1919, De Volkstem, 5 December 1919; Ons Vaderland, 21 December 1926.

Engelsman die simbool van sij volksiel. Vir die Afrikaner beteken dit die heerskappij van 'n volk 6000 mijle ver oor die see; dis die teken van poginge, telkens aangewend, om sij nasionaliteitsgevoel te onderdruk. Die Afrikaner voel, dat hij eers Engelsman moet word, om die vlag te kan aanneem as sij vlag.

Daarom kan daar nie 'n verenigde volkssiel wees van albei die seksies nie. Daarom is daar 'n diep klowe in ons land. Dis nie alleen waar in die teorie nie, maar waar ook in die praktijk.

Dis 'n gevolg van daardie vreemde vlag, dat ons in Suidafrika rassehaat het.²⁸

In the United States, the Englishman found another flag and another national spirit and was soon assimilated. But in South Africa, Malan maintained, he found his own flag and felt that he could remain an Englishman; England remained his home. To the one side the British flag was a symbol of racial domination, to the other a sign of inferiority. Only when both sides had one flag that was a symbol of 'vrijheid en van die eie algemene volksiel' would there no longer be racial hatred.²⁹ In the following month Malan made an appeal in similar vein in the House of Assembly and was supported by F.W. Beyers.³⁰

Two years later, in January 1921, Die Burger declared

28. Toespraken geleverd door de leiders van de Nationale Partij bij het gesamentlike kongres van de Nationale Partij der vier provinsies te Blomfontein op 16 Januarie 1919, pp. 56-7, in J.P. Jooste Collection, vol. 286.

29. Ibid. pp. 57-8.

30. Die Burger, 13 February 1919. Beyers was M.P. for Edenburg and was to become Minister of Mines and Industries in the next Government. See also the poem 'Die Suider-kruis Vlag' at the end of the report. I am indebted to Professor A.M. Davey for this reference.

that the British flag was undoubtedly a symbol of murder and rapine to Free Stater and Transvaaler and the sooner their British compatriots realized this the better it would be for the future of the country. Every Englishman who reviewed the facts of the last century without prejudice would agree that in this respect the Free Stater and Transvaaler were right. A few days later, Malan declared at Vryburg that to the Afrikaner the Union Jack represented race domination.³¹

Was there a general demand for a national flag?

Yet, can it be said that the Nationalist Party, in opposition, agitated strongly for a new flag, or that its rank-and-file urgently desired one? It is unlikely that a Nationalist leader would have thought it wise to press for a new flag while the First World War raged. By 1919 this obstacle had been removed and in January Malan made a call for a new flag at the first post-war Joint Congress of the Party. He was the only leader to do so; Hertzog, Roos and other prominent speakers preferred to stress the question of the Union's status. Though later in the year the Nationalist Party in the Cape Province resolved in favour of a new flag,³² Malan's call failed to evoke a

31. Northern News, 15, 28 January 1921.

32. The motion was brought forward by Beyers and H.E.S. Fremantle. Beyers had wanted the motion to specifically exclude the Union Jack from the new flag but Fremantle's objection to this led to a final resolution

sustained response. For in the years before the Nationalists came to power, no other resolution calling for a new flag was submitted to a Cape Congress of the Nationalist Party.³³ Similarly, both the Transvaal and Natal Congresses of the Party do not appear to have raised the question.³⁴ Only in 1921 did an Orange Free State congress resolve in favour of a new flag;³⁵ and this was not repeated in the following years.³⁶ Thus it would appear that, while in opposition, only two Nationalist Party congresses ever resolved in favour of a new flag. In the midst of the 1927 controversy, the S.A.P. representative for Hospital, H.B. Papenfus, told the House of Assembly:

'I have not noticed any great public demand for a national flag. It is the work of politicians. At all the meetings I have held throughout the

which deliberately left the question of the Union Jack's inclusion or exclusion in a new flag open. Fremantle Collection, correspondence re the national flag, 1926-1928 (hereafter cited as Fremantle Collection), Fremantle to Michael, 4 June 1926; Die Burger, 13 June 1927, letter to the editor from Fremantle.

H.E.S. Fremantle, a former professor of English and Philosophy at the South African College, had been one of the founders of the Nationalist Party from which he resigned in 1920 because of his objection to secession.

33. Minutes of the following years' congresses were examined: 1917, 1920-1923. Newspaper reports of the Cape Party's congresses up to 1923 were also consulted.
34. No reference to flag resolutions passed by these bodies (before the 1926/7 controversy) has been found in newspapers which reported their congresses or in other sources.
35. M.P.A. Malan, Die Nasionale Party, pp. 100-1.
36. See Nasionale Party O.V.S. verslag van die agste jaarlikse kongress gehou op Bloemfontein op 11-12 Oktober 1922; Nasionale Party O.V.S. verslag van die negende jaarlikse kongress gehou op Kroonstad op 17-18 Oktober 1923.

country, and I have fought six elections -- and in my constituency there is a large section of Dutch-speaking people -- I have not heard of any such demand. There has not been any urge. To me it is something new.³⁷

N.J. de Wet told the Senate in 1927 that after some twenty years of public life he could not recall ever having been asked a question on the flag, while Deneys Reitz claimed that in his fifteen years as a politician he had not heard even 'a chance reference' to it.³⁸ Many other S.A.P. parliamentarians expressed similar views.³⁹ 'I never heard much of a flag in the Transvaal', complained L. Geldenhuys: 'The people were never much occupied with it, and where does the scheme come from now? It comes chiefly out of the brain of the Minister of the Interior and other leaders.'⁴⁰ Certainly, in the period before their accession to power in June 1924, no Nationalist leaders other than Malan and Beyers came forward strongly as champions of a new flag. And in the election campaign of 1924, the question was totally ignored by audiences and

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37. Hansard, vol. 9, 4248, 27 May 1927. See also 5550, 22 June 1927.
38. De Wet -- Senate Debates, 28 January - 20 June 1927, 919, 24 June 1927; Reitz -- The Star, 12 October 1927. De Wet was the Leader of the S.A.P. in the Senate; Reitz was M.P. for Port Elizabeth (Central).
39. For example see Hansard, vol. 9, 4255, H.E.K. Anderson (Klip River), 30 May 1927; 4432, C.B. Heatlie (Worcester), 1 June 1927; 4425, W. Rockey (Parktown), 1 June 1927; 4450, Sir Thomas Watt (Dundee), 2 June 1927; 5451, Smuts, 21 June 1927; 5558, Nicholls (Zululand), 22 June 1927.
40. Ibid. 4245, 27 May 1927. Geldenhuys was M.P. for Johannesburg (North).

speakers.⁴¹

All in all, it would probably be true to say that though South Africa possessed a flag which its people had not embraced, and though some wanted a new flag, neither in the Nationalist Party, nor in the S.A.P., nor in any other large group was there an urgently felt need for a new flag before the change in government in 1924.⁴²

41. See Hansard, vol. 9, 5451, Smuts, 21 June 1927. C.E.M. O'Dowd, 'The General Election of 1924', South African Historical Journal, no. 2, November 1970 (hereafter cited as O'Dowd), makes no reference to the question.

42. For contrary viewpoints see, inter alia, M.P.A. Malan, op. cit. pp. 100-1; O. Pirow, James Barry Munnik Hertzog, p. 120.

CHAPTER II

FLAG LEGISLATION IN 1925

The pace quickens, June-December 1924

The coming to power of the Nationalist-Labour coalition in June 1924 stimulated the quest for a new national flag.¹ Stimulation also came from two outside sources - Ireland and Canada.² Both these states had recently passed legislation defining the nationals of their respective states³ and had

1. The description 'new national flag' implies that South Africa already possessed a national flag. From the strictly legal point of view it may be argued that she did, since in 1910 the Union Cabinet had adopted a flag which it described as 'the Flag of United South Africa' and as 'the Union Flag'. (Ironically, and fortuitously, Hertzog had signed the minute inviting approval for its design - A2-25, p.3; Hansard, vol. 9, 4228-32, Hertzog, 27 May 1927.) Thus, the assumption of champions of the Government's flag legislation that South Africa did not possess a national flag did not rest on sound legal grounds. All the same, no Party denied that the 1910 flag had never been embraced by the people and in this sense it was certainly not a truly 'national flag'. For this reason, and to conform with the usage of the times which almost always ignored the existence of the 1910 flag, the thesis hereafter uses 'national flag' synonymously with 'new flag'. (For various statements as to whether or not South Africa had a national flag see, Cape Times, 28 May, 20 September 1927; Hansard, vol. 9, 4042-3, Byron, 303-4, Coulter; Senate Debates, 28 January-29 June 1927, 907-8, Malan.)
2. Die Nasionale Party van die Kaapprovinsie notule van negende kongres gehou op De Aar op 7 tot 10 Oktober 1924 (hereafter cited as Notule Kaap 1924), pp. 28-9, Malan's address, in Hertzog Papers (hereafter cited as H.P.) vol. 27.
3. Ireland in 1922 and Canada in 1921.

also adopted or considered the adoption of new flags.⁴ If Canada, a fellow Dominion, had seen fit to pass a nationality act, there should be no objection to South Africa following suit with a similar measure.⁵ More significant for our purposes was the use in the Irish Free State from 1921 of a flag from which all reference to the imperial connection had been excluded. The anti-British struggle waged by the Irish nationalists could hardly have failed to encourage local Nationalists and the call for a national flag by the Free State Congress of the Party in this year, and not before, was probably not unrelated to events in Ireland.

Three months after the Pact⁶ came to power Malan drew

4. The Irish (tricolour) flag was recognised by official usage from 1921/22; its position as the national flag was confirmed by the Constitution of Ireland of 1937, Article 7 (An Bhratach Náisiúnta (Irish government publication with English translation), p. 6).

In Canada attempts were made in the 1920's to persuade Government to appoint a committee to study designs for a distinctive Canadian flag. The strong opposition of pro-British patriotic societies precluded Government from pursuing the matter; however some Canadian nationalists were still campaigning for a new flag in 1926 (see H.P., vol. 28, letter from G.A. King, editor of The Canadian, to Hertzog, N.D. [1926]). When Canada adopted a new flag in 1965, the parliamentary debate was protracted and bitter.

5. In Parliament, Malan took pains to stress the similarities between the Canadian Act and the Pact's proposed legislation.

6. The term 'Pact' is used throughout to denote the Nationalist-Labour coalition and 'Pactite' to denote a supporter of this coalition.

the attention of a Graaff-Reinet audience to the fact that Ireland and Canada had passed nationality acts and suggested that South Africa should have a national flag.⁷ In the same month Die Burger also took up the call, rhetorically asking its readers if they could be 'n selfstandige, selfbewuste volk, die gelyke van ander volke, sonder 'n nasionale vlag?' and answered that without a flag: 'n volk is 'n weeskind in die volkerery - 'n weeskind met 'n ongestilde gemoedshonger, wat nog skerper word wanneer hy sien hoe ander volke hul eie vlag hulde toebring.'⁸ The question had been deliberately posed with an eye on the forthcoming Cape Congress of the Nationalist Party which, in October 1924, for the first time since 1919, passed a resolution calling for a new flag.⁹

Indicative of the growing interest in the possibility of a new flag was the competition held by the Sunday Times in September/October 1924 to find a design for a South African flag and the great response to it.¹⁰ The last

7. Natal Witness, 30 September 1924.

8. 24 September 1924.

9. Notule Kaap 1924, p. 12.

10. At the most recent Transvaal Congress of the Nationalist Party a resolution had been passed requesting the Government to hold such a competition (Ons Vaderland, 26 October 1924).

flag competition in South Africa had been held in 1910.¹¹ Then the number of designs submitted had been some 250, now over ten thousand were allegedly received.¹² The Sunday Times awarded first prize to a design which contained no Union Jack or symbol of the British connection. Nonetheless, a large number of entries contained the Union Jack or variants of it.

As events soon showed, the decision of the judges was more a reflection of the thinking of the Sunday Times, where the moderate views of Sir Abe Bailey were often strongly felt,¹³ than of English-speakers in many parts of the country. However, the result of the competition unquestionably pleased Malan.¹⁴ It probably also led him to believe that he could rely on a large measure of support from the English section in legislating for a new flag. Perhaps confidence in this support (together with his

11. It had been held by the magazine The State of South Africa (see its vol. IV, no. 3, September 1910). The competition had been inspired by a similar one held in Australia on its gaining of Dominion status.

I am indebted to Mr. J.F. Preller of the State Archives, Pretoria, for drawing my attention to this competition.

12. The State of South Africa, Vol. IV, No. 3, September 1910, pp. 337, 338; Rand Daily Mail, 20 September 1925 - for the figure of ten thousand. (The Sunday Times merely stated that thousands of entries had been received).

Several inmates of lunatic asylums sent in designs; one submitted a design daily for several weeks.

13. See chapters VII and XVI.

14. See Ons Vaderland, 5 December 1924.

failure to anticipate difficulties from Smuts)¹⁵ encouraged him to draft a Bill whose terms, in effect, gave the Government the right to decree a national flag by executive fiat. His miscalculation in presenting a Bill that granted the Government such wide powers was to have serious consequences.¹⁶

The 1925 legislation and reaction to it

Thirty-two years later Malan maintained that the 1925 South African Nationality and Flag Bill¹⁷ was straightforward and reasonable. So far as the flag was concerned it simply declared that the Governor General could, by notice in the Government Gazette, prescribe the national flag. Although Malan later maintained that after Parliament's acceptance of the Bill he had intended to

15. See D.F. Malan, Afrikaner-Volkseenheid en my ervarings op die pad daarheen (hereafter cited as Malan), p. 103: also in articles on the flag controversy by D.F. Malan in Die Burger (hereafter cited as Die Burger (Malan)), 29 January 1957.

16. As Minister of the Interior it was Malan's responsibility to handle flag and nationality legislation.

17. A10-25. Between 1925 and 1928 several South African Nationality and Flag Bills were drawn up. Except where clarity demands otherwise, in the interests of brevity they are referred to as Flag Bills.

There was as yet no legal definition of South African nationality. Malan maintained that nationality and flag legislation had to be linked; without the former the latter would not have a proper foundation; on the other hand, a national flag was essential to express South African nationality.

appoint a representative committee to advise on a suitable design, the Bill made no provision for this. In all events, the final decision would rest with the Pact Government. The merits of this plan, Malan argued, were that 'the dangers of a party-political approach in and outside parliament' would be avoided and the committee could discuss the matter in a calm atmosphere.¹⁸

The publication of the Bill on 22 January¹⁹ evoked a mixed editorial response amongst the Nationalists' three main organs - the Free State's Die Volksblad, the Transvaal's Ons Vaderland, and the Cape Province's Die Burger. The first remained silent. Ons Vaderland took three weeks to comment, and then reflected the priorities of many Transvaal Nationalists when it declared that self-respecting citizens would welcome the Bill - the first step towards the realization of Article 4.²⁰ Only Die Burger gave full and immediate support. It was quite satisfied that the Government would do its best to obtain a design in a way that would give the greatest possible satisfaction.²¹ Such confidence was not shared by the

18. Malan, p. 104: Die Burger (Malan), 29 January 1957. Translation.

19. Government Gazette Extraordinary 22 January 1925.

20. 17 February 1925. Article 4 of the Nationalist Party's constitution was widely interpreted as advocating a republic.

21. 23 January 1925.

opposition press.²² They had no objection to a new flag provided it reflected the wishes of the people, and the proposed method of enactment was no guarantee of this. Replying to Die Burger, the Cape Times on 24 January condemned the clause 'which proposes to give the Government the right to thrust upon the people of South Africa any kind of design it may select without any reference to the wishes of the people'. This would create a wholly unacceptable position. From the outset the national flag would enter the political arena to a most undesirable degree. The Rand Daily Mail shared these views. Among the mass of ill-conceived legislation, it considered that possibly none would arouse more discussion than this. There was no objection to a distinctive national flag, provided the method of selection was acceptable to the bulk of the people; however any attempt to impose a flag selected in accordance with the political bias of a particular Party would certainly be most strongly resented.²³ Even stronger was the condemnatory tone of Ons Land; it denounced a flag by proclamation as an insult, and added:

'Hoe heerlik eenvoudig! Een vaderlike,
autokratise Regering gebiedt en het staat er . . .
Dr. Malan vraagt volmacht om zelf te bepalen

22. By 'opposition press' is meant those newspapers that were generally hostile towards the Government's flag measures. Similarly, 'opposition' includes all those who opposed these measures.

23. 28 January 1925.

hoedanig de Nationale Vlag van de Unie zijn zal! En dit wordt gedaan in naam van democratie. Een partijdige partijregering zoek volmacht om aan bijna de meerderheid...van die volk een nationale vlag op te dringen. Dit is pragtig voorwaar!²⁴

Like The Friend of 27 January it believed that the Bill in its present form would bring nothing but unhappiness to the country.

On the question of the future of the Union Jack, three viewpoints were expressed. On 28 January the Eastern Province Herald maintained that on technical grounds there was no reason why the Union Jack should not be excluded:

Looking at the matter from the sentimental standpoint we personally shall regret the passing of the Union Jack. But at the same time we are not thoughtless of the sentiments which animate other fellow South Africans, and if a new flag to which all South Africans can bow will assist in the great work of fusing the races... we shall join loyally in doing honour to the new emblem.

However, on the same day the Natal Mercury made it clear that if the new flag was to be accepted the Union Jack would have to be included. One week later the Daily Despatch pointed out the dilemma inherent in the problem of the Union Jack's inclusion or exclusion when it observed that one section of the people would not be satisfied if sufficient prominence was not given to the Union Jack, whereas the other would be equally dissatisfied if it was given any prominence at all. Unless one section of the Pact sacrificed its cherished principles, it predicted that

²⁴. 2 January 1925.

the Pact would not survive.²⁵ Thus, the reception of a measure for which it was essential to have general agreement if it was to achieve its goal had been anything but promising.

The withdrawal of the Bill

On 16 February 1925 the South African Nationality and Flag Bill was introduced in Parliament. Although the second reading was listed for 25 February, it was not read again. On 21 July Malan rose to tell the House that the Bill was being withdrawn. He explained that the Government was convinced as ever of the need for a national flag and legislation should therefore not be delayed longer than the beginning of 1926. Since the national flag should bind the different groups together and occupy a place above divisions of race and politics, the Government would take every possible step to secure the greatest agreement on questions of procedure and design. With this end in mind, the Prime Minister had approached the Leader of the Opposition who had agreed to the principle of a national flag and was willing to co-operate in obtaining a non-party flag. As a result of these exchanges the Bill was being withdrawn, and it was now hoped that after consultations a Bill would be introduced at the beginning of the next

25. 6 February 1925. The section of the Pact alluded to was, of course, the Labourite.

session which would embody the design of the new flag. It was hoped that this design would be 'generally accepted as the united choice of all sections of the nation through their recognised political leaders.'²⁶

Malan later attributed the Bill's withdrawal to Smuts's persuasive powers. Smuts, he said, had persuaded Hertzog that it would be wiser to postpone the question for a year, invite designs, submit them to a Joint Committee, and allow it to make the final choice. In Malan's view, Smuts's motives were simply those of an Opposition leader anxious to share as much as possible in the Government's credit for a good measure.²⁷

This explanation hardly suffices. Assuredly it was in Smuts's interests to counsel delay.²⁸ But it was probably clear to Hertzog and other leading Pactites that the proposed method of legislation for a national flag was unwise. The immediate hostility of some opposition newspapers had made this plain. The choice of a national flag was a particularly delicate one in South Africa. If the Government were to press ahead on this sensitive question by legislation which had been condemned at the outset as dictatorial, it could offend many otherwise well-disposed

26. Hansard, vol. 5, 6370-1; The Star, 21 July 1925; Die Burger, 22 July 1925.

27. Malan, p. 104: Die Burger (Malan), 30 January 1957.

28. See below.

English-speakers. Claims to moderation and reasonableness might be forfeited from the start. Unquestionably it was highly desirable to obtain a national flag by general agreement, even if this meant delay.²⁹ Executive fiat could decree a national flag; it could never force the nation to embrace it. Once the opposition press had made this clear, it hardly required the persuasive powers of Smuts to convince Hertzog of the need for a new approach.

Approaching the problem through a Joint Committee could well provide the answer. As it would contain representatives of all three Parties, its unanimous choice of a flag could solve the problem. Even a majority decision, though obviously less satisfactory, was bound to reflect the views of both Nationalists and Labourites and it could therefore be claimed that their flag was not a strictly Party one. Nationalists and English-speakers would have participated in its choice and the Government would at least have a flag to proceed with should it wish to do so. Since Pactites would be in the majority in the Committee there appeared to be no need to fear its choice. Whatever its outcome, the Committee was likely to prove an asset to the Government: here was concrete evidence of its desire to meet the wishes of the people; hereafter it could maintain that a real effort had been made to arrive at a general

29. See H.P. vol. 27, Hertzog's draft reply on letter from Secretary of the Nationalist Party, Cape Town branch, 27 June 1925.

agreement. Thus Hertzog's decision to postpone legislation and convene the Committee was probably determined as much by genuine desire to reach agreement as by sound political strategy.

There was another cogent reason for delay. The S.A.P. controlled the Senate. It could reject the Bill. The Government had no means of enacting the Bill in the present session. And a national flag born out of the conflict of a joint session could never be a truly national flag. Once opposition to the measure became known, it was far wiser to consult the Leader of the Opposition and to try and reach some agreement as to procedure. Malan's legislative project had been injudicious; it was far better for Hertzog to tacitly admit this and to make a fresh start.

It may be asked why, if strong opposition to the Bill became known as early as January, the measure was not re-drafted and a Joint Committee summoned during the session. Several reasons may be suggested. Apart from the brief six weeks' July-September session of 1924, the Pact Government had had little experience in initiating and carrying through legislation. Perhaps this helps to account for the fact that in the first months of the 1925 session, Parliament was not at all active.³⁰ In its final

30. Cf. Hansard, vols. 3, 4, and 5.

months it had to work hard to try to get through a heavy load of bills. Many Pactites probably thought that these should take precedence over flag and nationality legislation. When Parliament was prorogued, the South African Nation reported that whereas at the start of the session the Opposition had declared that the Government had no policy, it later complained that the Government was attempting too much, while the Eastern Province Herald observed that the 'youngest political baby' might have warned the Government of the folly of putting forward a long list of measures and expecting to carry them in one session.³¹

This list included some measures that were 'highly experimental and contentious'³² and that were raising feelings in many parts of the country, such as Natal. During the Easter recess, Major G.R. Richards spoke of the possibility of Natal seceding and warned:

The manipulation of the language requirements, giving advantage in the Public Service to those whose tongue is Afrikaans, the resuscitation of all the rancour which was disappearing under the guidance of General Louis Botha, the vindictive nature of Nationalist legislation, which is mildness itself to what is to come, the attack on preference to British goods, the injury sought to be done to Great Britain, which has for years been our best customer, the removal of the King's head from our stamps, the hauling down of the Union Jack, the substitution of a South African

31. South African Nation, 25 July 1925; Eastern Province Herald, 23 July 1925. The number of bills withdrawn in the session was larger than usual.

32. Eastern Province Herald, 23 July 1925.

nationality for a purely British nationality, and so on and so forth - all are proof of the domination of this Pact Government by a reckless and ruthless anti-British sentiment.³³

Hertzog and other Ministers may have decided that it would be wiser to slow down the pace in certain sensitive spheres. In Parliament tempers had often run high.³⁴ The 'bullying and insulting tone' and 'racial spirit' which had sometimes marred debates hardly provided a conducive background for flag discussions. Indeed, on 23 July Die Burger told its readers that the Government had informed it that, with Party strife raging in the Assembly, it had decided that the atmosphere was definitely not favourable for discussions on the flag.

There were hence several cogent reasons for the Government to delay. Once strong criticisms had been raised of the Bill the unwisdom of pressing the measure must have become apparent. A national flag had to be generally acceptable - not imposed; the Senate had a S.A.P. majority and the Bill's rejection was certain; the atmosphere was not favourable; the legislative program was heavy; and the issue was a sensitive one. Probably all of these issues played a part in the decision to withdraw the Bill. It is impossible to gauge with precision the relative weight of the various factors, but we can at

33. Rand Daily Mail, 16 April 1925. (Richards was M.P. for Weenen.) See also Natal Witness, 4 March 1925.

34. Daily Despatch, 28 July 1925, commenting on the session.

least confidently suggest that an important part was played by Malan's ill-judged legislative proposal, and qualify his assertion that Hertzog's decision to withdraw the Bill was due to the persuasive powers of Smuts.

Smuts, at the time, probably saw the question of a new flag chiefly as a potential source of difficulty for his Party and his support for delay and the new course can be readily understood. More than ever since fusion with the Unionists in 1920, it was necessary for him to heed the sentiments of his English-speaking supporters; they constituted a much larger percentage of his following than before. As already noted, in December 1919 Smartt had warned against the hasty adoption of a new flag and strongly stressed the 'British section's' attachment to the imperial connection. In the popular mind this tie was symbolized by the Union Jack and it would have been naïve for its champions to believe that a flag by executive fiat would not be a threat to its future in South Africa. Their views had to be considered. And some did not hesitate to let Smuts know them.³⁵ At the same time Smuts had to consider the views of his Afrikaans-speaking followers. Many had fought against the Union Jack and their sentiments towards it could be very different from those of his English-speaking supporters. In April 1920 Smuts

35. See S.P. vol. 31, no. 140, from Sons of England, 19 February 1925.

confided to a friend that 'the bulk of my own Dutch people are republicans and wish to secede from the British Empire!'.³⁶ Though the views of some may have changed since then, it was clearly wise to move cautiously in a question so closely linked to the symbol of that Empire. An attempt to exclude the Union Jack from the new flag could create an uproar among Smuts's English-speaking supporters and force him to champion an emotional cause popular with one section of his Party but perhaps unpopular with the other. A policy of caution and delay was the wisest course for the S.A.P.

Smuts's suggestion that flag designs should be invited from the public favoured this course. The plan had the merit of allowing people to put forward ideas that might prove useful and perhaps too of enabling them to feel that they were participating in the choice of the nation's flag. But, most of all, it favoured delay. Whereas a Joint Committee could be appointed and convened during the session, an invitation to the public to submit designs meant that time had to be allowed for their preparation, collection and the making of a final selection. And the completion of this, as will be seen, could be delayed for many months.

36. S.P. vol. 98, no. 112, to A. Clark, 9 April 1920: Van der Poel, no. 24.

Response to the Bill's withdrawal

The possibility of a flag storm, and the emotions aroused by the introduction of certain other measures,³⁷ had exacerbated feelings in some places on both sides. This may be seen in the response to the Bill's withdrawal of two newspapers whose tones had been far more moderate six months earlier when the Bill was first published. A preparedness to compromise had characterized the Eastern Province Herald's leading article on that occasion: now it said:

Numbers of us in South Africa are content with the British flag; it is our own flag, we are proud of it, and love it, and it is very distasteful to us to be called upon to change it. While we live in a British Colony, or Dominion, we consider ourselves entitled to use the British flag, and we prefer it to any other now existing, or likely to be invented. We have no objection to urge to those who like to see the fauna of South Africa on flags, but we see no reason to displace the British flag for one depicting any one or more of our antelopes, or bits of our scenery. If that sentiment gives offence we are sorry, but most emphatically we cannot help it, and we have no intention of changing our flag.³⁸

On the other side, six months earlier Ons Vaderland had waited three weeks before commenting on the Flag Bill. Now it waited only three days. Then its treatment of the measure had been short and unexcited; now it doubted whether the Government had been wise to withdraw the Bill and asserted that for the great majority the Union Jack was

37. See Chapter III.

38. 23 July 1925. Compare page 25.

a symbol of emasculation and ruin. Some wanted it in order to taunt them constantly with: 'Daar is ons ou-ma se vlaggie, waaronder julle moes buk, vergeet dit nie.' The same old spirit was confronting them: 'Nog altyd die Jingo-gees, nog altyd die sug om te oorheers, om te domineer....Ons se beslis: NEE, NEE!'³⁹

No such disappointment marked the opposition press's response. On the contrary, the Cape Argus of 22 July considered that no ministerial statement during the session would bring more satisfaction to moderate men than Malan's. The Cabinet had shown moral courage and its recognition that the feeling of all sections should be considered, though tardy, was welcome. To the Cape Times the new course was one of the wisest as well as one of the most conciliatory acts of the Government, and both it and the Daily Despatch praised Malan.⁴⁰

These expressions of pleasure reflected the relief of those who had seen the immediate threat to their flag recede. For a short while a storm had threatened to burst over the Union Jack. There could be no doubt, the Daily Despatch warned, that had the Government persisted in pressing the measure in its original form 'an immense

39. 24 July 1925. Emphasis in original. For Die Burger's disappointment at the Bill's withdrawal see 23 July 1925. Die Volksblad made no editorial comment.

40. Cape Times, 22 July 1925; Daily Despatch, 28 July 1925.

amount of feeling would have been engendered'; this, it feared, would have done more to intensify racial differences than anything else that had happened for many years.⁴¹

The immediate danger had passed. The opportunity now existed for the public and their representatives to join in an effort to obtain a truly national flag. If reason prevailed, this did not appear to be an impossible task.

41. 28 July 1925.

CHAPTER III

THE FAILURE TO REACH AGREEMENT.

AUGUST 1925 - MAY 1926

The parliamentary session ended on 24 July 1925. By February 1926 the Government had made little progress towards a national flag. In the seven months between these two dates, it had advanced only one small step: flag designs had been invited and received from the public.¹ Some 3 000 poured in to the office of W.D. Norval, Secretary for the Interior.² Yet, by March 1926 they had still to be sorted; a selection had yet to be made; even the Select Committee³ had still to meet. The Government's advance had been minimal.

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1. Government Gazette No. 1510, p. 157, 17 October 1925. A reward of £25 was offered for 'the best and most suitable' design.
 2. Norval Papers. Norval was also Secretary of the 1926 Select Committee which examined the designs. He had been Malan's Private Secretary.
 3. This was the name usually given to the Joint Committee that met in February 1926 to choose a flag design. It was also sometimes referred to by Smuts and Hertzog as the Political Committee. To avoid confusion the thesis hereafter uses only the term Select Committee.

Smuts procrastinates between parliamentary sessions

Between the end of the session and the end of 1925, both Hertzog and Malan tried to expedite the choice of a flag. Smuts procrastinated. When Malan proposed 1 November as the closing date for the flag competition, Smuts counter-suggested 1 December, 'to avoid the appearance of haste in so important a matter.' Also, as the members of the Select Committee would probably include M.P.'s, he doubted whether the Committee could start work before Parliament convened. Finally, it was quite possible that in order to reach general agreement the Committee might wish to consult Hertzog and him.⁴ There were thus several reasons, he argued, for the Select Committee to begin its work only at the start of the next session.

When Hertzog tried to hasten matters he enjoyed no more success than Malan had. On 10 November Hertzog told Smuts that he was anxious for the Select Committee to meet before or immediately after 1 December - the date now agreed as final for flag entries. The Select Committee, he presumed, would be composed of political leaders and be helped by a Heraldic Committee of experts. Would Smuts suggest a member of the Heraldic Committee? He would be glad for a quick reply; they had no time to lose.⁵

4. S.P. vol. 32, no. 209, Malan to Smuts, 28 August 1925, and, vol. 34, no. 210, Smuts to Hertzog, 9 September 1925.

5. S.P. vol. 32, no. 114, Hertzog to Smuts.

Smuts obliged with a quick reply - but not with the nomination. Both Committees should meet at the same time and not (as had been suggested) the Heraldic Committee first - to sift the designs - and the Select Committee later. The advice of the Heraldic Committee might be needed for the Select Committee's own designs. He was hesitant to nominate members of either Committee until he had consulted his friends; this would have to wait till they came to Cape Town. In this matter he doubted whether greater haste would mean more speed.⁶ Hertzog and Malan had little option but to acquiesce.⁷

Clearly Smuts wished to delay. Questions that threatened Party unity had to be treated with the greatest circumspection. One such threat came from Hertzog's Native Bills. Hertzog had made several statements on Native policy in 1923-4 and in September 1925 F.S. Malan warned Smuts that there were differences of opinion on the Native question in the S.A.P., especially between its supporters in the Cape Province and Transvaal; they should be careful that it was not allowed to break up the Party.⁸ Then, on 13 November 1925, at Smithfield, Hertzog made his first comprehensive public statement on his opinions and

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6. S.P. vol. 34, no. 235, Smuts to Hertzog, 11 November 1925. The Heraldic Committee finally consisted of W. Blommaert and E.A. Walker, Professors of History at Stellenbosch and Cape Town, respectively.
7. S.P. vol. 32, no. 115, Hertzog to Smuts, 23 November 1925; Malan, p. 106: Die Burger (Malan), 29 January 1957.
8. S.P. vol. 32, no. 212, 11 September 1925: van der Poel, no. 169.

plans with regard to Native policy. Smuts had no need of an additional divisive issue - such as the flag question. Already the British Empire Service League (B.E.S.L.)⁹ and Sons of England (S.O.E.)¹⁰ were pressing for the inclusion of the Union Jack in the new flag. The response of some newspapers to the 1925 Bill was a further potent reminder of the strong feelings a flag dispute might evoke. Yet, while the utmost caution seemed desirable, the Nationalists were eager to move ahead. Why? Their apparent haste made Smuts suspicious. Believing that the country was still anxious to give the Pact a chance, he wished to avoid an early general election¹¹ and began to wonder whether the Nationalists' anxiety to advance was not related to one. If an election occurred, a flag act would be a distinct

9. S.P. vol. 31, no. 95, 31 October 1925. The B.E.S.L. in South Africa came into existence in August 1921. By 1926 it had about 2 500 members. In 1941 it adopted the new title of the South African Legion of the British Empire Service League.
10. S.P. vol. 31, nos. 140 and 142, 19 February and 27 October 1925, respectively. The full title of this Society was 'Sons of England Patriotic and Benevolent Society'. The first South African lodge was established in Uitenhage in 1881. Later in the controversy the S.O.E. became extremely vocal. It appears to have had about 140 lodges and over 10 000 members at this time; its Grand President during most of the controversy was W.H. Pitcher, Town Clerk of Estcourt. See S.P. vol. 34, no. 169, n.d. [March 1926], Vere Stent to Smuts; Sons of England, Patriotic and Benevolent Society What it is! What it stands for!; Daily Despatch, 11 September 1926.
11. S.P. vol. 102, no. 217, to Crewe, 18 December 1925: van der Poel, no. 182. At the end of the 1925 session Duncan thought the Government had improved its position in the country (Duncan Papers, to Lady Selborne, 23 July 1925).

asset to the Pact. On 12 November he wrote to Smartt:

The Nationalists seem in a mood to hurry this matter on, which makes me think they may contemplate a General Election in 1927 (after passing the flag next session). The Native Question may force them to an early General Election and they want to do some flag wagging of their own when that comes off. We shall have to deal very warily with this question which presents difficulties and troubles of a delicate nature.¹²

The linking of flag legislation to a general election gave an added dimension to the flag question and meant that for the S.A.P. the best policy was to press for the withdrawal of the Bill or, failing that, the incorporation of the Union Jack in the new flag in a way that would satisfy its English-speaking followers. As it was a multi-racial Party, this in turn meant an insistence on the inclusion of the former republican flags of the Transvaal and Free State, for not only did this seem equitable, but in this way the support of the Party's Afrikaans-speakers could best be attracted.

The Select Committee of 1926

When Parliament met on 22 January 1926, its members were to face a mass of bills: fifty-six new acts were ultimately passed;¹³ much intended legislation had to be

12. S.P. vol. 34, no. 238: van der Poel, no. 176.

13. By comparison, in the following year, forty-four acts were placed on the statute book; these included five passed during the November joint session (cf. Statutes of the Union of South Africa, 1926 and Statutes of the Union of South Africa, 1927).

withdrawn. And there were some stormy debates.¹⁴ The temper of these debates was pleasantly absent from the discussions of the Select Committee which first met on 26 February. Under the chairmanship of Malan its talks continued intermittently till 7 May, and four days later a short statement to the press was issued by him.¹⁵ Apart from Malan there were seven members: for the Nationalist Party - N.J. van der Merwe and W.H. Rood; for the Labour Party - H.W. Sampson and G. Reyburn; and for the S.A.P. - Joel Krige, Sir Charles Smith and Duncan.¹⁶

From the start there was a cleavage in the Committee. Malan's view, and that of his supporters, was that the flag should not recall the strife of the past. The view of the S.A.P. members, and Reyburn,¹⁷ was that the flag should

14. Particularly stormy debates occurred during the passage of the Mines and Works Act 1911 Amendment Bill (Colour Bar Bill) and the Flag Bill.
15. Die Burger, 8, 11 May 1926. No minutes were kept of the proceedings and it was agreed to publish nothing on what took place in the Committee (Hansard vol. 7, 4062, Joël Krige, 25 May 1926).
16. Malan, p. 107: Die Burger (Malan), 30 January 1957.
17. Though a Pactite, Reyburn ardently championed the inclusion of the Union Jack. Shortly after the Committee dissolved, van der Merwe told the Assembly in Reyburn's presence: 'It is no secret what the hon. member for Umbilo's [Reyburn's] feeling is for the old flag, and his knowledge of the people of Natal compelled him to say that the Union Jack should be included. If there was one man who stuck out for the flag, it was the hon. member for Umbilo.' (Hansard vol. 7, 4057, 25 May 1926). See also H. Nicholls, South Africa in My Time, p. 180. Compare Malan's: 'Die verteenwoordigers van die S.A.P., min of meer gesteun deur Reyburn...' (Malan, p. 107). Did Malan not wish to admit the Pactite representative's outright support for the Union Jack?

include some symbol of the British link - possibly the Crown or the Union Jack.¹⁸ A way out of the impasse could not be found. Though it appeared from private talks that a design submitted by Professor Eric Walker - a flag with a green vertical stripe and red, yellow and blue transverse stripes - met with the most artistic approval, the question of symbolising the imperial connection could not be resolved.¹⁹

At this point van der Merwe put forward a compromise

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18. Malan, p. 107: Die Burger (Malan), 30 January 1957. It would seem that one of the two Labourites suggested the incorporation of a portion of the royal standard with the British lion and crown in the national flag as a symbol of the British tie, but that the Nationalist representatives rejected the idea (Hansard, vol. 9, 936, Sir Charles Smith, 24 June 1927).
19. Malan, 107-8: Die Burger (Malan), 30 January 1957. As early as 8 February 1925 Walker sent a design to Malan with the following explanation. 'Red stands for the Cape Province. It is the royal colour of the Union Jack and one of the distinctive colours of the Netherlands flag; it is associated by long use and wont with the Old Cape Colony; finally, it is a good striking colour which wears well....Blue stands for Natal. It represents the sea to which that province has always looked; it is also the other predominant colour of the Union Jack and the Dutch flag; it also appeared in the republican flags. It is moreover, St. Andrews colour, the Scottish colour, and would thus appeal to the many Scots in the Garden Province and elsewhere in South Africa....The arrangement of the flag is the epitome of the history of South Africa - the red of the old Colony is the basis of the colours of the three Trek states arising out of it. Incidentally, it is more or less geographically correct.' Norval Papers, copy of letter to Malan.

Walker maintained that the orange bars of the Free State flag were unknown to heraldry and recommended the substitution of the yellow stripe. He had also submitted the above design with a crown.

plan. Because a clean flag²⁰ would be seen as a step towards secession, he proposed that there should be two flags. One, the Walker flag, could be the symbol of South Africa. The other, the Union Jack, could be acknowledged as the symbol of the imperial connection and flown on the occasions that expressed this relationship.²¹ His plan appears to have met with interest and sympathy. Malan accepted it, while the three S.A.P. representatives apparently expressed open or qualified approval.²² Their

20. This term, used throughout the controversy, was generally taken to mean a flag that contained no unpleasant references to the past and therefore to exclude the Union Jack from a national flag.

21. Malan, 108; Hansard, vol. 7, 4057-8, van der Merwe, 25 May 1926.

22. Because it was later alleged, with much recrimination, that the S.A.P. representatives, and particularly Duncan, had reneged, some examination of this stage of the negotiations seems desirable. Malan, for instance, later maintained that all three S.A.P. representatives gave their personal assent to van der Merwe's idea and even agreed that, while they were obtaining their Party's concurrence over the week-end, Malan could give legislative form to their provisional agreement (Malan, pp. 108-9). Nicholls maintained that Duncan in effect agreed to a national flag without the Union Jack' (Nicholls, op.cit., p.180). However, during the controversy Duncan denied that he 'had agreed or practically agreed' to the proposal (Hansard, vol. 9, 9455-6, June 1927), while van der Merwe stated: 'It is true that Duncan never stated definitely that he agreed with me. Even on the day when we decided to propose the Bill I asked, "Do you think that it does such violence to British sentiments?" Then he said he could not say, but that in any case he would consult his friends.' (Hansard, vol. 9, 5458, 21 June 1927.)

Duncan's private preference was for a national flag which contained some symbol of the British connection, but he did not think this symbol had to include the Union Jack (Duncan Papers, letters to Reyburn and Malan, 25 June and 30 August 1926, respectively, and letter to Lady Selborne, 23 June 1926). Duncan probably entered

sympathetic attitude apparently cut the ground from under the feet of Reyburn who, as a Pactite, could hardly reject a plan Opposition members were prepared at the very least to consider.²³

This hopeful situation was brought to an end during the Easter vacation when leading members of the S.A.P. made it clear to their representatives that a national flag without the Union Jack would not be acceptable to many English-speakers.²⁴ Hence, when the Select Committee met again the S.A.P. representatives objected to the restricted use of the Union Jack and also insisted on its inclusion in the national flag. They were prepared to incorporate the republican flags too. But this was a poor bargaining counter; any enthusiasm Nationalists like Malan may have felt for these flags - and Malan was later to claim that he felt none - was more than counter-balanced by their aversion to the Union Jack. Further negotiation was useless and on 7 May the Committee dissolved.²⁵

the discussion with this idea in mind. When van der Merwe put forward his plan, Duncan might have seen it as a way out of the impasse. However, Duncan was probably far too cautious a man - as Nicholls himself describes him in a draft manuscript of his book - and too experienced a politician to have given his assent to van der Merwe's idea without first consulting with Smuts and other colleagues.

23. Nicholls, op. cit., p. 180.

24. Hansard, vol. 7, 4062, Joël Krige, 25 May 1926.

25. Malan, p. 109; Hansard, vol. 7, 4058, van der Merwe, 25 May 1926.

The Government decides to proceed with flag legislation

Despite the Select Committee's failure, the Government decided to press ahead with a flag bill. Malan maintained that one of its main reasons for doing so was that the idea of possessing a national flag in the immediate future, 'Die diepste snare in die volkshart geroer het'.²⁶ As will be seen later, the contention that such a demand existed must be seriously challenged. Unquestionably, one of the Government's main reasons for proceeding with the Bill was the belief that its withdrawal would result in a loss of face.²⁷ Already the Bill had been withdrawn once; a whole year had passed since then. Another withdrawal would be tantamount to an admission of defeat on the question, and could be seen as a sign of weakness. The S.A.P., Malan said, would have gained a weapon which it might use against the Pact.²⁸ Doubtless this argument was pressed by Malan in both Cabinet and Caucus where its merits could be readily appreciated.

If this was the chief reason for proceeding, Malan could also argue that further delay was unlikely to result in a flag agreement with the S.A.P. A Select Committee had already failed to agree. He believed that within the S.A.P. a dominating section existed which did not want a

26. Malan, p. 110: Die Burger (Malan), 30 January 1957.

27. See Duncan Papers, letter to Lady Selborne, 20 May 1926.

28. Malan, p. 110: Die Burger (Malan), 30 January 1957.

national flag and, if forced, would only accept one that symbolized the Union's attachment, if not permanent subordination, to England.²⁹ The views of the two groups were incompatible; delay was therefore futile.

Then too, in an issue such as this, the Nationalist-Labour coalition had an advantage which paradoxically seemed to outweigh that of even a purely Nationalist government. For with Labour's help, Malan believed, they had every chance of gaining the support of a significant section of the English-speakers.³⁰ A flag passed with their help could not be stigmatized as the flag of one racial group. And such a flag already existed - the Walker flag, the choice of both Nationalists and Labourites in the Select Committee.

But, colouring all thought on the problem of withdrawal or advance, was the question of ideology. The necessary concomitant of nationalism is an ideological style of politics and for Malan ideology demanded that the Bill should be pressed. If it were not, untold harm would have been done to their volksontwikkeling.³¹ What did Malan mean by this? Certainly he looked forward to the growth of a single South African patriotism and saw the flag as a means towards this end. But was this the flag's

29. Malan, p. 110: Die Burger (Malan), 30 January 1957.

30. Ibid. Both.

31. Ibid.

only end? Volksontwikkeling could also mean the development of the Afrikanervolk, of the Boerenasie, of Afrikanerdom.³² There can be no doubt that when, earlier in the same paragraph, Malan declared that the Bill could not be withdrawn because the idea of their own national flag in the immediate future had moved 'die diepste snare in die volkshart', the heart referred to was not that of the people of South Africa but of the Afrikanervolk. It could not have been overlooked that what moved the volkshart was in the interests of Afrikaner nationalism, and these interests, for the ardent Nationalist, were the principal concern. Thus the flag conflict embraced a struggle for dormant political souls, for the redemption of those Afrikaners still immersed in an alien environment - such as the S.A.P. provided. For Malan, the attainment of a national flag was a step in a crusade. The final goal of this crusade was the gathering together of all those who by language, culture, religion and race belonged together in one volk - and one political party. And in the attainment of this goal only the strongest necessity could

32. For a discussion of the meanings given to the term volk by Afrikaner intellectuals, see D.F. du T. Malherbe, Afrikaner-Volkseenheid. After discussing distinctions drawn between nasie and volk, Malherbe writes (p. 24): 'As iemand praat van "Ons Volk," dan weet elkeen hy bedoel die "Boerevolk" of "Boerenasie" of "Afrikanervolk".' Professor L.J. du Plessis is quoted as follows (p. 26): 'Ons verwerp geheel-en-al die opvatting dat alle Suid-Afrikaners saam as een volk gereken moet word: Die Afrikanerdom is vir ons die Volk van Suid-Afrika, en die res van die Suid-Afrikaners is, vir sover hulle blank is, of potensiele Afrikaners, of vreemdelinge.'

justify another year's delay.

These views were not confined to Malan: they permeate all nationalist ideology and were shared in the Nationalist Party. When its Caucus met a few days after the Select Committee dissolved, it decided unanimously to push ahead with a flag bill. The Bill was to provide for the Walker flag as the national flag and the hoisting of the Union Jack with the national flag on 'any official occasion which is intended specifically to indicate or represent the relation of the Union to the British community of nations'.³³ The Caucus, Malan declared, in approving the Bill was almost 'onkeerbaar geesdriftig'.³⁴

We may take leave to question Malan's picture of Party enthusiasm. One week before the first reading of the Bill on 20 May, Smuts asked Hertzog if the Government would introduce any further legislation that session; Hertzog replied: 'The Bills that still have to come are merely of an administrative character.'³⁵ Later that day Smuts commented:

From this I gather that it cannot be the intention

33. A.B. 72-26.

34. Malan, p. 111: Die Burger (Malan), 30 January 1957. The exact dates on which Natalists and Labour Caucuses decided to proceed with flag legislation were not reported. Almost certainly the Nationalist Caucus decided on 15 May. On 11 May Nationalist and Labour Party Caucuses met; these however merely confirmed the prize-winning designs in the Government's flag competition. First prize went to Walker's design.

35. Hansard, vol. 7, 3499.

to proceed with the Flag Bill. But of course one can never tell. With Hertzog it is the tail that wags the dog. And the poison of the Nationalist party is distinctly in its tail, where the racial animosity although usually suppressed is very bitter indeed.³⁶

Hertzog's reply seems to indicate that at least the most important member of the Nationalist Party was not uncontrollably enthusiastic about pursuing a flag bill. Another was the Deputy Prime Minister, Tielman Roos. Malan could not recall whether Roos spoke in the Cabinet meeting on the flag³⁷ and certainly Roos's undisguised coolness on the need for a new flag throughout the controversy makes it difficult to visualize him, and some of his Transvaal colleagues - Grobler, for example - as participants in a flag Caucus that was 'byna onkeerbaar geesdriftig.'³⁸ Both Hertzog and Roos had priorities that came before the flag and they (and others) may have been prodded into supporting the Bill, as Smuts thought possible, by the more ardent flag advocates. In its final decision, then, the Caucus may well have been unanimous; but Malan's picture of almost uncontrollable enthusiasm is misleading, obscuring the degrees of enthusiasm - or lack of it - within the Nationalist Party.

36. S.P., vol. 36, no. 172, to Crewe, 14 May 1926: van der Poel, no. 197.

37. Malan, pp. 110-111: Die Burger (Malan), 30 January 1957.

38. P.G.W. Grobler was Minister of Lands. He was later to exhibit little enthusiasm for a new flag.

If lack of enthusiasm was hidden in the Nationalists' Caucus, it was not so in the Caucus of their Labour allies. The latter's failure to reach unanimity on the need to press a flag bill evidences this. At least one Labour M.P. opposed the Bill. Malan understood this to be G.A. Hay³⁹ and as Hay later agitated against the Bill this seems highly probable. Yet, it was T.G. Strachan who expressed misgivings about the Bill in the Assembly a few days later and it therefore seems likely that at least two Labourites opposed the Bill in their Party's Caucus. But that others doubted whether it was wise to press a measure that might offend English-speakers, on whose support the Party depended, can hardly be doubted.

English-speakers' fear of Afrikanerization

Neither these dissident Labourites nor Smuts had over-estimated the English section's attachment to the Union Jack. The flag storm that burst over South Africa in the following weeks proved this. In the nine days between 11 and 20 May, that is between the publication of the Select Committee's statement and the first reading of the Bill, tension mounted rapidly. This tension was directly related to the English section's sentimental attachment to

39. Malan, p. 111: Die Burger (Malan), 30 January 1957. Hay was M.P. for Pretoria (West).

the Union Jack.⁴⁰ But this fact must not be allowed to obscure two others: tension was intimately related to the English section's fear of the Afrikanerization of South African society, and to its fear of secession.

It was to be expected that under Nationalist direction the new Government would entrench the individuality and way of life of the Afrikaner. In May 1925 Afrikaans was recognized as an official language.⁴¹ Equality with English in official use was rigidly insisted on and civil servants, including those who had no contact with the public, had to be fully bilingual. Because fewer English-speakers were bilingual, they were now at a disadvantage. In the four years' period 1920-1924, 3 071 English- and 1 760 Afrikaans-speaking officials were appointed to the civil service; in the next four years their numbers were 3 154 and 3 097 respectively.⁴² Complaints soon arose that English-speaking officials were being oppressed and jockeyed out of position.⁴³ Ill-feeling was particularly strong in Natal. In December 1924 the Natal Witness complained against the 'bi-lingual fetish' of 'racialists and language fanatics' and in the following March warned

40. For expressions of this see below.

41. Act No. 2 of 1925.

42. J.H. Conradie, The Fruits of Four Years. A Short Resume of the Work of the Hertzog Government, 1924-1928 (Cape Town, n.d.), p. 7. Compiled and published by authority of the Federal Council of the National Party of S.A.

43. Ibid.

that it was time the Government became aware that Natal was thoroughly sick of 'the ecstatic worship of the Afrikaans fetish'.⁴⁴ Who are the people clamouring for this Flag Bill? the Natal Mercury asked on 20 May 1926. They were the people, it answered, who in every way possible were now forcing the pace of the Afrikanerization of South Africa; they were the people who were using bilingualism as a scourge for the backs of British-born civil servants.

It was not only insistence on language rights that caused fear of Afrikanerization. In February 1925 the King was requested not to grant titles to subjects domiciled or living in South Africa.⁴⁵ In July 1925 an Act required three years' residence in the Union to qualify for railway appointment.⁴⁶ The King's head failed to appear on a new issue of postage stamps;⁴⁷ the heraldic design of the Government Gazette was changed; the crown and lion disappeared from coins. All these were seen as ominous signs of the Afrikanerization of South Africa and fear and

44. Natal Witness, 16 December 1924, 4 March 1925.

45. D.W. Kruger (ed.), South African Parties and Policies, a Select Source Book, p. 121; Duncan Papers, letter to Lady Selborne, 26 February 1925.

46. Act No. 23 of 1925.

47. These stamps had actually been approved by the S.A.P. Government (The Star, 30 June 1926, letter from Smartt; The Guardian, 25 June 1926, in the Alexander Papers, No. 18).

resentment were aroused.⁴⁸ Here, it was thought, were portents of the future. In April 1925 Richards charged that Natalians were being 'slowly and surely ground into a position of permanent inferiority, and our birthright in land, position, authority and status is being daily filched from us before our eyes.'⁴⁹ The proposed exclusion of the Union Jack increased fears. Commenting on the Government's intended legislation, the Daily Despatch declared a few days before the 1926 Bill was read for the first time:

Since it came into power, the Government has done all it can to weaken the links that bind South Africa to the Empire, and to abolish outward and visible signs of the British connection. The King's head is removed from our stamps, the Union Jack is to go from our flag....the British members of the Public Service are gradually being eliminated. Where is it all going to end?

There was a limit, it warned, to the patience of the British section; that limit was being approached rapidly.⁵⁰ Other newspapers of the time were no less critical. The Natal Mercury on 15 May complained that Natal had tolerated a great deal in the interest of racial accord: she had acquiesced in a bilingual policy 'vastly different to that set down in the bond of Union'; she had acquiesced in the

48. See, for instance, Lewis Michell Collection, Diary 1 December 1925 - 31 December 1926, entry 27 May 1926. Michell was a former General Manager of the Standard Bank of South Africa and was a keen observer of the South African scene. He was now over eighty years old.

49. Rand Daily Mail, 16 April 1925.

50. 15 May 1926. See also issue of 21 May 1926.

more subtle Afrikanerization of the educational system of the Union. Natal too was approaching the end of her patience. The Eastern Province Herald charged on 20 May that the solemn pact of Union had been undermined, steadily and stealthily. It listed symbols of the British connection that had been removed. These removals, it asserted, had increased resentment and suspicion. Then too, the Government's new budget policy enabled Germany and even lesser Continental countries to undercut Britain for Government bulk orders repeatedly.⁵¹ All the above, preceding and coinciding with the flag issue, had made English-speakers more suspicious of change, less sure of themselves, less certain of their continued power and influence in South Africa, and greatly increased the ill-feeling between the parties during the controversy.

Fear of secession

Fear of Afrikanerization was linked to fear of secession. Although as a price of the Pact Hertzog had agreed that no Nationalist parliamentarian would use his vote to upset the existing constitutional relationship between the Union and the British crown, the 'secession bogy' refused to be laid. The Nationalists' past pronouncements on the Union's status were too fresh in the

51. O. Pirow, James Barry Munnik Hertzog, p. 123.

public's memory while Hertzog's present ones, and Nationalist organ's comments on them, often alarmed the English section. Hertzog's main political objective, outside the field of Native affairs, was to achieve a greater international status for the Union so that he continued to tackle the question of South Africa's status after coming to power. Statements, such as the one he made at Zastron in November 1925, that the right to secede from the Empire would only be exercised if both sections of the population wanted it, failed to reassure English-speakers,⁵² the bulk of whom felt the statement should not have been made at all. Earlier in 1925 Richards had insisted that not one parliamentarian with full inside knowledge had the slightest doubt that the Government aimed to establish another Dutch republic, while in 1926 the far more moderate Fremantle charged that not one of the Nationalist leaders had been 'straight about secession, and not one either has or deserves the confidence of English South Africans.'⁵³

When the Government began to remove British symbols suspicions were heightened. The acts were seen as a prelude to the removal of the British connection. If the request not to grant titles to subjects domiciled or living in South Africa - a right which Hertzog could claim was

52. The Star, 16 November 1925.

53. Rand Daily Mail, 16 April 1925; Fremantle Collection, vol. 9, letter to Michael, 4 June 1926.

undemocratic - was seen as a concession to republican sentiment,⁵⁴ how much more was the removal of a concrete symbol of the British tie like the Union Jack likely to arouse suspicion? Responding in 1924 to Malan's Graaff-Reinet speech, the Natal Witness confessed that they would regard his plan for a new flag with less suspicion if the Nationalists and Die Burger had not for so long advocated absolute independence. 'They cannot complain,' it said, '...if loyal South Africans suspect that there may be something behind this eagerness for "our own flag," as the symbol of "South African citizenship."⁵⁵ When after the first reading of the 1925 Bill Ons Vaderland explained that the measure was the first step towards the realization of Article 4,⁵⁶ such suspicions were given added weight. At the time of the first reading of the 1926 Bill the Rand Daily Mail wrote:

...the public has watched with growing concern the disposition of the government gradually to whittle away every sign and symbol of the British connection....Many people today are even inclined to think that, though General Hertzog has jettisoned the word "secession", he has retained the ideal, and that recent happenings may be only cautious and artfully contrived steps in the direction of this realization. It is, in part, this fear which underlies the antagonism to the present attempt to foist upon the Union a meaningless flag...⁵⁷

54. Duncan Papers, to Lady Selborne, 26 February 1925.

55. Natal Witness, 30 September 1924.

56. 17 February 1925.

57. 21 May 1926.

The Star was no less explicit. It pointed out that the past two years had seen the gradual, unobtrusive, but methodical elimination of signs of the Union's link with Crown and Commonwealth. Some of these things might seem trifles, 'but they have their significance'. At Stellenbosch they had just heard the Prime Minister's claim to full national and international independence in the form of a 'declaration of rights' - even if this declaration brought about the disintegration of the Commonwealth. Suspicions had been aroused. It had to be recognized that a good many things had happened since the Government came to power; Hertzog and his colleagues could not complain if their motives were suspect.⁵⁸

Hertzog's Stellenbosch speech on 16 May was particularly ill-timed to sooth fears of secession. His call for the declaration was regarded 'by the man in the street' as 'thinly veiled secession',⁵⁹ a belief endorsed by Die Burger's comment that if the declaration was forthcoming it could be accepted that the Government intended to adhere strictly to Article 4, the ultimate object of which was 'perfect freedom and sovereign independence.'⁶⁰ Of the proposed 'declaration' the Rand Daily Mail said:

58. 20 May 1926. See also 21 May 1926. Hertzog had maintained that a 'declaration of rights' should convey to the world the national and international status of the autonomous members of the British Commonwealth.

59: Duncan Papers, to Lady Selborne, 20 May 1926.

60. Die Burger, 17 May 1926 (translation).

Unfortunately, an impression has gained ground in this country, not without good reason, that many influential nationalists have not the faintest desire to seek for any formula that would keep the Union in the British Commonwealth of nations. To them independence is synonymous with secession. ...Complete severance from the Empire is their goal, and it is because they have attached this meaning to independence that other South Africans fear the results of their policy, if by any chance they should be able to translate it into action.⁶¹

To The Star the import of the speech was clear: Hertzog had developed a line of thought which led obscurely but inevitably to one conclusion: the Government intended to adhere strictly to Article 4: its goal was sovereign independence.⁶²

Thus three interrelated factors must be kept in mind if the response of English-speakers to the attempt to exclude the Union Jack from the national flag is to be understood: pride in the Union Jack; fear of Afrikanerization; and fear of secession. Seen against this background, English-speakers' reaction - sometimes shrill - to the Government's decision to press flag legislation is readily understood.

Yet another factor worsened the political climate of May 1926. This was the ill-feeling created by certain bills the Government introduced in the session. Not

61. 19 May 1926.

62. 18 May 1926. See also 19 May 1926.

since Union had such contentious Bills been brought forward. On 23 April The Areas Reservation Bill, an anti-Asiatic Bill which reserved certain areas for certain classes of persons, was withdrawn. In February, another racial measure, The Mines and Works Act 1911 Amendment Bill (Colour Bar Bill), which restricted the sphere of labour of Africans and Asiatics, was pressed. For the second time the Senate rejected it - after it had met strong opposition in the Assembly. The Joint Session on this Bill ended only one week before the first reading of the Flag Bill and was marked by acrimonious debate. Hertzog made several bitter attacks on Smuts. He condemned one of Smuts's speeches as 'the most brazen example of shamelessness' ever to occur in the House; another was 'the greatest impertinence' he had ever witnessed. As for Smuts himself, no person had been so guilty of immorality in public life and shown so great a lack of ethics.⁶³

Hertzog raised the temper of the English section even further during this debate by a strongly worded attack on the Anglican clergy and others. The cause of his anger was a document appealing for the withdrawal of the Colour Bar Bill on the grounds that it infringed moral and religious principles. The document had been signed by all

63. Joint Sitting of Both Houses of Parliament, Mines and Works Act, 1911, Amendment Bill, 7th May to 12th May, 1926, col. 33, 10 May.

the Bishops of the Anglican Communion in South Africa, representatives of missionary bodies and Native Welfare Societies, and by many well-known citizens. Hertzog insisted that the appeal contained a 'lying attack' which no responsible man had the right to make and dismissed their petition as a 'most irresponsible document'.⁶⁴

The response of the opposition press was an equally strong condemnation of the Prime Minister. 'Unmannerly', 'unbalanced', 'stupidly provocative', and 'wildly racialistic in its allegations', were some of the descriptions of Hertzog's 'almost hysterical speech'.⁶⁵ Hertzog's arguments revealed his 'incredible egoism amounting almost to megalomania'.⁶⁶ In a letter to Crewe on 14 May, Smuts wrote that Hertzog's attack on the churches and missionaries had been 'in shocking bad taste',⁶⁷ but had he been in possession of the previous day's Daily Despatch he might well have added an addendum, for Crewe's own newspaper had hit out with the strongest words of all:

'You are liars,' Gen. Hertzog screamed, like any little guttersnipe who is at a loss for a reply. 'You are lunatics; you are irresponsible; you have made a lying attack,' he shrieked out

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64. Joint Sitting of Both Houses of Parliament, Mines and Works Act, 1911, Amendment Bill, 7th May to 12th May, 1926, col. 39, 11 May 1926.
65. Cape Times, 15 May 1926; Rand Daily Mail, 12 May 1926 (quoting other newspaper reports).
66. Rand Daily Mail, 12 May 1926. See also Eastern Province Herald, 12 May 1926.
67. S.P., vol. 102, no. 218.

hysterically. And this abuse is hurled at heads of people like the Archbishop and Bishops and [other signatories]....⁶⁸

At this unpromising juncture, the Government brought forward its new Flag Bill.

The press in the week before the first reading

The joint session on the Colour Bar Bill ended on 12 May; on 11 May the Select Committee's statement was published; a few days later the Government decided to proceed with flag legislation. The existing tensions in and outside Parliament - evoked by long-standing fears and exacerbated by recent legislation - were now to be further aroused by the press's outcry against, or support for, the Flag Bill. In the week before the first reading, leading articles became increasingly demanding. They directed their attention particularly to (i) the failure of the Select Committee, (ii) the decision to carry on with a flag bill, (iii) the proposal to fly the Union Jack on two specified occasions, and (iv) the Walker flag.

- (i) Of the English language newspapers, only The Friend criticised the stand of the S.A.P. members of the Select

68. 13 May 1926. C.P. Crewe was Managing Director of the Daily Despatch. During the War of 1899-1902 he raised and trained a volunteer corps in the Eastern Province and was decorated with the Companionship of the Bath for these services. From 1910-16 he was M.P. for East London. Crewe was active in public affairs and a prominent figure in the Eastern Cape.

Committee; their Party, it thought, had attached too much value to the inclusion of the Union Jack.⁶⁹ On the other hand, the Daily Despatch believed the S.A.P. representatives' proposal to include both the Union Jack and the former republican flags in the new flag was fair - even generous. Whereas the former republics had covered only one-third of the Union's area, the Cape and Natal had included two-thirds; and whereas the republican flags had flown for not more than fifty years, the Union Jack had flown over the Cape and Natal for over two hundred years. The offer had been generous.⁷⁰

The Rand Daily Mail maintained that the offer to include all three flags had been the best. On the surface van der Merwe's plan looked good; but it would please neither section because neither race was likely to forget its past.⁷¹ To the Natal Mercury of 12 May the proposal to abolish the flags of the past had been merely a bribe to get rid of the Union Jack and the S.A.P. representatives had been right to reject it.

That same proposal to the three Nationalist Party newspapers seemed particularly fair. On the same day, 12 May, Die Burger maintained that it reflected the true

69. 11 May 1926.

70. 15 May 1926.

71. 11, 13 May 1926.

constitutional position and took into account the feelings of all. Despite the views of the S.A.P. representatives, it was convinced that the great bulk of the people, of all Parties, favoured a clean flag. Ons Vaderland on 14 May asked why, if the Sunday Times could award first prize to a clean flag, the S.A.P. representatives could not accept one too? Die Volksblad found their reason clear: at the instigation of 'loyal little Natal' the S.A.P. had insisted on the inclusion of the Union Jack. The Party wanted the whole matter to fail; it wanted to keep the Union Jack; and 'daarom word voorgestel om ons vlag te verneder tot 'n lap wat aan die Union Jack vasgeknoop word.'⁷²

- (ii) Convinced of the justness of their cause and the fairness of the flag formula, the Nationalist press urged the Pact to bring in the Bill.⁷³ It was impossible to go back, Die Burger declared on 12 May: the great mass of the people enthusiastically hoped for their own flag before the end of the session. However there was no sign of this enthusiasm in the opposition press. It had been understood, the Daily Despatch protested on 15 May, that the Government would not introduce the Bill unless unanimity had been gained: the previous July Malan had said the Government wished to find a design 'which shall be accepted

72. 12 May 1926.

73. Die Burger, 12 May 1926; Die Volksblad, 12, 14 May 1926; Ons Vaderland, 14 May 1926.

as the united choice of all sections of the nation.' But this had not been obtained; the Select Committee had failed. The whole procedure of the Government was attacked as a breach of faith.⁷⁴

- (iii) Enthusiasm for flag legislation among English-speakers could hardly have been fostered by what was being said in the Nationalist press. The same leading article in Die Volksblad of 14 May applauding the decision to proceed with the Flag Bill, warned the Government to provide for the sparing use of the Union Jack. Indeed, on the question of flying the Union Jack as a separate symbol of the imperial connection, there was no harmony. The proposal, greeted by one side as a generous concession, was rejected by the other as an intolerable restriction. And each side cited the principle on which it was based to prove the justness of its own case. Chiefly, disagreement revolved around two points: when was the Union Jack to be flown, and did the Bill's provision justify the Union Jack's exclusion from the national flag?

In answer to the first question Die Volksblad was frank: 'Gebruik hom spaarsaam', advised the title of its leading article on the question. Almost every city and town was predominantly S.A.P. and already they could imagine the wrangling about whether or not the Union Jack

74. Natal Mercury, 13 May 1926; Pretoria News, 20 May 1926.

should be flown on certain occasions; champions of the Union Jack would see every occasion as being related to the British connection. Constantly the British flag would fly next to their own. Unless the Government defined the occasions on which the Union Jack was to be flown very carefully, the whole flag business would become a fiasco.⁷⁵ Clearly, for Die Volksblad the less often the Union Jack was seen the better.

Two days earlier the Natal Mercury had asked: who would decide when the Union Jack was to be flown? They could depend on it that the Nationalists would ensure that it was scarcely ever seen. This would excite derision and distrust; there would be endless debate; the proposal was 'palpably absurd'.⁷⁶ Was the Union part of the Empire only on special occasions? asked the Daily Despatch. Its denial was emphatic. The Union was part of the Empire always, 'on every day, hour and second - and this relationship to the Empire should not be forgotten for an instant.' That was precisely why the Union Jack should form part of the South African flag. 'And that, of course, is precisely why the Government has excluded it entirely.'⁷⁷

75. 14 May 1926.

76. 12 May 1926. See also The Star, 20 May 1926.

77. 15 May 1926. See also the Rand Daily Mail, 20 May 1926, on the 'indignity' of the Union Jack being flown on only two specified occasions.

Whereas Die Burger claimed that the flying of the Union Jack negated arguments that the new flag was a mask for secession, the Rand Daily Mail argued that the plan proved its own superfluosity. For if there was no objection to flying the Union Jack as a symbol of the imperial connection alongside the national flag, why should there be an objection to flying it inside the national flag?⁷⁸ Each side thought the proposal cut the ground from under the feet of its opponents.

- (iv) However, the brunt of the attack fell on the design of the Walker flag. Not for an instant, Die Burger assured its readers on 12 May, did it doubt that this design would meet with general approval. It was a flag that could inspire. The inspiration took different forms. A 'nondescript abortion', a 'tawdry scrap of bunting', a 'striped sugarstick', a 'polychromatic patchwork', were some of the phrases with which the design was assailed.⁷⁹ The Natal Mercury of 13 May rejected this 'nondescript rag of mixed ancestry', declaring: 'It reflects no sentiment, recalls no great exploits, and inspires no patriotism. It represents nothing in particular and will appeal to no section of the community save that which wishes to obliterate all recognition of our relationship with the

78. Die Burger, 12 May 1926; Rand Daily Mail, 13 May 1926, respectively.

79. Daily Despatch, 15, 21 May 1926; The Star, Pretoria News - 20 May 1926.

British Empire.' From the standpoint of sentiment, tradition and history, The Star declared on 20 May, the flag was meaningless.

The flag's pattern too met with severe criticism and its resemblance to the Vierkleur brought forth angry charges.⁸⁰ The Natal Mercury protested on 15 May that the new flag was nothing other than a beautifully slim blending of the two former republican flags. There was no doubt whatever that from the moment of its official appearance republicans would accept it as a resurrected Vierkleur. But there was no particular surprise in this, not to those who knew the 'Afrikander' mentality.

This last remark reflected the rising temper of the controversy and the exasperation of those who saw themselves as the victims of an insincere compromise. The argument that the design was a compromise was rejected as 'pure fudge' and the 'former party of secession' was accused of having sacrificed nothing.⁸¹ All the surrender had to come from the Briton. And, the Natal Advertiser warned:

There were some things too sacred for men to argue about, some sentiment too deep for logic chopping. The Briton's love for his flag is one such matter, and we will not offend against our

80. See Daily Despatch, 18 May 1926; Cape Argus, 19 May 1926.

81. Cape Argus, 19 May 1926. See also Natal Mercury, 12 May 1926.

own race reticence by babbling what this history means. Any man of British stock ought to be above arguing the merits of his flag just as a decent man would forbear proclaiming aloft the virtue and extolling the graces of his wife. Faith in these merits should be intertwined in the roots of his heart, they should be part of his being, and any man should be able to pluck at his national standard without his feeling at once that the attack is upon the very source of his race existence....if Natal allows the Pact to filch its flag away then Natal deserves to have the harrows of the Pact triumphantly drawn exultingly backwards and forwards over its supine form till in its agony it cries aloud and there is none to heed or help it.⁸²

This fiery cry, raised so close to the first reading of the Bill, augured ill for a flag settlement. Soon the anger and frustration that had produced it would show its face all over the Union. Time and time again the opposition press warned against thrusting a generally unacceptable flag upon the people; to do so, it protested, was to defeat the very object of the Bill.⁸³ On 20 May the Pretoria News came out with yet another strong leading article; in the light of later events its warnings were not extravagant. The Government's determination 'to ride roughshod over the sentiment of half the European population' was branded as folly. Instead of seeing the breakdown of the Select Committee as a warning that no agreement 'which ignored the historical importance of the Union Jack' was possible, the Government had chosen to see

82. Daily Despatch, 18 May 1926 citing Natal Advertiser.
See also Natal Mercury, 12 May 1926.

83. See, for instance, Rand Daily Mail, 11, 13, 20 May 1926.

its failure as justification for substituting a steamroller in the place of conciliation. And, it continued:

...they have flung their 'striped sugar stick' design into the arena like an apple of discord, and racial and political feeling are being stirred in a manner and on a scale that this country has not known for half a generation. In all parts of the Union protests are being raised. Natal is ablaze with indignation, but this is a matter on which the English-speaking people in the other provinces feel just as strongly.

It warned that if the Government continued along these lines, they were 'simply asking for trouble'; they were taking the shortest cut to racialism of the bitterest kind. 'The moment had come', it exhorted, 'for instant action on the part of English-speaking people in every part of the country.'

Already in Natal the tocsin had been sounded. On 15 May the Natal Mercury called on Natalians for an outcry against the Bill that would force its postponement or withdrawal. On 18 May in East London the Daily Despatch reported that a petition was being signed in Durban urging the Mayor to hold a protest meeting against the proposed flag. It reported that the response had been enthusiastic; one of those circulating the petition was a prominent Labourite. Two days later the same newspaper warned that the time might have come for the other provinces to join Natal in emphatic and organized protest. That afternoon, in the Transvaal, the call went out: the Mayor of Pretoria was urged to call a protest meeting.⁸⁴

84. Pretoria News, 20 May 1926.

On 20 May, the day of the first reading, opposition newspapers raised their voices fervently against the Bill. The Rand Daily Mail complained that the Government was acting unwisely, 'indeed, almost insanely', by trying to force a 'futile and meaningless design' upon the Union; Malan had acted 'with almost incredible insolence'; the Government's persistence in its present attitude of 'blind and stupid disregard' of deep-rooted sentiment would inevitably lead to unhappy consequences.

The Cape Times warned that once again bitter hostilities would be roused; wounded sentiment would not be quiescent. Against this Bill, it said, stood the solid sentiment of English-speaking South Africa. This sentiment, it declared, was neither contemptible nor negligible. That afternoon The Star raised its voice. It was reluctant to believe, it said, that the Government would be guilty of 'the incredible folly of forcing on South Africa a brand new flag which nobody really wants.' It warned that the new flag would be nobody's flag; it insisted that two flags would bring disunion. 'In view of the suspicions aroused', it concluded, 'we can scarcely imagine a less favourable moment to insist on a new flag of the kind proposed.'

Certainly a more unpropitious moment for the introduction of the Flag Bill could hardly have been found. For this, Nationalist Ministers and M.P.'s cannot be held

solely responsible: the agitation of the opposition press, particularly in the week before the first reading, contributed much to the excitement. However this agitation was triggered off by the decision of the Government to enact a clean flag - despite the Select Committee's inability to find a generally acceptable design. The over-riding sensitivity of certain Nationalists to their own grievances had blunted their awareness of the possible grievances of others. They underestimated the growing anxieties of many English-speakers, their fears of Afrikanerization, their suspicion of secession and the real attachment of many to the Union Jack. And as counsellors to the Cabinet on these feelings, Creswell, Boydell and Madeley fell short, perhaps relying too much on their own feelings as a guide to those of the English section as a whole.

On 14 May Smuts observed: 'The flag question has now to my mind become a screaming farce. The two stream policy has now become a two-Pole policy...I await developments with amusement and utter contempt for the chief actors in this sorry melodrama.'⁸⁵ Whether the dramatic form the conflict later assumed was melodrama, tragedy, or farce, must depend largely on the viewpoint of the beholder. But there can be no doubt that by 20 May 1926, the stage itself had been brilliantly set for a Jingo-Nationalist clash.

85. S.P. vol. 102, no. 219, to Crewe.

CHAPTER IV

PARLIAMENTARY READINGS AND PUBLIC PROTEST, MAY 1926

First reading of the 1926 Flag Bill

On 20 May, amidst great public interest, the first reading of the new South African Nationality and Flag Bill took place. The S.A.P. had decided to fight the Bill from its first reading, an unusual step which showed the strong feelings the measure had evoked. On 23 May Smuts informed his wife:

I have no feeling for Eric Walker's flag. I do feel for the dear old Vierkleur and also understand the attachment of the English to the Union Jack. Both flags are great historical facts. But what is Walker's flag? The Nats. with their crazy secession propaganda want to break with everything in our past. But I am not prepared to do that. If our people cannot, in both its sections, agree on a new flag, I am ready to wait until they can.¹

The fight from the start was perhaps not unrelated also to Smuts's suspicion, which he still held at the end of February, that the Nationalists intended to hold a general election on the question of Hertzog's Native policy in 1927.²

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1. S.P. vol. 36, no. 184, 23 May 1926: and in van der Poel, no. 199.
 2. S.P. vol. 36, no. 125, letter to wife, 25 February 1926: in van der Poel, no. 186. For Duncan's fears of an early general election see Duncan Papers, letters to Lady Selborne, 26 February, 1 April 1926.

This was a question which, it was feared, could create division in the ranks of the S.A.P. and gain votes for the Nationalists.³ We have already noted that Smuts related the passing of a flag bill to such an election and consequently would have preferred to delay an election -- the longer the Pact remained in power the more likely it was to decline in popularity and commit a blunder. Refusal by the Government to withdraw the Bill would mean its rejection in the Senate and a joint session would then be required, in another parliamentary session, for its final passage. The flag question would therefore still be a fresh issue in the next general election; and it was an issue which, unlike Hertzog's Native Bills, could work to the advantage of the S.A.P. rather than the Pact with its English-speaking Labourites' support.

When Malan applied for leave to introduce the Bill, Smuts rose immediately to object. He began by asserting that the introduction of so important a measure in the last days of the session smacked of levity and contempt for public opinion. The Government, he warned,

must know the strong feelings about this Bill, and if they do not, they will soon know it, and I say that long before this Bill is through both Houses of Parliament, this country will be in a

3. See p.39 ; S.P. vol. 36, no. 172, letter to Crewe, 14 May 1926; also in van der Poel, no. 197; S.P. vol. 36, no. 225, letter to Gillett, 25 March 1926; in van der Poel, no. 189; Duncan Papers, letters to Lady Selborne, 1 April, 13 May 1926.

state of turmoil and excitement as we have not known for a long day.⁴

If the Select Committee, whose S.A.P. representatives included 'the sanest, most moderate and calmest men in South Africa' had been unable to agree, how much less so would the country at large? Smuts told the House that the flag problem was not a matter of mere politics. It raised far-reaching national issues; it touched historical sentiments and traditions that went far beyond present-day politics. The Government might force the Bill through Parliament, but it would destroy the foundations of racial unity; it might impose a flag on the nation, but it would be a flag of division - neither honoured nor accepted. Rather than abuse power by forcing the views of a majority upon a minority, Government should prove its wisdom by deferring the question for calmer and more mature consideration.⁵

As Smuts had confined himself largely to condemning the timing of the Bill, it fell to Sir Drummond Chaplin to deal with the merits of its contents. Chaplin emphasized that the S.A.P. was not opposed to the adoption of a separate national flag, provided proper representation was given to the Union Jack - the flag which most people of British origin honoured and under which they had been

4. Hansard, vol. 7, 3776.

5. Ibid. 3775-8.

brought up. But the Prime Minister by failing to give such assurances, and by apparently surrendering to extremists who looked upon the inclusion of the Union Jack as an offence to their susceptibilities, was going to plunge the country into a state of turmoil. He hoped Hertzog would withdraw the Bill and leave the matter over for calmer thought.⁶

Labour's support for the Bill was first voiced by A.G. Barlow, who accused the Opposition of deliberately fostering racialism in order to return to power. The Labour Party, he said, would support the Government. It was prepared to pay the price.⁷

But whereas the next Labour speaker, R.B. Waterston, echoed these tones, maintaining that the S.A.P. was using the Union Jack for Party purposes and exploiting the white workingman,⁸ T.G. Strachan, who followed, was clearly more sensitive to the price Barlow seemed so willing to pay. As the representative of a constituency in Natal and not the Free State, his position was indeed invidious. Most of his supporters were English-speaking workingmen who, though they might share the Afrikaners' suspicion of

6. Hansard, vol. 7, 3780-3. Chaplin was M.P. for South Peninsula.

7. Ibid. 3778-80. Barlow was M.P. for Bloemfontein (North); this was the only Labour constituency which had a majority of Afrikaans-speaking voters.

8. Ibid. 3783-6. Waterston was M.P. for Brakpan.

financiers and fear of the black proletariat, had no axe to grind against the Union Jack. To most of them, this flag symbolized not a hated imperialism but their mother country. Strachan would support the Bill, he said, if the Government proceeded with it. But, he could not agree with all that his Labour colleagues had said. Nor could he express enthusiasm on the need or urgency for a national flag. Indeed, 'In so far as Natal is concerned, I believe that if the Government proceeds with this Bill, not a single member on the Labour benches will come back to this House in support of the Pact.' He too appealed to the Government for restraint; it should pause and reconsider.⁹

Malan then rose. That the Government was acting in haste, he denied. For the past two years people had been considering the essential point: was the Union Jack to be included in the national flag or not? He rejected the claim that the Government had consented not to reintroduce a flag bill should the Select Committee fail to agree. As for the argument that it was too soon in South Africa's history to introduce a flag bill,¹⁰ this had been presented by perhaps the last man who could justifiably do so. For if there was one person who had raised expectations of a

9. Hansard, vol. 7, 3783-8. Strachan was M.P. for Pietermaritzburg (North).

10. Smuts had maintained that the ill-feeling which existed made the Bill undesirable, which was, of course, not the same argument.

new flag, at least in certain circles in South Africa, that man was Smuts. Both in 1910 and 1919 Smuts had supported the idea of a flag for the Union. A S.A.P. Congress itself had in 1919 favoured a national flag.¹¹

Smuts had charged that the new flag would not bring racial unity but racial division. Yet that was precisely the position at present: in the two northern provinces the two former republican flags were used at predominantly Afrikaans functions; similarly, the Union Jack was used at predominantly English functions. The past needed to be forgotten; the sections in South Africa had to shake hands and look to the future. What was required was a flag that mirrored these needs.

Malan alleged that the failure of the Select Committee was due solely to the insistence that the Union Jack should be included in the flag - by persons outside that Committee. Indeed, so long as there was a S.A.P. whose only weapon was the raising of racial hatred, there would be no agreement. The only path for the Government was to obtain the greatest possible agreement, and to carry on. Their absolutely reasonable attitude in the Select Committee would ensure the support of moderate people. If there was anything that would make it clear that the S.A.P. was ruled by the Sons of England, by the extreme jingo section of the

11. Hansard, vol. 7, 3788-90.

country, it would be this Bill. In effect, Malan concluded, they had here a trial of strength between the 'sons of England' and the 'sons of South Africa', and in this struggle the latter would show what they were made of.¹² The first reading was then put and carried.¹³

Agitation against the Bill

Although the bills so far advanced in a busy session had revealed a sharp and frequently hostile cleavage of opinion in Parliament, it was mild compared with the storm which now swept the country. In commenting on the flag situation on 14 May 1926, Smuts had predicted that the exclusion of the Union Jack from the national flag would be seen as a racial challenge.¹⁴ It is not surprising, given the existing suspicions, that this prediction should prove true. Already, before the first reading of the Bill, both overt and implicit appeals had been made to racial solidarity.¹⁵ With the first reading of the Bill, English-speaking South Africans protested as never before. Almost at once, in centres both large and small, protest meetings

12. Hansard, vol. 7, 3791-3.

13. Voting was along Party lines: there were 69 votes for, and 43 against.

14. S.P. vol. 36, no. 172, letter to Crewe: in van der Poel, no. 197.

15. See Natal Mercury, 12 May 1926; Daily Despatch, 15 May 1926; Cape Times, Rand Daily Mail - 20 May 1926; Daily Despatch, 18 May 1926 citing Natal Advertiser.

erupted. All within a few days, in Cape Town, Johannesburg, East London, Pretoria, Port Elizabeth, Uitenhage, Ladysmith, Cathcart, Kimberley, Pietermaritzburg and elsewhere, enthusiastic citizens met in public protest.¹⁶

Natal, always the most British of the provinces, led the field. There, the response to the Bill was immediate. In Durban, Union Jacks were to be seen everywhere - on lapels, motor-cars, buildings and trams. Letters poured in to the newspapers. The mayors of various towns began to take the lead and call public meetings.¹⁷

On the day after the first reading, a protest meeting was held in the Durban city hall amidst great enthusiasm. A crowd of nearly ten thousand was present - about half hearing the speeches from outside the city hall through loudspeakers. The mayor stressed the 'moral and commercial value' of the Union Jack and the effect of its removal on the native mind. 'We must resist this', he warned, 'or we shall become outcasts and foreigners in a country where, after all, we have a rightful stake and interest.' Other speakers emphasized that the flag was 'part and parcel of the very fibre of their being; the symbol of freedom and

16. See Rand Daily Mail, 21, 22, 23, 26 May 1926; Die Volksblad, 22 May 1926; Daily Despatch, 21, 27 May 1926; Cape Times, 22, 24, 26, 27 May 1926; The Star, 26 May 1926; The Friend, 27 May 1926; Eastern Province Herald, 27 May 1926.

17. Natal Mercury, 21 May 1926.

justice'; that Natalians were determined to have the Union Jack as the flag of the Union; that the Government was sitting on a volcano and that this volcano would soon erupt. And, challenged Colonel Molyneux, 'I want to meet the man who is coming to Natal to pull down the Union Jack.'¹⁸

Similar ardour marked the protest meeting in Johannesburg. Again an overflowing crowd of about seven thousand was present. The new flag was declared to be a threat to their liberties and to the basis of the Act of Union; it would become a 'party badge'. The Bill was condemned as an attempt to force an unwanted flag on a great proportion of the citizens. However, Malan and his sympathisers were attempting something that could never be achieved 'while 500 000 British men, with British blood in their veins, walk the streets of South Africa.' And, once again: 'God help Dr Malan if he comes to Johannesburg!'¹⁹ At Cape Town, East London, Pretoria, Kimberley²⁰ and elsewhere, protest meetings followed much the same pattern. Fervent singing of patriotic songs - 'Land of Hope and Glory, 'God Save the King', 'Rule Britannia' - preceded the

18. Natal Mercury, Cape Times - 22 May 1926; London Times, 24 May 1926.

19. Rand Daily Mail, Cape Times - 26 May 1926.

20. Cape Town - Cape Times, 26 May 1926; East London - Daily Despatch, 26 May 1926; Pretoria - The Friend, 27 May 1926; Daily Despatch, 28 May 1926; Kimberley - The Friend, 27 May 1926.

speeches. These addresses were sometimes statesmanlike - calling for moderation and concern for the susceptibilities of all; but often the speeches were jingoistic. In all cases, the omission of the Union Jack from the national flag was deplored.

Various societies and individuals too were quick to condemn the Bill. The Very Rev. W.A. Palmer, Dean of Johannesburg, asserted that nothing was more likely to destroy peace and arouse racialism than this Bill. The Mayors of Boksburg and Brakpan called for the inclusion of the Union Jack. A deputation of the Caledonian Society urged Malan to postpone the Bill and refer the flag question to a joint committee again. The Dominion Chairman of the B.E.S.L. advised Hertzog not to impose a flag that was unacceptable to any section.²¹ And the Sons of England, having already sent a letter of protest to all English-speaking M.P.'s on 8 April,²² and telegrams to the mayors of fifty towns urging them to call protest meetings,²³ again expressed its strong disapproval. On the day of the Bill's first reading, the Society's Grand President, on behalf of his Executive Council, protested 'most strongly'

21. Cape Times, 21, 22 May 1926, for Dean and Caledonian Society, respectively; Rand Daily Mail, 21, 22 May 1926, for Mayors and B.E.S.L., respectively.

22. Hansard, vol. 7, 4057, N.J. van der Merwe, 25 May 1926.

23. Die Burger, 20 May 1926.

against the exclusion of the Union Jack. 'In the name of the English section of South Africa's population,' he telegraphed Hertzog, 'the Society finally appeals to you to honour the undertaking, given in Parliament, that the flag to be legalised shall be an emblem acceptable to both sections of the two white races.'²⁴ 'fraught with disaster' would be the forcible creation of a flag unacceptable to half the Europeans.

Of the greatest importance in moulding English opinion in South Africa were the main English language newspapers. Many of their editors, leader writers and directors had been born and educated in Great Britain²⁵ and still thought of the Union Jack largely in Kiplingesque terms. They were quite out of sympathy with the Afrikaner and Nationalist aspirations. To them, any compromise which excluded an imperial symbol from the national flag was unthinkable.

If many English-speaking South Africans were sensitive to Afrikanerization, it was to be expected that these journalists would be even more so, and that a Bill such as Malan proposed would alarm them greatly. Their leading articles on the flag question before the first reading

24. Daily Despatch, 21 May 1926. For the Government's 'undertaking' see pages 26-7.

25. For example: G.A.L. Green of the Cape Argus, C.D. Don of The Star, B.K. Long and G.H. Wilson of the Cape Times, R.J.K. Russell of the Natal Mercury and C.P. Crewe of the Daily Despatch (K. Donaldson, South African Who's Who 1925-1926 and South African Who's Who 1927-1928).

evidenced this concern. Now, between the first and second readings of the Bill (between 20 and 25 May), they made every effort to rouse opinion against the measure and bring about its withdrawal.

They attacked Malan, accused the Government of creating new difficulties, invoked the spectres of Afrikanerization and secession, warned against ruining the country's future, branded the 'ultra-Nationalists' as the real jingoists and racialists in South Africa, and stressed that the flag's design would never be accepted as a true national flag. In the opinion of The Star, Malan's lame apologia, his too innocent air of surprise that any feeling should have been displayed, were anything but convincing. As for his claim that the Bill would commend itself to 'all moderate and reasonable' men: 'The only moderate and reasonable men are, of course, those who shut their eyes and open their mouths and obediently swallow whatever the Government chooses to give them.'²⁶

That the flag question concerned not merely political parties but also the future of South Africa, was a point made in more than one leading article. The Natal Mercury argued that if the flag question dealt with the part British associations were to play in the Union, it dealt too with the role the Union itself was to play in the

26. 21 May 1926. See also Rand Daily Mail, 21, 22 May 1926.

development of African civilization. South Africa had reached a clear parting of the ways. One road led 'to a Big White Africa in which the Union will have leadership. The other leads inevitably to Little Afrikanerdom - a backwash state with bywoner morals and a dorp mind.'²⁷

Characteristically the Daily Despatch did not pull its punches.²⁸ There was no room for anything but the plainest of plain speaking, it said. The Bill was being used as a weapon of offence, as a deliberate dig at all that the British in this country held most sacred. But South Africa was British, 'for the simple reason that she is controlled and colonised by the British people. The Dutch element has always been honoured, in a perfectly friendly spirit, by the British community, and the Nationalist Government replies by attacking everything that the British hold most dear.' It was unlikely that the patience of the British people in South Africa would survive this final insult. On the flag question there could be no compromise; they must hold out for the Union Jack. 'This is not the thin, it is the thick, end of the wedge.'²⁹

27. 22 May 1926. See also Rand Daily Mail, 22 May 1926.

28. Its strong views on the flag question reflected those of its Managing Director, Sir Charles Crewe, and were probably also influenced by the fact that a Labourite, James Stewart, had narrowly missed being re-elected to Parliament for East London in 1924.

29. 21 May 1926. See also Cape Times, 21 May 1926.

Equally outspoken and likely to evoke racial feelings were the comments of the Cape Times. It declared that a small minority of Dutch-speaking people cherished hatred as though it were a treasured national possession. The more heavily they could trample on the traditions of English-speakers the more pleased they seemed to be. No thought for the welfare of South Africa restrained them. They, the Nationalists, could not forget, nor could they forgive. At the sight of the Union Jack inveterate hatred rose in them and they were demanding that the national flag should register and perpetuate this hatred. But,

to the English-speaking South African [it warned] the Union Jack speaks of the old land of his race, the mother of freedom, progenitor of great races in new lands, mistress of the seas - a parent-nation whose offspring, in South Africa as in every quarter of the Globe, reverence, admire, love her. There is no arguing with a sentiment such as this. It is in the bone; taciturn and undaunting; but persistent, stubborn, incontestably admirable, indomitable and enduring.³⁰

This was the sentiment, it said, that was raising its voice in every part of South Africa.

More significant perhaps than these defiant words, as a reflection of growing opposition, was the stand taken by a newspaper which thus far in 1926 had refrained from comment on the flag question. On 23 May, the Sunday Times condemned 'the unseemly political wrangle' that had arisen over the Flag Bill. It suggested that the 'racial

30. Cape Times, 21 May 1926.

outburst' had possibly been caused by 'the government's contempt - we should prefer to say ignorance - of public opinion.' People could not be compelled to pay attention to any 'new-fangled banner' which held no meaning for them. South Africa had many problems. These required statesman-like and non-Party solutions. 'Can we, we ask the Government, afford to waste precious time, and brawl like unintelligent savages, over non-constructive legislation?'³¹

A real explosion had taken place and both the Pact Parties seem to have been taken by surprise at the storm of anger that broke on their proposal to exclude the Union Jack.³² Though some protest meetings had yet to take place,³³ there was no doubting the strength of the hostility that had been aroused. Over 20 000 signatures demanding the Bill's withdrawal were obtained in the Johannesburg area. Other towns also drew up petitions; by 27 May over 3 500 people had signed a petition in Kimberley.³⁴ When Sir David Harris visited Kimberley in June he informed Barlow that the agitation there was not artificial:

Creswell may say until he is blue in the face that the S.A.P. is responsible for all the opposition and spreading of propaganda, but

31. Italics in original.

32. Round Table, no. 64, p. 859 (September 1926).

33. Such as those in Cape Town (25 May 1926) and Pretoria (27 May 1926).

34. P.S.M.I. vols. 13 and 14 (for Johannesburg and Kimberley).

believe me it is not true. Since my arrival in Kimberley I find there is a deep rooted feeling against substituting the Vierkleur for the Union Jack (sic), there has been no agitation here, nor is there any necessity for it.³⁵

Headings in Die Burger on the day following the first reading laid bare the troubled political scene: Die Agitasie in Pretoria Hoe dit Opgesweep Word Die Geskreeu in Johannesburg Hoe die Gemoedere Opgesweep Word Die Woede in Natal Uitbarsting van die Mercury Natal Dreig Weer met Afskeiding Ook Oos-London Gaan Protesteer 'Op hulle Agterpote' Ywerige Sons of England.³⁶

No mere wire-pulling by the S.A.P. or journalistic rhetoric could of themselves have caused such a conflagration. The Government was forced to halt, to recognize the reality of the hostility aroused, and to reconsider.

The Labour Party's difficulties

For the Labour Party, in particular, the position was ominous. Wracked by internal dissension and holding only thirteen per cent of the Assembly's seats, it had to move cautiously in what had become for it a potentially disruptive issue. The Party had no lack of such issues. Discord was caused by several factors. Many Labourites

35. Arthur Barlow Papers, 21 June 1926.

36. 21 May 1926.

felt that the Pact had brought them little benefit: it had failed to obtain an eight-hour day; it had not improved mining conditions and wages; it had not re-opened an inquiry into the 1922 revolt; it had failed to relieve civil servants whose salaries had been reduced by the previous Government; it had disappointed with its 1926 budget; and it threatened the trade union movement with the Sedition Act.³⁷ In June 1926, Forward was to complain that during the year there had been no advance in industrial legislation and, later that year, that some promises made as the basis of the Pact had definitely been shelved - if not already broken.³⁸ The blame for these failures fell largely on Labour's parliamentary group.

Bitterness was increased by personal jealousies between leading members of the Party - some of whom aspired to

37. Forward, 8, 15 January, 19, 26 March, 9 April, 21 May 1926. The Detention and Disorders Act of 1926 was commonly known as the Sedition Act.

Forward espoused the cause of Labour though it was not an official organ of the Party. In May 1926 it became the official organ of the South African Mine-workers' Union, the South African Boilermakers and Shipbuilders' Union, and the Building Workers' Industries Union. It was hoped to increase its circulation to 15 000 by the end of 1926 (ibid. 21 May 1926). Its editor during 1926-7 was Harry Haynes.

Copies of Guardian, the Natal organ of the Labour Party and the only other Labour newspaper published at the time, are no longer extant.

38. 11 June, 10 September 1926.

higher offices.³⁹ With the Pact's advent to power many who had expected the rewards of office saw most of them go to Nationalists; when they did come to Labourites, those who had been passed over were offended. Only a few months after the Pact came to power, J. Mullineux, the Labour M.P. for Roodepoort, informed Barlow:

There is a widespread idea that our Ministers in the Cabinet exist in the present positions for the purpose of securing jobs for parliamentarians and others and that they are not getting enough for Labour men. Certain members of the Party who represent constituencies have openly criticized the Ministers in public about these things and the whole thing should be dealt with and some common understanding arrived at....To me and to others, the question of confidence in the honour of our two Ministers who are said to have let us down over Cabinet appointments and under Secretaryships, should be brought up. There is a general atmosphere of distrust...⁴⁰

The appointment of the third Labour Minister, Madeley, in 1925, was the cause of more ill-feeling; Barlow particularly was hurt. 'You must know', he reproached Hertzog, 'that I, with Tielman Roos, was the originator of the Pact which put you into power.'⁴¹ Roos had favoured Barlow for the post and the latter strongly felt that his own Labour colleagues had let him down by not pressing his

39. The Labour Congress 1926, Report of the Labour Congress held at Port Elizabeth, January 1926 (hereafter cited as The Labour Congress 1926), p. 14. Pamphlet in the Duncan Papers.

40. Arthur Barlow Papers, 10 November 1924. See also Creswell Papers, vol. 3, letter to wife, 2 January 1925.

41. H.P. vol. 27, 10 October 1925. Underlining in original.

candidature.⁴²

All the above difficulties had come to the fore at the Party's annual Conference in January 1926. There, strong feelings were expressed that in the past the parliamentary group had had a preponderant influence on the Party's National Council. The view was repeatedly voiced that it was the task of the National Council, reflecting the views of the rank-and-file, to determine policy, while the task of the parliamentarians was to carry out that policy.⁴³ When a measure was proposed to exclude undue parliamentary influence from the National Council, it was attacked as a symptom of the growing suspicion within the Party, 'a suspicion which had gone a long way to destroy the spirit of comradeship.'⁴⁴

Certainly, as various groups attempted to gain control of the Party, there was little evidence of comradeship in the numerous personal attacks that were made.⁴⁵ A most unpleasant atmosphere developed and Kentridge complained that the discussion 'had degenerated into personal attacks,

42. See Arthur Barlow Papers, 3 July 1924 and 13 October 1925 - Roos to Barlow, 9 September 1925 - Barlow to Boydell, 10 September 1925 - Boydell to Barlow.

43. The Labour Congress 1926, pp. 5, 6, 19, passim; Forward, 8 January 1926.

44. Forward, 8 January 1926. Barlow complained that some Labour M.P.'s would not speak to one another (The Labour Congress 1926, p. 16).

45. The Labour Congress 1926, pp. 14, 15, passim.

recrimination and vituperation worthy of a tap room.' But he also drew attention to the failure of the Pact to achieve various Labour aims, and declared, to applause, that if the leaders asked for loyalty and co-operation, they should exhibit these qualities themselves to the rank-and-file.⁴⁶ The price of having become a party to the Pact and supplying three Cabinet Ministers had been to raise more suspicion in the Party than it had ever known; that price, Boydell said, was splitting the Party.⁴⁷

Attempts to settle differences at the Congress failed. Less than six weeks later, Forward deplored the 'recrudescence of bitterness'. It was shocked to read that Creswell, in a public speech, had opened old sores by referring to 'carping criticisms of those who purport to be political supporters'. How long, Forward asked, would 'the wretched undermining business...be kept up? Cannot our Parliamentary leaders suppress their personal feelings sufficiently to prevent them giving the enemy such a long handle?'⁴⁸

Two months before the May flag outburst, Forward itself joined in the Party's disputes. From the day the Pact was formed, it complained, their parliamentary leaders had held up the Nationalist Party as some sort of ogre that had to be

46. Forward, 8 January 1926.

47. Ibid.

48. 5 February 1926.

placated at all costs if the Labour Party was to survive.

Somewhat sadly we observe that the brightest promises of the Pact are not being kept. Time after time we hear repeatedly the now familiar phrases, "Time-will-not-serve," "whittle-it-down-to-make-it-palatable-to-the-Nationalists," etc. etc., - until we are beginning to wonder what will finally become of the Labour Party platform.

In short, we are becoming somewhat disappointed at the failure of our fighting men in the front line to actually put ^{up} the fight we sent them into the ring to win.⁴⁹

Labour, as represented in the Legislative Assembly, had to take stock of itself. It had a duty to preserve the Pact, but not 'at the cost of continual compromise, which, carried much further, spells selling out to the Nationalist Party.'⁵⁰

Advent to office in 1924 had clearly not strengthened the Labour Party; paradoxically, power had weakened it, because new disappointments and divisions had arisen from the Nationalist-Labour coalition. When the unexpected flag storm burst on the political scene in May 1926, this dis-united Party was confronted with yet another divisive issue. It was unquestionably vulnerable to S.A.P. attacks on the question, not only because of the Party's existing weaknesses but also because of the Party's racial composition. The Labour Party was very largely composed of, and relied upon the support of, English-speakers. Though the number of Afrikaners in the Party had increased as farming

49. 19 March 1926.

50. Ibid. Italics in original.

difficulties drove them to the cities where, particularly on the Rand, they might replace British workers, by far the greater part of Labour's national support came from English-speakers. Amongst its eighteen parliamentarians, not one was an Afrikaner. Of the twenty-four members of its National Council, none were Afrikaans-speaking. Amongst the eighty-seven delegates at its Annual Conference in January 1927, not more than a handful had Afrikaans names.⁵¹ Of the Party's many English-speaking supporters, a large number were bound to see the flag issue in the same light as other English-speakers. For, beyond a doubt, anti-secessionist feelings were not confined to members of the S.A.P. In March 1920 when Smuts began private talks with Party leaders in an attempt to form a 'best man' Government, Creswell, while rejecting an invitation to join the Government, indicated that his Party had no wish to make Smuts fall. Enjoying no guarantee from the Nationalists on the future of the imperial link, Creswell would not risk taking votes from him.⁵² It was only after the S.A.P.-Unionist fusion later in 1920 that Labour's parliamentarians became uninhibited critics of Smuts's policies: only then did they feel that they could safely oppose Smuts without the risk

51. See Minutes of the annual conference held at Bloemfontein on 1, 2, 3, January 1927 (hereafter cited as Labour's annual conference, 1927).

52. Garson.

of furthering secession.⁵³ Though the Pact agreement not to change the Union's status during the life of the next Parliament allayed the concern of many who had voted for Labour, they could not have forgotten that formerly one of the main planks in the platform of the Nationalist Party had been the right of the Union to secede from the British Empire. It would require little to arouse all the old fears. The demand for a clean flag, and the strong emotional protests that had followed, were all that were required to revive such fears amongst many Labour voters.

Labour's leaders had been caught unawares.⁵⁴ They had not anticipated the outcry the Bill would evoke: neither the National Council nor the Annual Conference of 1926 had raised the flag question. Preoccupied with internal difficulties and socialist goals, the Party was quite unprepared for the flag outburst which had thrust itself forward onto the political arena.

All within a few days of the first reading, the political climate for Labour became alarming. A prominent Labour leader was reported to be collecting signatures calling for a protest meeting in Durban.⁵⁵ There were

53. Garson.

54. See Duncan Papers, letter to Lady Selborne in which Duncan maintained that Creswell had completely miscalculated public feeling on the flag, 27 May 1926.

55. Daily Despatch, 18 May 1926.

warnings that Labour had offended a large part of its constituency.⁵⁶ The Pact's flag policy was censured by a Labour branch; Labour Provincial Councillors in Natal also protested against the Bill.⁵⁷ The leader of the Party in the Natal Provincial Council spoke out against the measure at the Durban meeting of protest.⁵⁸ There was a call for a special meeting by voters in a Labour held constituency.⁵⁹ Letters to the press attacked Labour's parliamentarians for 'aiding and abetting' the Flag Bill.⁶⁰ And the opposition press, soon to launch a strong campaign to wean Labour's 'British' vote, began to move to the attack.⁶¹

At this unpropitious moment, divisive issues within the Party were once again raised. On 19 May Kentridge declared in Johannesburg that the 1926 parliamentary session had been 'riddled with Labour disappointments.' He listed fields in which the Government had failed to satisfy Labour. And he suggested that the Government was perhaps unconsciously taking advantage of Labour's influence with the working classes in not fulfilling pledges to the workers. Those who condemned Labourites who criticised

56. Rand Daily Mail, 20 May 1926.

57. London Times, 24 May 1926; Eastern Province Herald, 26 May 1926.

58. London Times, 24 May 1926.

59. Cape Times, 22 May 1926.

60. Daily Despatch, 18 May 1926.

61. See for example Rand Daily Mail, 20 May 1926; Pretoria News, Cape Times - 21 May 1926.

the Government were placing principals before principles: 'We object to the Labour movement being submerged and Labour representatives becoming mere place men.'⁶²

With disunity in the caucus, and disaffection in its ranks, the Party could hardly face a flag controversy of this intensity without great risk to itself. It required little perspicacity for Labour M.P.'s to see that before continuing with the Bill it was advisable for the Party to enjoy some delay during which tempers might be cooled. Barlow apparently suggested the appointment of a committee which could select another flag acceptable to the Government. But Creswell argued that the Pact's present Bill was reasonable and would satisfy moderate people. All that was required was time to explain it to them. He would conduct a campaign throughout the country during the recess and persuade the 'sane, sober and moderate' to accept the flag.⁶³ Creswell appears to have been convinced that English-speakers' opposition to the Bill was based on misconceptions, and that it would not be difficult to him to correct them. In all events, the Labour caucus was in favour of postponing the Bill.

In the days immediately following the first reading Creswell pressed his Cabinet colleagues for another year's

62. Daily Despatch, 20 May 1926.

63. The Star, 23 July 1927, Hay's speech.

postponement. He asserted that in view of the political excitement and misrepresentations of the Opposition, it had become desirable for M.P.'s to be given the opportunity to make matters clear to their constituents. Malan strongly opposed postponement. At several Cabinet meetings he argued that postponement would only bring **weakness and confusion**. Faced by their predominantly English-speaking electors, the Labour Members would be likely to weaken. They would return as half-hearted supporters of the Bill in the next session, so that postponement, in effect, would not strengthen the Government but the Opposition.⁶⁴

However Hertzog supported Creswell. So too did Roos, 'terwyl ander Ministers min of meer ook na daardie kant toe oorgehel het.' Following Roos's lead, the Transvaal caucus also declared itself in favour of postponement, but several of its members apparently declared that they would support Malan.⁶⁵

In the ensuing crisis the mediation of Chas. Malan proved successful and Malan agreed to a postponement on two conditions: Hertzog was to declare that the same Bill would be re-introduced at the beginning of the next session,

64. Malan, pp. 111-2: Die Burger (Malan), 30 January 1957.

65. Malan, pp. 111-2: Die Burger (Malan), 30 January 1957. Malan maintained that he was assured by Creswell that the latter and his followers would support the Bill even if a postponement were not obtained (Malan, p. 111).

and the Labourites were to promise that they would help to put the Bill through unchanged. These conditions were accepted by Hertzog and Creswell, respectively, and the crisis was thus overcome.⁶⁶

The postponement of the Bill

Malan's reluctance to postpone the Bill and disappointment at having to give way are readily understood. Partly, he had suffered a personal defeat. Since 1919 he had periodically championed a new flag and had been the only Nationalist leader to do so. It had become a personal crusade which, after six years, seemed to have reached its goal when he introduced his 1925 Bill. However this had had to be withdrawn and that disappointment was being repeated in 1926. But it was more than a personal defeat. It was also a political one: The legislation he had drafted in 1925 had had to be withdrawn because it was unsuitable. The co-operation he had hoped to obtain from Smuts during the 1925/6 recess had not materialized. The Select Committee which was intended to produce a flag by general

66. Malan, pp. 111-2: Die Burger (Malan), 30 January 1957. On 22 May newspapers carried reports of a 'first class cabinet crisis' with Creswell, Boydell and Malan all threatening to resign over the question of the Bill's future (The Friend, Rand Daily Mail, Pretoria News). However, Malan makes no mention of such threats and it would seem that none were made (see E.H. Louw Papers, vol. 1, letter from Malan to Louw, 25 June 1926).
The C.W. Malan Papers throw no light on these events.

agreement had failed. And his attempt to have his 1926 Bill passed by the Assembly was being opposed on all sides - including his own. But perhaps most of all Malan felt that the Bill's postponement was an ideological set-back. The postponement of a national flag was not only a denial of a people's right, but also of the volksontwikkeling. If the postponement became a permanent withdrawal the responsibility for this blunting of the volksontwikkeling could be his. Probably all the above help to explain Malan's reluctance to postpone the Bill and his insistence on the promises of Hertzog and Creswell; these promises would help to save his political face and salve his ideological conscience.

Neither Hertzog nor Roos shared Malan's strong views on the need for a national flag. Indeed to Hertzog flag legislation must have seemed of relatively small importance⁶⁷ when compared with his plans for comprehensive Native legislation. The latter was his most important domestic goal and to achieve it he would require the support of all sections of the electorate. Alienating this support through a Flag Bill that awakened fears and aroused hostility was hardly politic in the circumstances. Additionally, to damage the Labour Party was to jeopardize the Nationalists' own chances of returning to power. It

67. See pages 49-50.

was only by virtue of the coalition with Labour that his Government ruled,⁶⁸ and this might continue to be necessary after the next general election. Hertzog may be forgiven if he concluded that Malan was asking him to cut off his nose to spite his face. Small wonder that the Prime Minister became resentful when Malan proved reluctant to assist their Labour partners.⁶⁹

In the end, the politics of national consciousness had given way to the politics of colour and survival. But in doing so Malan had bound the parliamentary leaders of Labour. He had an undertaking that, irrespective of the wishes of Labour voters, their parliamentary leaders would support his Flag Bill. And, as events were to show, this was to have important consequences.

At the second reading of the Bill, on 25 May 1926, Malan announced that the Bill was being withdrawn. The agitation, he said, had made it necessary for the people to have more information on the Bill. But he emphasized that the measure would definitely be re-introduced in the next session and that it would provide for a flag which excluded

68. The results of the general election of 1924 were: Nationalist Party - 63, Labour Party - 18, S.A.P. - 53, Independents - 1 (Cape Times, 21 June 1924; O'Dowd, p. 72).

69. Malan, p. 112: Die Burger (Malan), 30 January 1957.

both the republican colours and the Union Jack.⁷⁰

This was clearly a splendid moment to appeal to Nationalist sentiment, and Malan would not have been the successful politician he was had he failed to do so. The South African Nationality and Flag Bill, he told the House, was the most important, and also one of the most urgent Bills to come before the House for many years, because:

It has to do with the very existence of the nation as a separate entity. It has to do with the unity of our national life and sentiment. It has to do with our national status...It has to do with what is more than material possessions, with what is after all, even more than our fatherland; it has to do with the soul of the nation.⁷¹

A flag, Malan insisted, was not a mere cloth:

...a flag symbolizes national existence, a flag is a living thing; it is the repository of national sentiment. A flag is able to create the greatest enthusiasm; a flag is able to move to tears; a flag can stir the deepest springs of action, and it can inspire to the noblest efforts. For the flag a nation can live; for it it can fight and it can die.⁷²

After dealing with the nationality clauses of the Bill which, Malan, explained, followed the same lines as the

70. Hansard, vol. 7, 4035-6.

71. Ibid. 4026-7.

72. Ibid. 4028. Commenting on this section of Malan's speech, Barlow later wrote: 'Many of us in the Labour Party now began looking at one another and wondered what all this high-faluting tosh was about.' A.G. Barlow, Almost in Confidence, pp. 196-7.

Canadian Act,⁷³ Malan argued that in settling the flag question they were settling the race question and thus facilitating the settling of all South Africa's problems. Indeed, to resolve its great problems, it was essential to have racial co-operation. Unfortunately, when these problems were brought forward, the question of flags intervened, confused the issue and drove the races into different camps. This Bill would bring unity where division now existed, for nothing was so powerful a unifying factor in the life of a nation - when different sections composed it - as a national flag. Without a common national flag, which symbolized the nation and inspired it to a common and noble effort, no nation could live. Thus, far from not being urgent, the securing of a national flag was probably 'the most urgent and fundamental' of their problems. So urgent and important was it, that they wished to have agreement; but, 'if we cannot get common agreement...then we say it is better to have a flag without agreement - in spite of disagreement - than to have no flag at all.'⁷⁴

Given the tension in the crowded House and galleries, the four hour debate that followed was creditable; on the whole, its tone good tempered and moderate. There was much

73. Once it was pointed out that South African nationality embraced British nationality, there was, throughout the controversy, no significant opposition to the nationality clauses of the flag bills.

74. Hansard, vol. 7, 4030-2.

frank speaking and therefore, perhaps inevitably, at times feelings ran high and noisy outbursts occurred.⁷⁵ The debate also provided Creswell, Smuts, Hertzog, Duncan, Joël Krige, and N.J. van der Merwe with the opportunity to voice their views and to solicit support. But there was no meeting ground between the sides. What one side advanced as reasonable and obvious, the other rejected as unfeeling and prejudiced. When Malan argued that the Bill contained a double concession - it excluded the republican flags,⁷⁶ and it allowed the Union Jack to fly on certain occasions - Duncan dismissed the concession as 'profoundly unsatisfactory', likely to create division instead of unity.⁷⁷ And what were the occasions on which the Union Jack would be seen? asked Smuts. To his mind only one day (Empire Day) would satisfy the terms of the Bill. And even that occasion might disappear.⁷⁸

There was no more agreement on what was a constitutionally correct design, than there was on the question of who was to blame for the failure to agree. That the inclusion of the Union Jack in the national flag was not constitutionally

75. The fact that the reading took place on Empire Day probably exacerbated feelings.

76. A concession because although they were dead, he said, they were not dead in the sense that they were enshrined in the hearts of hundreds of thousands (Hansard, vol. 7, 4034-5).

77. Ibid. 4052.

78. Ibid. 4038.

correct was argued on several grounds. The national flag, it was held, should reflect South Africa's independent and common nationhood. Her independent nationhood did not permit the inclusion of the Union Jack for several reasons: it was the flag of another part of the Empire;⁷⁹ its inclusion, for the Dutch-speaking, would stand for subservience; and, for ninety per cent of those who hankered after it, the Union Jack meant the flying of the flag of Great Britain over the union.⁸⁰ As for their common nationhood, what would he have in common with English-speaking South Africans, Hertzog asked, if the Union Jack was incorporated?; it was not the same symbol for him as it was for them.⁸¹

But in reply to, and anticipation of, these arguments, the Opposition advanced reasons why the Union Jack should be included. It agreed that the South African flag should embody their common South African citizenship. But that citizenship should not be confined to the bounds of South Africa. It should also represent their common citizenship with, for example, the people of Great Britain, Australia and New Zealand.⁸² The national flag should represent this wider citizenship and not merely part of it. Equally

79. Hansard, vol. 7, 4034, Malan.

80. Ibid. 4071-2, Hertzog.

81. Ibid. 4071.

82. Ibid. 4055, Duncan.

diametrically opposed to the views of Hertzog and Malan, was the denial that the former republican flags were dead, and that therefore they could not be included. In love and respect they stood as high in the thoughts of the Afrikaner as the Union Jack did in the thoughts of the English-speaker.⁸³

Yet, for all the debating points, at the heart of the matter lay different attitudes towards the Union Jack. Emotion rather than reason governed the attitudes of most. While the Opposition called for the inclusion of the Union Jack so that the national flag might command 'respect and affection',⁸⁴ the Nationalists rejected the Union Jack for the very reason that it could not command their respect and affection. It helped little to argue that the Union Jack was in South Africa not merely by right of conquest, but also by virtue of what the people who respected it had done for South Africa,⁸⁵ or, in opposing the principle of breaking with the past, to cite the words of Paul Kruger and call for a flag that was built on the good and noble of the past.⁸⁶

What was good and noble? To the Nationalist the good

83. Hansard, vol. 7, 4065, Joël Krige; see also 4039 Smuts.

84. Ibid. 4038, Smuts.

85. Ibid. 4053, Duncan.

86. Ibid. 4040, Smuts; see also 4054, Duncan.

and noble included the struggle against the Union Jack. Could it be good and noble to overlook the fact that that flag had flown over concentration camps in which 25 000 people had died? And, irrespective of the answer to this question, was it indeed possible for most Nationalists to forgive or forget? For many thousands it was not. N.J. van der Merwe told the House:

Whenever I see the Union Jack - it is indelibly impressed on my mind and I cannot get away from it - it reminds me of many occasions when I saw it in the Boer War, and I do not want to see it. I have always tried not to look at it. I cannot look at it. During that war I was only a little boy, but I was with my mother and sister in the concentration camp. Can I possibly get away from the fact that indelibly impressed itself on my mind when I saw the Union Jack waving victoriously over the sobbing of women and children?....How on earth can I love a flag...if there is something in that flag that reminds me of the bitter experiences of the past?⁸⁷

The debate closed in an atmosphere of disharmony. The second round of the flag struggle had ended in another victory for the opposition; once again legislation had been postponed. Sixteen months had now passed since the Government first gave notice of its intention to give South Africa a new flag. What had been achieved? Different points of view on what the flag should or should not contain had been made clear; but this had been done at the cost of dividing South Africans into hostile flag camps and stimulating racial feelings the very opposite of those

87. Hansard, vol. 7, 4061, 25 May 1926.

needed to settle the question. Loss of goodwill, and time, had reduced the room for political manoeuvring. Twice the Government had yielded, but could it do so again? And how was a solution to be found to the intractable problem of the flag's design which even a Select Committee had failed to solve? What the Government in 1925 had seen as a more or less straightforward matter of executive fiat, had become a major cause of concern. A potential political asset was becoming an incubus.

CHAPTER V

COMPROMISE PROPOSALS

Reaction to the Bill's postponement

Though the opposition to the Flag Bill had won a victory in May 1926, the Bill's postponement did not immediately lessen general ill-feeling. Various reasons may be found for this. Malan's insistence that postponement did not mean any departure from Government policy and that if necessary the Bill would be forced through, struck many opponents of the Bill as provocative, soured the atmosphere and aroused an equally strong determination among the opposition to frustrate his plans.¹ Furthermore, success in forcing the temporary withdrawal of the Bill fortified the opposition and stimulated them to agitate for total victory.²

The influence of protest meetings also militated against a lessening of ill-feeling. Because the Bill had been merely postponed and not permanently withdrawn, protest meetings which had been called for 25 May and later were not

1. See S.P. vol. 35, no. 50, letter from Cohn, 9 July 1926; Arthur Barlow Papers, letter from Sir David Harris, 21 June 1926.

2. See G.D. Scholtz, Dr. Nicholaas Johannes van der Merwe, 1888-1940, p. 61.

cancelled.³ Thus strong public condemnation of the flag policy continued.

And once again, press comments aroused feelings. In commenting on the second reading, the press on both sides was often strongly partisan. While Die Burger's parliamentary correspondent on 26 May praised the speeches of Malan, Hertzog and Creswell in rapturous terms, opposition newspapers were often highly critical. They particularly attacked the two decisions to reintroduce a bill in 1927 based on the principle of two flags for South Africa, and to exclude the Union Jack from the national flag.

Though there were strong warnings against having two flags,⁴ most of the criticism was directed at the decision to reintroduce the Flag Bill. The stupid obstinacy shown by Malan was almost incredible, the Rand Daily Mail complained.⁵ The Government should have dropped the Bill altogether, it said, if the spirit behind the movement for a new flag was that shown by Malan and Hertzog in the second reading; indeed, a note of the most disturbing insincerity had pervaded all the speeches of the Pact.⁶

3. For example the meetings, at Cape Town, Pretoria and Somerset West.

4. See for example Natal Mercury, Daily Despatch, Rand Daily Mail - 26 May 1926.

5. Rand Daily Mail, 26 May 1926.

6. Ibid. See also Natal Mercury, 26 May 1926, for Malan's 'offensive tone'.

The Star of 27 May predicted that the position would be precisely the same in the next year if the Union Jack were excluded and a flag bill passed. The Pretoria News complained that they would have the whole business all over again in the coming months and the next year. Old wounds would be kept open. To what purpose? 'The country does not want it this year, and how ministers can possibly suppose that the country will like it any better next year passes comprehension.'⁷

The reaction of the Nationalist press to the postponement was one of disappointment. They commented particularly on three aspects: they expressed pain at the Bill's postponement, they condemned Smuts as an opportunist, and they attacked the S.A.P. as hypocritical. The postponement was a retreat, Die Burger said on 26 May, and would hurt to the bone the great flagless section which yearned for a symbol to express all it loved and honoured in the fatherland. Die Volksblad too thought that the news would result in a tidal wave of deep disappointment; for yet another year the Afrikaner volk would be forced to wait for something to which they had a sacred right, and solely because the S.A.P. was seeking dirty (vuil) political gain in a matter which should have been elevated above party

7. 26 May 1926. See also Rand Daily Mail, 26 May 1926.

differences.⁸

Smuts and the S.A.P. received full blame for the postponement. Smuts was an opportunist. In October 1919 he had declared that they had buried the Vierkleur; now he said the Vierkleur was not dead. In December 1919 he had asserted that the Union Jack had no pleasant memories for them; now he championed that flag. He had won again, because, as with all national questions, 'hy die vraag oor die boeg van rassehaat gegooi het.' The inventor of 'konsiliësie' had become the high priest of racial hatred which he exploited against his own people for Party gain.⁹

While its two sister organs remained silent on the wisdom of postponement, Die Volksblad doubted it would have been in the best interests of the people to force the Bill through. The possibility of a flag election, with its resultant hatred and strife, justified postponement.¹⁰ But both it and Die Burger supported Hertzog and Malan's guarantees of a clean flag in 1927. These guarantees, Die Burger concluded, had made retreat in 1927 impossible. The word of honour of a self-respecting government could not be broken; the retreat would have to be turned into a

8. 25 May 1926.

9. Ons Vaderland, 28 May 1926. See also Die Volksblad, 25, 27 May 1926, and Ons Vaderland, 1 June 1926.

10. 25 May 1926. See also 27 May 1926.

victory in 1927 - or the Government would have to resign.¹¹

This unyielding approach, expressed in Die Burger, was challenged in the following months. From the ranks of the Government, as well as the opposition, individuals and groups were to do their best to resolve the flag problem through compromises in which both altruism and political necessity played their part.

Sir William Campbell's appeal

The first of these efforts to break the deadlock through compromise came from a most unexpected source. On 2 June English-speakers were aggrieved, shocked, and even outraged to find that no less a personage than Sir William Campbell, Dominion Chairman of the B.E.S.L., was apparently supporting Malan. In a letter to Hertzog and a statement to the press, Campbell accepted Malan's two principles of a clean flag and a Union Jack flown only on certain days. He was prepared to sacrifice the incorporation of the Union Jack in a new flag if this would kindle 'a spirit of unity between the races.' However, Campbell insisted that the separate flying of the Union Jack should be provided for 'on generous lines', and that the new flag should be

11. 26 May 1926.

arrived at by general agreement, and not imposed.¹²

Hertzog welcomed the letter and declared that the Government was ready to act in its spirit. But Campbell's note of magnanimity was almost immediately drowned in a chorus of protest. In an emotional editorial on 2 June the Cape Times declared itself opposed to any suggestion of sacrifice. Campbell's appeal was 'the appeal of an intellectual fascinated by the asceticism of sacrifice and wholly out of touch with the deep instinct of ordinary men and women.' Strong disapproval was expressed elsewhere - B.E.S.L. branches,¹³ the Grand President of the Sons of England¹⁴ and the press¹⁵ - and within a week of his letter calls went out to get rid of Campbell 'in a most public and speedy manner.'¹⁶ Two days later Campbell was forced to resign.

The dual flag plan

Though the general temper of the country was better reflected in the opposition's rapid retribution than in

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12. Cape Times, The Friend, Cape Argus - 2 June 1926.
 13. Cape Times, The Friend - 3 June 1926.
 14. Cape Times, 3 June 1926.
 15. See for example Natal Mercury, Pretoria News - 9 June 1926; Daily Despatch, 10 June 1926.
 16. The words were Col. C.F. Stallard's (Cape Times, 7 June 1926). First to call for Campbell's resignation was the Daily Despatch, on 5 June 1926.

Campbell's magnanimity, the need for compromise had been recognized elsewhere too. Campbell's resignation coincided with the end of the parliamentary session on 8 June. Its conclusion was to usher in several months of compromise activity. Two co-operating political groups during this period were to try to gain popular acceptance for a compromise proposal - the dual flag plan. The two groups were composed, on the one hand, mainly of Transvaal Nationalists led by Tielman Roos, and, on the other, of National Council Labourites.

At the end of the session Creswell tackled the flag problem. As leader of the Labour Party and unconditional pledger of his word to Malan, he tried to bring Labourites to support the Bill. In a personal manifesto published on 9 June, he confirmed his affection for the Union Jack and admitted his former belief that the national flag should symbolize the past. But, he now believed that in the interests of national unity, and because it was offensive to Afrikaans-speakers, the Union Jack should be excluded. He urged Labourites to reject the S.A.P.'s exploitation of the issue and to support Malan's Bill.¹⁷

Creswell's manifesto did not gain the general support

17. Cape Times, The Friend - 9 June 1926. See also Hansard, vol. 7, 4043-5, Creswell, 25 May 1926.

of Labourites.¹⁸ Many preferred to await a statement on the question from the National Council; they suspected that if Creswell was prepared to back Malan, other leaders were not. This belief was well-founded. Immediately after the parliamentary session, several members of Labour's Head Committee, increasingly anxious at the possibility of offending supporters, set to work to find an acceptable compromise.

Into this situation entered Roos. As leader of the Transvaal Nationalists, Deputy Prime Minister, Minister of Justice, and a politician with a strong personal following, Roos was an important figure in the Union's politics. One of Hertzog's first supporters, he had rendered great service in building the Party in the Transvaal and fully merited his high standing in the Nationalist Party. All of his many attributes were now brought to bear on the situation. They contrasted sharply with the qualities of some of his colleagues. His ready wit and quick brain made men like Hertzog and Beyers seem ponderous and awkward. His whimsical, puckish, and cynical ways stood in odd contrast to the earnest Malan or the autocratic Creswell. His jovial disposition and great personal charm won him many friends, not least - once again in contrast to his

18. The manifesto was, of course, vigorously attacked by the opposition press (see Natal Mercury, 9 June 1926; Pretoria News, 10 June 1926; Cape Times, 11 June 1926).

Nationalist colleagues - among English-speakers. Moreover, with the passage of time, Roos's earlier rabid nationalism had mellowed considerably. All the above gave him a popularity which spread beyond the confines of language or party.¹⁹

Throughout the 1926-7 controversy, Roos tried his utmost to effect a settlement. What were his motives? An answer to this question is made more difficult because no collection of Roos Papers is to be found in the state archives or other public repositories. On the face of it, it would seem that Roos wished to avoid the risk of a break in the Pact, and that this drove him to work consistently for a settlement. Yet, bearing in mind Roos's appeal for a 'reorientation' of Parties during and at the end of the flag struggle in October 1927, his demand for a National Government in December 1932 and his establishment of the Central Party of South Africa in August 1934, the possibility cannot be overlooked that he saw, or came to see, the controversy as a means of raising his stature with both language groups and of perhaps gaining the leadership of a new Party in which moderate members of the Nationalist and

19. See H. Reitz, The Conversion of a South African Nationalist, p. 55; T. Boydell, My Luck was in: with spotlights on General Smuts, p. 284; E. Alexander, Morris Alexander, p. 132; D.S.A.B. vol. 1, pp. 679-681; O. Pirow, 'Drie manne uit die dae van samesmelting: Hertzog, Smuts en Tielman Roos', Die Kuisgenoot, 5 December 1952.

S.A. Parties would feel at home, and from which former Unionists like Smartt and Nationalists like Malan would be excluded.²⁰

Among Roos's friends were several National Councilites who were concerned at Creswell's preparedness to steer the Party by Malan's light. It seemed to them that if the Bill were forced through, as Malan proposed, the Labour Party might lose the support of thousands of voters. This concern persuaded a majority of National Councilites, encouraged by Roos, not to follow Creswell's lead, and instead to put forward what looked like a more equitable flag plan of their own.

While the above considerations were the overriding reason for their action, several other factors probably also influenced their decision to challenge Creswell's policy. Firstly, no general conference of the Labour Party had ever enunciated a policy on the question of a

20. That Roos was not at home in the Pact Cabinet is revealed in several ways. At Cabinet meetings he was nearly always silent (Boydell, op.cit., p. 214). He appears to have resented alleged attempts by Creswell and Malan to dominate the Cabinet (C.M. van den Heever, Generaal J.B.M. Hertzog, p. 235). His relations with Hertzog were not always good. And he had a very strong dislike of Malan whom he avoided whenever possible. During the controversy he would usually leave the Assembly when Malan spoke on the flag issue, returning only after the latter had finished (D.S.A.B. vol. 1, p. 680; G.H. Wilson, Gone Down the Years, p. 228; L.E. Neame, Some South African Politicians, pp. 19, 26-7; S.P. vol. 37, no. 58, Cohn to Smuts, 25 August 1927).

national flag. Nor had the majority of the National Councilites (who were not parliamentarians)²¹ been consulted on the question of whether Malan's Bill should be supported or not. Furthermore, Creswell's autocratic behaviour had evoked much resentment.²² These were all reasons why a majority of National Councilites, believing the National Council to be the Party's proper but neglected policy-making body, might feel under little or no obligation to endorse Creswell's support for Malan's Bill. Additionally, their disappointment at the Nationalists' failure to back Labour's programme of legislation may well have influenced some members to retaliate in kind. And finally, complex as human motives are, it would be surprising indeed if personal animosities (of which the Party had so many) did not play their part.

For both Roos and his friends in the National Council, then, a solution along lines other than those suggested by Malan and Creswell was highly desirable. It was therefore probably no coincidence that Barlow, a close friend of Roos, together with Kentridge and other friendly National Councilites, began to campaign for a compromise settlement at the same time as Roos began to express public misgivings on the

21. Only nine of the Council's twenty-five members were parliamentarians (The Labour Congress 1926).

22. See The Labour Congress 1926, pp. 11 and 14; M. Creswell, An Epoch of the political history of South Africa in the life of Frederic Hugh Page Creswell, p. 119.

Flag Bill.

Almost immediately after the session ended on 8 June, Roos embarked on a political tour of the Orange Free State taking with him none of the standard flag rhetoric. Quite the contrary. In the northern Free State, much to the embarrassment and anger of Malan, he made the startling declaration that the flag left him cold. And, as the tour progressed, he repeated this alarming heresy with increasing warmth.²³

At the same time, his Labour associates put forward the proposal which seemed to herald a reasonable settlement. This plan, known as the dual flag plan, provided for a clean national flag, but gave the Union Jack 'equal official recognition'. That is, the Union Jack was to be flown not merely on special occasions, but with the national flag, at all times. At a meeting of the National Council on 20 June, an amendment (which embodied this plan) to a motion of full support for Malan's Bill was carried by 13 votes to 9.²⁴ Concessions had thus been made to both

23. The Star, 12 June 1926; Die Volksblad, 15 June 1926; Ons Vaderland, 18 June 1926; Malan, p. 113; Hansard, vol. 9, 4044, J.J. Byron, 23 May 1927.

24. Forward, 25 June 1926.

In February 1965, Louis Karovsky, a prominent Councilite during the controversy, informed Dr. D. Tictin that the dual flag plan had originated with Roos. The very incomplete minutes of the meeting in the Karovsky Papers give Barlow as the proposer and Kentridge as the seconder of the amendment. I am indebted to Dr. Tictin for this information.

camps: to the opposition who could see the Union Jack constantly as a symbol of the British connection, and to the Nationalists who would not see the Union Jack in the national flag.

To further strengthen their chances of success, Roos had persuaded Louis Karovsky to move an additional amendment to the same motion.²⁵ The essential part of this amendment stated 'that all steps [should] be taken to secure by agreement a national flag which will satisfy the great mass of the people in South Africa.'²⁶ This amendment too was carried, and as 'the great mass of the people' had now to be satisfied, the Labour Party, without whose support Malan's Bill could not be passed, appeared to be committed to a policy of negotiation.

On Roos's return to Pretoria from the Free State, the Head Committee of the Transvaal Nationalist Party met a deputation from Labour's National Council.²⁷ The outcome of their discussion of less than half an hour on 21 June, was that a Labour resolution embodying the dual flag plan received the approval of the Executive of the Head Committee

25. O. Pirow, James Barry Munnik Hertzog, p. 122.

26. Ibid.; Creswell, op. cit., p. 116.

27. Cape Times, The Friend - 22 June 1926; Die Nasionale Boek, pp. 179-80.

The Nationalist members were Jack Pienaar, Ben Pienaar, O. Pirow, H. Reitz, H.D. van Broekhuizen, C. Te Water and Roos. The Labour members were A.G. Barlow, J. Christie, B. Jenkins, L. Karovsky, M. Kentridge and A. Weinstock.

of the Transvaal Nationalist Party. The latter declared the proposal to be a way out of the impasse between the two extreme groups. Roos had previously assured Labourites of his confidence that the plan would be acceptable to Free State Nationalists. He agreed with the broad principles of the resolution, Roos told the press after the meeting and he absolutely concurred with the National Council that they should avoid anything that might revive racialism in South Africa.²⁸

Roos had played an important role in swinging the majority of the National Council against Creswell and Malan. Without full Labour support, it seemed that the Government would be forced to consider a reasonable compromise. He, together with Barlow, Karovsky, and other friends, had provided such a compromise. Thus, the ground appeared to have been cut from under the feet of Malan (and Creswell) and a path cleared towards a compromise solution.

The adoption of a compromise plan by the Labour Party was but the first step towards a flag settlement; the public's support for the plan had now to be secured. Certainly during June and July no one worked harder than Roos did towards this end. Three days after he gave the

28. Cape Times, The Friend - 22 June 1926.

plan his public blessing, he championed it at a mass meeting in Johannesburg. Once again Roos insisted that the flag in itself was of little importance and that what really mattered were the questions of their imperial connection and national status. 'You know as well as I do,' he said, 'that when you have the clothing the label is but little matter.'²⁹ On 23 June he embarked on a month's political tour of the Transvaal where he addressed thirty-seven meetings³⁰ and took every opportunity to soothe feelings and advocate the dual flag plan.³¹ Colleagues rallied to support his efforts. Oswald Pirow stated that the plan should be acceptable to all Nationalists, Hjalmar Reitz declared himself satisfied with it, Charles Te Water thought it was a real solution.³² And, in the Free State, N.J. van der Merwe and Colin Steyn gave it their immediate support and held that Nationalists there would gladly support the plan.³³

But despite the fanfare with which it was introduced, the dual flag plan failed to win general support. From

29. Cape Times, The Friend, Die Volksblad - 25 June 1926; Daily Despatch, 26 June 1926.

30. For Roos's itinerary in June, July and August see Ons Vaderland, 11 and 18 June 1926.

31. See for example Cape Times, 30 June (Pietersburg); Rand Daily Mail, 2 July (Potgietersrust); Cape Times, 3 July (Louis Trichardt), 16 July (Machadadorp), 17 July (Nelspruit); Rand Daily Mail, 2 August 1926.

32. Cape Times, 23 June 1926 (all).

33. The Friend, Cape Times - 22 June 1926; G.D. Scholtz, Dr. Nicholaas Johannes van der Merwe, 1888-1940, p. 61.

the start its sponsors met formidable opposition. Not many newspapers were sympathetic. Those that were included The Friend, the Natal Mercury, Ons Vaderland and Forward.³⁴ The last two welcomed the plan as a complete solution.³⁵ The Friend maintained that the proposal, though not ideal, was a sensible way out of the difficulty,³⁶ while the Natal Mercury conceded that if the country could endure dual language and dual nationality, it might also accept dual flags; if the plan was endorsed by the Cabinet, they would like to hear more about it.³⁷

Most of the other newspapers, however, were hostile. Whether Nationalist or opposition, they condemned the plan. On 23 June Die Burger and Die Volksblad rejected its concept of 'equal official recognition' holding that the Union Jack should be flown only on those occasions symbolizing the British connection. The plan's compromise sprang from the wrong assumption that there were two nations (volke) in South Africa, and two flags instead of uniting would symbolize this division.

In the face of the above opposition, which represented

34. Non-committal on the merits of the plan were De Volkstem (as cited in The Friend, 22 June 1926) and the Sunday Times (27 June 1926). The latter urged the Government to withdraw its flag proposals.

35. Ons Vaderland, 22 June 1926; Forward, 25 June 1926.

36. 23 and 24 June 1926.

37. 23 June 1926. See also 2 August 1926.

and influenced the views of many Nationalists (particularly those in the Free State and Cape), the chances of the plan's adoption were seriously reduced. However they were further lessened by the failure of any S.A.P. politician to support the plan publically and by the strong criticism of the opposition press. The latter attacked the plan for two flags as being inimical to national unity. In common with Die Burger, the Pretoria News argued that half the population would fly one flag while the other half flew the other so that two flags would be the badge not of the Union 'but of the Disunion of South Africa.'³⁸

Additionally, the plan was condemned on the grounds that it was impracticable, insincere, an attempt to exclude the past from the national flag, and a move towards secession. More serious than the charges of impracticability - based on the view that unavoidably one flag would always be in a more privileged position³⁹ - were the allegations of insincerity. The plan was insincere for if van der Merwe and others abhorred the Union Jack, how could they 'swallow' a full-sized Union Jack every day?⁴⁰ If Nationalists were prepared to accept the whole of the Union

38. 22 June 1926. See also The Star, 21 June 1926; Daily Despatch, 22 June 1926.

39. See Rand Daily Mail, 22 June 1926; Ons Land, 24 June 1926; Daily Despatch, 26 June 1926.

40. Rand Daily Mail, 22 June 1926; Cape Times, 23 June 1926; Ons Land, 24 June 1926.

Jack when it flew alone,

it ought not to hurt their feelings immoderately when it is flown as part of the national flag of South Africa. The Union Jack cannot surely be more painful to them when it occupies only quarter of a piece of bunting than when it occupies the whole of it.⁴¹

The answer to this contradiction seemed clear to the opposition: the separate flying of the Union Jack was merely a blind for the ultimate goal of secession - reflected in the clean flag. Fear of secession lay at the very heart of the objection to the plan. Thus on 24 June the Eastern Province Herald dismissed the proposal as 'ingenious quibblings' which would not change the conviction of many thousands that a sinister attempt was being made to haul down the Union Jack. 'Let us face the facts - ', it added, 'the lowering of the Union Jack will mean, can only mean, the virtual abandonment of the connection with Great Britain and the Empire. And our opponents, Labour and Nationalists alike, in their hearts know that this is so!' As The Star frankly admitted, what mattered most in controversies about dominion status was not the proposal itself, but the motive behind it:

We take from one man if he has proved himself our friend, what we would not take from another. The whole record of those who are seeking to force a new flag on South Africa stands against them, and in the light of that record we are

41. Daily Despatch, 22 June 1926. See also Cape Argus, 24 June 1926.

justified in regarding their latest proposal with suspicion and misgiving.⁴²

Certainly on the basis of record, Roos was not a man the opposition could trust⁴³ and it is ironical that the leading advocate of the plan should have contributed to its demise. Both his republican past and his platteland audiences created difficulties for him. From the start his bona fides were questioned. How could so ardent a former champion of republicanism be trusted as the advocate of a plan which promised 'equal official recognition' to an imperial symbol? How could he be accepted as someone concerned for the dignity of the Union Jack?⁴⁴ Even Roos's insistence that the flag itself was of little importance and that what really mattered were the questions of national status and the imperial connection, were interpreted as a blueprint for the future - first came the small matter of the flag, then would come the real question of independence.⁴⁵

The dual flag plan's prospects were further reduced by Roos's attempts to advocate the plan and mollify platteland audiences at the same time. He was charged with making

42. 31 July 1926. See also (for opposition to the exclusion of the Union Jack), Cape Argus, 24, 25 June; Pretoria News, 22 June 1926.

43. For suggestions of ulterior motives see Pretoria News, 22 June 1926; Cape Argus, 24 and 25 June 1926.

44. Rand Daily Mail, 30 July 1926.

45. Cape Times, 30 July 1926.

one class of speech in the backveld, where he left his audiences under the impression that secession was a practical policy, and another class of speech in urban centres where he told audiences that secession was merely an abstract political ideal which there was no intention of putting into practice.⁴⁶ On neither the flag question nor secession could Roos be taken seriously: 'In each case he alone knows what he really means and what he actually wants.'⁴⁷

The problem was that Roos's appeal to republicanism had played a major part in his political career and he was not able now to avoid the subject of secession in all his speeches. 'Why don't we hear you talk about it?' a questioner asked at one of his meetings, and forced Roos to say that the Party still stood for secession.⁴⁸ Roos's reply to his opposition critics, namely, that the flag question had nothing to do with secession, failed to convince a public in whose mind the two were firmly linked.⁴⁹

When in mid-July Roos was reported to have told an

46. The Friend, 31 July 1926. See also Rand Daily Mail, 30 July 1926; Cape Times, 19 July 1926.

47. Rand Daily Mail, 30 July 1926. See also The Star, 29 July 1926; Cape Times, 30 July 1926; Sunday Times, 1 August 1926; H.P. vol. 64, Athlone to Hertzog, 3 July 1926.

48. The Friend, 16 June 1926.

49. See Pretoria News, 26 June 1926.

audience at Lydenburg that secession would come in the future and that nothing could prevent it,⁵⁰ the Rand Daily Mail concluded on 14 July that the dual flag plan, if not already dead, had now been killed. Roos's speech, it said, had been the final blow. Whatever the truth of this statement, Roos's efforts had produced disappointing results. Perhaps this is not surprising. It was all very well for Nationalists to insist that the new flag should look to the future. But what kind of future did it symbolize if it excluded all reference to the British Commonwealth? Clearly, it was thought, one outside the Commonwealth. How far could a Party, like Roos's, which had developed largely as a protest against imperial involvement be trusted? And how could the assurances of one of its chief architects be accepted? Was not Article 4 still on his Party's plank? Even before Roos's Lydenburg address, a perceptive political observer in Johannesburg wrote to Smuts:

Feeling is tense and undesirable elements are becoming manifest even on our side. The whole thing is due to the truculent attitude adopted by the Government; but for that even the two-flag solution suggested by Labour...might have proved acceptable. But the Government forgot that the English section will not accept a flag at the hand of a party which still retains Article 4 in its constitution.⁵¹

50. Rand Daily Mail, 14 July 1926; Daily Despatch, 15 July 1926.

51. S.P. vol. 35, no. 50, from A.L. Cohn, 9 July 1926.
Cohn was born in Germany in 1874 and practised as a lawyer in the Transvaal from 1898. He founded and was Chairman of the Federation of Ratepayers in Johannesburg and was a member of the Witwatersrand Executive of the S.A.P.

In all events, by the end of July the time was ripe for Malan to administer the coup de grâce to the plan. He was strongly opposed to it. The coupling of their national flag with another country's national flag would constantly degrade the Union's flag. The Nasionaalgesinde section of the people would turn away from this agreement with abhorrence, and even worse, the Union Jack would be elevated, by implication, to an essential part of the flag regulation.⁵² Malan had not joined openly in the attack on the plan; it was clearly wiser to let the opposition check it. But by the end of July, with the plan at the nadir of its popularity, the time seemed propitious to crush it and to reassert the Government's lead in flag policy. This he did at a Nationalist meeting at Germiston on 30 July. Emphatically, he told the meeting that the Government would proceed with its flag legislation in 1927. A new flag commission would be appointed to consider fresh designs. These designs would exclude the past. And the Union Jack would be flown on stipulated occasions only.⁵³

Labour under attack

The Labourites who had advanced the dual flag plan had done so in order to meet a certain onslaught on their Party.

52. Malan, p. 113: Die Burger (Malan), 31 January 1957.

53. Cape Times, 31 July and 2 August 1926; Die Volksblad, Die Burger - 31 July 1926; Natal Mercury, 2 August 1926.

Though small, this Party held the balance of power in parliament⁵⁴ and its disintegration could topple the Government. From the time the Pact came to power, Labour was seen by the S.A.P. as the weak link in the legislative chain and accordingly drew much of the Opposition's fire. In doing so, the S.A.P. was taking advantage of the legacy of distrust which the Nationalists themselves had helped to create for Labour.⁵⁵ Wherever possible Labour was held responsible for political sins - both of commission and omission: When industrial legislation was introduced, it was attributed to Labour and tainted with socialism. When bilingualism was insisted upon Labour was still inculcated for it had made the discrimination possible.⁵⁶ However it was the omission of measures which its voters had promptly expected that was more directly responsible for the Party's declining popularity. As has been noted, the concomitant disappointment and disaffection, coupled with the Party's chronic discord, meant that by May 1926 Labour was in a vulnerable position to meet a call by the Opposition to rally to the flag. Though Labour had gained five seats in the 1924 general election, an equal number of constituencies

54. The position of the Parties in the Assembly after the 1924 general election was as follows: S.A.P. 53, Nationalist Party 63, Labour Party 18, Independents 1 (Government Gazette, vol. LVI, no. 1401, 27 June 1924; Cape Times, 21 June 1924).

55. See for example O. Pirow, James Barry Munnik Hertzog, pp. 86-7.

56. See Natal Witness, 16 December 1924, 4 March 1925.

- Boksburg, Roodepoort, Langlaagte, Durban (Umbilo) and Troyville - was held by majorities of less than 250.⁵⁷ Any growth of jingoism was likely not only to ruin Labour's prospects of further gains,⁵⁸ but also to bring about the loss of its newly-won seats. Even elsewhere, Labour's chances of retaining its majorities would be reduced. With the development of the flag problem this predominantly English-speaking Party became an obvious target for a strong and sustained attack by the opposition.

Accordingly, from 25 May 1926, when Malan announced in Parliament that the Government was postponing flag legislation but would proceed with it in 1927, definitely, and that this legislation would exclude the Union Jack from the national flag, the attacks on Labour began to mount. Immediately after the Bill's postponement Smuts hit out; The Nationalist Party was behaving with the most brutal and cold-blooded disloyalty towards its allies. Though the Nationalists knew the Bill would be the death of Labour, the latter was being forced to support it; here was conclusive proof that Labour's leaders could not control the Government. Hertzog's threat to pass the Bill could only

57. Government Gazette, vol. LVI, no. 1401, 27 June 1924; Cape Times, 20 June 1924, p. 10.

58. For example in the following constituencies: Johannesburg (North), Hospital, East London (City), Dundee and Durban's Central, Stamford Hill and Point (see Government Gazette, vol. LVI, no. 1401, 27 June 1924; Cape Times, 20 June 1924).

be made with Labour's support: 'That is the brutal fact - that this outrage could never have been committed on public opinion now or in the future, but for the action of Labour's leaders.' He wanted the workers of the country to realize this fact - that their Parliamentary leaders were pledged to this Bill. If ever this great atrocity were perpetrated, it would be entirely in the hands of the workers who belonged to the Labour Party.⁵⁹

In the attacks that followed, the chief targets were the Party's leaders - a standard political practice likely to prove particularly rewarding against Labour because of the recent history of discord among its leadership. Accordingly, Boydell, Reyburn, and Strachan all came under fire as the 'holy trinity' of Labour in Natal who had pulled a mean confidence trick.⁶⁰ Chief recipient of the opposition's attacks was Creswell. In Natal, where his name was linked with those of local Labour parliamentarians, his hope of persuading many English-speakers to his 'perverted way of thinking' was ridiculed. His manifesto was condemned as 'an elaborate piece of special pleading', and his appeal for the exclusion of the Union Jack in the interest of racial amity was said to mean the tacit

59. Cape Argus, 27, 29 May 1926; Rand Daily Mail, Cape Times - 29 May 1926.

60. Natal Mercury, 31 May 1926. For other attacks on these three Labourites, see: Natal Mercury, 4, 8, 14, 17 June 1926; Daily Despatch, 1 June 1926; The Star, 4 August 1926.

acceptance of 'every foul lie that racial propagandists' had told about Great Britain in the past twenty-five years. He, Boydell, Reyburn, and Strachan, were challenged to put their convictions to the test of their constituents. 2 500 reasons were suggested why Creswell would not.⁶¹ Creswell, did not understand the view of people of the same origin as himself; was out of touch with the rank and file of his Party; had blundered in leading Malan to believe that he could pledge Labour to support the Bill, and had bartered principles for power.⁶²

At the same time Labour's parliamentarians as a whole came under fire for not representing the views of the bulk of their supporters and for following the Government and not their constituents.⁶³ The Party had 'sold the pass', for had it stood firm, the Labour Party in parliament might have forced the Government to withdraw the Bill. As for the dual flag plan, this was merely an attempt by the National Council to have it both ways. But Labour had to say 'yes' or 'no' as to whether it wished to see the Union Jack on the national flag. 'Shifts and evasions' were

61. Natal Mercury, 8 June 1926. '2 500' was an allusion to the recently increased parliamentary salaries.

62. For attacks on Creswell, see: Cape Times, 27 May and 10, 25 June 1926; The Star, 9, 12 (report), 17 (unsigned article) June, and 30 July 1926; Cape Argus, 23 June 1926; Pretoria News, 9 June 1926; Daily Despatch, 10 June 1926 (report); The Friend, 31 July 1926 (report); Rand Daily Mail, 8 July 1926.

63. Daily Despatch, 28 May 1926.

useless.⁶⁴

The campaign against Labour and the Bill was two-pronged: condemnation of Labour's leaders went hand in hand with appeals to British sentiment. Immediately before the National Council met to consider Creswell's manifesto, one such appeal appeared in opposition newspapers throughout the country. The Grand President of the Sons of England wrote:

The public...knows full well how the working man loves his politics, but please God he loves his flag better, and I am persuaded that even to save its face the rank and file of British South African Labour will never betray the Union Jack. If the National Council stands true to the sentiments of its constituents all will be well for South Africa, for without the aid of Labour there will be no abortion set over us as a national flag. Woe betide South Africa if Labour...fails to see where its obvious duty lies...⁶⁵

But any sharp distinction between general appeals to British sentiment and specific appeals to this sentiment amongst Labourites would be artificial. Appeals to British sentiment were intended to influence all of British origin, including Labourites. And as there were only two Labour newspapers, Forward and the Guardian, both of which had relatively small circulations, appeared only weekly, and gave less news coverage than other English-language newspapers, it is probable that many Labourites were more

64. Cape Times, 22 June 1926. See also The Star, 21 June 1926.

65. Daily Despatch, Cape Times - 19 June 1926; The Star, 18 June 1926.

regular readers of the opposition press. When these newspapers appealed to 'British traditions', 'British pride', 'British achievement in South Africa', 'British fairplay', and to pride in the British Empire and loyalty to the Union Jack, their call was directed at Labourites no less than other English-speakers.

The call was effective. In May 1926 Guardian wrote: "When the Flag Bill is introduced to the House we echo the hope of all who love and honour the splendid tradition for which the Union Jack stands, that the flag of the 'Commonwealth of Nations' will be given the place of honour it deserves."⁶⁶ If socialism had made some Labourites indifferent to the British connection, there were many others who were determined to oppose any step towards secession. George Hay, at a public meeting in Pretoria in July 1926, complained that the issue of secession was very much alive and that Nationalists still adhered to Article 4; and he expressed misgivings at Hertzog's intention to ask for a proclamation to the world of the 'independence, freedom and equality of South Africa.'

I have no desire to strain the relations of the Pact [Hay said], but my opinion is that there is something behind all this question of the flag and equal status, things have gone on so steadily now that there is a belief that at the back of it all is a wish for severance from the British Commonwealth.⁶⁷

66. Daily Despatch, 25 May 1926, quoting Guardian.

67. Rand Daily Mail, 12 July 1926.

As was to be expected from the governing partners of the Nationalists, public expressions of this fear of secession by Labour parliamentarians was infrequent. But its existence was revealed, indirectly, by Forward's pains to dispel the fear. It insisted that 'the whole business of Secession is a Golliwog' which had been invented 'to a great degree' by former Unionists. Whatever might be the policy of the Government on secession, it was no part of the policy of Labour.⁶⁸

The cumulative effect of the attacks of the opposition, the appeals to British sentiment, and the suspicions of secession, when added to the existing Labour difficulties, resulted once again in open manifestations of Party disunity. Immediately after Creswell's manifesto was published there were reports of uneasiness amongst Rand Labourites.⁶⁹ A canvas of opinion allegedly revealed 'an unmistakable feeling' that if Creswell's manifesto were adopted, the Labour Party would suffer widespread desertions; seventy-five per cent of the Party was reportedly opposed to the exclusion of the Union Jack.⁷⁰ In Natal, the view of many Labourites was said to have been

68. 25 June 1926. For denials by Creswell that there was any intention of seceding, see Cape Times, 3 and 30 July 1926.

69. Daily Despatch, 10 June 1926.

70. The Star, Cape Times - 9 June 1926. See also Natal Mercury, 16 June 1926.

expressed by a 'well-known Labourite' who complained that, despite the strong protest from Natal, the Labour Caucus had committed the whole Party to support Malan's Bill; but they would not be converted as easily as Creswell imagined: 'Pact or no Pact, we want the Union Jack'.⁷¹ On 17 June The Star reported that James Stewart, the former M.P. for East London and delegate to the forthcoming meeting of the National Council, had threatened that on the issue of the flag he was prepared to break with Creswell and, if necessary, the Party.

The dual flag plan failed to halt the growing discord. Many Labourites too had rejected it. As the proposal had its origins in the National Council and ran counter to the obligations of Labour parliamentarians, it was bound to receive divided support.⁷² And as Creswell had already pledged his support to Malan and made his opinion known in his personal manifesto, he could not but be a lukewarm supporter of the plan imposed on him, or, behind the scenes, try to influence others against it. Almost immediately after the adoption of the plan, J.W. Coleman, a Natal Labour M.P.C. was reported to have declared himself strongly

71. Natal Mercury, 16 June 1926.

72. Creswell and Boydell had voted against the proposal at the meeting of the National Council which adopted it (Cape Argus, 22 June 1927). When Malan rejected the dual flag plan at Germiston, he enjoyed the backing of all three of Labour's Ministers; only Roos had supported the plan in the Cabinet (Malan, p. 114).

opposed to it⁷³ and by mid-July Forward was forced to conclude that the authority of the National Council was being questioned because spokesmen of the Party were openly ignoring the Council's plan. An 'utterly impossible - indeed ludicrous' position had arisen. And it was not,

the much cursed press [it said] that is keeping the flag question alive today. It is, and we say it deliberately, the leading members of the Labour Party who refuse to abide by the decision of the National Council who are making all the pother...⁷⁴

During July, disunity assumed serious proportions with further reports of Party dissension. Strachan and Waterston had to face stormy constituents. At Boksburg, Creswell's meeting became very lively when the flag question was raised and finally ended in uproar. At Pietermaritzburg, his (and Strachan's) meeting was fiery. At Durban, which Creswell, Boydell and Madeley visited to defend themselves, the meeting was marked by wild scenes and fights. When Creswell arrived in Durban, there were rowdy scenes at the station; a Labour Legion escorted him to his hotel where a scuffle developed between Creswell and a hotel guest who challenged him on his flag policy; Boydell had to use his fists and, according to the Natal Mercury, it was only with difficulty that the police

73. Cape Times, 24 June 1926. However, Coleman probably rejected it because of its clean flag.

74. 16 July 1926.

prevented the crowd from storming the hotel.⁷⁵ At the beginning of July, Kentridge told his constituents that if no flag solution could be found, the matter would have to be dropped. By mid-July he was warning that flag discord was threatening to break up the Party.⁷⁶

Though the opposition in the hope of furthering disunity, seized every chance to publicize alleged Labour disunity so that its reports may sometimes have been a mixture of fact and wishful thinking, there can be no doubt that by mid-July Labour was seriously divided. This fact is confirmed in Forward. Its faith in 'the commonsense of the vast majority' of Labourites and its attempts to hold socialist issues to the fore had proved of little avail and it conceded that, whereas some Labourites supported Malan's Bill, many would like to see all Union Jack and nothing else.⁷⁷

In August the fortunes of the Party declined further; hostility between the two groups increased and disaffection grew. When in Durban two branches of the Party seceded,⁷⁸ members of the Durban Typographical Society tabled a

75. Rand Daily Mail, 7, 8, 14, 30 July 1926; Daily Despatch, 30, 31 July 1926; The Star, 30 July 1926; Natal Mercury, Die Burger - 31 July 1926.

76. Rand Daily Mail, 1, 2 July 1926; Cape Times, 2, 16 July 1926.

77. See 28 May, 18 June, 16 July 1926.

78. Forward, 30 July 1926.

resolution to follow suit.⁷⁹ A prominent Durban Labourite, W. Eaton, who represented Labour on both the Provincial and City Councils, resigned both seats, reportedly because of disciplinary action taken against him for his opposition to the Flag Bill, stood again for the City Council, and defeated the Party's official candidate.⁸⁰ An unnamed member of the National Council condemned Malan's Germiston speech as yet another contemptuous snap of the fingers at the Labour Party.⁸¹ On 7 August, George Brown, M.P. for Germiston, admitted that he was sorry that the Flag Bill had ever been raised, while John Christie, M.P. for Langlaagte, suggested that if agreement were not possible, the Bill should be dropped.⁸² Conflict within the Party was further reflected in conflicting flag resolutions tabled for discussion at Party Provincial Conferences,⁸³ and in reports of opposition to Creswell and attempts to oust him from the Party's leadership.⁸⁴

However, Labour's difficulties by August 1926 - and with it the Party's increasing need to find a generally

79. London Times, 4 August 1926. See also Cape Argus, 5 August 1926 for Labour Dissension in Durban.

80. Rand Daily Mail, 5 August 1926; London Times, 4 August 1926; The Star, 9 August 1926.

81. Cape Times, 2 August 1926.

82. Rand Daily Mail, 7 August 1926.

83. The Star, 5 August (Transvaal); Rand Daily Mail, 6 August 1926 (Transvaal); Forward, 27 August 1926 (Cape).

84. The Star, 13 August 1926; Forward, 20 August 1926.

acceptable flag plan - are best reflected not in the reports of the opposition press but in the leader articles of Forward. On 6 August it explained that though the working class knew that every national flag was merely the emblem of 'militant capitalism', it was not difficult to arouse a crowd on such matters as nationality and race. Unfortunately, the men they had come to look to for a sane lead had taken sides, become hopelessly sidetracked, and allowed everything of real importance to Labour to become submerged in the flood of sentiment that had broken over a matter of only superficial importance. Non-white Labour was 'on the up-trend as compared with white', but Labour's leaders, their eyes glued to the Union Jack or 'tango standard', had become colour blind; they were becoming content with mere lip-service to the policy of civilised labour. The newspaper urged Labour's leaders to return their attention to the things that really mattered.

However Forward's appeals for single-minded dedication to the Party's socialist programme could not submerge differences in the Party. On 27 August it reported that at a conference between members of the National Council and Parliamentary Caucus, the question of control of the Party between annual conferences was left 'where it was'. As the matter stood at present, Forward added, the National Council could reject any policy decided upon by the Parliamentary Caucus, and vice versa. Yet it was imperative that on this question of control, the Labour Party

should put its house in order, and quickly too: 'At this very moment rank and file are bemused entirely regarding the "yes-no" policy on the Flag Bill. Labour in South Africa, it must be confessed, sadly needs a clear lead on the questions of the day'.

When, at the beginning of September, Forward learnt that the Transvaal Provincial Congress of the Party intended to discuss the flag question in committee, it objected: the flag issue had become too important a matter to be treated as a domestic concern of the Provincial Labour Parties. Indeed, it warned, the future of the Labour Party now depended very largely on the way the flag question was handled.⁸⁵

Thus a matter which many Socialists had seen as of 'merely superficial importance', had grown to threaten the future of Labour. Race, sentiment and fear were factors that had confounded the predictions of doctrinaire socialists and made it imperative - or so it seemed if schism and disintegration were to be avoided - for Labour to put forward another compromise plan.

Such a plan would obviously have to accommodate the strong objection to the exclusion from the national flag of the Union Jack - symbol of the British connection. Fear

85. 3 September 1926.

for the future of this relationship had not declined since the postponement of the Bill; as the time for Hertzog's departure to the Imperial Conference drew near, it probably increased. Indeed, Hertzog agreed to the new flag proposal put forward by Labourites early in September, largely in the hope of meeting this fear of secession, and it is therefore necessary to give our attention to its growth during August and early September 1926.

Fear of secession increases

If it had been Roos's misfortune to increase fears of secession, other Nationalists also assisted. C.W. Beyers, Minister of Mines and Industries, was one. At Philipstown he reportedly said that there was no question of seceding - until the majority were in favour of it; 'but I, as a Minister, am fighting for secession, because the seeds will take root in days to come.'⁸⁶ Again, at De Aar he deprecated the inequalities in the British-South African relationship, complaining of the indirect way in which the Government sanctioned foreign consuls, appointed the Governor-General and communicated with the King. The Rand Daily Mail observed that Beyers's remarks encouraged the suspicion that behind the Flag Bill lay a sinister motive.⁸⁷

86. Rand Daily Mail, 7 August 1926.

87. Ibid. 9 October 1926.

Three more Ministers added to the anxiety about secession. P.G.W. Grobler, Minister of Lands, and J.C.G. Kemp, Minister of Agriculture, were both reported to have denied that there was any change in their Party's ultimate goal of secession, while C.W. Malan held that secession, 'at present', would be a calamity for South Africa.⁸⁸ In the view of Senator Langenhoven, the forcing of the Flag Bill was ill-timed; the issue should have waited till South Africa obtained its independence.⁸⁹ These views could hardly instil confidence for a future inside the British Commonwealth.

Opposition politicians also inspired alarm over the possibility of secession. At a violent political meeting in Johannesburg, Smuts demanded that Hertzog should clarify his intentions at the Imperial Conference. Hertzog had declared that there should be a declaration to the world of the Union's independence, and, that if any members of the Commonwealth wished to refrain from such a declaration, this should not stand in the way of the others proceeding with it.⁹⁰ But such a declaration could mean the break up of the British Empire. What was the use of Hertzog saying

88. Cape Times, 4 August 1926; Cape Argus, 13 September 1926.

89. Cape Times, 8 August 1926.

90. This was a reference to Hertzog's speech at Stellenbosch a few days before the first reading of the Flag Bill. See p.58.

in Parliament that secession would be a calamity,⁹¹ if the declaration he sought from the Imperial Conference meant, in effect, the British Empire's disintegration?⁹² At Port Elizabeth, Smuts wanted to know whether anyone could tell him, from the statements of Nationalist leaders, what their attitude was to secession?; they had now come forward with the flag question and in such a way that one wondered if this was simply secession in another form.⁹³ Other Opposition parliamentarians also related the flag to secession.⁹⁴

In the fortnight before Hertzog left for the Imperial Conference, suspicions of and opposition to secession were once more expressed by the opposition press. The Sunday Times wrote that in spite of Hertzog's repudiation, secession was still a vital plank in the programme of many 'South African reactionaries' and,

there is not the slightest doubt that Dr. Malan's Flag Bill and several other Nationalist measures are widely regarded, both here and overseas, and among their supporters as well as among their opponents, as the thin edge of the secessionist wedge...neither now nor at any future time will Britons or their loyalist friends allow the Union to "secede" from the Empire.⁹⁵

91. A reference to Hertzog's reply to Smuts's questioning on 28 May 1926. See Hansard, vol. 7, 4294-8.

92. Cape Times, 18 August 1926; London Times, 19 August 1926.

93. Daily Despatch, Cape Times - 1 September 1926.

94. Duncan: London Times, 19 August 1926; F.J. Lennox (M.P. for Durban-Stamford Hill): Cape Times, 12 June 1926.

95. 5 September 1926. Italics in original.

On the next day the Cape Argus asked Hertzog to explain why, despite his parliamentary assurances, secession was still openly preached as the ultimate goal of the Nationalist Party? He could not allay suspicions by appealing to press misrepresentations:

Upholders of the British connection cannot be fobbed off with subtle verbal refinements. If the avowed aim is, as is so constantly asserted, secession when the time is ripe, they are justified in treating all disclaimers regarding the trend of Ministerial policy as mere "eye-wash".⁹⁶

In an atmosphere in which suspicion fed suspicion it is not surprising that the attempts by Nationalist politicians and their press to draw a distinction between 'secession' and 'independence',⁹⁷ or their assurances that final independence would take place only by agreement with all parties in the Union and England,⁹⁸ failed to mollify the opposition. The sin was that independence was contemplated at all, whether now or in the distant future. This, apart from past acts, was sufficient to taint all Nationalist assurances.

96. 6 September 1926. See also The Star, 1 September 1926; Cape Argus, 7 September 1926. For examples of earlier leading articles which expressed fear of secession, see Daily Despatch, 31 May, and 10, 14, 16, 19, 23, 30 June 1926; Natal Mercury, 8 June 1926; The Friend, 2 August 1926.

97. The Star, 1 September 1926 (p. 11); South African Nation, 11 September 1926.

98. See South African Nation, 28 August 1926.

The Crown proposal

In the circumstances, only a concrete flag proposal could allay suspicion and help Labour and the Pact. Because for many people uneasiness concerning secession was the chief obstacle to a flag agreement and lay at the heart of their objection to a clean flag, the main problem became one of finding a symbol of the British connection that could be placed on a new flag and yet meet with the acceptance of the bulk of the population. As had occurred two months earlier, a group of National Councilites attempted to find a solution. Indeed it was because they believed they had found one that the Transvaal Provincial Conference of the Party had decided, much to Forward's annoyance,⁹⁹ to discuss the matter in secret.¹⁰⁰

On 3 September, a deputation appointed by the National Council, and led by Kentridge, met Hertzog.¹⁰¹ It proposed that the national flag should incorporate, as a symbol of the British connection, the royal crown. Since Hertzog had objected to the Union Jack itself and not to symbolizing the British connection, this seemed an excellent plan and he accepted it. He informed his cabinet colleagues that, 'onder die omstandighede', he

99. See p.143.

100. See Sunday Times, 5 September 1926; Daily Despatch, 6 September 1926; Cape Times, 7 September 1926.

101. Sunday Times, 5 September 1926; Daily Despatch, 6 September 1926; Cape Times, 7 September 1926 (p. 13); Malan, p. 114.

favoured the proposal. Also, he supported it because the Crown, unlike the Union Jack, implied no onderhorigheid.¹⁰²

In his final public address before leaving for England, Hertzog announced the Government's approval of the plan. Addressing a large gathering in Cape Town on 6 September, he declared that if it was thought desirable to symbolize the British connection by means of a symbol on the national flag (in addition to flying the Union Jack separately, as in the Bill), he had no doubt that such a proposal - if it offered a more acceptable solution - would be favourably considered by the Flag Commission which was soon to be appointed. And, if this Flag Commission were to recommend that the crown should be incorporated, he was confident that the Government would agree.¹⁰³

What were the 'omstandighede' which made Hertzog favour the crown proposal? That Hertzog in his final public address before leaving for England should devote the bulk of a long speech to the flag controversy, reflected the degree to which this issue had come to occupy the public mind and excite its temper. The warm speeches which had characterized the meetings of patriotic societies, protest and political meetings had not conduced towards political

102. Malan, p. 114: Die Burger (Malan), 31 January 1957.

103. Daily Despatch, The Friend, Rand Daily Mail - 7 September 1926.

calm. Ever since July political meetings had been marred by tumult and violence.¹⁰⁴ In August, The Friend warned that unless sane counsel prevailed in Pretoria, South Africa was at the beginning of a long and bitter racial quarrel, 'the end of which no man can see.'¹⁰⁵ At the beginning of September, the S.A.P.'s De Volkstem, in reviewing the political situation, referred to the output of high politics 'by the ton',¹⁰⁶ while the Nationalist Party's South African Nation asserted on 25 September - shortly after Hertzog's departure - that flag agitation had thrown the country into turmoil.

Hertzog could not fail to see that the electorate's preoccupation with a divisive and potentially explosive issue was likely to have undesirable results. Apart from damaging racial harmony, it was bound to divert attention from more important political questions, such as his proposed Native legislation for which he hoped to gain general support. Far from contributing towards such support, the flag issue had divided the Government's present supporters - a circumstance that could have serious consequences, for a lost Labour vote was almost certainly a

104. For example, see: Rand Daily Mail, 7, 14, 30 July, and 4, 18 August 1926.

105. 2 August 1926. See also, Sunday Times, 1 August 1926.

106. 2 September 1926 (translation). Malan, Roos, Beyers, C.W. Malan and Smuts had all recently undertaken political tours.

lost Pact vote. Nor could the possibility of schism in the Labour Party itself be ignored.

Furthermore, it was clear, and not least to Hertzog,¹⁰⁷ that the main battle-cry of the S.A.P. had become: 'secession in another form'. Questions put to Ministers,¹⁰⁸ statements from S.A.P. platforms,¹⁰⁹ and articles in the opposition press all testified to this. As the difficulties in the Labour Party amply showed, this was a highly effective rallying-cry, and it would remain the chief weapon of the S.A.P. until the next election - unless the question could be resolved. And if Hertzog did intend, as Smuts suspected,¹¹⁰ and Duncan feared,¹¹¹ to hold an election on his Native policy in 1927, he could not do so now - unless he resolved the flag issue.¹¹² Indeed, no election could be faced with confidence by the Pact until the question was settled. It is useful to compare Smuts's observations on the Pact shortly before, during, and after the Flag Bill was in Parliament. One month before the Bill was introduced he wrote:

107. See The Star, 1 September 1926 (Hertzog's speech).

108. For example, see Cape Times, 4 August (C.W. Malan at Vryburg), and 7 August (D.F. Malan at Riversdale).

109. For example, see Daily Despatch, 9 September 1926 (Deneys Reitz at Johannesburg) and above.

110. See pages 39-41.

111. Duncan Papers, to Lady Selborne, 27 May 1926.

112. Ibid. in which Duncan maintained that thanks to the withdrawal of the Flag Bill all thoughts of an early general election had been dropped by the Government.

We are to hold a joint sitting of both houses over the Colour Bar Bill, the Senate having once more rejected the bill. After that the Asiatic Segregation Bill will come on, as dangerous and unpleasant a measure as has ever been before our parliament. Then Hertzog will bring forward his Native segregation bills. This will become a most unhappy country with policies such as these. And yet for the moment these policies are popular and the Nat-Labour Pact is no doubt scoring heavily and entrenching themselves in public opinion. I feel profoundly unhappy over it all...¹¹³

However, a few days after the Bill's first reading he observed that it was 'really remarkable to see how much harm the Pact has done itself this session. The public is really disgusted. And if things go on like this their days are numbered and their end sure. Good. They are killing themselves.'¹¹⁴ Finally, at the end of June he concluded:

I expect that a grave blunder of the Pact in regard to the flag question will turn people's minds to their other first-class blunders also, and that in the end all moderate people will turn from them in disgust.

You must bear in mind that it was the support of the non-political moderates which gave them victory two years ago. They are now doing everything in their power to alienate and disgust these people.¹¹⁵

Smuts appears to have become more hopeful of an election success while Hertzog probably became less so. True, the

113. S.P. vol. 36, no. 225, to M.C. Gillett, 25 March 1926: van der Poel, no. 189. The Areas Reservation Bill was often referred to as the Asiatic Segregation Bill.

114. S.P. vol. 36, no. 184, to wife, 23 May 1926: van der Poel, no. 199.

115. S.P. vol. 102, no. 219, to Crewe, 29 June 1926: van der Poel, no. 201.

Colour Bar Bill had now been passed, but the Areas Reservation Bill had not: the 'root and branch' treatment promised for Indians had not materialized. As for Hertzog's much vaunted solution of the Native problem, it had barely seen the light of day and had yet to be debated in Parliament. Above all, there was the twice withdrawn and divisive Flag Bill. As early as July it had been noted that even amongst Nationalists there was a growing tendency to deprecate the country's distraction with a discordant symbol at the expense of the more urgent problems of agriculture, poor-whiteism, industrialism and, most of all, the non-white problem.¹¹⁶ All the above would be valuable ammunition for the Opposition in a general election.

These difficulties probably constituted the omstandig-
hede Hertzog had in mind when he advocated acceptance of the crown proposal. For Hertzog it was senseless to weaken his Labour allies further, facilitate Smuts's return to power and possibly lose the opportunity to pass more important legislation - because of the Flag Bill. To him the crown proposal seemed to be a way out of this difficulty, for it appeared to nullify the argument that the flag was a move towards secession and therefore to cut the ground from under the feet of the opposition. Under the circumstances, the incorporation of the crown did not

116. Round Table, no. 64, p. 856 (September 1926).

seem too high a price for Nationalists to pay. That it was a price is certain: it conflicted with earlier arguments that the British link was quite adequately recognized in the Bill. And though the crown was likely to evoke less antagonism than a Union Jack, it was certain to be an unwelcome reminder to many of the British past.

The Flag Commission and the referendum proposal

Malan had now to establish the Flag Commission. The first suggestion for this body had come on 7 June in Hertzog's reply to Sir William Campbell.¹¹⁷ The Prime Minister had stated that the Government, in its desire to remove the flag question as far as possible from Party politics, would be only too glad to entrust the choice of a design to a body of unbiased men in whom the public on both sides had confidence.¹¹⁸ In his Germiston speech at the end of July, Malan confirmed that the Government hoped to appoint a representative commission; it would consist of members of the public who would consider new designs and, he hoped, arrive at a choice.¹¹⁹ Six weeks later, at almost the same time as Hertzog suggested that the crown might be incorporated, the instructions of the new Flag

117. See page 114.

118. Cape Times, Die Burger - 7 June 1926.

119. Die Burger, 31 July 1926; Cape Times, 2 August 1926.

Commission were published: it would advise the Government on the selection of a suitable design - but in accordance with the principles laid down in Malan's Flag Bill; and, its design was to unite 'by symbolizing bonds of union rather than conflicts of the past.'¹²⁰ It now fell to Malan to find the stipulated twenty-one members of this body to which the public were once again invited to submit new designs.

For the position of chairman of the Commission, Campbell appeared from the Government's point of view to be eminently suited. Titled, English-speaking, presumably a S.A.P. voter, a former Dominion Chairman of the B.E.S.L., of unquestioned integrity - he was a supporter of a clean flag. Given the circumstances, to the Government no South African seemed more desirable. But when approached, Campbell would agree to take office only if the chosen design, after acceptance by the Government, was subjected to a referendum. This condition the Government accepted.¹²¹

Was Campbell's request the sole reason for the Government's acceptance of a referendum? From Malan's account it would appear to be so. 'Hierdie [Campbell's]

120. Government Gazette, vol. LXV, no. 1578, 10 September 1926, p. 508; see also Daily Despatch, 9 September 1926.

121. Archives of the Private Secretary to the Minister of the Interior (hereafter cited as P.S.M.I.), letter from Campbell, 21 September 1926; Malan, p. 115.

voorwaarde', he wrote, 'is deur ons aanvaar, en hoewel dit ongetwyfeld tot groot moeilikhede kon lei, was dit tog 'n waarborg dat die Regering nie teen die volkswil kon indruis nie.¹²² Concern for the volkswil appears in Malan's account to have been seen more as a compensation of the concession than a reason for it. Certainly neither he nor the Government had shown undue concern for an expression of the volkswil in their 1925 flag legislation.

Probably the Government's acceptance of a referendum was influenced by several considerations other than a keenness to gain Campbell's services and one of these may have been a desire to meet Labour. At a public meeting in 1927 Hay declared that in May 1926, at the Labour Caucus meeting which decided to ask the Government to postpone the Bill, he suggested that a referendum should be held. The Nationalists had rejected the idea but "for once the Labour Party asserted itself and said, 'We shall have a referendum.' They could not face their constituents unless they had a referendum", and Labour had finally got its way.¹²³ The Labour Party's manifestly declining fortunes since May 1926, may also have influenced the Government's decision to hold a referendum.

In all events, at the time the Nationalists probably

122. Malan, p. 115.

123. The Star, 23 July 1927.

felt they had much to gain from a referendum. The Commission was advisory only; the Government would determine its membership; and its terms of reference precluded the choice of a design which recalled the conflicts of the past. Thus, whatever the referendum's result, the Nationalists seemed safe: the new flag presented in the referendum would first have to be approved by the Government. The frequent argument that the Government was forcing a flag on an unwilling people by means of its parliamentary majority, could now be dismissed; similarly, the argument that the Government was proceeding with a matter on which it had no mandate¹²⁴ could be parried. Against both charges it could argue that it had referred the final decision to the will of the people.

Probably Hertzog and the Government's reasons for agreeing to a referendum were also directly related to the problem of retaining power, their decision being as much an act of political necessity as of goodwill. Whichever way the Government turned, it found itself confronted with the choice of either a referendum or a general election on the flag issue. Even if it withdrew the Bill, suffering the consequent loss of face, it would still be confronted with the flag issue at the next election when a S.A.P. slogan was likely to be: 'Vote for the Party that saved the flag'

124. See for example The Friend, 8 September 1926; Daily Despatch, 14 September 1926 (Smuts's speech).

- a particularly effective cry in Labour and other urban constituencies and one which could overshadow more favourable - and more important - questions, such as Colour policy. It was politically far wiser to have the flag issue settled, or at least to have as much of the steam taken out of it as possible, by means of a referendum, and not only for all the reasons given above. In a referendum no parliamentary seats were at stake. The Government could survive a rebuttal at a referendum but not at a general election. Hertzog therefore probably chose this course because at the time it seemed to serve several needs - not merely to gain the services of Campbell.

On 17 September, the day he left South Africa, the Prime Minister announced that the will of the people would prevail. The flag section of the Bill, he said, after having been passed by Parliament, would not take effect till a referendum had shown 'that such is the will of the people.'¹²⁵ He hoped his announcement would cause 'the existing feeling of acrimony' to end. Having provided three aids to a settlement - the crown proposal, the Flag Commission, and a referendum - Hertzog sailed out of Table Bay into the relative calm of the Atlantic hoping, no doubt, that during his three months' absence, progress would be made towards a settlement.

125. Natal Mercury, The Star, Die Volksblad - 18 September 1926.

CHAPTER VI

FAILURE OF THE COMPROMISE PROPOSALS

The opposition and the crown proposal

Any hopes Hertzog may have had of his proposals' ability to further a flag settlement, were to be dashed. Three months after his departure, he returned to find Malan at loggerheads with Campbell and at cross-purposes with Roos, while all three aids to a settlement - crown, referendum and commission - had been criticized, sometimes by even his own Party's press.

Hertzog must bear some of the responsibility for the failure of the proposals to gain general support. If he furnished aids to a settlement, he also nourished the atmosphere which undermined the value of these aids. Far from mollifying the opposition, he contributed to the suspicion and racial bitterness that already existed. In the three weeks before his departure, he made speeches at Pretoria and Cape Town in which he condemned, in outspoken language, those who agitated for the inclusion of the Union Jack.¹ However justified these condemnations may have seemed to him, they added to the existing difficulties and encouraged

1. Cape Times, 1 and 7 September 1926.

equally condemnatory counter-attacks.² When in his farewell message Hertzog called for 'peace and goodwill', the Daily Despatch of 8 September asked whether anyone had mocked peace and goodwill more than Hertzog himself?

From the time that he left the Botha Ministry he has devoted himself to sowing dissension and discord....And by the Flag Bill...he has done more to exacerbate racial feeling and to stir up ill-will than any man before him. Having set the country by the ears, he takes his departure to Europe and as he boards the mailboat he exhorts the people of South Africa to peace and goodwill!

To be sure, the Daily Despatch painted a one-sided picture; but there can be little doubt that it reflected the view of many people. Amidst such views the crown proposal stood little chance of acceptance.

This last point was made by several newspapers that had condemned previous plans. Now, it was not the plan itself they found wanting, but its timing: they praised, or refrained from condemning, the crown proposal, but they doubted whether it would prove acceptable - in the present climate. Thus, neither The Star, nor the Sunday Times nor (initially) the Cape Argus, commented on the merits or demerits of the crown plan itself,³ while De Volkstem, Rand Daily Mail, The Friend⁴ and Pretoria News⁵ welcomed it.

2. For example see Daily Despatch, 14 September 1926 (address of the Grand President of the Sons of England).

3. 7, 12 and 7 September 1926, respectively.

4. 7, 8 and 9 September 1926, respectively.

5. Daily Despatch, 9 September 1926 citing Pretoria News.

The last two newspapers hoped the plan would receive the consideration it deserved while the Rand Daily Mail described it as a 'big and significant concession' which would probably have been cordially accepted - had it been made in the first place. Similarly, The Argus on 7 September regretted that the offer had not been made during the last session of Parliament - before strong resentment had been roused. And, as chief rousers of this resentment Hertzog and Malan were singled out: Malan for his 'arrogance and stupidity',⁶ Hertzog for his 'shrill' and 'undignified' attack, his 'cheap sneers and platform invective', and his 'bitter, one-sided and unstatesmanlike' tone in dealing with the flag problem.⁷

Nevertheless, the cautious welcome given to the crown plan by hitherto hostile newspapers, indicated the plan's intrinsic merit. The question was whether this merit could be appreciated in an atmosphere of racial ill-feeling. Apparently it could not. In the ranks of the opposition the Cape Times was most emphatic. 'At this time of day!' it exclaimed on 7 September in response to Hertzog's offer. 'After all the bitterness that has been created by the Flag Bill!' Why then was the crown removed from the original

6. Rand Daily Mail, 8 September 1926. See also The Friend, 9 September 1926.

7. The Star, Cape Argus - 7 September 1926. See also The Friend, 9 September 1926.

Walker design?⁸ Why, if a crown was acceptable, was a Union Jack not?⁹

We doubt, too, whether English South Africans - who have had, through the Flag Bill, a terrifying glimpse into the seething pit of race hatred that still rages within the hearts of their Nationalist fellow citizens - are at all in the mood, at this time of the day, to feel much gratitude, or to give a very hearty welcome to a belated concession...

Nothing less than the Union Jack would do, the Daily Despatch insisted, and, - in the upper canton of the national flag.¹⁰ In Natal there appeared to be a total lack of support for the plan.¹¹

Similarly, patriotic societies rejected the plan. On 13 September, the S.O.E. declared the compromise 'insufficient': they must have the Union Jack.¹² At the end of September, the First Conference of the Flag Committee Organization resolved against the crown proposal: it too

8. Walker had submitted several designs in the flag competition, one of which contained a crown and a lion (Deneys Reitz in Daily Despatch, 9 September 1926; Natal Mercury, 7 September 1926).

9. See also Ons Land, 9 September 1926.

10. 9 September 1926.

11. See The Star, 8 September 1926; Cape Times, 9 September 1926.

12. Daily Despatch, 14 September 1926.

demanded the Union Jack.¹³ Spokesmen of the S.A.P. were no less definite in their rejections. Deneys Reitz, on the day after the offer, made it clear that he was opposed to the measure.¹⁴ When, a week later, Smuts was asked what he thought of the plan, he replied: 'I think nothing of it.'¹⁵ Clearly, there would be no general acceptance of the plan by the opposition.

13. Cape Times, 30 September 1926; Rand Daily Mail, 14 April 1927(sic).

The Flag (Vigilance) Committee Organization (hereafter usually referred to as the Flag Organization) originated in May 1926 when the first Committees were established in Cape Town and Johannesburg to protest against the Flag Bill and insist on the inclusion of the Union Jack in the national flag. In the same month these two Committees sent roneoed letters to prominent citizens throughout the country inviting them to call public meetings to elect similar committees. Soon such committees were established in many towns under the direction of four Provincial Committees in Johannesburg, Cape Town, Bloemfontein and Durban. The Provincial Committees sent delegates periodically to an Executive Committee which met at the Organization's headquarters in Johannesburg. The members of the Executive Committee, elected at the Flag Organization's first national Conference in September 1926 were: H. Pim (Chairman), W.K. Rees (Hon. Secretary), C.F. Stallard (Transvaal), H.E.S. Fremantle (Cape), T.M. Wadley (Natal), and J.A. Dean (Free State) (Fremantle Collection, vol. 9, W.K. Rees folder). The Flag Organization was to play a significant role in the flag struggle.

14. Natal Mercury, Cape Times - 7 September 1926.
 15. Daily Despatch, 14 (report), 15 September 1926; Die Burger, 18 September 1926.

The Nationalist press and the crown proposal

Even if division within the ranks of the opposition had not guaranteed the defeat of the crown plan, divided opinion amongst the Nationalists did. Though the Transvaal and Free State organs of the Party supported the proposal, arguing that a crown would exactly reflect the constitutional position,¹⁶ their Cape counterpart was critical. On 8 September it declared that if the crown on the national flag was intended to express their British relationship, then it was not convinced that the Cabinet's decision was either suitable or necessary. That relationship was already adequately symbolized by the Union Jack. There would therefore be two symbols to express the same idea. Furthermore, a crown on the national flag would detract from the flag's purely domestic character.

It would be naive to believe that Die Burger's views did not reflect Malan's. Malan later made no secret of his dislike of the crown proposal. 'Ek was weinig ingenome daarmee', he wrote, 'maar was bereid om dit te aanvaar as dit ons eie geledere weer aanmekaar sou sluit, en ons teenstanders s'n verswak.'¹⁷ Probably, Malan disliked the crown proposal because he did not share Hertzog's view that a crown denoted no onderhorigheid, and because he

16. Ons Vaderland, 10 September 1926; Die Volksblad, 8 September 1926.

17. Malan, p. 114: Die Burger (Malan), 31 January 1957.

believed that for many it would be an unwelcome reminder of the past.

However, Malan had to take the views of his Premier and of Roos into account. Apparently Hertzog wished the Flag Commission's terms of reference to include the incorporation of the crown, while Roos suggested that the Prime Minister should simply 'decree', in a public statement, that the crown had been adopted. Malan was opposed to both these procedures in favour of the crown proposal. He did not, he said, want to go over the heads of the Flag Commission. It was therefore decided to instruct the Commission that it was free to incorporate the crown in the national flag, but only if it so desired.¹⁸

In view of Malan's dislike of the crown, the possibility cannot be overlooked that his concern for the views of the Flag Commission may have been merely a manoeuvre whereby he hoped to reduce the crown plan's chances of success. In 1925 he had been quite prepared to decree a flag by executive fiat. He was now prepared to limit the Commission to a clean flag. It is therefore not likely that he (enjoying additionally the support of Hertzog and Roos for the crown) would have felt misgivings about tying the Commission's hands on the crown proposal - had he

18. Malan, pp. 114-5: Die Burger (Malan), 31 January 1957.

favoured the crown.¹⁹

However there was probably little need for Malan to work against the crown plan. The objections of the Natalians, Smuts and others in the opposition soon made it clear that the failure of the plan was virtually certain and that his efforts would be superfluous.²⁰ Nor can it be doubted that Malan's dislike of the proposal was shared by many Nationalists. At the beginning of November the Orange Free State Congress of the Nationalist Party declared that it viewed the crown on the national flag as a symbol of conquest, and it resolved that unless the Union's status, as expounded by Hertzog, was recognized, and unless the significance of the crown was acknowledged in terms of this status, it would reject the crown.²¹ Thus, in the Free State, the Party had challenged Die Volksblad's unqualified support of the Government's flag policy; in the Cape Province, Die Burger had criticized the Government's flag policy. The crown plan had failed to gain general support, both among the opposition and the Nationalists. Its demise therefore seemed certain.

19. Deneys Reitz alleged that Malan had earlier rejected a flag which contained a lion and a crown on the grounds that neither he nor the Government would accept a crown (Daily Despatch, 9 September 1926, Reitz).

20. Some opposition newspapers that had initially favoured or been non-committal on the crown proposal also soon expressed misgivings concerning its value as a solution. See The Friend, 12 September 1926; Cape Argus, 14 September 1926.

21. Die Burger, 3 November 1926.

The opposition and the referendum proposal

As with the crown, the proposal for a referendum aroused a mixed response. Only one opposition newspaper, The Friend of 18 September, gave it a predominantly favourable welcome. Though several opposition leader writers sprinkled their criticisms with praise - 'a magnificent gesture', 'a good principle in itself', 'a distinct advance towards reasonableness'²² - these polite statements apart, the proposal was roundly condemned. Even The Friend, which thought that Hertzog could hardly have gone further, short of dropping the Bill, was careful to point out that the value of the referendum would depend largely on how it put the flag question to the people.

This last point was made by several newspapers which believed that the choice offered by the Government, that is, a choice between its own flag and no flag at all, was unfair and hypocritical. It did not provide for the free expression of that 'will of the people' which Hertzog had spoken of 'so glibly'; all that it conceded was the chance to accept or reject a measure that had been steamrollered through parliament.²³ To ask the people to vote for or against a design which, because of the restriction imposed on the Flag Commission, enjoyed the respect of nobody, was

22. Rand Daily Mail, 18 September 1926, De Volkstem, 20 September 1926; The Star, 17 September 1926, respectively.

23. Natal Mercury, 18 September 1926.

to play around with the people.²⁴

Not only the merit of the choice offered but also of the sequence proposed - first the passage of the Bill, then the referendum - was queried; it was likely to sway voters to support a flag that all but existed.²⁵ And these misgivings apart, the instrument of a referendum as a means of arriving at a national flag was challenged: a mere majority could never create a national flag;²⁶ could 'so sacred a thing as a man's flag' be thrown to 'the conflicting caprices of a plebiscite taken from peoples of two conflicting races'?'²⁷ And what of the four and a half million Natives, were they to have no say in the matter?²⁸ Only if the Government used a system that was truly democratic could permanent benefit be expected from this step.²⁹

Furthermore, Malan's contention that the referendum would isolate the flag issue, was rejected.³⁰ It would

24. The Star, 17 September 1926.

25. Rand Daily Mail, Pretoria News, Daily Despatch - 18 September 1926; Sunday Times, 19 September 1926; De Volkstem, 20 September 1926.

26. Ons Land, 18 September 1926. See also Cape Times, 18 September 1926.

27. Cape Argus, 20 September 1926 citing Natal Advertiser.

28. Daily Despatch, 18 September 1926.

29. De Volkstem, 20 September 1926.

30. Cape Argus, 20 September 1926. See Sunday Times, 19 September 1926.

prolong rather than shorten the political and social unrest.³¹ They would be confronted with all the bitterness of a general election, intensified by the fact that the issue would be purely racial.³² The measure was as likely to repair the damage already done as a mustard plaster was to extirpate a deep-seated cancer. The Bill should be dropped.³³

This too was Smuts's advice. The Government should drop the Bill 'right here and now', he warned. On the day after the proposal was published, Smuts criticized it as unfair: all alternative designs would be excluded and Parliament would first pass flag legislation which would then be presented to the people with 'all the dice loaded' in favour of the Government's design. Above all, it would protract the conflict: 'This country will be kept in turmoil and strife and in universal commotion for the next two years....Nothing is more against the interests of South Africa, nothing is more against the unity and peaceful co-operation of its people.'³⁴

At the same time as Deneys Reitz described the

31. See Cape Argus, 20 September 1926 citing Natal Advertiser; Natal Mercury, Ons Land - 18 September 1926; Cape Argus, 20 September 1926.

32. Rand Daily Mail, 18 September 1926.

33. Cape Times, 18 September 1926; Sunday Times, 19 September 1926; Cape Argus, 20 September 1926.

34. Sunday Times, 19 September 1926; Cape Times, Cape Argus - 18 September 1926.

referendum as absolute bunkum³⁵ the Chairman of the Empire Group declared it to be an insult to the intelligence of the South African people - so laughable that he did not want to enlarge on it.³⁶ And, as with the crown, at the end of the month the Flag Organization resolved against it.³⁷

The referendum and the Nationalist press

Misgivings over a referendum were shared by the Nationalists. Only the Cape organ of the Party gave the plan its unqualified support, holding that it would remove the objection that the flag was being pushed through

35. Die Burger, 20 September 1926; Cape Times, 18 September 1926.

36. Cape Times, 18 September 1926.

The Empire Group (or British Empire Group) was the most extreme anti-flag bill society to emerge during the controversy. It maintained that the question of the Union's national flag was an imperial one and therefore outside the competence of the Union Parliament. After the Imperial Conference of November 1926 it objected to the Dominion's 'new status', insisting that the Union was not 'independent'; and in mid-1927 it drew up a petition begging the King to intervene in the flag struggle. The Empire Group's jingoistic pronouncements embarrassed the opposition which attacked it as hysterical and insignificant; for the Nationalists, the Group provided an excellent target.

The Empire Group came into existence in mid-1926 and was very vocal. However its support appears to have been small, restricted almost entirely to Natal and concentrated in Durban. Its Chairman was George Hodge. See Natal Witness, 25, 27, 30 May, 9 September 1927; Die Burger, 11 March, 9 June, 5 September 1927; The Star, 6 June 1927.

37. Cape Times, 30 September 1926.

against the will of the people. Die Burger refused to accept that the choice offered - the Government's flag or no flag - was unfair; those who opposed the referendum were condemned as politically bankrupt and Smuts and the jingo press were blamed for the agitation. The only way to raise the flag issue above Party conflict was through a referendum.³⁸

The Party's two other newspapers, however, had reservations. In late July Ons Vaderland had said that it could see no difference between a general election and a referendum on the flag issue: both were unthinkable. Now its acceptance of the proposal was lukewarm.³⁹ As for Die Volksblad, it was not enamoured with the decision: the struggle would be exceptionally bitter; excited passions could produce a split in the social and political spheres which would not be easily healed; and most important, Natives and Coloureds could be dragged into the struggle. Finally, unlike its counterpart in the Cape, Die Volksblad thought a general election preferable to a referendum, for whereas in the former non-flag issues could be used to lead the public's attention elsewhere, in a referendum this would be impossible.⁴⁰

Thus, though both these organs gave their support to

38. Die Burger, 18, 19 September 1926.

39. 21 September 1926.

40. 20 September 1926.

the proposal, it was clear that among Nationalists there was doubt as to the value of a referendum as an instrument of peace. Among the opposition, the objection to the measure was overwhelming.

Opposition to the Flag Commission

As with the crown and referendum proposals, the Flag Commission failed to gain the opposition's general support. Its objection to this body was straightforward: its terms of reference precluded the incorporation of the Union Jack (or former republican flags) and therefore prejudiced the essential issue from the start. Thus the Commission was a compromised body. This view of the Commission destroyed in advance any prospect of it enjoying general confidence.⁴¹

As early as 7 June, that is, at the same time as Hertzog first indicated that a new body might be appointed to choose the flag design, the opposition had voiced its concern. It warned that it was impossible to speak of a body of unbiased men if that body were denied free choice.⁴² Again, when Malan referred to the proposed Commission in his Germiston speech at the end of July, misgivings were expressed as to the purpose and value of this body.⁴³

41. G.H. Wilson, Gone Down the Years, p. 226.

42. Cape Times, Rand Daily Mail - 7 June 1926.

43. Natal Mercury, 2 August 1926.

As soon as the Commission's terms of reference became known early in September, the opposition denounced them as wholly unacceptable and asserted that no man of independent mind could serve under them. The Friend commented on 8 September that the Commission's hands would be tied from the outset because the Union Jack would be barred. Under such circumstances it could not see how non-political bodies like the Sons of England, B.E.S.L., and Federated Caledonian Society could be represented on it 'with self-respect'. Others suggested that the 'racially intolerant' in the Government hoped to claim that they had consulted independent opinion before taking final action. But the Commission was 'so much eye-wash'; its appointment was a farce, and 'no man of any independence of thought or judgement would demean himself to accept appointment to such a body'.⁴⁴ On 13 September the Grand President of the Sons of England opposed the Commission because its hands would be tied.⁴⁵ And four days later, in the same speech in which he criticized Hertzog's proposal for a referendum, Smuts attacked the Commission's terms of reference as side-stepping the essential issue.⁴⁶

In the face of this opposition, the Flag Commission stood no hope of becoming a truly representative body. So

44. Natal Mercury, 9 September 1926.

45. Daily Despatch, 14 September 1926.

46. Cape Times, Cape Argus - 18 September 1926.

long as its mandate remained restricted, it could not enjoy general confidence. Not surprisingly, therefore, Malan encountered much difficulty in finding members of the opposition to serve on it. These difficulties, he alleged, came almost solely from the S.A.P. who behind the scenes made special efforts - sometimes coupled with threats and social boycott - to hinder people who were prepared to accept office and to dissuade others from remaining on the Commission.⁴⁷ Clearly, this proposal too had failed to gain general support.

It may thus be seen that Hertzog's three aids to a flag settlement - crown, referendum and Flag Commission - were all unsuccessful as instruments of peace; each failed to gain sufficient general support to make it successful as a device for a flag settlement. While the underlying reasons for their failure are to be found in the

47. Malan, p. 116: Die Burger (Malan), 31 January 1957; Cape Argus, 14 September 1926; Cape Times, 18 September 1926.

Those who declined to serve on the Commission included Sir William Beaumont, Professors E.A. Walker, W.M. Macmillan and F. Clark, J. McQuade and D. Young (editors of the Rand Daily Mail and Natal Witness, respectively), Lady Beck, J.S. Franklin, J.H. Hofmeyr (Administrator of the Transvaal), J.H. Pierneef, E. Roworth, Mrs M.T. Steyn (widow of the late President), C.J. Sibbett, the Rev. G.S. Malan and the Bishop of Bloemfontein, Walter Carey (P.S.M.I. vol. 3; Norval Papers, Flag Commission Report, 1925/7).

Some of the above declined to serve on the grounds of ill-health or prior commitments.

opposition's mistrust of the Nationalists' intentions⁴⁸ and the prevailing climate of ill-will, other considerations also played their part.

Opposition strengthened by the Government's concessions

Paradoxically, the very proposals which Hertzog put forward as concessions, stiffened the opposition, and so decreased the possibility of a compromise agreement. The proposals, far from being seen - as Hertzog had hoped - as the patriotic concessions of a Government wishing to satisfy public opinion, were viewed as nothing more than the desperate stratagems of a Pact anxious to extricate itself from a dilemma. Rather than genuine concessions, the offers were desperate manoeuvres. The crown proposal was 'stamped as the price of a forlorn hope of salvation for the Pact.'⁴⁹ And the Government, it was claimed, far from acting from a position of strength, was actually in retreat.⁵⁰

This last belief was strengthened both by the

48. For an example of how anxiety for the British relationship supervened in a leader article on Hertzog's crown proposal speech, see Cape Argus, 7 September 1926. For fears of secession see also The Star, 8 September 1926; Sunday Times, 12 September 1926; Cape Argus, 13 September 1926.

49. Cape Times, 7 September 1926.

50. Natal Mercury, 7 September 1926. See also Ons Land, 18 September 1926; Daily Despatch, 10 November 1926.

Government's Flag Commission difficulties, and by the further offer of a referendum. When Hertzog announced that a referendum would be held, the Cape Times maintained that ever since the end of the last parliamentary session (when Malan had declared that the Flag Bill would be forced through in its existing form), the Government had been driven 'from pillar to post'. First had come the revolt of the National Labour Council and its dual flag plan; then had come the Flag Commission - with desperate attempts to constitute it ever since; next appeared the crown offer; 'and now there is this referendum offer':

It is useless for the Government - facing the certainty of ruin on this issue, and producing one expedient after another to save its own bacon - to pretend that its sole motive in these successive retreats is genuine patriotism....⁵¹

Each concession, together with its failure to gain general support, made the opposition more determined to accept nothing less than the inclusion of the Union Jack in the national flag. Awareness that the Government was not inflexible on the flag issue and that it could be forced to yield ground - as it unquestionably had with the crown offer - had the effect of stiffening the opposition's ranks and reducing the appeal of any compromise plan. Furthermore, its awareness that disagreement existed among Labourites, Nationalists and even within the Cabinet itself - for instance, between Malan and Roos, further encouraged

51. 18 September 1926.

it to resist.

Smuts and the Government's concessions

The failure of the three aids - Flag Commission, referendum and crown - to gain the support of the opposition was soon laid at the door of Smuts. However, little if any of Smuts's influence was required to bring about the rejection of the referendum and Flag Commission proposals. To the great majority of the opposition who wanted an open choice, the restricted terms of reference of the Commission and the very limited option offered in the referendum seemed manifestly unfair. However, with regard to the crown proposal, the fact that some opposition newspapers were prepared to consider it, while others did not immediately reject it - and were therefore possibly awaiting a lead - would seem to indicate that Smuts's immediate endorsement of the plan might have resolved the conflict. One may therefore be led to conclude, as Malan apparently did,⁵² that Smuts failed to give a lead to the opposition at a moment when his approval of the plan might have ensured its success.

Such a view overlooks several considerations. Neither the press in Natal nor Die Burger lost any time in coming out against the proposal. They, together with

52. Hansard, vol. 9, 5440-1, 21 June 1927.

certain opposition newspapers, condemned the measure at the very first opportunity. In such circumstances, and particularly with opinion in Natal likely to be hostile to the plan, it would have been most difficult for the Leader of the Opposition to have 'taken the lead' - even had he wished to do so.

For Smuts to attempt to lead flag opinion in Natal, in the prevailing political climate, could be dangerous. The S.A.P.'s defeat in 1924 had dealt a blow to his political prestige from which he had yet to recover.⁵³ In Natal, dissatisfaction with Smuts's leadership of the S.A.P. (and with the Party's alleged Afrikaner orientation and lack of spirit), was openly expressed in August, October and November 1926.⁵⁴ Indeed on 13 November the Natal Mercury thought it necessary to make an appeal against the 'general distrust' of Smuts in Natal. Disillusionment with the S.A.P. was also betrayed when, in justifying the formation of their new patriotic society in Natal, an Empire Group spokesman declared that British sentiment and prestige in South Africa had been outraged - in spite of the S.A.P.⁵⁵ Strongly 'British' in sentiment and acutely sensitive to any form of 'Afrikanerization' or republicanism, Natal was

53. Duncan Papers, to Lady Selborne, 19 March 1926.

54. See Die Burger, 12 November 1926 citing Natal Advertiser of 20 August and 20 October 1926; Die Burger 12 and 16 November 1926 citing Times of Natal, 10, 13, 15 November 1926.

55. The Star, 11 February 1927, letter from Major H. Dearden Matson.

in no mood to make sacrifices to Nationalist sentiment; the political dangers for those who did, such as her Labour parliamentarians, were patent. If it was hazardous for Smuts to demand sacrifices from fellow Afrikaners, how much more so was it from apprehensive and critical English-speakers? Here, then, it was not simply a matter of leading public opinion, but also of following it. The support of his followers in Natal was indispensable for the S.A.P.'s return to power and it would have been most imprudent to have risked alienating many of them.

Probably, Smuts was not anxious to see the issue settled. The Pact had slid into a difficult position and he had no wish to assist it to his own Party's detriment. For, as we have already had occasion to observe, so long as the flag issue remained unresolved the possibility of an early general election on the colour question was small. Unquestionably colour questions caused great difficulty in the S.A.P. where there was no firmly established unity on colour policy. This had been one of its weaknesses in the 1924 general election⁵⁶ and the weakness persisted. One year after the elections Duncan was worried that the fight over the Native question which lay ahead of the S.A.P. would take place on ground wholly favourable to the Pact. 'It is going to be a great difficulty', he feared, 'Nothing

56. O'Dowd, pp. 68, 70-72.

is so likely to drive a wedge between the Dutch and English elements of our party as this question and that again suits the Government party.⁵⁷ In February 1926 he returned to this difficulty when he wrote of the Colour Bar Bill:

Our party has been quite solidly voting against it - which is not a little surprising when one realises what an appeal the combined effect of the old colour prejudice and the idea of protection for the white man makes to the ordinary member especially to those who were brought up on the principle of "no equality in church or state." It has taken some skilful stirring on Smuts's part and it would be very easy even now to stampede the herd.⁵⁸

Finally, a week before the flag storm broke Duncan observed that Smuts had performed a great feat in getting his Transvaal Afrikaner supporters to vote with Cape M.P.'s against the Colour Bar Bill. He wondered what these Transvaalers would say if they were asked why they had done so, adding that one had let out, in an unguarded moment, that he was voting against it because it did not bar the Coloured as well as the Native. That, Duncan suggested, revealed the real sentiment of these men.⁵⁹ Many Transvaal M.P.'s clearly sympathized with Hertzog's Native policies, while Natal M.P.'s were 'mortally afraid' of being suspected by their electors of not warmly supporting any Bill which imposed restrictions on Indians.⁶⁰ All were afraid that

57. Duncan Papers, to Lady Selborne, 9 July 1925.

58. Ibid. to Lady Selborne, 5 February 1926.

59. Ibid. to Lady Selborne, 13 May 1926.

60. Ibid. to Lady Selborne, 1 April 1926.

in opposing Hertzog's policies the S.A.P. would be stigmatized as a 'pro-colour party'. With the Government's colour policies creating difficulties for the S.A.P. the flag controversy could not have been unwelcome to some of its members. As a Party which embraced both language groups, its appeal for a flag that also embraced symbols of both these groups was likely to have a unifying influence on the Party. Thus the great value of the flag issue was that it precluded an early general election, focused attention on a non-colour issue, gave the S.A.P. a popular cause and a united purpose, and weakened the Pact. Such an asset was not to be surrendered lightly.

CHAPTER VII

THE FLAG CONTROVERSY DURING HERTZOG'S ABSENCE, SEPTEMBER - DECEMBER 1926

The problem of the Bill's withdrawal

It has been noted that as early as July there was growing discontent among Nationalists over the Union's distraction with a flag question at the expense of more urgent problems. Though Congresses of the Nationalist Party in the Free State, Transvaal and Cape Province resolved in favour of the Flag Bill,¹ there can be little doubt that many of the less ideologically inclined Nationalists questioned Malan's view of the Bill as the most important measure to come before the Assembly 'for many a year', and, like Labourites, would have preferred a far greater concern with bread and butter issues.

Their discontent could not go unmarked by Roos. Nor could Labourites' discontent fail to concern him, since it could threaten the Pact's survival. By the end of September, it was obvious that the Government's three aids to a settlement would not secure a general agreement and

1. Die Burger, 10 November 1926; Sunday Times, 28 November 1926; Die Volksblad, 4 January 1927.

that the Pact's difficulties were therefore likely to worsen. For Roos the problem was to find a way out of the dilemma that would not suggest that the Government was weak. Yet, as Duncan had observed six months earlier, with the passage of each day it became more difficult for the Government to go back.² When in May 1926 the Government postponed the Flag Bill, Lewis Michell had commented that Hertzog was a weak man who had 'lost his nerve'.³ Nationalist organs, to counter such views, and to spur on the Government, insisted that the Bill would be passed in 1927. Each new Government concession tended to be seen in Michell's light by the opposition; Nationalist newspapers, on the other hand, hastened to assure readers that these same concessions implied no lessening of the Government's resolve to pass the Flag Bill in 1927. Malan's dismissal of the dual flag plan was another occasion on which Die Burger and Ons Volksblad maintained that any postponement of the Bill would be politically harmful. Also, Ons Volksblad insisted, the Nationalist Party was firmly based on principles; one of these laid down that it would strive for a united and independent nation. If the Government deviated from this principle, or was disloyal to the volksideaal, it would commit treason against the Afrikanervolk. Thus the politics of nationalist ideology further complicated the

2. Duncan Papers, to Lady Selborne, 20 May 1926.

3. Lewis Michell Collection, Diary and Notebook, 1 December 1925 - 31 December 1926, entry for 26 May 1926.

problem of the Bill's withdrawal. Clearly the Bill's postponement could only be contemplated if there was a great decline in the political tension and the Government was able to act from a position of real strength.

It was Hertzog's good fortune that at this juncture of the flag struggle his popularity in the Union reached unprecedented heights. Hopes of a resolution of the flag problem, either through another concession or the Bill's withdrawal, began to take root. For the Premier's success at the Imperial Conference appeared to have transformed the flag question and indeed the entire political picture in South Africa.

The effect of the Imperial Conference's report

On 22 November the Imperial Conference published its report.⁴ From this date, until the beginning of 1927, the political climate in the Union changed remarkably for the better. For English-speakers, who had feared that at the Imperial Conference Hertzog would work towards the severance of the Union's imperial ties, the Imperial Conference's report, and more particularly Hertzog's unequivocal acceptance of it, came as a great relief. Commenting on the Conference and its report, Hertzog declared that, with the

4. CMD 2768, November 1926. For abbreviated reports see Cape Times, Rand Daily Mail, The Friend - 22 November 1926.

full co-operation of his imperial colleagues, he had achieved all he wanted; everything the Nationalist Party had striven for had been achieved; that Party was now 'absolutely content'.⁵

This content was generally shared by the opposition: 'If General Hertzog is satisfied, then so are we', the Natal Mercury declared on 22 November, for the report merely endorsed a situation that had existed for some years. To the Pretoria News of the same date, the most important fact was that Hertzog was fully satisfied with the report's Balfour formula; this meant that in Hertzog's view the ideal of sovereign independence had been attained with South Africa remaining a British Dominion. Hertzog, then, was not the only one to feel satisfied; everyone ought to be satisfied. Other opposition newspapers also welcomed the report as bringing theory and practice into line.⁶ And on 8 December, at the annual Conference of the S.A.P. in the Transvaal, Smuts expressed his Party's approval; indeed, he quipped, the S.A.P. had been satisfied with the same so-called 'new status' for the past six years.⁷

Nationalist Party organs, preparing the way for their

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5. Cape Times, 22 November 1926; The Star, Cape Argus - 24 November 1926; Sunday Times, 12 December 1926.
 6. See The Friend, 22 November 1926; Cape Times, 23 November 1926; Rand Daily Mail, 3, 12 December 1926.
 7. The Star, Cape Argus - 8 December 1926; The Friend, Daily Despatch - 9 December 1926.

leaders, enthusiastically supported Hertzog's achievement in England.⁸ Then, prominent Nationalists,⁹ notably Malan and Roos, gave their blessing to the 'new status'. At Uitenhage, Malan told a gathering that they were entirely satisfied with what Hertzog had attained and accepted the position as defined. He hoped Nationalists had definitely made up their minds that they had obtained all they had ever wanted. If the S.A.P. was prepared to maintain their present independence, they need never again squabble over independence and republican propaganda.¹⁰

Even more pleasing to the ears of the opposition was the unqualified approval of Roos, for no Nationalist had been a more ardent champion of republicanism. Already, on 24 November, he had made a conciliatory speech at Heidelberg in the Transvaal.¹¹ But the views Roos expressed on 2 December, at Springs, were even more widely welcomed. In the fortnight before Hertzog's return, he repeated these views on several occasions: the constitutional question no longer existed; they fully accepted what had been freely given and were greatly indebted to the 'Imperial Government'

8. See Die Burger, 22, 23 November 1926; Die Volksblad, Ons Vaderland - 23 November 1926.

9. These included J.C.G. Kemp (Die Burger, 23 November 1926), E.G. Jansen (Die Volksblad, 8 December 1926), Colin Steyn (Die Burger, 7 December 1926).

10. Rand Daily Mail, Die Burger, The Star - 1 December 1926; Sunday Times, 12 December 1926; L. Blackwell, African Occasions: Reminiscences of thirty years of bar, bench and politics in South Africa, p. 134.

11. Cape Argus, 25 November 1926, p. 14.

for a ruling he had never expected; by its action, the Imperial Government had made the position of the Empire stronger than ever before; the Nationalists were completely satisfied with the new imperial relationship. The questions of secession and republicanism were dead.¹²

Everywhere Nationalists were unstinting in their praise of the outcome of the Conference.¹³ Politics, Duncan observed at this time, was a 'wonderful game'. The Nationalists and Labour Party had evidently made up their minds that something had to be done to get them out of the bad odour into which the Flag Bill had brought them with the 'British' people in the towns. They had therefore seized on the report and were boosting it 'for all they are worth'.¹⁴ There was probably much truth in Duncan's assessment, but regardless of motives, the Nationalists' praise for the Conference and the resultant 'new status' contributed towards a dramatic improvement in the country's political mood during December.

12. Cape Argus, 2 December 1926; The Star, 2, 4 December 1926; The Friend, Die Burger - 3 December 1926; Ons Vaderland, 3, 7 December 1926; Rand Daily Mail, 7 December 1926; Die Volksblad, 9 December 1926; Blackwell, op. cit., p. 133.

13. For example, see Die Burger, 22, 23 November and 3, 7 December 1926; Die Volksblad, 23 November, and 8, 9 December 1926; Ons Vaderland, 23 November and 1, 3, 7 December 1926.

14. Duncan Papers, to Lady Selborne, 7 December 1926.

Moves towards Toenadering

In the forefront of the attempt to create a better spirit stood Roos. His speech at Springs launched a fresh attempt to re-orientate South African politics. Talk of the possibility of re-orientation, 'hereniging'¹⁵ and 'toenadering' began to fill the air - Roos being seen as the key figure in any political change.¹⁶ Thus, commenting on Roos's Springs' speech, the Natal Mercury of 3 December observed that the political situation was likely to undergo 'curiously interesting developments in the near future'; it was most improbable that the conservative elements, which were the backbone of the Nationalist and South African Parties, would tolerate for much longer 'the false and unnatural lines of cleavage' which divided the political groups. Similarly, The Friend of 4 December thought that no reason existed for the continuance of the Pact, because the removal of the question of secession had removed the chief division between the Nationalist and S.A. Parties.

15. Immediately after the publication of the Imperial Conference's report, the call went out for 'hereniging' from the Chairman of 'Die Transvaalse Sentrale Herenigingskomitee' (Die Burger, 24 November 1926). It was Roos's speeches, however, which evoked nationwide interest.

16. See The Star 2, 4 December 1926; Cape Times, Daily Despatch - 6 December 1926.

That the appeal of toenadering remained alive in 1925/6 may be seen in the letters written to Hertzog advocating it. One letter from the Moderator of the Dutch Reformed Church in the Cape Province in August 1926 offered the services of the Church's moderation in order to bring Hertzog and Smuts together in the interests of toenadering. (H.P. vols. 27, 28.)

At Brakpan¹⁷ and Krugersdorp¹⁸ Roos raised the possibility of a political re-orientation. At Krugersdorp he reiterated his views that the country would no longer be disturbed by constitutional issues. If necessary, he said, Article 4 could be altered so as to read that their present independence would be maintained; and he issued an invitation to members of the S.A.P. to join a new Party on the basis of the Nationalist Party. When interviewed on his invitation, Roos declared that he had thrown out the suggestion hopefully as a start towards bridging the gulf between the Nationalist and S.A. Parties, and towards this end, he suggested that a committee might be formed to alter the constitutions of both the Nationalist and S.A. Parties.¹⁹

Perhaps the extreme positions taken by various groups in the flag struggle and the resultant restriction on the mobility of the Parties convinced Roos that the answer to South Africa's political problems lay in the establishment of a Centre Party which was free of extremist entanglements. With the constitutional issue apparently settled, the time seemed propitious for such a call. The new party might take as its slogan: South Africa first; however, its emphasis would fall not on (white) racial ideology, but

17. Rand Daily Mail, The Star - 7 December 1926; The Friend, 8 December 1926.

18. Rand Daily Mail, 9 December 1926; Cape Times, 13 December 1926.

19. Rand Daily Mail, 9 December 1926; Cape Times, 13 December 1926.

rather on the Union's general welfare and economic progress. The basis of the new political division, though never defined, would be economic.²⁰ Bread and butter and not ideological issues would preponderate. To succeed, the Party would have to provide a home for moderate Nationalists and for English- and Afrikaans-speaking supporters of the other Parties. Roos therefore took pains to emphasize that he was opposed to any racial division in politics. He did not want to see, he said, an alignment of the Afrikaners against the English; the 'old S.A.P. Dutch element' would not budge but that was all to the good because it prevented a racial division.²¹ Clearly neither Malan nor Heaton Nicholls nor Madeley was to be included in Roos's Party. Not relying on their support, it could not be held in thrall by their supporters.

In addition to the above considerations, as a shrewd political tactician Roos had probably concluded that political power could best be retained through a re-orientation. The alliance with Labour had always had certain disadvantages. It had never been popular among Nationalists.²² Their sensitivity to any form of socialism

20. See The Star, 4 December 1926; Cape Times, Daily Despatch - 6 December 1926; Ons Vaderland, 10 December 1926.

In the general election campaign of 1924 he had maintained that the only issue before South Africa was the economic issue. O'Dowd, p. 61.

21. The Star, 4 December 1926, p. 13.

22. See H.P., vol. 44, letter from E.G. Jansen to Hertzog, 7 December 1923.

was shown by Creswell's attempt in 1923 to remove the 'socialist objective' from his Party's constitution.²³ Particularly the 'country Boers' retained their fear that 'socialist doctrines may infect the poor man on the land, the bywoner and the landless labourer'.²⁴ It was also clear to Roos that the flag struggle and other difficulties had greatly weakened the Labour Party. Indeed Roos believed that support for this Party had become so small that Labour need no longer be taken into serious account.²⁵ By emphasizing economic lines of delineation in a re-orientation, Roos could dispense with the support of unpopular Socialists, whose reduced political prospects made them a doubtful asset. In sum, Roos had little to lose by putting out feelers for re-orientation, while much might be gained.

In the forefront of those who welcomed Roos's call was the Rand Daily Mail. Its new-found enthusiasm for Roos was not unrelated to a shared interest in Labour's future on the part of Roos and Sir Abe Bailey. However, whereas Roos suspected that Labour's prospects were poor, Bailey feared that Labour's influence would grow. In the 1924 general election Labour had failed to win seven seats by

23. The Star, 2 January 1923.

24. Duncan Papers, to Lady Selborne, 6 January 1926.

25. Malan, p. 120: Die Burger (Malan), 1 February 1957.

less than 150 votes each,²⁶ and Bailey may well have been apprehensive that these and other seats would fall to the Labour Party at the next election. In reaching such a conclusion, Bailey would unquestionably have been influenced by what he would have seen as socialist threats in other parts of the world. In 1924, in Great Britain, Labourites had come to power; though the Labour Government soon fell from office, the votes cast for it later that year increased.²⁷ Since 1914 there had been the Bolshevik Revolution of 1917, the General Strike of 1926 and the growing activities of socialists and communists in Italy, Germany and France. Such considerations might well have greatly disturbed a man with Bailey's interests. In all events, at the end of December 1926, Duncan wrote that Bailey was most anxious to see a strong anti-Labour Party in power and wanted a fusion of the Nationalist and S.A. Parties, 'as a means of getting rid of Labour.' 'Abe and his friends', Duncan observed, 'are all hot on fusion of the two parties and on paper of course there is very little difference between them.'²⁸

Probably it was no coincidence that on the same day Ons Vaderland praised a call by Bailey for all attention to

26. See Cape Times, 20 June 1924, p. 10.

27. C.L. Mowat (ed.), The New Cambridge Modern History, vol. XII, 'The Shifting Balance of World Forces, 1898-1945', pp. 531-2.

28. Duncan Papers, to Lady Selborne, 29 December 1926.

be given to the Union's non-constitutional problems, the Rand Daily Mail began to boost Roos. 'Gladly and unquestionably', the Rand Daily Mail of 3 December accepted Roos's recent assurances and predicted that as a result of them, he (and the Government) would gain greatly in prestige. After all, it said, there could be no doubt that in advancing his views Roos had incurred some political risk. Again on 14 December, it reminded its readers that nothing could have been more courageous than Roos's statements on the constitutional issue. As for the difference between the two largest Parties, on imperial relationships it seemed to resemble 'that which existed between Tweedledum and Tweedledee'.²⁹

No doubt many shared Bailey's fear of socialism. And many wished to reduce the racial and increase the economic content in the Union's politics.³⁰ All these would view Roos's feelers sympathetically. The Imperial Conference had already paved the way for a better atmosphere. Two days after it was published, a letter to the editor of the Potchefstroom Herald from a 'prominent Nationalist' appealed for the shelving of the Flag Bill 'as a token of appreciation to the British public'.³¹ Roos's Springs'

29. Rand Daily Mail, 9 December 1926.

30. For examples of leading articles that stressed the importance of concentrating on the Union's 'pragmatic problems', see Sunday Times, 12, 26 December 1926; The Friend, 10 December 1926.

31. Daily Despatch, 26 November 1926 citing Potchefstroom Herald.

address on 2 December stimulated the growth of goodwill. The conclusion of a public meeting held under the auspices of the Nationalist Party at Worcester, a few days later, evidenced this goodwill. To the surprise of all, the main speaker, Senator Langenhoven, sprang forward, saying:

"Let us sing 'God Save the King' - the King of South Africa, also," and [The Star reported] for the first time in the local Methuselah's memory the National Anthem was sung at a Nationalist meeting, all rising, and the Senator gravely beating time from the platform.³²

As Hertzog's return approached, the co-operative spirit was evident. At the Free State Congress of the S.A.P. one delegate urged that if the Nationalists moved forward one step, the S.A.P. should move forward two.³³ And at the Cape Congress of the Party, Joël Krige, while rejecting the idea of hereniging on the basis of the principles of the Nationalist Party, was careful to point out that there was a strong desire, especially in the backveld, for 'a better understanding socially'. A resolution which welcomed all efforts to create 'a better spirit socially' and bring together those who had common economic interests, was carried with acclaim.³⁴ That Roos's invitation was debated at all at S.A.P. Congresses, indicates how much his appeal had aroused public opinion.

32. 7 December 1926.

33. Cape Times, 10 December 1926.

34. Ibid. 7 December 1926.

On the day of Hertzog's return (13 December), the Natal Mercury was to draw attention to the 'marked change in public sentiment and thought' that had occurred. It felt that the best omen for a brighter political future lay in the eagerness of the man in the street to ensure that Hertzog received the credit he deserved and an absolutely 'square deal' from all Parties - until he had had a chance to gauge the change in political feeling. Unless he was altogether lacking in political perspicacity, Hertzog would 'very soon sense a very great change of "atmosphere" in the Union.'³⁵

Roos influences a postponement of the convening of the Flag Commission

Roos had received an encouraging response to his feelers. But all efforts at re-orientation might fail if there was a recrudescence of racial feeling, such as the pressing of the Flag Bill was certain to evoke. If his plans were to succeed, postponement of the Bill seemed imperative - and to this Roos therefore directed his efforts.

The Flag Commission was to convene on 6 December. When, with the publication of the Imperial Conference's report rumours began to circulate that the Commission's

35. For the improved political spirit see also The Star, 11 December 1926; Cape Times, 13 December 1926.

sitting might be postponed,³⁶ Roos promptly furnished its Chairman, Campbell, with a further reason for querying the wisdom of its convening. In a speech at Heidelberg in the Transvaal,³⁷ Roos's 'almost benevolent references to the future of the Empire'³⁸ seemed to hold out the possibility of a change in policy. Three days later, on 27 November, Campbell telegraphed Malan that he strongly endorsed the view that the proposed sitting of the Flag Commission should not take place if there was any possibility of a change in policy.³⁹

In reply Malan asserted that the Commission's instructions were the result of a deliberate Cabinet decision and that the expectation in some quarters of a change in policy was absolutely unwarranted. In any case the Commission was merely advisory, so that the Government would retain its freedom of action should a change in policy occur. Any sign of wavering, Malan believed, was bound to be exploited and to complicate the position further.⁴⁰

Campbell thereupon drew Malan's attention to Roos's Heidelberg speech. This, he said, held out the possibility

36. The Star, 24 November 1926, p. 9.

37. Cape Argus, 25 November 1926.

38. The Star, 27 November 1926, in leading article.

39. P.S.M.I. vol. 3.

40. Ibid.

of change, and he added: 'The view of Cabinet Ministers here [Pretoria] was conveyed on Saturday advocating postponement.' Campbell asked Malan therefore to postpone the Commission's meeting or to accept his resignation as Chairman. Again Malan told him that the expectation of change was wholly unwarranted; as for postponing the Commission's meeting, this fell within the competence of Campbell.⁴¹

On 1 December 1926, South Africans first learnt that the meeting of the Flag Commission had been postponed. In a statement to the press, Campbell explained that he had been largely influenced by what he felt was the prevailing opinion among all sections, namely, that on his return Hertzog should have an unfettered opportunity to consider the flag question 'de novo' and realise for himself the effect on the Union of his success in England. If Hertzog were faced on his return with a finding of the Flag Commission, he would be faced to some extent with a fait accompli. The possibility of a change in policy suggested that it would be better not to convene the Commission.⁴²

Victory in this confrontation with Malan had gone to Campbell - backed by Roos. Roos had unquestionably played an important part in bringing about the postponement of the

41. P.S.M.I. vol. 3.

42. The Star, 1 December 1926; Die Burger, Rand Daily Mail - 2 December 1926.

meeting of the Flag Commission. Indeed, Campbell was soon to explain to Hertzog that his justification for differing from Malan in this matter was based on an interview with Roos and a letter received from him.⁴³

Roos, Labour and Hertzog

If Roos was instrumental in persuading Campbell to postpone the meeting of the Flag Commission, did he also persuade Hertzog to favour postponing the Bill? There can be no doubt that when Hertzog returned to South Africa he was in favour of a postponement.⁴⁴ As Acting Prime Minister during Hertzog's absence, Roos was certainly in a favourable position to exert influence on Hertzog and, after the satisfactory conclusion of the Imperial Conference, he may well have found Hertzog receptive to arguments in favour of the Bill's withdrawal. Foremost amongst these, Roos could point to, and emphasize, the continuing difficulties of their ruling partners and their desire for the Bill's withdrawal. Labour's fortunes had worsened during Hertzog's absence. Indeed, by the end of October, it had to admit defeat: in the Johannesburg municipal elections, Fordsburg, Malvern, Turffontein and Jeppe were lost. All were supposedly Labour strongholds. Their

43. P.S.M.I. vol. 3, letter from Campbell to Hertzog, 8 December 1926.

44. See chapter VIII.

opponents, it was maintained, had been helped by the flag question.⁴⁵ The 'tremendous' campaign of the capitalist press was beginning 'to rattle our forces', Forward complained on 29 October; unless Labour offered an antidote in the form of 'bread and butter politics', it would face disruption.

Three issues later Forward revealed even more frankly the strain which the flag struggle had imposed on the Party when it deplored the confusion within the Party and attacked Creswell for not supporting the National Council's dual flag plan. It warned that the flag controversy had now,

been raging long enough to prove clearly, to anyone not wishing to remain wilfully blind, that a large majority of the rank and file still remain imbued with British instincts and sentiments....national pride and prejudice - which the journalists of capital understand so well - make it impossible for the rank and file of the party to support the Flag Bill, or even discuss it calmly and intelligently. Trusted and respected as Col. Creswell is by the membership of the party, it will be found, when the testing time comes in the shape of an election that national sentiments outweigh everything else.⁴⁶

In the remaining four weeks before Hertzog's return Forward made every effort to influence a withdrawal of the Bill. It seized upon the report of the Imperial Conference as rendering the Flag Bill superfluous, and (in hopeful

45. The Friend, 29 October 1926.

46. 19 November 1926.

anticipation) declared on 26 November that Labour had every reason to thank Hertzog for removing from the sphere of practical politics the contentious issues of secession and the flag.

Probably, partly towards the same end, Labourites' dissatisfaction with the Pact was stressed. If they believed they had accomplished a revolution with the ballot box, they now suspected that this had not come to pass and that 'Labour's fight had not changed in even one small detail.' Contentious and 'useless' questions, such as the Flag Bill, had been made the Pact's chief concern; and all along Labour's Ministers had followed Disraeli's formula for success: 'Ask for nothing; refuse nothing; resign nothing.' All this, 'and much more', had slowly penetrated the brains of the rank and file.⁴⁷ Finally, three days before Hertzog's return, Forward made yet another strong appeal for the withdrawal of the Bill. In this too Labourites' 'real and serious' disappointment with the Pact was stressed. The workers had been acquiescent and 'played the game' with the Government; now they wanted 'the goods to be delivered'. 'Actions speak louder than words,' and people were just beginning 'to remove their gaze from the mouths of the rulers to watch their hands'. Properly handled, the political situation contained no

47. Forward, 3 December 1926. Italics in original. See also Sunday Times, 28 November 1926, p. 14.

contentious matter - secession was dead, the Sedition Act was useless, and the Flag Bill unnecessary. Therefore, Labour expected the Government to turn at last to the things that really mattered. If this was done, there was not the slightest danger of any "split in the Pact".⁴⁸

These and other cries of disappointment at the Pact's achievements and flag policy, when made by Labourites, were persuasive reasons for postponing the Bill, and Roos may have used them. However, Hertzog may have reached his decision free of any pressure stemming from Roos or Labourites for the Premier was much gratified by his success and welcome in England. There, contrary to what he appears to have expected, he had gained, without the least unpleasantness, indeed, with full co-operation, the recognition of his country's status that he had for so long desired. Though in gaining this recognition Hertzog believed he had obtained no more than South Africa's just rights, it would have been surprising if he did not as a result feel well disposed towards the British Commonwealth,

48. 10 December 1926. Italics in original. See also Forward, 17 December 1926.

'split in the Pact' was an allusion to Hay's recent warnings that the Pact was 'split from top to bottom', a situation which he attributed to the links between a clean flag, the desire for secession and the Pact's failure to benefit Labourites (Cape Times, Daily Despatch - 22 November 1926); Hay also maintained that four-fifths of the Labour Party wished to end the Pact (The Star, 27 November 1926). For strong criticisms of the Labour Party and the Pact by branches of the Labour Party in the Cape Peninsula, see The Star, 30 November 1926; Forward, 10 December 1926.

England and English-speakers back home. He knew that these English-speakers were lauding him. He knew that they (and the Labourites among them) wanted the Bill postponed or, like Athlone and the King,⁴⁹ desired the incorporation of the Union Jack in the national flag. And he also knew that to pass his Native Bills he needed the help of the opposition.⁵⁰ Having fulfilled one of his greatest ambitions, and enjoying unprecedented popularity among all sections back home, he may have decided independently that on returning he would try to bring about the Bill's postponement or, if this proved impracticable, attempt to incorporate the Union Jack in the new flag.

In all events it would seem that Roos either suspected or knew that Hertzog favoured a postponement of the Bill. In the period between the publication of the Conference's report and Hertzog's return, he repeatedly asserted that he was prepared to leave the future of the Bill to Hertzog. On this matter, he declared, he was prepared to follow Hertzog blindly. In the same address from which Campbell concluded that there was a possibility of change in policy, Roos declared that Hertzog was the man best qualified to settle the Flag Bill's future: he had been to the Imperial

49. H.P. vol. 64, Athlone to Hertzog, 1 September 1926.

50. See Cns Vaderland, 29 December 1926, for emphasis on the need for the Opposition's support to pass the Native Bills which it maintained was more urgent than flag legislation.

Conference and knew what its prevailing spirit was. Whatever Hertzog decided, Roos told the audience, 'I am prepared to accept fully and freely'.⁵¹

Again, on 2 December Roos suggested to his Springs' audience that if bitterness arose they should wait till Hertzog returned, 'and he will then tell us in the light of what has happened in England how to deal with this question'.⁵² Two days later he repeated similar views.⁵³ Finally, he told a Krugersdorp audience that the only man who could decide on the future of the flags was Hertzog: he was the man to tell them what to do; whatever he decided, he, Roos, would follow blindly.⁵⁴

Though Roos did not categorically state that he favoured the Bill's postponement in any of these speeches,⁵⁵ cumulatively, the effect of the above statements, together with his open coolness towards the Bill and his efforts at re-orientation, encouraged a belief that the Flag Bill

51. Cape Argus, 25 November 1926.

52. The Star, 2 December 1926; Cape Times, 6 December 1926.

53. The Star, 4 December 1926.

54. Ibid. 9 December 1926. Several of Roos's supporters adopted the same attitude. These included Colin Steyn (Cape Times, 7 December 1926), Pirow (Ons Vaderland, 3 December 1926) and Barlow (The Star, 10 December 1926).

55. Cf. Malan, p. 118: 'Op 'n publieke vergadering het hy /Roos/ verklaar dat daar alle kans bestaan dat die Vlagwetsontwerp teruggetrek sal word, dat hy persoonlik ten gunste daarvan was...' No report of these statements has been found in any of the main newspapers.

would be withdrawn on Hertzog's return. Malan's reply to this was to try to dispel the growing public uncertainty on the Bill's future. Repeatedly, he emphasized that the Bill would not be withdrawn; on the contrary, he insisted that it would definitely be passed in the next parliamentary session. As he later wrote: '...hoe nadrukliker hy [Röös] sy koudheid en onverskilligheid verkondig het, hoe beslister het ek weer aan die ander kant herhaal dat die Regering besluit het om met die Vlagwetsontwerp voort te gaan, en dat ek van daardie besluit geen duimbreed sou afwyk nie.'⁵⁶

Thus, soon after its publication, he argued that the Imperial Conference's report had made a national flag even more necessary;⁵⁷ then, at Steytlerville, on 3 December, and again at Graaff-Reinet, a few days later,⁵⁸ he insisted that the Bill must become law, while Die Burger on 10 December maintained that the new status had made a national flag a logical necessity.

Commenting on these events thirty years later, Malan wrote that he opposed postponement because it would have resulted in an unresolved question left open for generations and that racial peace would have been disturbed. While the Nationalists' attitude towards the Union Jack

56. Malan, p. 117: Die Burger (Malan), 31 January 1957.

57. Ons Vaderland, 26 November 1926.

58. Die Volksblad, Die Burger - 4 December 1926 (Steytlerville); The Star, Die Volksblad - 7 December 1926 (Graaff-Reinet).

would have remained a grievance among this flag's supporters, their own followers would have had every reason to accuse them of weakness and the political consequences would have been disastrous.⁵⁹

But in addition to these broader considerations, there were those more directly related to Malan's own position. To him, as the most ardent advocate of a clean flag who had publicly insisted that the Bill would be passed, postponement would have been a personal humiliation. At one stroke it would have raised Roos's popularity and brought re-orientation closer, while his own stature would have been diminished among supporters and enemies alike. He could be left with no honourable alternative but to resign. Not only the Union's political future was at stake, but also his own.

The day of Hertzog's return could clearly be decisive. Recognition of this fact brought Malan to Hertzog's ship at six o'clock in the morning. He feared that Roos might gain Hertzog's ear first, influence him, and that Hertzog would compromise himself.⁶⁰ Indeed, as Malan realized, and the press pointed out that same morning, South Africa was standing on 'tiptoe with expectation' for the Prime Minister's words.⁶¹ Three days earlier, the Natal Mercury

59. Malan, pp. 117-8: Die Burger (Malan), 31 January 1957.

60. Malan, pp. 118-9: Die Burger (Malan), 1 February 1957.

61. Natal Mercury, Cape Times - 13 December 1926.

had written that the whole political future of the country lay in Hertzog's hands: he could bring it to success or ruin. Now, on the morning of his return, it declared that Hertzog enjoyed a greater opportunity than any South African Premier had ever had - by a generous concession to English-speaking sentiment, he could achieve an enduring political settlement.

That Hertzog had a chance to give the Union 'a new lead' was a view expressed elsewhere,⁶² but nowhere more eloquently than in the Cape Times of 13 December:

His opportunity is very great. He comes back with the power to exorcise for ever from South Africa that dark malignant shadow of racial antagonism which has been the potent curse upon the happiness, prosperity and harmony of his country. Almost everything for the immediate and distant future, depends upon the course he will steer now that he is among us again. If he has the mind of a statesman, if he shows that generosity and patriotism are the guiding motives of his future, then indeed South Africa may enter on a new era in politics....South Africa awaits, responsive to his touch.

62. For example see The Star, 11 December 1926; Sunday Times, 12 December 1926.

CHAPTER VIII

HERTZOG'S RETURN AND THE DEMISE OF TOENADERING

Hertzog's return and the Bill's future

Hertzog received a hero's welcome. Apart perhaps from Botha in 1910-1911, never before had a South African Premier's popularity reached such heights. English- and Afrikaans-speakers enthusiastically feted him. At a civic luncheon in Cape Town on the day of his return, Hertzog confessed that he no longer had any fear of the British Empire; indeed, there was no way along which their interests could be safeguarded better than that of the Empire.¹ At a banquet in his honour that evening, he was warmly received by the Cape Town Chamber of Commerce.²

The Friend of 15 December thought his speech to the Chamber confirmed the hopes present in the hearts of South Africans and that so far as his reference to 'a totally new adaptation of...our political life' was concerned, the possibility of this was open to him. The Cape Times of 14 December declared that Hertzog's speeches on the day of his return would unquestionably influence the course of South

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1. The Star, 13 December 1926; Rand Daily Mail, Cape Times - 14 December 1926.
 2. Cape Times, Die Burger - 14 December 1926.

African politics.

On the following day a huge crowd awaited the Premier at Paarl. Orchestras played, folk songs were sung and refreshments served to thousands. In view of the freedom the Union had achieved, Hertzog told this gathering of Cape Nationalists, it would be stupid to say farewell to the Empire; they could enjoy no greater liberty than the British liberty they now enjoyed.³ In Durban, Hertzog's speeches were welcomed.⁴ In Pretoria, on 20 December, he received 'a more than royal reception'.⁵ He had returned, Duncan observed,

as the Liberator, the man who had got for South Africa the national freedom and independence for which she has striven so long. It is not the republic his supporters have always looked for but something just as good, possibly even better. So he says and so say all his nationalist colleagues.⁶

His colleagues' approval was magnified in the almost fulsome praise of the Nationalist press: the Premier had returned as a statesman of immovable conviction who had in the midst of the falsity and depravity of world politics

3. Die Volksblad, Cape Times, The Friend, Die Burger - 15 December 1926.

4. Die Burger, 15 December 1926; Cape Times, 15, 22 December 1926.

5. For reports of Hertzog's speech and Pretoria's great welcome see The Star, 20 December 1926; Die Burger, Cape Argus, The Friend - 21 December 1926.

6. Duncan Papers, to Lady Selborne, 22 December 1926.

once again bravely preached the gospel of moral loftiness and truth; 'so kom huistoe 'n volksman, gelouter deur lydingsware nasie-werk, en onomkoopbaar van siel, 'n volksman wat in donker ure diep benoud was om die siel van die Afrikanerdom'.⁷ The new 'Convention Spirit', the cordial reception Hertzog received from English-speakers and their presence at a Dingaans Day festival - allegedly for the first time since Union - all evoked gratified comment in the press.⁸ Smuts was later to refer with a touch of wry humour to the welcome Hertzog received and the way in which the English section 'most liberally embraced him in a flood of generous emotion'.⁹

In view of the unprecedented stature Hertzog enjoyed on his return it seemed that the Flag Bill could at last be withdrawn from a position of strength and that a new era in the Union's politics was a practical possibility. Not only the opposition, but Nationalists too were calling for a new epoch of pragmatic policies.¹⁰ That the pursuit of

7. Die Volksblad, 13 December 1926. Italics in original. See also Die Burger, 13 and 14 December 1926. The more inflated rhetorical passages have not been quoted. For many letters from Nationalist Party officials welcoming Hertzog back from the Imperial Conference and praising his achievements there see H.P. vol. 28.

8. See Die Volksblad, 18, 23, 31 December 1926; Die Burger, 17 December 1926; Ons Vaderland, 4 January 1927; Rand Daily Mail, 17, 18 December 1926; The Friend, 22 December 1926.

9. S.P. vol. 39, no. 290, to Gillett, 11 May 1927.

10. See Ons Vaderland, 18 December 1926.

such policies would improve his chances of passing his Native Bills could not have escaped Hertzog.

In all events, when he returned to the Union, Hertzog favoured a postponement of the Flag Bill. He openly confessed it in Parliament.¹¹ At Prieska, in October 1934, he again admitted as much.¹² Havenga, too, on his return from England with Hertzog favoured the Bill's withdrawal - a charge he did not deny when Smartt made it in the Assembly in June 1927.¹³ Why then did the Government re-introduce it? At the second reading of the Bill Hertzog declared that hardly three days after his return the demands of the Empire Group for the inclusion of the Union Jack had disillusioned him. 'I immediately felt that we could wait one, two, and even seventeen years, and yet forty years more, and would not get the flag. Then I said: "Now we are going on and no more going back."' Also, the opposition press, through its criticism, had issued a challenge to the Government that could not be ignored.¹⁴ However, Hertzog was being less than truthful.

On returning from his Paarl reception on 14 December,

11. Hansard, vol. 9, 4228, 27 May 1927; see p.342.

12. Die Burger, 11 October 1934; G.D. Scholtz, Dr. Nicholas Johannes van der Merwe, 1888-1940, p. 64. This was in response to a question arising from statements made shortly before at Heilbron by Malan, who had by then broken with Hertzog.

13. Hansard, vol. 9, 5604-5, Smartt, 23 June 1927; Die Burger, 11 October 1934; Scholtz, loc.cit., p. 64.

14. Hansard, vol. 9 4228, 27 May 1927.

Hertzog invited Malan and Beyers¹⁵ to dinner at Groote Schuur. Though the flag question probably weighed heavily on the minds of all three, the subject was mentioned more in passing than directly and Malan began to fear the worst. On the following day, Malan and Beyers were invited again to Groote Schuur, where Roos too was a guest. During lunch the conversation ranged mainly over the question of the Labour-Nationalist relationship, the continued value of which Roos, the Party's expert on the Labour Party, questioned. He argued that Labour's following had become so small that the Nationalists need not seriously consider it¹⁶ and he advocated a joining of forces between the Nationalists and S.A.P.¹⁷

After lunch Hertzog led the conversation. He had been visited by Sir Ernest Chappell¹⁸ and been told that the satisfactory settlement of the status question meant that many S.A.P. supporters were prepared to join the

15. Beyers was a close friend of Malan and generally shared and supported the latter's flag policies. One week before Hertzog's return Beyers had insisted at Edenburg that the Flag Bill would be passed in 1927 (Ons Vaderland, 7 December 1926). For Beyer's earlier activities on behalf of a new flag see pp. 14-15, n.32.
16. Malan, pp. 118-120: Die Burger (Malan), 1 February 1927.
17. Creswell Papers (envelope no. 7), letter to wife, 20 December 1926.
18. On this point Malan and Hertzog later differed: Malan maintained that Hertzog stated that Chappell had led a deputation to him (Malan, p. 120); Hertzog insisted that Chappell's approach had been personal (Die Burger, 11 October 1934).

Nationalists and to accept Hertzog as their leader. All that remained to bridge the gap and make co-operation possible, was the withdrawal of the Flag Bill.¹⁹ Without further ado Hertzog declared himself in favour of this course; the Bill should be withdrawn. At once he was supported by Roos. Beyers remained silent.²⁰

Hertzog and Roos appear to have been using their combined skill to have the Bill withdrawn. Perhaps the passing reference to the Flag Bill on the previous evening had been made as a gentle feeler. Roos's opening reference to the small importance of the Labourites on the following day may have been intended to strengthen Hertzog's hand in the subsequent discussion, for if the fortunes of the Labour Party were on the wane, so too might be the fortunes of the Pact in the next general election. A more promising alliance was therefore desirable. At this juncture Hertzog could reveal that just such an alliance had become possible.

Hertzog had proposed withdrawal; Roos had concurred; Beyers had remained silent. Malan now spoke, He asserted that his positive declarations on the Flag Bill

19. Malan, p. 120. It is difficult to accept Hertzog's later contention that Chappell's attempted rapprochement had nothing to do with the flag question (Die Burger, 11 October 1934). As events showed, the pressing of the Bill was certain to revive ill-feeling and destroy the atmosphere necessary for a rapprochement.

20. Malan, p. 120: Die Burger (Malan), 1 February 1957.

had always been made after consultation with the Cabinet and with its full authority. Withdrawal at this stage would place him in an untenable position with friend and foe alike and he would not be able to remain in the Cabinet if the Bill were withdrawn.²¹

The effect of this threat, Malan stated, was immediate. He had not realized, Hertzog replied, that Malan would adopt this attitude; he would not say another word about his own proposals. On the contrary, they should now unyieldingly insist that the Bill should become law and solely consider what form it might take. Here they might be more compromising. They could consider whether the Union Jack as a whole might not be incorporated. Again, Roos immediately supported Hertzog, suggesting a Union Jack in the centre of a blue background: beams would radiate from the Union Jack to the flag's borders. Malan objected at once to this design in which he saw the Union Jack as a rising sun. He also doubted whether their supporters would accept it. Beyers strongly supported him and the discussion ended without agreement.²²

We may take leave to doubt that Hertzog was surprised by Malan's opposition to the withdrawal of the Bill.

21. Malan, pp. 120-121: Die Burger (Malan), 1 February 1957.

22. Malan, p. 121: Die Burger (Malan), 1 February 1957.

Indeed, only three days earlier, Malan had publicly insisted that he would proceed with the measure. On the evening of the day Hertzog returned, Malan told a meeting in the Cape Town City Hall that there was absolutely no substance to the belief that the future of the Flag Bill was in doubt. This was merely opposition tactics. On the contrary, Hertzog had given no indication that he proposed to deviate from accepted flag policy: 'I think I can say there has been no change in his attitude and that there will be no change in the future.'²³ In his determination to have the Flag Bill passed, Malan was deliberately choosing to overlook developments since the Imperial Conference and trying to make it as difficult as possible for Hertzog to retract. But, throughout, Malan's deeds and words had plainly revealed his determination to push the Bill through. In May, when an anxious Creswell had sought postponement, it was Malan who had opposed delay. It was Malan too who had insisted that before postponement Labour must give an unqualified promise to support the Bill in the next parliamentary session. From Germiston, in July, to Cape Town, three days before the Groote Schuur meeting, he had given public expression of his determination to see the Bill enacted. In what other light was Hertzog to interpret his dawn visit to him? Or his City Hall speech?

23. The Star, Cape Times, Die Burger, Die Volksblad - 14 December 1926.

Thus Hertzog's contention in May 1927 that he decided to proceed with the Bill because of demands from the Empire Group and criticisms, particularly the Cape Times's, must be rejected. The Empire Group's request for the inclusion of the Union Jack was first published in Johannesburg in the late afternoon of 15 December,²⁴ that is, after Hertzog had agreed to support Malan. If Hertzog had prior knowledge of the request, this would merely reveal that despite it he still favoured the Bill's withdrawal when the vital discussions began. As for offensive press criticism, there was none between Hertzog's arrival and his decision to proceed with the Bill.²⁵

Writing home two days after the meeting Creswell said:

The Flag Bill is not to be dropped but is to be gone on with. This is a defeat to (sic)...Roos and was due to Malan saying flat footed that if it was dropped he would be dropped too - I think H[ertzog] was hoping a way out without this might be possible but he takes the view that the worst happening for S.A. would be a split in the

24. The Star, 15 December 1926, p. 9.

25. It is not quite clear whether Hertzog was referring to the Cape Times's articles during these three days or generally. However, from Hertzog's return until the announcement nearly three weeks later that the Bill would be pursued, the opposition press was unusually subdued in its comments on the Government's flag policy. An unofficial 'truce' on the flag question appears to have been observed by opposition newspapers until the beginning of January when the Government announced that it would proceed with flag legislation (see Cape Times, 5 January 1927).

Nat[ionalist] Party at this juncture with the constitutional matter settled....²⁶

If Hertzog had settled the constitutional matter, what did he have to fear from Malan? On the other great question of the time - the Colour question - Malan would have found it difficult to oppose him. It would therefore seem that Hertzog had less to gain by yielding to Malan than by placing himself at the head of the toenadering movement. Throughout the country it was strongly hoped and even confidently expected that Hertzog would grasp the opportunity to introduce a new era of pragmatic policies as the leader of a large new centre party.²⁷ However, the fact was that though Hertzog might assure Creswell that the constitutional issue was 'settled', it had only recently been settled, and it had not been settled, as Duncan observed, in the manner many Nationalists had expected. The constitutional issue was in fact settled only so long as the leaders of the Nationalist Party chose to accept it as settled. Proof of this came seven years later. The difference between what had been expected and what had been achieved could be exploited. In May 1927, E.G. Jansen, while frankly

26. Creswell Papers, vol. 3, letter to wife, 17 December 1926; M. Creswell, An epoch of the political history of South Africa in the life of Frederic Hugh Page Creswell, p. 112. The quotation has been taken from the original source and differs slightly from that appearing in the latter work. Underlining in the original.

27. For example see Sunday Times, 19, 26 December 1926; Die Volksblad, 22 December 1926, editorial and views of prominent Free State Nationalists.

admitting that it would have been better to postpone the Flag Bill in 1926, declared that the Government had not been able to do so in 1927 because it could not allow itself to be dictated to 'by the people who call themselves the Sons of England'. This variation of Hertzog's spurious argument was followed by the real reason for Hertzog's decision: the Government 'was bound to go on with the matter or see its Party smashed through internal dissension and a strong republican party [being] formed.'²⁸

Malan's assurance (given at the Groote Schuur meeting) that he would continue to support the Government if he were forced to resign,²⁹ must have been treated with some scepticism by Hertzog. His Minister's departure from the Cabinet was certain to raise republican and racial feelings and very likely to lead eventually to his being joined by Beyers, N.J. van der Merwe and other ardent republicans in a new republican party. It could stigmatize Hertzog as unprincipled, opportunistic and a betrayer of the volk; these were the hazards of a political ideology based on group distinctiveness. Despite his personal preferences on flag policy, Hertzog was not prepared to rely on the uncertain future of the toenadering movement - whose sine qua non was the postponement of the Flag Bill - at the risk

28. F.G. Jansen Papers, vol. 573, letter to Sir Thomas Murray, 18 May 1927.

29. Malan, p. 121: Die Burger (Malan), 1 February 1957.

of disrupting his own Party. In the present circumstances, a bold step in the direction of toenadering could in the long run be hazardous for him.

It is indeed difficult to see how Malan could have remained in office in the face of his former statements. In view of his continued declarations to the contrary, for him the Bill's postponement would have been an even greater personal humiliation now than in May 1926. However, Malan later cited the new imperial relationship as a reason for his insistence on flag legislation. It could be argued, he said, that up to 1926 South Africa had no need of a national flag, because during that period it was still a dependent country. After 1926, this lack became a humiliation and a proof of defect in the nation's self-respect. From 1927, a flag became a question of honour and duty.

It would surely be wrong to depreciate these views as insincere. Doubtless such views influenced Malan at the time of the struggle. Pride in one's group is the hallmark of nationalism and Malan probably saw the absence of a flag which would reflect this pride as a real shortcoming. But Hertzog and Roos were ardent nationalists too. Why then were they prepared to postpone the Bill? The answer must be that their nationalism was of a somewhat different cast. Perhaps the fact that they were lawyers rather than predikants was not unrelated to the fact that their

nationalism was less narrow and exclusive. Desire for the equality of the Afrikaner - politically, socially and culturally - lay at the centre of their nationalism. While Malan's nationalism embodied this element, the exclusiveness of the Afrikaner lay at its heart. With the equality of the Afrikaner seemingly secured and the status of South Africa recognized, Hertzog and Roos could readily embrace English-speakers in the same party. For Malan this was more difficult. The coming together of English and Afrikaners in one party could dilute Nationalist principles - as he conceived them - and pose a threat to the Afrikaner-volk. Since Malan and Die Burger's brands of nationalism were the same, the latter was doubtless accurately reflecting the former's opinions when in reply to Sir Ernest Oppenheimer's appeal for a hereniging of the conservative parties, it replied:

Ons innige begeerte dat diegene wat een was en eenders dink en eenderse belange het, in een party mog bymekaar kom, het ons nooit verberg nie. Maar met die Oppenheimers en die Abe Baileys, die Drummond Chaplins en die David Harrises, die Smartts en die Marwicks, was ons nooit een nie en wil ons nie verenig wees nie....

Vir Sir Ernest Oppenheimer om te pleit vir 'hereniging' van elemente wat nooit een was nie en ook nie saam hoort nie, is niks anders nie as verregaande vermetelheid.³⁰

Malan therefore did not support toenadering. To what extent, if any, this influenced his stand on the Flag

30. 16 February 1927. Compare with Die Volksblad's (22 December 1926) preparedness to consider Party re-orientation.

Bill's future one cannot for the present say. However, in threatening to resign he did achieve a dual purpose: he forced the Government to proceed with his Bill and thereby dealt a mortal blow to toenadering. So long as the possibility remained that the Bill would be withdrawn, hopes of toenadering remained alive.³¹ However, as December drew to its end with no official statement on the future of the Bill, some members of the opposition, growing more anxious, began to call attention to the relationship between the continuance of the new spirit and the withdrawal of the Bill.³² Their disillusionment was near at hand.

Reaction to the decision to proceed with the Bill and to the proposal to incorporate the Royal Standard

On 1 January 1927, at the opening of Labour's annual congress, Creswell announced that the Premier had authorized him to say that the Government would proceed with the Flag Bill; this decision, he said, sprang from the Government's desire to settle the flag problem once and for all.³³ The announcement came as a great disappointment

31. See Rand Daily Mail, 14, 13 December 1926; The Friend, 22 December 1926.

32. See The Star, Natal Mercury, Rand Daily Mail - 21 December 1926; Sunday Times, 26 December 1926.

33. Sunday Times, 2 January 1927; Die Volksblad, 3 January 1927; Cape Times, Eastern Province Herald, Daily Despatch - 4 January 1927.

to many members of the opposition. As the Eastern Province Herald commented on 8 January, the signs in favour of toenadering had been encouraging: 'on all hands people began to discuss the prospects of a new party....Plans of all kinds were discussed, and people went into details as to which Ministers would have to go.' Particularly, Hertzog's conciliatory speeches and his widely reported reference at Pretoria to the Union Jack as 'our flag',³⁴ encouraged hopes, and Stallard expressed the feelings of many when he declared:

When General Hertzog returned and actually said at Pretoria that the Union Jack was 'our flag', we did indeed feel that those old misconceptions were removed and that he had only to be given time to do the right thing in connection with the Flag Bill of his own will.

The shock is therefore greater and the disappointment keener when we find...that we are apparently back in the old slough, that the Flag Bill is to be forced through willy-nilly...³⁵

Since the Government had decided to continue with the Bill it was necessary for it to find a new flag. Though this task had been set aside for a Flag Commission, on 17 December Creswell put forward a suggestion to Malan. Later the same day Creswell informed his wife:

...I think his [Malan's] appreciation of my having played the game with him as opposed to his own colleague's tricks has made him much more inclined to listen to any suggestion or advocacy

34. The Star, 20 December 1926; The Friend, Cape Argus, Die Burger - 21 December 1926.

35. Eastern Province Herald, 4 January 1927. See also Hansard, vol. 9, 5604, Smartt, 23 June 1927.

I may have of any mollifying measures. He is quite willing to quarter the Royal Standard on the Flag for instance - if the King will give his permission...³⁶

Thus the immediate inspiration for the incorporation of the royal standard in the national flag appears to have come to the Government from Creswell. But, as before, the plan probably originated amongst fellow-Labourites, a suggestion for its use occurring in a letter to Forward on 3 September 1926.

No doubt Malan's feelings towards the crown and royal standard were similar, as were his reasons for accepting them.³⁷ The support his Prime Minister had given him two days earlier would additionally have made his rejection of the plan more difficult. Hertzog favoured the royal standard and it appears to have soon gained the support of the Cabinet. On 1 January, at the same time as he declared that the Government would advance with the Flag Bill, Creswell announced that it was prepared to accept the royal standard on the flag, so that they might have a flag under which all would 'stand in absolute equality'. However, incorporation of the royal standard would depend on the cessation of Party strife over the flag's design as they could not ask the King's permission to use the standard if it gave rise to political strife. If the S.A.P.

36. Creswell Papers, vol. 3, letter to wife, 17 December 1926: Creswell, op.cit. p. 112. (The colleague referred to was Roos.)

37. See pp. 164-5.

was satisfied with the proposal, Creswell said, the Government would be prepared to adopt it.³⁸

However, the royal standard failed to gain general approval. The Cape Argus, Natal Mercury, Rand Daily Mail and Eastern Province Herald were undogmatic on the merits of the standard as a solution but thought it less appropriate than the Union Jack because the standard symbolized only the King and not the Empire.³⁹ However, the Pretoria News, Daily Despatch, The Star, Cape Times,⁴⁰ and Natal Advertiser⁴¹ rejected the plan outright. While they too maintained that it was inappropriate to prefer the King's personal symbol to the Union Jack, their criticisms were more forthright and often harsh. The Cape Times, strongly objected 'to this proposal to drag the King into the unpleasant racial and political quarrel'. The Pretoria News insisted that the standard was unacceptable to the English throughout South Africa; having sworn to be true to the Union Jack, they would not tolerate its removal, either through force or parliamentary majority. The Star was at a loss to understand how 'complete elimination' of

38. Sunday Times, 2 January 1927; Die Volksblad, 3 January 1927; Cape Times, Eastern Province Herald - 4 January 1927.

39. 3, 4, 7, and 8 June 1927, respectively. The ambivalent attitude of these newspapers to the incorporation of the royal standard resulted in them being generally ambivalent towards the decision to press the Flag Bill.

40. 3, 4, 12, and 4, 7 January 1927, respectively.

41. Cape Argus, 4 January 1927 citing Natal Advertiser.

the Union Jack from the flag would remove all feelings of bitterness. It would certainly not occur among those who made a point of cherishing such feelings, and 'among all classes of the British South African population it would leave a sense of soreness and resentment'.

Patriotic societies were very critical. The Central Executive of the Flag Organization asked 'in amazement' why the Union Jack was excluded when it was the only flag that more than half the population had ever known? It was similarly 'amazed' to find the royal standard welcomed when the Union Jack was banned; if one was acceptable then why not the other? Suitable for a school badge the royal standard might be; but it was not acceptable on a national flag if it failed to express the traditions of the people.⁴² In a strongly worded letter to Hertzog, the Empire Group declared:

You [Hertzog] are still determined that the wishes of the British section of the public shall be totally disregarded, and we have now to advise you that if, as you appear to favour, the country is divided on racial lines, the fault will be entirely that of the extremist section of the Nationalist Party. We are satisfied that Natal is quite unanimous in the determination that no flag that does not embody the Union Jack shall fly in Natal....⁴³

Prominent members of the S.A.P. who spoke out against the proposal included Marwick and Duncan while Stallard

42. Sunday Times, 9 January 1927; Natal Mercury, Natal Witness, Cape Times - 10 January 1927.

43. Cape Times, 6 January 1927.

described it as 'a piece of impertinence'.⁴⁴

All the above ensured the demise of the plan. However it must be noted that, as with the crown proposal, the plan to include the royal standard did not evoke warm Nationalist support. Ons Vaderland made no editorial comment on the proposed compromise during January. And although Die Volksblad and Die Burger had no objection to the incorporation of a portion of the standard, the haste with which the latter told its readers - on the same day as it first informed them of the proposal - that the plan would surely fall away because of opposition, suggests that it had little desire to see the measure succeed.⁴⁵ The royal standard, even if it lacked the associations of the Union Jack, was no doubt a concession unwelcome to Malan and many of his supporters.⁴⁶

Thus like the crown and dual flag proposals, the royal standard failed to resolve the conflict. Once again the opposing sides were unable to accommodate one another. To

44. Rand Daily Mail, 3 January 1927; Eastern Province Herald, 4 January 1927; Cape Times, 6 January 1927; Fremantle Collection, Stallard file, Stallard to Fremantle, 4 January 1927.

45. Die Volksblad, 4 January 1927; Die Burger, 5 January 1927.

When Die Burger made its comment it was apparently aware of the opposition of only the Cape Times as it made reference to no other newspaper. Several had yet to comment. See Natal Mercury, 7 January 1927, for comment on Die Burger's 'indecent haste'.

46. See, for instance, the comments of N.J. van der Merwe in Die Burger, 17 January 1927.

one side, the Union's new status under the crown alone made the royal standard a logical choice; to the other, the demise of secession made the Union Jack the logical symbol. Whereas one side chose to symbolize its present status by means of a symbol of monarchy alone, the other wished to symbolize its continuing membership of the British Commonwealth with the flag associated with the Empire. In reality, the overriding considerations were not points of logic but questions of sentiment and susceptibility and accordingly each side chose its own criteria for judging the plan. It seemed impossible to satisfy the sentiment of one group without offending the other.

The renewal of ill-feeling and demise of toenadering

It would have been strange indeed if the dashing of the opposition's hopes had not resulted in a re-emergence and sharpening of hostility. 'The truce is ended', the Cape Times protested in response to Creswell's announcements. Hertzog had made a 'lamentable' concession to Malan and thereby failed the test of sincerity. By deciding to push on he would show the Bill's opponents that he had given way to the political-racial 'wire pullers' who surrounded him.⁴⁷ For many of the Bill's opponents this probably seemed fair comment for they had come to see the

47. Cape Times, 4, 5, 6 January 1927.

Bill's withdrawal as the crucial test of the Nationalists' sincerity towards the new status and of their good intentions towards them. As the campaign for the forthcoming provincial elections - which were to centre around the flag question - began to gather momentum, ill-feeling mounted and the last hopes of toenadering faded. By mid-January both the Nationalist and opposition press were deploring the re-emergence of bitterness⁴⁸ and on 28 January the Rand Daily Mail reported that it was clear that the feelings of good will which had emerged after the Imperial Conference had evaporated and that talk of Party re-alignment had ceased.

For the failure of toenadering each side blamed the other. The 'other' side had failed to translate 'words into deeds' and its leaders had not given a strong lead.⁴⁹ However throughout December/January the attitudes of Die Volksblad and Die Burger towards reunion had been sceptical and lukewarm.⁵⁰ The former thought there were differences between the two largest Parties 'wat geen mense-hand kan verwyder nie'; the latter maintained that so long as Unionists dominated the S.A.P. the differences between the

48. See Ons Vaderland, 11 January 1927; Rand Daily Mail, Die Burger, Natal Mercury - 13 January 1927.

49. Compare Ons Vaderland, 25 January 1927 with Rand Daily Mail, 13 January 1927. See also Die Volksblad, 11 January 1927.

50. See Die Volksblad, 8, 23 December 1926 and 8, 11, 17 January 1927; Die Burger, 22 December 1926 and 18 January 1927.

two Parties would remain deep. Only Ons Vaderland strongly favoured reunion but as it noted on 11 January, a new spirit of hostility had emerged, and by 25 January it was forced to admit that toenadering had failed. For this, it blamed Smuts.

However, Smuts does not appear to have greeted the idea with hostility, though he was certainly sceptical of it and concerned at the great popularity Hertzog was enjoying. He revealed these feelings to F.S. Malan:

It looks to me as if our English friends are completely losing their heads over Hertzog in their joy at his now having accepted the Empire faith. We have every reason to be careful. Hertzog has given us very little indication of what he really means. He may honestly mean a new orientation. But he may also, in his self-satisfaction, only be using pretty phrases. I think we must, quite calmly and even with good will await the course of events. Is Hertzog prepared to let the flag go? Is he willing to break with Labour? We know nothing of his real intentions.⁵¹

Again, at the end of December, he cautioned that it was not at all clear what Hertzog's plan was and that he doubted whether it was reunion. He strongly suspected that Hertzog's idea of reunion merely meant the S.A.P.'s 'going over to the other side', but that in all events Hertzog was 'caught in the snare of the Pact' and did not know how to escape it.⁵²

51. S.P. vol. 36, no. 221, 21 December 1926: van der Poel, no. 215.

52. S.P. vol. 36, no. 222, to N. Levi, 29 December 1926: van der Poel, no. 216.

But if Hertzog could not escape the 'snare of the Pact' or evade Malan's Flag Bill, Smuts could not accept the royal standard any more than the crown.⁵³ He was soon warned that the S.A.P. could not support the Flag Bill and remain a Party.⁵⁴ However, once Hertzog decided to advance with a Bill that excluded the Union Jack there can be little doubt that many English-speakers in the S.A.P., who might otherwise have favoured reunion, cooled towards the idea and took fright. Reunion coupled with the proposed Flag Bill would have attracted Smuts's Afrikaans followers rather than his English and brought about a racial alignment in politics such as he had resisted in 1919. Though in February he was to write that reunion was of no use to the Party at present, for they would have to join the Cabinet with only three or four portfolios as dependents of the Nationalists and accept all the latter had already done,⁵⁵ the essential objection was probably Smuts's opposition to a largely sectional party. Accordingly it is not surprising that he did not speak out strongly for toenadering or that he soon publicly declared that he saw little chance of it materializing. As early as 12 January he was drawing attention to the atmosphere that prevailed

53. See pp. 159 ff. and 177 ff.

54. Cape Times, 4, 5 January 1927.

55. S.P. vol. 39, no. 19, to N. Levi, 21 February 1927: van der Poel, no. 221.

and was ruling out the possibility of reunion.⁵⁶

In all events it was Hertzog who was in command of the situation and the first firm approach for toenadering - as Smuts repeatedly asserted⁵⁷ - should therefore have come from him. But in yielding to Malan on flag policy Hertzog had gravely jeopardized the chances of reunion; the 'suspicion, distrust and acrimony' which the Government's flag policy aroused in January,⁵⁸ must soon have made it clear that there was little sense in pursuing this goal.

However, other considerations may also have persuaded Hertzog not to pursue toenadering. Loyalty to colleagues - such as Kemp, Beyers, Malan and the three Labour Ministers - who were bound to lose office if reunion occurred, may have been one. Though he was not tied by any agreement to share government with Labour, it was only through their co-operation that he was in office and it may have impressed him as dishonourable to jettison them in these circumstances.

Once again, then, no advance had been made towards solving the flag dispute. The royal standard had been rejected, the hopes of the opposition dashed and moves

56. The Star, Die Volksblad - 12 January 1927; Ons Vaderland, 13 January 1927.

57. Cape Times, Natal Witness - 12, 13, 17 January 1927.

58. Rand Daily Mail, 13 January 1927.

towards toenadering defeated. And with the campaign for the forthcoming provincial elections already under way, and centering on the flag issue, racial hostility was again growing.

CHAPTER IX

THE FLAG CONTROVERSY TAKES A NEW TURN.

JANUARY - FEBRUARY 1927

The flag issue and the provincial elections

Parliament met on 28 January. Five months later the session was to end - one-third of its bills having been dropped in the Assembly and three checked in the Senate.¹ Though it was predicted that the session would be the most important in the history of the Union due to Hertzog's Native Bills,² in fact, the session was to be dominated more by the Flag Bill than any other measure. In the first weeks of its life Parliament moved forward slowly, devoting itself to measures that raised little heat. No mention of the flag was made in the speech from the throne - an omission probably not unrelated to the forthcoming provincial elections in the Transvaal, Natal and Cape. As was frequently observed, it was best for the Pact to avoid this issue until after the elections.³ But the Pact's efforts to draw attention away from the flag and focus it on provincial

1. Hansard, vol. 9, pp. viii-xi.

2. See Die Volksblad, 25, 28, 29 January 1927.

3. See The Star, 3, 11 February 1927; Duncan Papers, to Lady Selborne, 4 February 1927.

matters such as education⁴ were to have only limited success. From the moment Creswell announced that the Government would proceed with a flag bill, the opposition recognized, as the Cape Times put it on 5 January, that the first round 'in the new phase of the old conflict' would be the mid-February provincial elections.

Even before nomination day on 20 January, the charge was levelled that flag passion was being worked up deliberately with a view to the forthcoming elections⁵ and by 26 January the Natal Witness was deploring the fact that the S.A.P. had turned the election into a flag election. Its interview with the Natal organizer of the S.A.P., Col. Blaney, revealed that,

the S.A.P. organization is determined that the flag question shall be made one of the principal issues in the provincial election campaign. This is confirmed by speeches such as that of Mr. Frank Acutt, who began his address to his first meeting by declaring that "A vote for the S.A.P. is a vote for the Union Jack." Col. Blaney explains that it is impossible for the S.A.P. candidates to ignore the flag question because silence on their part might be interpreted as an indication that the Party is "weak and wobbly" on the point.

On the following day the same newspaper reported that S.A.P.

4. For example, see Die Burger, 9, 11 February 1927; Die Volksblad, 15 February 1927; Cape Argus, 5 February 1927, Malan's Parow address.
5. Die Burger, 13 January 1927; S.A. Nation, 8 January 1927. As early as October 1926 it was suggested that the flag committees should make the flag question the central issue in the provincial elections (Fremantle Collection, vol. 9, letter to W.K. Rees, Hon. Sec. of the Johannesburg Flag Organization, 23 October 1927).

candidates in Durban had asserted that if Labour won the election this would be greeted as a vote of confidence in the Government's policies, and these included the Flag Bill. Finally, in the Transvaal, on the election day of 15 February, the Rand Daily Mail regretted that provincial matters had been pushed to the rear and that this had become a purely flag election.

Yet to have expected otherwise was unrealistic. With the marked decline of secession as an issue, the distinction between the two largest Parties had lessened. 'As a matter of fact', Duncan observed in mid-December, 'with the secession plank taken out of their platform there is little or no difference in the programmes of the two parties.'⁶ On 15 January, the Daily Despatch declared that though the greatest obstacles between the two Parties (secession) had been removed, others still remained. Yet it specified only three - an improper insistence on bilingualism in the civil service, Article 4 of the Nationalist programme, and the Flag Bill. Three days later Die Burger designated, apart from the flag issue, only four areas of conflict - Article 137 (the use of Afrikaans), the employment of foreign teachers, the purchase of German locomotives and industrial and political protection. This paucity of political issues between the two Parties was again revealed when Smuts went on political tour of the Transvaal platteland

6. Duncan Papers, to Lady Selborne, 15 December 1926.

in mid-January. Apart from the Wage Act of 1925, which he said would induce workers to leave the farms, almost the only issues he raised were those of socialist influence on the Government and the Flag Bill.⁷ The appeal of Hertzog's Native Bills to many segregationists in the S.A.P. was likely to further erode the differences between the two Parties.

Small wonder then that when the Empire Group asked Smuts after the Imperial Conference to give an undertaking that his Party would not make political capital out of a withdrawal of the Flag Bill, he refused. The Government, his secretary replied, had made the flag question a political one and,

If the Government withdraw their preposterous proposal, and as a result find themselves sharply criticised by their followers or ridiculed by their opponents for the folly of their actions it is not for General Smuts to be held responsible for such a result. Do you expect General Smuts to give an undertaking that there should be no criticism?⁸

Unquestionably the flag question was important to the S.A.P. The issue had divided the Government to the point of a threatened Cabinet resignation and between the partners of the Pact there was increasing uneasiness because of it.

7. See Daily Despatch, Cape Times - 12-15, 17 January 1927.

8. Rand Daily Mail, 12 January 1927. See also The Friend, Cape Times - 6 January 1927.

Unity was being maintained only with difficulty. With secession not a live issue, the flag was the obvious question for the S.A.P. to concentrate on in the provincial elections.

Labour under pressure

If the flag was the obvious issue, the Labour Party was the obvious target and had to bear the brunt of the attack. When Labour met at the beginning of 1927, its awareness of the imminence of this attack, its loss of support over the past year, its vulnerability, and (at this time) the possibility of toenadering, all contributed to a less discordant annual conference than in the previous year. Even so, signs of disunity and strain were obvious. In his opening address to the Conference, its Chairman admitted that 1926 had been one of the Party's most trying years. There had been bitter opposition from newspapers; but their greatest trial had come from within: there was so much personal strife and so many of their supporters seemed to have thought that with the coming to power of the Pact 'the whole governmental structure would be changed'. Then, because there was a strong feeling among delegates that the Party's General Secretary was not wholly in sympathy with the policy of sharing power with the Nationalists, he was replaced. Labour Ministers came in for a good deal of criticism - as did their salaries. When Boydell declared

that these Ministers could not impose their will on the Cabinet, Hay interjected that they could. When Boydell explained that they did not want to wreck everything because they could not always get their way, Karovsky interjected that the Pact would soon be smashed. The question of delegates' credentials absorbed a considerable amount of time; one speaker protested that sixty per cent of the delegates were present unconstitutionally. Others attacked the Sedition Bill and the Nationalist-Labour alliance. And once again there was friction between the National Council and parliamentary caucus factions over the lack of co-operation between the two bodies.⁹

Further disunity was revealed over the flag question. The Chairman described it as the subject that had worried the Party more than any other in the past year and it was the first question discussed.¹⁰ To many delegates Hertzog's decision to proceed with the Bill was quite unexpected. And particularly to those who had tabled a motion calling

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9. Minutes of the Annual Conference of the South African Labour Party held at Bloemfontein, 1, 2, 3 January 1927 (hereafter cited as S.A.L.P. Conference, 1927); The Friend, 3, 4 January 1927; Cape Times, Eastern Province Herald, Daily Despatch - 4 January 1927. See Natal Witness, 7 January 1927, interview with Strachan, for the replacement of the General Secretary. (W. Wanless replaced Archie Jamieson.)
10. At the Conference of the Labour Party in the Transvaal in September 1926 a resolution was tabled calling for Labour M.P.'s to use their influence to bring about a withdrawal of the Bill until a 'substantial' measure of agreement on the subject could be reached and requesting the Government 'to get on with the serious business of the country.' McPherson Papers, vol. 32.

for the Bill's withdrawal it was unwelcome. Two delegates, H. Haynes and C. Kingdom, complained that the matter was once again being forced on the Labour Party. Haynes asserted that few had any mandate on the subject. Kingdom warned that they were going back to the weapon which their arch-enemy had used to cudgel the Party. He wanted to know what the Party's position would be if they went to the country on a sentimental issue like the flag, without a powerful press, without finance and with power and wealth against them? They should tell the Government that unless they got the Red Flag, they should cut the flag question right out. However, through the stratagem - not unchallenged - of a broad resolution which combined praise for Hertzog's success at the Imperial Conference with the hope that 'the same statesmanlike wisdom' would be used for the establishment of a national flag, a lengthy and acrimonious debate on the flag question was avoided. After a plea from Reyburn, various amendments were dropped, and the National Council's broad resolution carried by a large majority.¹¹

If Labour's 'annual wrangle' supplied less ammunition

11. S.A.L.P. Conference, 1927; The Friend, 3, 4 January 1927; Cape Times, Eastern Province Herald - 4 January 1927; Forward, 11 March 1927. Haynes and Kingdom were delegates for Bezuidenhout Valley South and City and Suburbs, respectively.

Some delegates were doubtless relieved by the Government's decision to pass the Bill as this virtually removed the threat which toenadering posed to the Party.

than usual for the opposition, it nevertheless provided sufficient evidence of disunity for them to utilize in the six weeks before the provincial elections. With their eyes fixed on this event, the opposition drew attention to the Party's internal strife, to Labourites' discontent with the Pact and to the 'imminent danger' of the Party breaking up because of its leaders' support for the Flag Bill. Also, the close relationship between the future of the Flag Bill and the elections was stressed in cartoons and by maintaining that a resounding defeat for Labour at the polls could bring about the end of the Bill.¹²

Again the Party's leaders, and particularly Creswell, were assailed. Creswell was out of touch with English opinion, with feelings in his own Party, and (with Boydell's support) had enabled Malan to pressure Hertzog into forcing the Bill. Had he from the start had the courage to stand up against Malan's proposals, nothing would have come of them; but fear of toenadering had driven him and Boydell to throw their weight behind Malan.¹³

As the election drew near, Labour and S.A.P. candidates

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12. See, for example, Cape Times, 5, 21, 28 January, 8 February 1927; The Friend, 5, 14 January 1927; Rand Daily Mail, 5 January 1927; The Star, 9, 14 February 1927; Cape Argus, 11, 15 February 1927.
13. See, for example, Cape Times, 4, 5, 6 January, 8, 9 February 1927; Daily Despatch, 12, 22, 29 January 1927; Rand Daily Mail, 7 January 1927; Cape Argus, 9, 14 February 1927.

began to hold their meetings: the subject of the flag usually figured prominently and audiences were often rowdy.¹⁴ Patriotic societies too began to express their views shortly before the elections. The Johannesburg branch of the Caledonian Society urged the Government to withdraw the Flag Bill or incorporate the Union Jack.¹⁵ Greetings of solidarity sent to the chief of this Society from the Johannesburg branch of the Empire Group were published: '...fully conscious of our duty to the land of our birth and adoption, let us move forward with a united thought imbued with a pride of race and spirit of Empire and with the grand ideal: One King, one flag, one glorious destiny.'¹⁶ In Durban and Cape Town, letters were sent to candidates by the Empire Group and by the Cape Town Flag Organization asking whether they would oppose the adoption of a new flag which excluded the Union Jack. The names of those who agreed to do so (and some of those who did not) were published just before the elections.¹⁷

Finally, three days before the elections began, the Grand President of the Sons of England declared that they

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14. See Cape Argus, 8, 11, 12, 14, 15 February 1927; The Star, 8, 11 February 1927.
15. The Star, 12 February 1927; The Friend, 14 February 1927.
16. The Star, 5 February 1927.
17. The Star, Cape Argus - 14 February 1927; Natal Witness, 16 February 1927. (The Natal elections took place a day after those in the Transvaal and Cape Province.)

would be tantamount to a referendum on the Bill. Why was it, he asked, that Malan was so insistent that the Union Jack should disappear from the country?

Is it not because he stands for a clique who nurse ambitions for Dutch dominance, and thereby hope to signalise their victory? Have not the Minister's words and general demeanour throughout the controversy borne ample testimony of this? Our Premier has submitted; Colonel Creswell has not only acquiesced, he has had the temerity publicly to urge Englishmen to give up their flag! All South Africa knows that the great outstanding issue throughout the land next week is this: Is the Union Jack in some form to remain or to be wiped out?¹⁸

The Pact, he regretted, had unhappily joined the hand of the worker with those who wished to wipe out the Union Jack. The tenor of his speech was clear: Labourites should vote against the Pact or not at all.

To the further embarrassment of Labour, in the week before the elections an unedifying conflict broke out between Barlow and Alex. Eaton, a former Natal Labour M.P.C. who had recently resigned from the Party.¹⁹ The dispute received nation-wide publicity and revealed once more the Party's internecine strife. At a public meeting in Durban, Eaton declared that at the 1926 Labour Conference

18. The Star, 12 February 1927; Cape Times, 14 February 1927.

19. Eaton's position in the Party appears to have become uncomfortable mainly as a result of his anti-Semitic remarks at the 1926 Annual Conference; anticipating expulsion, he resigned (The Star, 3 February 1927; The Friend, 10 February 1927; The Labour Congress 1926).

Barlow and Kentridge had offered him the administratorship of Natal if he would support them in removing Creswell and Boydell from their positions in the Party.²⁰ To substantiate his story, Eaton published on 9 February a personal letter from Barlow, written in May 1925, in which the latter candidly set forth his claims to the eleventh portfolio which was then under consideration. In his letter, Barlow had made unflattering comments on several colleagues and claimed to have been approached by prominent Labourites, including Archie Jamieson, then General Secretary of the Party, to take over the Party's leadership. Barlow had refused Jamieson's offer but declared that if he failed to get the Cabinet post he wanted, he would 'reconsider his position'.²¹ In defence, Jamieson denied that he had backed Barlow and pointed out that at a Labour Conference in June 1924 no-one had spoken more eloquently against Labourites taking portfolios in a Nationalist Cabinet than Barlow and Madeley; yet, 'to-day the latter is a member of the Cabinet and the former sorry that he is not.'²²

The opposition press naturally gave the widest publicity to Barlow's letter and all the charges and counter-charges arising out of the affair. Barlow hastened to

20. The Star, 3 February 1927.

21. The Star, Cape Argus - 9 February 1927; The Friend, Daily Despatch - 10 February 1927; Natal Mercury, 9, 10 February 1927; Rand Daily Mail, 10, 11 February 1927.

22. The Star, 11 February 1927.

Durban to defend himself and faced some rowdy pre-election meetings where he endured a good deal of heckling.²³ The conflict revealed to all the jockeying for position in the Party in 1925 and the intrigues at its 1926 Conference, and doubtless lent weight in the minds of many to Eaton's charge that the Labour movement was being manipulated by people who were using it for their own ends and had submerged its ideals by allowing it to become a 'Pact party'.²⁴

The result of the elections was a crushing defeat for Labour. In Natal, all but one of its candidates were swept aside. The one exception, J.W. Coleman, had an unblemished record of opposition to the Flag Bill. Holding six seats in Natal before the election, Labour had been able to retain only one; all had been lost to the S.A.P. In the Cape Province the result was similar: three of Labour's four seats were lost to the S.A.P. In the Transvaal, yet another seat was lost to the Opposition and without Nationalist support its losses might have been greater. In all, Labour's representation on the three Provincial Councils had been cut by almost half.²⁵

That Labour owed its great defeat almost entirely to

23. The Friend, The Star - 15 February 1927.

24. The Star, 9 February 1927.

25. Daily Despatch, Cape Times - 21 February 1927.

the flag issue was widely recognized.²⁶ In Durban there was jubilation at the result. One prominent S.A.P. supporter wired Malan: 'Durban heartily thanks you.... Carry on with the Flag Bill', while the Natal Advertiser triumphantly declared that the flag had smashed the Pact, 'as it will smash bigger men yet who lay profaning hands on it.'²⁷ Forward's Cape Town representative was no less emphatic in his views: the results in the Cape Province had been 'disastrous'. Even the margin by which Salt River had been retained was alarming; old Party stalwarts were rubbing their eyes in disbelief at the result and asking '"Could it be true?"' And what was the reason for this '"sudden conversion of Labour voters to the South African Partyism? Why, the Flag Bill, of course!"' At Rondebosch too the Flag Bill was blamed for Labour's defeat. Several Labour supporters there had stated that they were sorry to have to vote against Labour but on this occasion they had to '"vote British."' Local Labourites were asking themselves: '"Are they going to stand by and allow the Labour movement to be sacrificed for the sake of the passing of a useless Flag Bill? No! The Bill must be

26. See, for example, Daily Despatch, 16, 17, 21 February 1927; Forward, 25 February 1927; The Friend, Natal Witness - 18 February 1927; Cape Times, 19 February 1927, interview with Creswell; Sunday Times, 20 February 1927. In certain Labour-held constituencies in the Cape Province (such as Kimberley and East London), which were lost to large S.A.P. majorities, the non-white vote was probably much influenced by Hertzog's proposed non-white legislation.

27. As in The Friend, 18 February 1927 (both).

dropped."²⁸ Even where comment was more restrained, Labour and its leaders were castigated for supporting the flag measures. Thus the Rand Daily Mail observed that so far as Creswell was concerned, 'His chickens have come home to roost with a vengeance.' As a result of his 'idiotic advice' to the Government on the flag question, he had suffered the mortification of seeing the Labour Party practically wiped out in the Provincial Council in Natal and drastically reduced in the Cape Province.²⁹

The opposition seized the opportunity to warn the Government against pursuing the Bill, insisting that to do so would incite racial passions; the wisest course therefore was to withdraw it.³⁰ Both Duncan³¹ and Smuts expressed these views to friends immediately after the elections. Commenting on Labour's defeat, Smuts drew attention to all the above features when he declared: 'This result is in no small measure due to the flag bill and the disappointment with the Labour leaders in this connection. Perhaps this rude reminder may give the Government pause in their flag policy. If they proceed with their policy, I

28. Forward, 25 February 1927.

29. 19 February 1927. See also Natal Witness, 18 February 1927.

30. See Natal Witness, 18 February 1927; Rand Daily Mail, 19 February 1927.

31. Duncan Papers, to Lady Selborne, 18 February 1927.

foresee a very great recrudescence of racial feeling.³²

Hopes that the election results would cause Labour's Ministers to demand the Bill's withdrawal, were to be disappointed. Having pledged his support for the Bill, in return for its postponement in 1926, Creswell could not, in honour, break his word. Indeed, if there was a lesson learnt by Creswell (and his supporters) from the election results, it was that the Flag Bill should be passed as speedily as possible. Prolongation of the flag strife would harm Labour further. Rising passions would increase disaffection amongst rank and file so that parliamentarians would find themselves under increasing pressure. The already strained unity of the Party could snap. So long as the flag issue was debated, Labour's fortunes would wane. With a general election two years away, it had become highly desirable to settle the conflict in 1927 rather than 1928. Even the passing of an unpopular measure by means of a joint session had become preferable to prolonged negotiation with its concomitant excitement of the public temper. Time was of the essence. The rapid removal of this abrasive matter from the public's eye had become imperative. Support for the Nationalists and a speedy passage of the Bill might gain time for tempers to subside, memories to

32. S.P. vol. 39, no. 20, to L.M.S. Amery, 22 February 1927; van der Poel, no. 222.

fade and the Party to recover.

Paradoxically, as support for the Party declined, it became all the more necessary for its parliamentarians to unite behind the Nationalists - some of whom were partly responsible for this decline. Disintegration of the Pact at this stage, followed by a general election, was likely to prove particularly dangerous to Labour's M.P.'s. So many of them might lose their seats that Hertzog could be forced to unite with a section of the S.A.P. in order to stay in power; in such a party there would be little room for the few remaining socialists. Despite the disastrous flag policy, at least Labour was at present sharing power and might influence legislation. To many this was the main consideration. To them, white Labour's right to protection was a principle as firmly held as a nationalist's belief in self determination. A clean flag was a price that could be paid for protective legislation and socialist goals. To sacrifice concrete economic gains for symbolic rights was to sacrifice the substance for the shadow and it was probably such considerations that kept all but one Labour M.P. loyal to the Government's flag policy in the following months.

The Flag Commission

The election had been a flag election. Try as it might the Government had been unable to avoid battle on

ground the enemy had chosen. Though the Nationalists had made a nett gain of two seats in the Transvaal,³³ the fact could not be ignored that the Pact as a whole had lost ground. In the next general election, these losses to the S.A.P. were likely to be repeated and Strachan's prophecy, when the Bill was introduced in 1926, that not a single Natal Labour candidate would be returned in the next general election if the Government persisted with its measure, could be fulfilled. More than ever, the Pact needed to resolve the conflict.

Its hopes of doing so were now centred on the Flag Commission. We have already seen that Malan had experienced some difficulty in establishing this body. The first difficulty arose out of the refusal of many English-speakers to serve on it because its terms of reference seemed to pre-judge the central issue by excluding the Union Jack from any recommended design.³⁴ Then in the midst of the electorate's pleasure at the outcome of the Imperial Conference, the Commission's Chairman, Sir William

33. See Cape Times, Daily Despatch - 21 February 1927. (In the Transvaal, the S.A.P. gained one seat each from the Nationalist and Labour Parties and lost three to the Nationalists.)

34. For the Commission's terms of reference see pp.154-5. Actually, these did not specifically exclude the inclusion of the Union Jack in the new flag, but when viewed in the light of Malan's statement, at the end of the second reading, that the new flag would not contain the Union Jack (see pp.101-2), it is not surprising that the public concluded that the Commission could not recommend the Union Jack's inclusion.

Campbell, had decided to postpone the Commission's first sitting. However, when on the first day of 1927 Creswell announced that the Government would pursue the Bill, it became imperative for Malan to bring this body to life. Before this could take place, the country was rocked by the news that Campbell had resigned.

Campbell resigned on 8 February. On the following day the reasons for his resignation appeared in the press. Campbell explained that he had hoped that the change in the political mood created by the Imperial Conference would bring about a withdrawal of the Bill. Failing this, he had desired to reconstitute the Flag Commission with twelve members nominated by the Leader of the Opposition and twelve by the Government, under a mutually agreed upon Chairman; and he had wished that two designs, representing both schools of thought, would then be selected and submitted to referendum. Because these arrangements, which he believed to be fairer than the existing ones, had been rejected by Malan, he had resigned.³⁵

Perhaps the lack of confidence of many English-speakers in the Commission convinced Campbell that a large section of the population would inevitably reject its ultimate design. The Commission could therefore never produce a truly national flag and its deliberations would consequently

35. Cape Times, The Star, Die Burger, Die Volksblad - 9 February 1927.

be of dubious value. But though Campbell's own proposals offered the electorate a wider choice, it is difficult to see, as Malan pointed out, how they would have lifted the issue above Party politics, which Campbell apparently hoped they would. Each of the two designs chosen was almost certain to be associated with either the Government or the S.A.P. So far as the reconstitution of the Commission was concerned, Malan argued that such a proposal should come from the Opposition; in view of the way in which the Government's previous proposals had been made to fail, he said, the offer could hardly come from it.³⁶

Campbell's resignation neither surprised nor disappointed Malan. Six weeks earlier he had confided to the Flag Commission's Secretary, Norval, that he was disillusioned with Campbell who clearly wished to see the Bill withdrawn.³⁷ Anticipating his resignation, Malan was able to announce, at the same time as Campbell's resignation was made public, that the Commission's new Chairman would be W. Blommaert, Professor of History at the University of Stellenbosch, and that the Commission would meet on 22 February - one week after the provincial elections.

However, the difficulty of finding prominent members

36. Rand Daily Mail, Cape Times, Die Burger, The Star - 9 February 1927.

37. Norval Papers, letters from Malan to Norval, 24 December 1926 and 28 January 1927. (Norval was appointed Secretary to the Flag Commission in October 1926.)

of the opposition to serve on it had not been overcome³⁸ and its membership was sharply criticized. The Natal Mercury of 8 February claimed that the personnel of the Commission 'was from the first a travesty' and that invitations to join it had been 'hawked' to such an extent that it was an honour not to receive one. Members of the Commission were described as 'amiable nonentities (sic) or those looking for a little cheap advertisement' while Blommaert, as its Belgian-born chairman, was alleged to have less claim to interpret the Union's wishes than hundreds of thousands of its English-speakers.³⁹ Unquestionably, the Rand Daily Mail concluded on 14 February, his appointment had given the Commission its death blow; it had reduced it to the level of a farce. On the morning of its first sitting, the Cape Times alleged that the Commission was - with one or two exceptions - a packed body; it was no more than a device for forcing the will of one section of the people upon the other.

Against this background, Norval prepared for the Commission's sitting. The three to four thousand designs submitted by the public were classified and the best in

38. Recent refusals included J.P. Logan, Morris Webb, L. Padmore, and E. Roworth (Norval Papers, 'Flag Commission Report, 1926/7', 25 February 1927; Hansard, vol. 8, 318, Malan, 15 February 1927; Rand Daily Mail, 12 February 1927).

39. See also Rand Daily Mail, 8, 10 February 1927. Blommaert had been a South African subject for many years (Hansard, vol. 8, 247, Malan, 11 February 1927).

each group were then selected by him, the artist Stratford Caldecott and J.J. Smith, Professor of Afrikaans at Stellenbosch University, and exhibited on the walls of the Commission's chamber.⁴⁰ The Commission met in Cape Town from 22-25 February. It had eighteen members⁴¹ and met each morning and afternoon; though the talks were sometimes difficult, Blommaert's chairmanship was impartial and urbane and his efficiency was appreciated by all. First, the precise meaning of the Commission's terms of reference was discussed. How were they to interpret the crucial instruction that the flag should symbolize 'bonds of union rather than conflicts of the past'? Did it mean that neither the Union Jack nor the republican flags could be included in toto in the selected design? Blommaert and D.J. de Villiers maintained that it did, while Cory, Agar-Hamilton and Nathan disagreed with this view. When the question was put to the vote, it was decided by a majority of thirteen to four that neither the Union Jack nor the republican flags could be incorporated in toto. The meeting

40. Norval Papers, 'Flag Commission Report', 25 February 1927; P.S.M.I., vol. 3, 'Report of the Flag Commission, 1926-7'. According to one of the members, the walls were 'plastered over with designs, most of them extremely crude....I really thought a kindergarten class had been turned loose. My eyes were offended...every time I looked around....I don't think anyone gave serious attention to these designs' (Manfred Nathan, Not Heaven Itself, an Autobiography, p. 272.) For Caldecott's part in the flag controversy see J. du P. Scholtz, Strat Caldecott 1886-1929, pp. 15-16.

41. Malan originally hoped for twenty-one members. See n.43 and n.44 for the Commission's members.

then adjourned so that members might examine the submitted designs. In the remaining three days, members devoted nearly all their time to submitting, championing and voting on various designs. About fifteen were discussed, several of them apparently being designed by members of the Commission themselves.⁴² Finally, as there was no general agreement, two reports were submitted. A minority report approved of none of the selected designs because it held that none met the requirements of a national flag, which, according to the terms of reference, had to unite the population.⁴³ The majority report approved of three designs.⁴⁴ Only one of these designs - the St. George's cross fimbriated white on a green shield - was to be of further significance in the flag struggle.⁴⁵

42. For example compare Kolbe Papers, 71A, 1, flag design, and P.S.M.I., vol. 3, minutes of the meetings of the Flag Commission.

43. Its signatories were Professor Sir George Cory, J.A.I. Agar-Hamilton, J. Curran, Monsignor Dr. F.C. Kolbe, Leo Marquard and Dr. Manfred Nathan (Norval Papers, 'Flag Commission Report', 25 February 1927; P.S.M.I. vol. 3, 'Report of the Flag Commission, 1926-7'.)

44. Signatories of the majority report were: Blommaert, Caldecott, Smith, de Villiers, H.A. Fagan, W. Lategan, E. Webb, Mrs. F.J. Fahey, Mrs. Percy Fischer, Mrs. E.G. Jansen, Mrs. H.D. van Broekhuizen, Mrs. J.S. van der Lingen.

45. This was later known as the 'Red Cross' or 'hot cross bun flag'. For flag designs see pages 262-3. Only one of the flags (and not two, as maintained in Malan, p. 121) was based on the van Riebeeck flag. The Commission, which had been instructed to deliberate with Hertzog's crown proposal in mind, decided that the question of the crown's incorporation should be left entirely to the Government. However, the matter had become of little relevance as the crown had been superseded by the royal standard proposal.

The press were excluded from all sittings of the Commission and its reports on its deliberations were often inaccurate.

The deputation from the Flag Organization

Meanwhile, on the third day of the Commission's deliberations, a fresh development had occurred. Six weeks earlier, the Central Executive of the Flag Organization had abandoned a decision to approach Hertzog as soon as he returned from England believing that the visit might embarrass him if he had already decided to withdraw the Bill. However, when the Government decided to pursue the Bill, the idea of a deputation to appeal for its withdrawal, or, alternatively, for the inclusion of the Union Jack, was revived. Having obtained the approval of their Provincial Committees for this step, and the Premier's agreement to see the deputation, it met Hertzog and Malan on 24 February.⁴⁶ While the idea of a deputation was inspired by the decision to pass the Bill, its timing was probably related to the recent provincial elections - one of the first subjects it raised.

46. Fremantle Collection, Rees to Fremantle, 6 December 1926, Sturrock to Fremantle, 8 January 1927, H.L. Burrows to Rees, 12 January 1926, A.E. Wayt to Rees, 11 February 1927.

The members of the deputation were Fremantle, F.K. Weiner, J.C. Hirsch, Dr. P.P.J. Ganteaume and H.M. Quigley (for the Cape Province); G. Hodge, A. Eaton and R. Fobb (for Natal); Pim, E. Rooth and Miss C. Meeser (for the Transvaal) (Ibid. 'Deputation to the Prime Minister on the Flag Question, 24 February 1927'). The Free State representative was unable to attend.

Newspaper reports on the membership of the deputation were not always correct.

As leader of the deputation Pim⁴⁷ began by maintaining that they represented a non-political organization which in September 1926 had resolved that a flag which excluded the Union Jack would be a sectional emblem. The results of the provincial elections had clearly shown that in a referendum no majority large enough to endorse present flag policy would be won. Omission of the Union Jack would affront every British subject and all he asked was that the Government should handle the flag problem in the same spirit as it had recently handled the Indian question. The implication of this request - repeated by other speakers - was obvious: whereas the Government conciliated Indians it refused to accommodate the English section. Hertzog denied that the Government had not been conciliatory towards the latter and declared that it was unable to withdraw the Bill because of the threats of the opposition and because of the possible inference that the Government was running away from its goals. The question had to be settled as soon as possible and he would be grateful for any suggestion put forward 'by the other side' which showed that they were prepared to meet the Government. When the

47. Pim, who was born in Ireland in 1862, came to South Africa in 1890 and opened a practice as an accountant in Johannesburg in 1894, later founding the Transvaal Institute of Chartered Accountants. He played an important part in establishing cultural facilities in Johannesburg. After serving on several national commissions he was awarded a C.B.E. in recognition of his services. For many years a member of the Johannesburg Town Council, he was a man of broad interests and his strong humanitarianism was much respected.

deputation proposed a design, Hertzog asked in the course of the discussions whether the Union Jack and republican flags had to appear in the design in toto? Could they not be represented through their colours alone? Pim replied that they were not authorized to agree to any design or even to offer one. However, they would be happy to transmit any proposition to their members and they were sure that it would be most carefully considered. Deputation members then suggested that the best way to solve the question would be through a commission which would be subject to no qualification whatsoever. Such a commission, Fremantle said, would satisfy the whole nation; it would be universally felt that the Premier had gone out of his way again to extend the hand of friendship to the people they represented; it would greatly calm feeling in the country and it might arrive at a solution. When Hertzog left the room, Malan remained to continue the discussions. Despite Hertzog's rejection of the deputation's original plea for the inclusion of the Union Jack, it continued to insist that it was in favour of further negotiation and, as a step towards settling the controversy, then suggested that representatives of the Flag Organization and members of the Government's Flag Commission should meet together in a flag conference and freely arrive at a flag design.⁴⁸

48. Fremantle Collection, vol. 9, 'Deputation to the Prime Minister on Flag Question, Thursday, 24 February 1927.' For very brief references see Hansard, vol. 8, 800, Hertzog, 28 February 1927; Die Burger, 26 February 1927.

At a Cabinet meeting after lunch, this new development was reported by Malan to his colleagues and was doubtless received with pleasure by Roos, Havenga, Creswell, Boydell, Madeley and other Ministers,⁴⁹ in addition to the Premier. They had good reason to feel pleased. Pim's point concerning the provincial election results - the shock of which was still fresh - needed no underlining. A quick examination of the voting figures revealed that in the three Provinces in which the elections had taken place the S.A.P. had polled only a few hundred votes less than the Nationalist, Labour and Independent candidates together.⁵⁰ In a referendum many who had supported Independents would vote for a clean flag as would many Labourites who had thought it advisable to support the Party in the provincial elections but would not do so in a vote confined to the flag question. Though in the Free State the Government's design was likely to gain the support of by far the greater part of the electorate, and though some S.A.P. supporters might also support it, the essential point Pim had made

49. These probably included C.W. Malan, P.G.W. Grobler and Gen. J.C.G. Kemp. Though Kemp was to support Malan in the recess political campaign of 1927, the Kemp Papers contain very few references to the flag question and do not indicate that he shared Malan's views on the urgent need for a new flag. Similarly, the Grobler Papers and C.W. Malan Papers contain few references to the flag question. It is significant that in D.F. Malan's account of the flag conflict, the only other Minister to emerge as a strong supporter of flag legislation was Beyers.

50. The figures were S.A.P., 82 053, Nationalist Party, 55 416, Labour Party, 20 141, Independents, 7 442 (The Star, 19 February 1927).

remained true: the Government would not obtain a majority large enough to justify the design's adoption as a national flag. As members of the Cabinet were well aware, no flag could be made national, in the true sense of the word, by mere legislation. If the flag were imposed by virtue of a small majority, it would remain a source of conflict. If the referendum were lost, it would at the very least embarrass the Pact and give the S.A.P. a powerful election-eering weapon. Accordingly, a breath of compromise, blowing from 'the other side', and from so unexpected a source as the Flag Organization, was to be welcomed and utilized.

There was a further reason for favouring the proposal that a joint conference should choose a design. By Thursday it was already certain that no general agreement on a flag design would be forthcoming from the Government's Flag Commission.⁵¹ A minority report, refusing to recommend any of the Commission's designs, would further reduce its authority in the eyes of many members of the public. By allowing Flag Organization representatives to consult with Flag Commission nominees in recommending a design, the Government's situation might be improved. For if the new body reached agreement on a design, the Government would

51. P.S.M.I. vol. 3, Minutes of the meetings of the Flag Commission. The late Leo Marquard informed the writer that throughout the Commission's deliberations Malan was in touch with certain of its members.

have a strong case for maintaining that its design had the support of the great majority of white South Africans. If it did not, it could present the convening of the joint conference as further evidence of its desire to meet the wishes of the electorate.

It is difficult, in the absence of further evidence, to know whether or not Malan welcomed the new development. That the flag issue had weakened the Pact could not be denied; proof lay in the previous week's election figures. This clearly placed Malan in a weaker position to oppose negotiations than might have been the case earlier. Perhaps, too, Malan, and the Cabinet, realized that the freshly concluded Indian Agreement was likely to arouse a good deal of criticism from Nationalists and others in the coming months and provide an additional source of discomfort for Malan, as the responsible Minister, and for the Government. The decision of the Flag Conference would not be binding. And, most important, Malan knew that he could nominate as Flag Commission representatives those members who had already opposed the inclusion of the Union Jack and could be relied upon to do so again. Thus apart from some delay, which would not preclude the Bill being presented in Parliament in the present session, the new move seemed to be to the advantage of the Pact.

After the Cabinet meeting further discussion took place between Malan and the deputation and on the following day an official statement was released to the press. It

declared that the Government was impressed by the importance of having a national flag but strongly desired that the matter should be settled by consent if possible. To this end, the Government, which had been approached by the deputation, was inviting the co-operation of the Flag Organization. The statement proposed that a meeting of an equal number of representatives from the Flag Organization and the Flag Commission should consider the designs recommended by the latter, together with any designs the flag committees might wish to put forward. It added that the deputation had agreed to consult its flag committees throughout the Union and that its Central Executive would inform Malan as soon as possible if the proposal was unacceptable.⁵²

Thus the choice of the flag's design had been shifted to a more representative body whose terms of reference were unrestricted. Some progress seemed to have been made towards the possibility of a general agreement. However, any optimism felt by the two sides was based on misconception. To the flag committees - even if not to some of the members of their deputation who appear to have been swayed by the good feeling that emerged in the discussions - the gaining of an unrestricted conference was interpreted as a victory. Here was a move away from the restrictions imposed on the Flag Commission and a step towards the

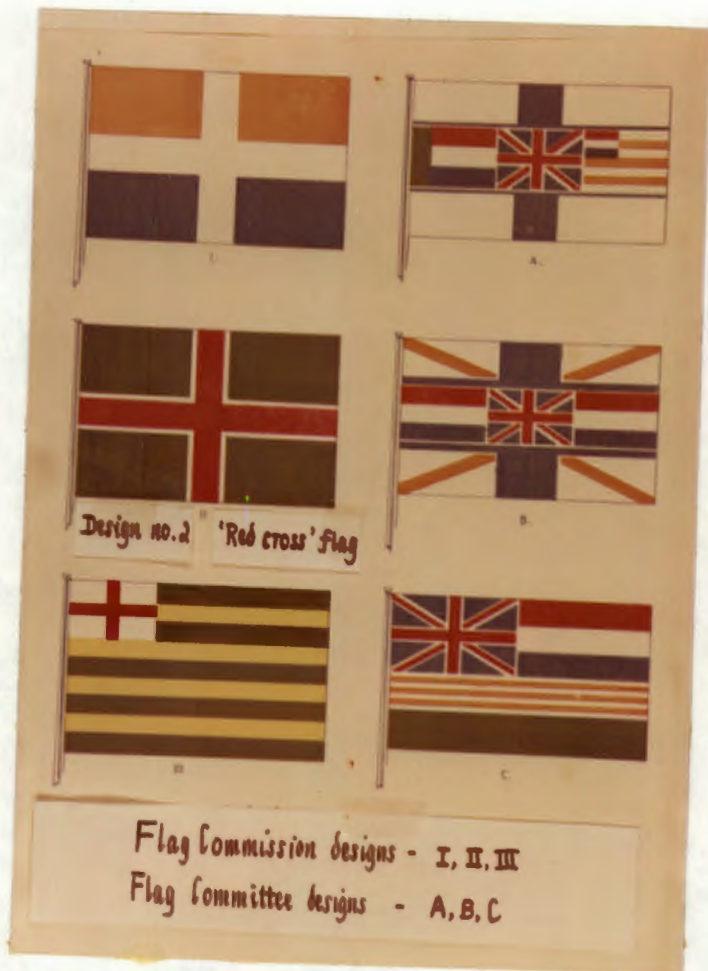
52. Cape Times, Die Burger - 26 February 1927.

inclusion of the Union Jack in the new flag. To Malan, on the other hand, the initial demand of Pim for the inclusion of the Union Jack was probably seen as a formality. Far more important was the subsequent statement from representatives of this formerly unyielding Organization that they were prepared to take back any flag to their committees for serious consideration. Was this not a tacit admission that they no longer clung to the inclusion of the Union Jack as a sine qua non for their acceptance of the national flag?





South African flag - 1910



CHAPTER X

THE FLAG CONFERENCE AND AGITATION BEFORE THE FIRST READING

The Flag Conference

The proposal to hold a Flag Conference was not greeted with enthusiasm. On the same day that details of the proposed Conference were released, Die Burger hastened to assure its readers that its convening would not mean any delay in passing the Bill or that the Union Jack would be incorporated. Too many concessions had already been made, Die Volksblad maintained on 1 March; it felt certain that the Conference would achieve nothing as it was impossible to negotiate with people who were not prepared to give and take. The Cape Times thought that if the Flag Commission had proposed only clean flags, then there was little hope of success, while the Natal Mercury, in welcoming the Conference, declared: 'one must be grateful for anything which may help to end the imbecile folly of the Pact's past flag policy and give the government an opportunity to make honest reparation to the English-speaking citizens of the Union, without loss of prestige, for its repeated affronts to them.' Somewhat more hopeful than the others was the Rand Daily Mail, which concluded that if the two bodies

could be made to work together on the principle that South Africa would have a flag, the desired goal would be reached.¹ However, the general feeling of the press was not optimistic.

Immediately after the Government's announcement, the Central Executive of the Flag Organization sent flag committee branches throughout the country a brief summary of the deputation's talks and invited a mandate from them to allow representatives to participate in an unrestricted Flag Conference. While permission to participate was forthcoming, all flag committees insisted that the Union Jack must form part of the new flag. Consequently, though the Flag Conference was supposed to be an unrestricted one, the hands of the Flag Organization's representatives would not be free. When Pim informed the Government of this on 19 March, Malan advised him that the Conference should nonetheless take place.² Probably Malan reasoned that whereas he could rely on his own representatives to the Conference to block any move to incorporate the Union Jack, the Flag Organization representatives, in the calm of a conference chamber, might be persuaded to adopt a more conciliatory attitude - as had occurred with

1. Cape Times, 28 February 1927; Natal Mercury, 26 February 1927; Rand Daily Mail, 28 February 1927; respectively.

2. Fremantle Collection, Sturrock file, Pim to Sturrock, 12 March 1927 - regarding the statements by the Minister of the Interior re "restricted reference..."; The Star, 28 February 1927.

the deputation's representatives, several of whom were likely to return as deputies to the Conference. All this was in fact to occur. However, should the Conference fail, its propaganda value to the Government would remain and, as Parliament was expected to be prorogued late in June, there appeared to be no need to terminate negotiations abruptly.

The Conference met in Cape Town on Saturday, 2 April and continued its deliberations until the following Thursday. The Central Executive of the Flag Organization had nominated six members and the Government had nominated an equal number from the Flag Commission.³ After Hertzog had briefly welcomed the members and impressed on them the need for give and take on both sides,⁴ he and Malan withdrew, Smith was elected Chairman, and the deliberations began. The three designs recommended by the Flag Commission were presented for consideration while the first of three designs (all containing the Union Jack) which the Flag Organization was to propose was put forward.⁵ Also,

3. The representatives of the Flag Committees were: Pim, Fremantle, Wiener, Eaton (all former members of the deputation), Capt. H.H. Witherington and Archdeacon F.H. Hulme. Flag Commission representatives were: Blommaert, Smith, Caldecott, Lategan, de Villiers, and Mrs Jansen. (P.S.M.I., Minutes of the Flag Conference.)

Also present at the deliberations were Norval, who acted as the Conference's Secretary and A.E. Wayt (Hon. Sec. of the Flag Organization's Central Executive).

In the interests of clarity and brevity the representatives of the Flag Commission are referred to as the Government's representatives.

4. The Star, 2 April 1927; Rand Daily Mail, 4 April 1927.

5. See pages 262-3 for flag designs.

a written statement entitled, 'To our Dutch Fellow Citizens' was handed to the Government's representatives. This statement presented the views of the flag committees on the subject of a national flag and maintained, inter alia, that a flag that did not include the Union Jack would not be recognized by English-speaking South Africans.⁶

When the Conference met again on Monday, the Flag Organization's design was discussed and Smith later read a reply to the Organization's written statement. He noted that they agreed on many principles but regretted that these had not always been logically applied to the 'Dutch' section. For instance, the Union Jack would not bring the desired harmony because it:

unfortunately does raise a host of unpleasant memories in the minds of a very large number of Dutch-speaking South Africans, and it is futile to disguise this fact. Under its sway wars have been waged in quite recent times against the Transvaal and the Orange Free State; under its domination the Dutch language for many years lost all its rights and privileges in the Cape Colony; and, rightly or wrongly, the Dutch people look upon it as a Flag of aggression and annexation. The period that has elapsed between the last Anglo-Boer hostilities and the present...is much too short for one to expect the Dutch people as a whole to welcome the Union Jack on a Flag which is to symbolize our national unity...

In the circumstances the best policy was to start with a clean slate.⁷

6. P.S.M.I. Minutes of the meetings of the Flag Conference, 2-7 April 1927.

7. Ibid.

On the following day Pim declared that the inclusion of the Union Jack in toto was the 'irreducible minimum' so far as the Flag Organization was concerned and on Wednesday he presented their second flag which the Government's representatives also rejected since, in addition to aesthetic and other shortcomings, it included the Union Jack.⁸

The two sides had reached a deadlock. The Government's representatives made it clear that regardless of this deadlock the Pact would pass the Bill; if the Conference did not choose a flag the Government would simply proceed with the Flag Commission's first choice, design no.1. However, the Government would be prepared to accept any of the Commission's three designs if the Conference would agree to one.⁹ Faced by this fact, the Flag Organization's representatives began to consider design no.2 since this did at least contain, and as its most prominent feature, an English symbol and part of the Union Jack - the Cross of St George. If the Government was going to pass a Flag Bill, it was surely better for it to enact this design rather than one of the other two. Though the Government's representatives would have preferred design no.1, once the Flag Organization's deputies

8. P.S.M.I. Minutes of the meetings of the Flag Conference, 2-7 April 1927. Their third design was presented by Hulme on the final day of the Conference but received little attention.

9. The Star, 26 April 1927, Witherington.

began to consider design no.2 and it was thought that a compromise might be reached through it, the design gained increasing support on all sides.¹⁰ Perhaps too, the Flag Organization's deputies - temporarily divorced from the public hurly-burly of the flag strife - were not uninfluenced by the excellent spirit that prevailed in the seclusion of the conference chamber¹¹ and by Pim's strong belief that failure to reach some agreement could have the most dire consequences.¹² Rather than incur opprobrium for a deadlock - had the Flag Organization not requested an unrestricted Conference only to arrive at it with a restricted mandate? - was it not wiser to keep the door to agreement open by adjourning, submitting a design to their committees and consulting with them as to what action should be taken when the Conference reconvened? Was this not better than an irrevocable break?¹³

On Thursday, the Flag Conference was able to complete its report. It declared that the Conference was convinced of the necessity of a national flag, that its design should be settled by mutual understanding, and that representatives of the flag committees recognized the inclusion of the Cross

10. The Star, 22 April 1927, Smith.

11. Ibid. 30 April (Pim), 6 May (Smith) 1927, commenting on the good spirit at the Conference.

12. Rand Daily Mail, 4 April 1927, Pim. Pim did not rule out the possibility of bloodshed if the Conference failed.

13. See The Star, 15 April 1927.

of St George in design no.2 'as a genuine gesture of goodwill and a real help to further discussion'. It added that the Conference should be adjourned to enable Flag Organization deputies to inform their committees of the position and to consult with them about design no.2 or another design embodying the same principles.¹⁴

Rejection of the Flag Conference's report

Unfortunately, the conciliatory atmosphere of a conference chamber could not be re-created in the country at large. When the Flag Conference's conclusions were published, a storm broke over the heads of Pim and other Flag Organization deputies and design no.2 was rejected by the opposition. In many quarters the Government's willingness to meet the deputation and to agree to a Conference had been taken as proof of a change in attitude necessitated by hard political facts - such as even Nationalists could not ignore. It was the threat from Natal, manifested in the provincial election results, the Natal Mercury declared on 26 February, that had forced the Government to accede to the deputation's request. Many had come to believe that

14. P.S.M.I. 'Report to the Minister of the Interior of the Flag Conference, 7 April 1927.'; Rand Daily Mail, The Star - 12 April 1927.

Compare Malan's statement that the Flag Organization's representatives were prepared to recommend ('aan te beveel') design no.2 (Malan, p. 122: Die Burger (Malan), 2 February 1957).

if the Government was prepared to treat with so avowedly a pro-Union Jack body as the Flag Organization, then Nationalists could no longer be so opposed to the Union Jack and that the Conference would be chiefly concerned with the question of whether the Union Jack or crown should be incorporated.

Consequently the anger that greeted the Flag Conference's report was all the greater. 'The pass must not be sold' was the title of the first Rand Daily Mail editorial dealing with the new situation. It feared that the Conference's report represented 'quite the most dangerous development that has yet taken place in connection with the flag controversy.' While it disliked Die Burger's note of rejoicing, it disapproved far more strongly of the 'conversion of Howard Pim':

his uncompromising attitude of less than two months ago is in such bewildering contrast to the position he has taken up to-day that we cannot help wondering what has happened in the meantime to bring about this astounding change in point of view. To-day this perfervid whole-hogger for the Union Jack comes to his Committees practically to seek approval for a design which contains neither the Union Jack nor a Crown, and is in no sense a symbol of the British Empire or of the imperial connection. In other words... [the report] concedes the utmost for which the most extreme men behind the Minister and the Government ever dared to ask.

Hertzog, it added, had scored most handsomely; all that the members of the Flag Organization had gone down to fight for had been given away. However, the flag question

was a matter that would be settled by the citizens as a whole. And so far as they were concerned, there would be no settlement on the basis of design no.2. If they accepted that, the last symbol of the British link would be gone. 'After that, anything may happen.'¹⁵

Roundly condemning the report on 14 April, the Cape Times declared that the Flag Organization's deputies had disregarded their mandate and made sacrifices without compensation. One section was dictating to the other what form its sentiment should take. As for the compromise, since the majority of Afrikaners were apathetic about the incorporation of the Union Jack, there had not been the slightest need to give way on its inclusion. Other opposition newspapers made the same or similar criticisms: the deputies of the Flag Organization had not had the authority to agree to any flag which did not embody the Union Jack;¹⁶ the Cross of St George meant little or nothing to most English-speakers; Smith's view of the Union Jack was the result of 'morbid brooding'; design no.2 could only be accepted on the basis of good faith - and that, as the provincial elections had shown, the Government had lost.¹⁷

15. 13 April 1927. See also 14 April 1927.

16. Of course, they had not in fact 'agreed' to any flag.

17. See Cape Argus, 12 April 1927; Natal Witness, 13 April 1927; The Star, 15 April 1927.

Lack of good faith between the Government and a portion of its citizens was also evinced in the attitude of the S.O.E. towards design no.2. In a St. George's Day message, its Grand President described the Conference as a 'painful farce' and its design as a 'meaningless' flag which was 'entirely and absolutely' unacceptable. He demanded the British section's equal share of the flag which 'must be the Jack, the whole Jack, nothing but the Jack, even though it constitute only one-quarter of the flag.' So long as British people remained in South Africa so long would the Union Jack have to remain.¹⁸ At the same time, the President of the Society in the Free State wired the Flag Organization: 'Twelve hundred Sons of England in the Orange Free State insist on the Union Jack being included in the new flag.'¹⁹

The new threat to the Union Jack swung the patriotic societies into combined action. On 24 April representatives met in Johannesburg from some half dozen societies including the S.O.E., Cambrian, Cornish, Caledonian and B.E.S.L.²⁰ Constituting themselves into the Co-ordinating Council of Patriotic Societies of South Africa, they resolved that in

18. Cape Argus, The Star - 22 April 1927; Die Burger, Rand Daily Mail - 23 April 1927.

19. The Star, 23 April 1927.

20. Strictly speaking the B.E.S.L. was not a patriotic society. However as it aligned itself with the patriotic societies throughout the controversy and joined the Co-ordinating Council of Patriotic Societies (see below), it has been included in this category.

future they would concert their efforts to secure the inclusion of the Union Jack in the new flag. They unanimously rejected design no.2 and agreed that any attempt to pass a flag bill without general consent would be strenuously resisted by all possible constitutional means.²¹

By this time a large number of flag committees had made it clear that nothing less than the inclusion of the Union Jack would satisfy them. And by the beginning of May, the Transvaal, Natal and Cape branches of the Flag Organization had rejected design no.2. No flag that did not contain the Union Jack was acceptable and there was to be no departure from the principles which had brought the Organization into being.²² A breakdown in the negotiations, due to resume on 14 May, between the Flag Organization and the Government's representatives had become inevitable.

In the last days before this breakdown a futile drama was played out which was to arouse much ill-feeling. At the end of the Flag Conference some Flag Organization deputies had privately regretted to Smith, the Chairman of the Conference, that the Afrikaans-speakers' point of view was not better known by the English section. As one after

21. The Star, 27 April 1927; Die Burger, Cape Times - 28 April 1927.

22. The Star, 22, 23, 26, 29 April, 4, 5, 7 May 1927; Die Burger, 23, 25, 29 April, 5 May 1927; Malan, p. 123.

another flag committee branch resolved against design no.2, Smith's disappointment increased. Wishing to do everything possible in order to achieve a settlement, he told Fremantle that he and Mrs Jansen were anxious to present the Afrikaans-speakers' viewpoint to the Organization's Central Executive before it took its final decision on the design. The outcome was an invitation from the Central Executive and Smith and Jansen's controversial addresses to it on 6 May. Though Fremantle and Smith had anticipated 'a perfectly private conversation' with only Central Executive members present, a considerable number of other people also attended and 'the meeting assumed a character quite different from that contemplated'.²³ Smith and Jansen maintained, inter alia, that the Union Jack was associated with a vast tradition that was foreign to the country and which could never form part of its national tradition; but most of all, they frankly stated the dislike of many Afrikaners for the Union Jack and their reasons for it; they appealed to the Executive to be generous enough not to insist on placing something on their national flag that was objectionable to their feelings.

23. Fremantle Collection, vol. 9, Fremantle to Smith, 14 May 1927: 'Central Executive of the Flag Committees Papers re Prof. Smith's and Mrs Jansen's interviews'; The Star, 4, 5, 6 May 1927; Die Burger, 7 May 1927.

The following members of the Executive were present: Pim, Fremantle, F.C. Sturrock (alternate for the Cape), Stallard (Transvaal), A. Law Palmer (alternate for Natal), F.E. Colenutt (alternate for Free State).

Mrs Jansen went on to warn: 'We are on the eve of a great racial war. A new era of resentment against England and the English is looming'. Unless the English accepted the Government's proposals they would cut themselves off from co-operation with Afrikaans-speakers.²⁴

On the following day the Central Executive declared that the flag committee branches had unanimously resolved that a flag without the Union Jack in its entirety was unacceptable; accordingly the Executive had unanimously rejected design no.2 and all designs which included only a portion of the Union Jack. With regard to Smith's and Jansen's statements, they had considered them carefully and could find no vital reason for the exclusion of the Union Jack. Their speeches clearly showed that there was a 'complete and dangerous lack of understanding' in the minds of Smith and Jansen, and those for whom they spoke, as to the reasons and sentiments that compelled the British section and many Afrikaans-speakers to demand the incorporation of the Union Jack and republican flags.²⁵ When the Flag Committee's reasons for rejecting the 'Dutch point of view' were published on 11 May, with Smith's and Jansen's equally forthright views, the press on both sides joined in

24. Cape Argus, 12 May 1927; Hansard, vol. 9, 4267-8, Giovanetti, 30 May 1927.

25. Fremantle Collection, vol. 9, 'Minutes of meeting of the Executive of the S.A. Flag Committee held in Johannesburg on the 6th-7th May, 1927'; The Star, 7 May 1927.

the fray.²⁵ Smith's and Jansen's visit had failed in its intended purpose; unintentionally, however, it succeeded in adding to the political temper which rapidly rose in the week before the Flag Bill was first read on 16 May.

On the day after the Central Executive rejected design no. 2, Malan cancelled the Flag Conference. Though the Central Executive favoured its re-convening, the restricted reference of its representatives would have contravened the original conditions demanded by the Flag Organization itself. In all events, deadlock appeared to be certain.²⁷ Furthermore, as the parliamentary session was so well advanced, Malan was probably anxious to introduce his Flag Bill without delay. He had expected the Flag Conference to report by the end of March;²⁸ it had only met at the beginning of April; and it was now nearly mid-May. Time was running short. In the circumstances, design no.2, recognized by the Flag Conference 'as a genuine gesture of goodwill', seemed to be the best choice the Government could make for the new flag.²⁹

26. The Star, 11, 13, 15 May 1927; Die Burger, 12, 13 May 1927; Daily Despatch, 13 May 1927; Cape Argus, 14 May 1927; Die Volksblad, 16, 17, 18 May 1927.

27. P.S.M.I. letter from Malan to Pim, 4 May 1927; The Star, 7 May 1927; Cape Argus, Daily Despatch - 10 May 1927, telegrams between Malan and Pim; Natal Witness, 11 May 1927.

28. The Star, 28 February 1927.

29. For a fuller discussion of this choice see chapter 11.

Agitation against the Flag Bill immediately before the first reading

The breakdown of the Flag Conference, the Government's declared intention to force the Bill through Parliament, Malan's announcement that design no.2 would be pressed - in short, the obduracy of which each side stood convicted in the eyes of the other, contributed before the first reading to great excitement. In 1926 the combined efforts of the opposition press and protest meetings had forced the Bill's withdrawal. Now, before the first reading, these instruments were used again to achieve this goal.

The press attacked Malan, Hertzog and Labour.³⁰ It denied that the flag committees were responsible for the failure of the Flag Conference, insisted that a national flag could not be settled by forcing a Bill through Parliament and complained that Nationalists alone could not decide what constituted South African patriotism. Smith's and Jansen's statements inspired eight and three column headlines: MRS. JANSEN THREATENS RACIAL WAR DELEGATES CONFESS TO DISLIKE OF UNION JACK, and generated much heat.³¹

But, in general, the press stressed four aspects: the question had fallen into the hands of extremists, the

30. See Cape Argus, 6, 10 May 1927; The Friend, The Star - 14 May 1927; Cape Times, 16 May 1927.

31. See Rand Daily Mail, 12 May 1927.

country's mood precluded clear thought, forcing the matter would have regrettable results, and the wisest course was to withdraw the Bill. Thus on 6 May the Rand Daily Mail regretted that the flag question had been allowed to drift into the hands of extremists and could now be settled only on Party lines, while The Star, on 12 May, stated that the movement to force the Bill had made it impossible to put the extremists on either side in quarantine. Indeed, instead of the public being protected, 'a sort of contagious hysteria' was being given a clear start; ardent proponents of the Bill were getting into a hysterical state in which threats were being used and opponents were being denounced as intolerant and jingoistic. It was plain, it observed, that a section in the Union, including Malan, was losing its sense of proportion.

On 9 May the Natal Witness thought it was too late in the day to expect any clear thinking on a question that had become a political and racial counter. Four days later it charged that no argument, whether of decency or self-interest, seemed able to turn the Government aside from the course it had set: 'It is determined to achieve the unity of the country, which is the professed object of its bill, by dividing it more deeply than it has been divided for twenty years.' Other newspapers agreed: no greater blunder could possibly be imagined, than to press the matter; it would be 'suicidal folly'; racial hatred would be aroused; patriotism demanded that the matter be

rested.³² The 'great High Priest of Little Afrikanerism' was urged to carefully weigh the consequences of pursuing the Bill. He was dealing 'not with braggarts and roisterers who pass their word lightly...but with tolerant and justice loving people, with whom, as all history shows, it is easy to make peace but fatal to pick a quarrel'.³³

On the morning of the first reading the Cape Times warned that that day would in all probability live in the history of South Africa as a day of disaster, a day on which South Africa had taken a fatal turn towards greater bitterness and hostility. Posterity would fix responsibility for this strife on Malan, the representative not of Dutch-speaking South Africa, but of a small unforgiving, narrow-minded minority, for it was he who had first raised the flag question; on Dr. van der Merwe, Malan, 'and other political fire-brands of the same type', for it was they who had deliberately enflamed hostility towards the Union Jack; on Labour's leaders and their rank-and-file, for they had supported the Bill; and on Hertzog and his Cabinet, because no matter how great the detestation of the Union Jack, the welfare of South Africa, not the satisfaction of one section's enmity, had demanded sacrifice.

32. See Cape Argus, 6, 10 May 1927; The Star, 13 May 1927; The Friend, 14 May 1927; The Star, 12 May 1927 citing Ons Land.

33. Natal Mercury, 14 May 1927. See also Natal Witness, 13 May 1927.

The press attacks on the Government's Bill reflected and stimulated the protest meetings which occurred before the first reading. That feelings had been running high was clear. Towards the end of April, flag committee representatives in country areas in the Transvaal had journeyed three days by horse and cart to meet.³⁴ In urban centres, such enthusiasm could be harnessed readily. With the introduction of the Bill imminent, a new urgency was imparted to the situation and the opposition acted.

In the week before the first reading, in Natal, the Cape Province and Transvaal protest meetings were held. Prominent citizens who were members of patriotic societies generally took the lead in petitioning mayors to call them. Usually meeting in the town hall, under the chairmanship of the mayor or deputy-mayor, the meetings attracted large audiences. While most of the speakers were English-speaking supporters of the S.A.P., some were Afrikaners or Labourites. At nearly twenty such meetings strong resolutions were passed demanding the incorporation of the Union Jack and Vierkleurs. At Kimberley, Estcourt, Kingwilliamstown, Barberton, Greytown, Grahamstown, Dundee, Port Alfred, Newcastle, and other centres, the Flag Bill was condemned.³⁵ At Pretoria, where some pro-Government

34. The Star, 26 April 1927, p. 8.

35. See The Star, 10, 12, 13, 14, 16 May 1927; Daily Despatch, 13 May 1927; Die Burger, 13, 16 May 1927; Die Volksblad, Cape Times - 16 May 1927.

speeches were made, the Bill was rejected by a large majority.³⁶ At Pietermaritzburg, a strong Labour area in 1924, not a dissentient voice was raised at the meeting.³⁷ This was generally the case. At Port Elizabeth, hundreds stood outside the overflowing Feather Market Hall listening through loudspeakers.³⁸ At Vryheid, a Labourite (and friend of Creswell) proposed the resolution,³⁹ while at Umbilo, the Labour M.P. was instructed to oppose the Bill and not to 'further betray' his constituents.⁴⁰ At Kokstad, the Rev. G.R. Veel warned that the substitution of any flag for the Union Jack would 'stink of disloyalty to the King' and prejudice the Dominions and Britain against them.⁴¹

The most distinctive of the meetings was the service of re-dedication held in Durban a few hours before the first reading. Between 11 and 12 a.m., all business in the city halted while some ten thousand people met before the City Hall. 'All wore a look of severe faith that the flag of the British Commonwealth is not now and never hence to be dethroned.' At precisely 11 a.m., ministers of several

36. Rand Daily Mail, The Star - 13 May 1927; Natal Witness, 14 May 1927.

37. The Star, 14 May 1927.

38. The Friend, Cape Times, Die Volksblad - 16 May 1927.

39. The Star, 13, 14 May 1927; Cape Times, Die Volksblad - 16 May 1927.

40. Cape Argus, The Star - 10 May 1927; Natal Witness, 12 May 1927.

41. The Star, 14 May 1927; Cape Times, 16 May 1927.

religious denominations, led by the Mayor's Chaplain, filed on to the platform attended by the Mayor and most of the City Councillors. Reveille, 'amid a reverent silence', was then sounded against the background of a sixty by forty foot Union Jack. The hymn, 'Oh God, our help in ages past' opened the service which the Mayor's Chaplain conducted. There were those of all races, he said, who found the Bill 'unwise, unmerciful, unjust, and unnecessary, and constituted a violation of Christian principles'; it was the old policy of 'the mailed fist'. As loyal South Africans they were 'aghast at this deliberate attempt to crucify their finest feelings' and usher in a period of strife such as they had never known. Amid a hush, the flag was dedicated: 'To the Glory of God...we solemnly re-affirm our unceasing devotion to the Union Jack of the British Empire which we cherish as a symbol of liberty and justice.' Then, receiving back the folded Union Jack, which he had handed to the Chaplain for blessing, the President of the Empire Group thrust it forward towards the gathering in token of its being entrusted to the keeping of the people of Natal. At the same instant, the Union Jack was run up the masthead above the City Hall. Wild cheering was followed by 'Rule Brittania' and the national anthem. The 'greatest meeting ever held in Durban' was the verdict of its Mayor.⁴²

42. Cape Argus, The Star - 16 May 1927; Natal Mercury, London Times - 17 May 1927. The meeting did not escape censure in the July issue of the Anglican

Nationalist support for the Bill

Political agitation was not confined to those who opposed the Bill. Those who supported the measure were also moved to action. Throughout the controversy, however, Nationalist support for the Bill fell far short of the opposition's agitation against it. Public meetings in support of the flag measures were never to occur on the same scale, in number or size, as those which opposed them.⁴³ Several reasons may be suggested for this. While for most protestors a wide range of fears were aroused by the threat to the Union Jack, for the Nationalists no comparable threat existed. Furthermore, Nationalists possessed no strictly comparable symbol. Though each of the former republics had enjoyed its own flag, none had commanded the respect of all Afrikaners. Enthusiasm for flag legislation often had to be aroused on the negative basis of dislike of the Union Jack rather than on positive affection for the new flag. But since most rural

publication Churchman, which declared that the abstention of some clergy from the service was not to be regretted. While it recognized and approved of Natal's claim to retain the Union Jack in the national flag, it deplored many of the methods used to achieve this end and stated that its distrust of public demonstrations had not been diminished by the meeting.

43. In 1926 only one large meeting, called specifically to support the Government's Flag Bill, was reported in the press. This was held at Newlands in Johannesburg. (Die Volksblad, 26 May 1926; The Friend, 27 May 1926; Daily Despatch, 28 May 1926). Though Malan addressed meetings at the Koffiehuis in Cape Town (8 June 1926) and at Stellenbosch (10 June 1926), these dealt with the Government's policies generally.

Afrikaners seldom saw the Union Jack, the flag issue probably seemed of secondary importance to many. Perhaps too the fact that the Government was dominated by the Nationalists made the need to form Nationalist pressure groups to influence flag legislation seem less necessary. Certainly important was the fact that Nationalist support was strongest in the rural areas and not in the towns, where it was far easier to organise protest meetings. Finally, because of the smaller circulation of the Nationalist press, fewer Nationalists were exposed to press influence.

In the Transvaal this influence was further reduced by the very limited coverage given to the flag question by Ons Vaderland - the only official organ of the Party in the Province. When at the beginning of March, Pretoria Nationalists feared that the Flag Conference presaged more concessions and called for a joint meeting of their district committees, Ons Vaderland expressed support for the Bill.⁴⁴ But its true feelings on the subject - and those of Roos - were probably better revealed in its almost complete avoidance of the flag issue in the following two and a half months. Even before the first reading it failed to raise the issue.⁴⁵

44. Ons Vaderland, 4 March 1927.

45. Its last (short) leading article on the flag question had appeared on 19 April.

However, both Die Volksblad and Die Burger gave the question ample attention often in lengthy leading articles. In the month before the first reading the former devoted seven leading articles to the flag issue; the latter devoted six.⁴⁶ In general these stressed the country's rights to a national flag and insisted that the opposition's motives for denying them were ulterior; they were based on a refusal to recognize the legitimate rights of the Afrikaner and the status of the country. But if Die Volksblad had the edge on Die Burger on the number of leading articles devoted to the flag question, the tone of the latter was more aggressive and it gave far more coverage to the controversy in its other columns. There was certainly no lack of material on the issue in Die Burger. On 23 April it declared that the Bill should be pressed without further delay if the flag committees rejected design no.2. Five days later it maintained that this rejection would enable the Government to accept design no.1 (which had no British symbol) or any other design. On the last day of April it drew attention to the lack of organization of the Bill's supporters and the possibility of its remedy in the near future. Then, on 5 and 9 May, respectively, followed two evocative full page headlines in capitals. The first: NASIONALISTE WORD WAKKER OOR VLAG,

46. See Die Volksblad, 23, 25, 29 April, 9, 10, 13, 14 May 1927; Die Burger, 18, 23, 28, 30 April, 10, 13 May 1927. Each also devoted one leading article to the Union's status in which the country's right to a national flag was argued.

headed a report that Malan was receiving telegrams of support from all quarters of the country. The second: FLAG COMMITTEES SMYT DIE HANDSKOEN NEER, headed the Flag Committee's rejection of design no.2. On 10 May a strong editorial identified by implication all those who opposed the Bill as enemies of South Africa, jingoes and followers of Pitcher (Grand President of the S.O.E.). It warned that blind intolerance and hateful jingoism were begrudging South Africa its flag. Finally on the morning of the Bill's first reading it argued that by settling the flag question they were settling the racial question. Therefore, if ever a measure had been brought before parliament which the people had asked for, it was the Flag Bill. In 1919, Smuts had wanted it; the S.A.P. had wanted it. But jingoes, led by Pitcher, were denying their recently recognized status and their right to a clean flag. The choice before the S.A.P. and its supporters was: would they remain true to the Party's own principles of 1919 or would they range themselves under the banner of Pitcher?

The remaining type of agitation in favour of the Government's flag policy - and one which Die Burger took pains to report - came from Nationalist Party branches mainly in the Cape Province and took the form of resolutions in support of flag policy. In the period between the Flag Committee's final rejection of design no.2 and the first reading, resolutions in support of the Government's flag policy were passed by some eighty-five Nationalist

Party branches. Many of these stemmed from executive committees, but most had been passed at branch meetings. Nearly all demanded both the pressing of the Bill and a clean flag.⁴⁷ In the Free State, the Nationalist Caucus of the Provincial Council similarly resolved in favour of a 'skone onvervalste' flag.⁴⁸

Atmosphere before the first reading

The combined effect of these activities, for and against the Bill, was to create a most unfavourable political atmosphere before the first reading. Ever since the first day of 1927, when Creswell announced that the Bill would be pressed, the Government's pursuit of a new flag had kept the issue alive and stimulated ill-feeling. Campbell's resignation, the provincial elections, the Flag Commission, the deputation - all in February - followed by the Flag Conference, the canvassing of flag committee opinion, the statements of Smith and Jansen, the Central Executive's decision - in April/May - all served to keep a potentially explosive issue before the public.

Additionally that section of the public (whether favouring or opposing the Government) which had made the

47. Die Burger, 4-7, 9-14, 16-17 May 1927.

48. The Star, Die Burger - 12 May 1927; Natal Witness, 13 May 1927.

issue its chief political concern, was probably strengthened by the failure of any other issue in 1927 to sustain the electorate's attention, and so divide its interest. When Hertzog's Native Bills were sent to a Select Committee, they were removed from the electorate's attention and concern for what might have proved a strong rival interest diminished. Other measures, in an unusually dull session,⁴⁹ were debated at length but did not capture the public's imagination.⁵⁰ On 25 April, the parliamentary correspondent of the Rand Daily Mail reported that 'the shadow of the flag controversy, has, in fact, hung heavily over parliament since the start, and its work has been conducted in an atmosphere of unreality and lassitude'. Earlier in April Die Burger had reported growing excitement over the flag issue both in and out of Parliament. Almost the only subject discussed in parliamentary corridors was the flag and amongst Nationalist M.P.'s an enthusiasm prevailed 'wat byna opgewondenheid kan genoem word....Selfs lede wat voorheen nie veel geesdrif vir die saak openbaar het nie, kan byna van niks anders praat nie; almal is opgesaal vir die stryd, en baie is al wrewelig van wag.'⁵¹

49. See The Star, 8 March 1927, Deneys Reitz.

50. These measures included the Precious Stones Bill, the Iron and Steel Industry Bill and the Medical, Dental and Pharmacy Bill.

51. 7 April 1927. See The Star, 5, 6, 11, 13 May 1927, for interest in the flag question before the first reading.

All in the last few days before the first reading - against the background of protest meetings and Nationalist Party branch resolutions - there was evidence of strained feelings in certain parts of the country. In the Transvaal, at Boksburg, a protest meeting had to be cancelled because of threats of violence.⁵² In the Cape Province, at Cape Town, a bootblack and former pugilist came to blows in Adderley Street over the flag issue; at Kimberley, the protest meeting was marred by disturbances.⁵³ In Natal, where the Provincial Council had just demanded the inclusion of the Union Jack,⁵⁴ the Natal Advertiser called on English-speaking Natalians to swear a covenant to recognize the Union Jack alone and to teach their children to revere no other flag. Ought not Natal to begin to organize its opinion, 'so that the spirit and the text of such a covenant could be made known to all men from the smallest villages to the largest towns?' it asked.⁵⁵ On 13 May F.S. Malan told a gathering of S.A.P. supporters at the Strand that the flag issue seemed to have overshadowed everything to such an extent that it was difficult for the moment to think of anything else.⁵⁶

52. The Star, 13 May 1927.

53. Die Burger, 18 May 1927 (Cape Town); Cape Argus, 17 May 1927 (Kimberley).

54. Its one Labourite member seconded the motion while its two Nationalist members abstained from voting (Natal Witness, Natal Mercury, Die Burger - 12 May 1927).

55. The Star, 14 May 1927, citing Natal Advertiser.

56. Cape Argus, 14 May 1927.

The deteriorating political temper is also revealed in the letters of Smuts - through his direct comments on the atmosphere as well as his misgivings for the future. We may recall that after the provincial elections in February, Smuts told Leo Amery that if the Government persisted with its Bill he foresaw 'a very grave recrudescence of racial feeling.'⁵⁷ One month later, he was describing the political mood as 'hopeless'; he doubted if any fair solution would be accepted in it.⁵⁸ In another six weeks, he was referring to 'the tumult of passion on which we are now being launched'.⁵⁹ 'Die vrugte van die Nat beweging', he said, 'sal nou deur die arme land gepluk word - in bitterheid en ordeeldheid.'⁶⁰ Finally, on the eve of the first reading he confided to his wife

Moere (sic) kom die flagwet voor en sal die poppe onmiddelik begin te dans. Ons gaan oppeneer van die begin af en by elke stadium. Die gevolge van hierdie dwaasheid van die Regering gaan verreikend word en die klok vir jare agteruit sit in Suid Afrika. Hul handelwyse is niet alleen dwaas nie maar positiefs krimineel. Rassegevoel gaan erger word as enige tyd na die boere oorlog.⁶¹

On the day of the first reading the aged Lewis Michell wrote in his diary: 'Flag Bill re-introduced out of spite,

57. See pp.245-6. See also Duncan Papers, letter to Lady Selborne, 18 February 1927, for Duncan's similar fears.

58. S.P. vol. 39, no. 70, to Father Ryan, 29 March 1927. See also ibid. no. 51, to Dr Kolbe, 22 March 1927.

59. Ibid. no. 137, to Archdeacon Hulme, 12 May 1927. See also ibid. no. 288, to Gillett, 13 May 1927.

60. Ibid. no. 138, to Mrs Smuts, 13 May 1927.

61. Ibid. no. 140, to Mrs Smuts, 15 May 1927.

and against the wish of all decent people of both races.⁶²

Thus, since the Government first raised the question of a new flag in 1925, there had been no advance towards general agreement. Though the past twelve months had seen several compromise moves, the position remained unchanged. But not completely. In at least one sphere an ominous change had occurred. Racial antagonism over the flag issue, strong in May 1926, and quiescent on Hertzog's return in December, was becoming more intense than ever. Politics of virtuous passion had begun to grip the nation and, as this gathered strength, appeals to reason and moderation were to be heard with increasing difficulty.

62. Lewis Michell Collection, diary no. 23, 16 May 1927.

CHAPTER XI

THE FIRST READING OF THE BILL AND ACTIVITY BEFORE THE SECOND READING

The Flag Bill and Government strategy

On the afternoon of 16 May 1927, the new South African Nationality and Flag Bill was introduced in the House of Assembly. It laid down that the design of the national flag would be the Cross of St George, fimbriated white, on a green field divided quarterly: thus the Flag Commission's design no.2 was to be the national flag. It further provided that the Union Jack, as a symbol of the association between the Union and 'the British Community of Nations', would be flown on the monarch's official birthday, on his actual birthday, on Empire Day (24 May), on Union Day (31 May) and on such other occasions as the Governor-General might appoint. The referendum was to be decided by a simple majority of the votes cast.¹

Thirty years later Malan wrote that the Government's choice of this design rather than the Commission's first preference - a clean flag and also Malan's favourite -

1. A.B. 52-27, clauses 3-5. The design had been submitted to the Flag Commission by a Bloemfontein businessman, Mr A.G. Wood (The Friend, Die Burger - 20 May 1927).

sprang from the design's tentative acceptance by an important section of the opposition led by Pim.² However, immediately after the Flag Conference Pim denied that either he or the Flag Organization's other representatives had ever accepted this design, and the Report of the Conference does not bear out Malan's claim.³ Also, since Flag Organization branches throughout the country, without exception, rejected the design, Malan's contention that the design had been tentatively accepted by an important section of the opposition (led by Pim) seems faulty.

Nevertheless, it is likely that some members of the public, particularly those who were less emotionally responsive to the Union Jack, believed that the Flag Organization's representatives had regarded the design as a reasonable compromise. The latter's acceptance of the design as 'a genuine gesture of goodwill' would have strengthened this view. By offering the same design the Government could claim to be acting in harmony with this 'genuine gesture of goodwill' and capitalize on the support of those who judged that the Flag Organization's deputies

2. Malan, p. 123: Die Burger (Malan), 2 February 1957.

3. The Star, 13 April 1927, letter to the editor from Pim; P.S.M.I. 'Report to the Minister of the Interior of the Flag Conference, 7 April 1927.'; Rand Daily Mail, The Star - 12 April 1927.

As Pim himself was not completely opposed to the incorporation of a portion of the Union Jack (Rand Daily Mail, 4 April 1927), he may well have privately indicated that he was not opposed to design no.2. However, this would still not justify Malan's assertion.

had originally favoured the design and therefore that it could not be a compromise wholly without merit. The greater the support of English-speakers for the Government's design, the more difficult it would be to stigmatize it as the product of one group alone; design no.2 clearly offered the best hope of attracting more general support.

The same Cabinet meeting which decided on the flag's design, also considered the Government's broader flag strategy. Given the strained situation and the knowledge that in its existing form the Bill would definitely be rejected by the Senate, the Government considered it wisest to avoid an acrimonious debate and to speed the Bill to a Select Committee. Therein appeared to lie the last opportunity for general agreement. In Malan's view a Select Committee could also serve another purpose. In it, the S.A.P. could be forced to present a design of its own that would be generally acceptable. He was convinced that it would not be able to do so and that its demand (failing withdrawal of the Bill) for a flag which equitably combined the Union Jack and former republican flags would be exposed as impracticable.⁴ Such a revelation, he seemed to think, would strengthen the Pact's stand.

4. See Malan, p. 123: Die Burger, 2 February 1957; Hansard, vol. 9, 4227, Hertzog, 27 May 1927.

The first reading

When Malan formally introduced the Bill (on 16 May), the galleries were crowded, the atmosphere strained. The Cape Times observed that the House had never been so 'thronged' and Die Volksblad that it had never been so tense. 'Die hele atmosfeer', the latter added, 'was al vroeg in die môre af swanger van verwagting en opgewondenheid, en niemand in en om die Parlementsgebou kon van iets anders as die vlag praat nie.'⁵ 'The question which has held this country in its grip ever since last year', The Friend reported the next day, had been brought to a head.

Amidst a roar of cheers Smuts rose to oppose the motion for leave to introduce the Bill. As in the previous year, the S.A.P. had decided to fight the measure in Parliament from the start. The step which the Government was taking was 'a grave mistake, a dire calamity, and it may produce disaster in this country,' Smuts complained; the S.A.P. had not been consulted on the flag question since the end of the 1926 parliamentary session and the Flag Commission had been 'a joke'; it had been restricted on the one issue on which agreement depended. Now the Government proposed to force the Bill. Yet ever since Union there had been a tacit understanding that one group would not force its views on the other. The Bill was a breach of this understanding.

5. 17 May 1927 (both).

Smuts could see no urgent need for the Bill. And he regretted that Hertzog had missed a great opportunity to cement the two races by not dropping the Flag Bill on his return from abroad when he had been welcomed back by the whole nation. That he had not done so was due to the 'unbending obstinacy' of Malan. Pursuit of the Bill would re-awaken former suspicions and harm national unity. He appealed to the Government not to force the Bill 'at a time when this country is running riot with passion'. They had bowed before the storm of 1926. For the sake of South Africa they should bow again and not take a step which would undo the work of the past sixteen years 'and once more launch us on the stormy seas of passion, mistrust, and suspicion'.⁶

Duncan, who followed, continued the appeal. He stressed that the time was not ripe for the Bill; their inability to agree on a design proved this. Acceptance of a national flag was a matter of sentiment and could not be imposed by mere majorities in a referendum or Parliament. Nor was the sentiment for the Union Jack artificial. To force the decision now was 'almost criminal madness'. What would they lose if the flag came in the process of time? By forcing the decision the Government would raise

6. Hansard, vol. 9, 3634-3639. The debate was also reported in Die Burger, Die Volksblad, Cape Times, The Star - 17 May 1927.

the old issue of racial division and set the country back for twenty years.⁷

The remaining Opposition speakers - four English-speaking Natalians and two Afrikaners from the Cape Province - spoke in similar vein.⁸ A national flag, they said, should be acceptable to all sections, they should therefore wait until the two white races could agree;⁹ forcing the measure would destroy racial goodwill and set the country back for years;¹⁰ the Government should recognize the intensity and spontaneity of the feelings against the measure.¹¹ And both Malan and Hertzog were blamed for the prevailing unhappy situation.¹²

Though the reading saw calls for order and frequent interruptions, in keeping with the Government's desire to expedite the reading, there was no reply from its benches. Within two hours the speeches ended. When the Speaker put the question, the Opposition Whip called for a

7. Hansard, vol. 9, 3639-3643.
8. These were G.H. Nicholls (Zululand), Ibid., 3643-3648; Major G.B. van Zyl (Cape Town, Harbour), 3648-3651; G.C. van Heerden (Cradock), 3651-3652; Major A.M. Miller (Durban, Point), 3652-3653; Brig.-Gen. W. Arnott (Natal Coast), 3653-3654; Sir Thomas Watt (Dundee), 3654-3657.
9. Ibid., van Zyl, 3649; van Heerden, 3651; Miller, 3653.
10. Ibid., van Zyl, 3650-1; van Heerden, 3651; Arnott, 3654; Watt, 3654.
11. Ibid., Miller, 3653; Arnott, 3653.
12. Ibid., Nicholls, 3645; van zyl, 3648; see also van Heerden, 3651-2 and Arnott, 3654.

division and amid derisive S.A.P. cheers, Labour's Members crossed to join the Nationalists. By seventy-two votes to fifty-one the Bill was accepted first as introduced, and then as read. The second reading was set down for 23 May.¹³

Protests against the Bill between the first and second readings, 17-23 May

The week between the first and second readings saw a continuation of those features that had marked the period immediately before the first reading. Once more there were strong editorials, protest meetings and resolutions of support. However, one new feature to emerge, and which was to exacerbate feelings, was the call for a nation-wide organization to rival the Flag Organization.

The conduct of Members on the Government benches provided a fresh source of attack for opposition newspapers. On the day after the reading, The Friend complained that the speeches had been received with laughter and jeers while the Cape Times accused Hertzog of 'studied insolence' for 'ostentatiously reading' while Smuts and others spoke. In words that betrayed the general temper, it added:

Yesterday there was hardly a Nationalist Member who did not openly exult in the power which the Pact has to wound the feelings of South Africans who disagree with it. The ugliest enjoyment of their ruthless use of this power shone in the

13. Hansard, vol. 9, 3657-3659.

faces of these men, disfigured with hatred and scorn and malice....Watching their faces yesterday, it was terrible to think that they must indeed be typical of a large proportion of the people of this country.

Because much criticism had been devoted to the flag's design in the previous six weeks, the referendum proposals attracted far more attention.¹⁴ Both The Star and Rand Daily Mail¹⁵ insisted that a minimum number of votes - The Star suggested two-thirds of those cast - should be required for the approval of the flag measures. But the bulk of the opposition's criticism of the referendum centred round the phrasing of its ballot paper's question. It argued that a single 'yes' or 'no' answer had to be given to a question which was in fact not one, but many:¹⁶ It asked the voter whether he was in favour of a national flag - which would consist of design no.2; whether he was in favour of the Union Jack being flown separately as a symbol of the British association; and whether he was in favour of this association being celebrated on the specified days? Several answers were thus possible. A voter might approve of a national flag, disapprove of the

14. Before the first reading, very few criticisms had dealt with the referendum. See, however, Ons Land, 11 May 1927, which complained that a referendum would be worse than a furious general election.

15. 17 and 18 May 1927, respectively.

16. The question was: 'Do you approve of sections three and four of the South African Nationality and Flag Act as printed below?' Section three dealt with the occasions on which the Union Jack would be flown and section four defined the design. (A 52-27, p. 12.)

design, approve of the defined symbolism of the Union Jack, and disapprove of the days provided for its display. The Pretoria News wanted to know whether the question's phrasing was the result of Malan's carelessness, 'or a slim manoeuvre to bamboozle the electors'.¹⁷ Both the Cape Times and Sunday Times had no qualms about calling the referendum a 'fake'.¹⁸

Criticisms of the referendum's wording and its provision for a majority decision were related by the opposition press to the question of secession. Thus, on 18 May the Rand Daily Mail stated that the involved phrasing of the referendum's provisions merely deepened the suspicion of the Government's motives; and the Sunday Times asked, 'if the Union Jack is to be virtually wiped out of existence in South Africa by a bare majority this year, what is to prevent South Africa itself from being wiped out of existence as a member of the British Commonwealth of Nations by a bare majority next year, or some future date?' That, it said, was the real issue at stake for the republicans whom the Bill was intended to placate.¹⁹

From December 1926, when the Nationalists had acclaimed the report of the Imperial Conference, fear of

17. Cape Argus, 20 May 1927, citing Pretoria News.

18. 18 and 22 May 1927, respectively.

19. 22 May 1927. Italics in original.

secession had largely subsided.²⁰ Now it began to grow. But it was the Government's unremitting pursuit of the contentious Bill as a whole, rather than its controversial referendum proposal per se, that caused re-emergence of this apprehension. As the Bill's opponents could see no urgent need to press the measure, it came to be held by some that it must hide an ulterior motive - such as secession. Particularly The Star and Cape Argus took this view,²¹ as when the latter warned that in raising the flag issue 'almost before the echoes of the great secession controversy have died away', Hertzog and his colleagues were fomenting suspicion. The exclusion of the Union Jack from the national flag made sense, it said, when seen as the first step towards secession 'by a new and more devious route'.²²

In the main, however, the opposition press arraigned the Government on earlier charges. Accordingly the Pact leaders were denounced, the Labour Party rebuked, the

20. There was a brief revival of the issue in March, when J.H.H. de Waal, M.P. for Piquetberg, expressed pro-republican sentiments in the Assembly (Hansard, vol. 8, 1658, 21 March 1927; The Star, 22, 23 March 1927; Rand Daily Mail, Natal Witness - 23 March 1927).

See also The Star, 25 April 1927, for the expression of strong suspicions of a relationship between the desire for a clean flag and secession.

21. In the two weeks before the first reading, they were among the few newspapers to relate the Bill to secession. See Cape Argus, 6 May 1927; The Star, 13 May 1927.

22. 16 May 1927. See also The Star, 17, 19 May 1927.

Government's arguments dismissed as insincere and the pressing of the Bill declared to be a 'political crime'.²³ Yet if the same issues were raised, the tone in which they were handled had become generally sharper, and in Natal, the press remained defiant. In thousands of homes in Natal the Natal Advertiser warned, the youth would from then on be taught that there was but one flag worthy of the sacrifice of one's life - the Union Jack.²⁴ And on 17 May the Natal Mercury threatened that if the Government refused to obtain a 'clear' majority for its 'revolutionary change, Natal will not hesitate to trample under her feet, any banner of hate with which little Afrikanerism vainly endeavours to replace the national flag of the people.'

In the week between the two readings, protest meetings continued unabated. Durban's re-dedication meeting a few hours before the first reading, was followed a few hours after the gathering by a mass protest meeting in the Cape Town City Hall. An 'enormous' audience crammed the Hall, giving vent to its feelings by fervent singing. When the strains of 'The Red, White and Blue' were heard, 'the whole assembly jumped to its feet.' Enthusiasm was intense. The demand for the inclusion of the Union Jack

23. See Cape Argus, 16, 17, 18 May 1927; The Star, 17 May 1927; The Friend, 18 May 1927; Cape Times, 17, 18, 20 May 1927.

24. Die Burger, 19 and 21 May 1927, citing Natal Advertiser.

and for a flag by consent was approved unanimously. It was a meeting 'in such deadly earnest that there seemed a palpitating tension in the atmosphere'.²⁵ Three days after the meeting the London Times reported: 'a most impressive meeting of protest...the finest of the kind ever held in Cape Town. It was crowded to the doors, orderly, enthusiastic and resolute'.

At Simonstown, the protest meeting was roused 'to the utmost enthusiasm' by a local clergyman who declared that the time for words was rapidly passing and that action was required: the soul of their existence was being threatened. And at Rondebosch, a speaker declared that Die Burger in printing a placard which stated that the first shots in the flag war had been fired, had stated the truth: 'And that war is civil war'. Malan had brought a sword among them and he who brought the menace of war to the country was a traitor.²⁶

Protest meetings also took place at other centres which included Uitenhage, Queenstown, Vryburg, Mossel Bay, Pietersburg, Umtata and East London.²⁷ East London's meeting was 'absolutely packed to the doors'; even Komgha enjoyed a 'very large and enthusiastic meeting'.²⁸ Most

25. See Cape Times, Cape Argus, The Star - 17 May 1927.

26. Cape Argus, Cape Times - 21 May 1927.

27. Cape Times, 19, 20, 21, 23, 24 May 1927; The Star, 18, 20, 21, 23 May 1927; Die Burger, 21 May 1927.

28. Cape Times, 23, 24 May 1927; The Star, 21 May 1927.

of the larger centres in Natal had already protested.²⁹ However, Ladysmith's meeting, where the first part was 'of a religious nature', took place on 21 May,³⁰ the same day on which the London Times reported that protest meetings were continuing in the villages of Natal.³¹

As before, then, the main centres of protest had been in the Cape Province and Natal. These meetings were not, however, the only forms of protest. Several S.A.P. branches in the Transvaal and Cape Province had, since mid-April, expressed support for their Party's stand and protested against the Flag Bill. Branches at Turffontein and von Brandis (in April), and Troyeville, Middelburg (Transvaal), Langlaagte and Cradock (immediately before or after the first reading), all called for a flag by consent or withdrawal of the Bill.³² In Malan's constituency of Calvinia, the Cape Times reported that a S.A.P. meeting, attended by Afrikaans-speakers only, refused on 21 May to approve of any flag that did not include both the Union

29. See pp.281 ff. Durban had arranged to hold a protest meeting on 25 May.

30. The Star, 23 May 1927; Natal Witness, 25 May 1927.

31. See S.P. vol. 37, no. 162, resolution from Isipingo Beach township, 20 May 1927; The Star, 23 May 1927, Port Shepstone. A public meeting also condemned the Flag Bill at Weenen; however no date was given for the meeting (Hansard, vol. 9, 4282, 30 May 1927).

32. The Star, 26 April, 14, 16, 19, 21 May 1927; Rand Daily Mail, Cape Times - 20 May 1927; S.P. vol. 38, no. 127, Turffontein branch resolution. (The von Brandis branch re-passed a January resolution.)

Jack and the Vierkleurs.³³ Similarly, the Witwatersrand Executive Council of the Women's S.A.P., which claimed to represent 1 400 members, appealed for a flag that included the Vierkleurs and 'that flag upon which the sun never sets'.³⁴

The patriotic societies channelled their efforts in the period immediately before and after the first reading chiefly into the protest meetings in whose calling and organization they played a leading part. Indeed, at least six months earlier, the Flag Organization had decided to promote and co-ordinate public demonstration against the Bill, when it came before Parliament, and to seek publicity.³⁵ However, the societies also expressed their views outside the medium of protest meetings. Accordingly, before the first reading, a combined meeting of local patriotic societies in Ladysmith re-affirmed its opposition to the Bill, while the Co-ordinating Council of Patriotic Societies of South Africa sent a letter calling for the inclusion of the Union Jack to all M.P.'s.³⁶ Branches of the Empire Group in Durban and Johannesburg passed resolutions

33. Cape Times, 24 May 1927.

34. The Star, 18 May 1927; Die Burger, 24 May 1927.

35. Fremantle Collection, 'Minutes of meeting, at Bloemfontein on 29 September 1926, of the S.A. Flag Committee', Rees to Fremantle, 18 November 1926 and 30 May 1927; The Star, 10 May 1927, p. 12.

36. The Star, 12 May 1927; Die Burger, 13 May 1927; Cape Argus, 16 May 1927. The Co-ordinating Council also appealed to be heard at the bar of the House on the subject of a national flag (S.P. vol. 38, no. 117, 18 May 1927).

demanding the incorporation of the Union Jack and sent these on to M.P.'s.³⁷ The Group itself telegraphed the Premiers of Britain and the Dominions and despatched an appeal to the London Times:

Tell England the first stage of the attempt to lower the Union Jack in South Africa is set for Monday May 16. Our hearts are sad at the thought that a British Government will stand by and witness the great betrayal, and [we] look with confidence to the people of England to rise in their might and help us.³⁸

After the Bill's introduction, Bloemfontein representatives of the local patriotic societies jointly rejected the Bill,³⁹ a move soon followed by the Grand President of the S.O.E. who passionately protested that the expulsion of the Union Jack from their daily life amounted to an act of secession and warned that they were approaching a 'formidable crisis in the national life'. Mass meetings, he said, had already been held in twenty-six centres and been attended by 24-25 000 people. The figure was not complete and further protest meetings were still to take place in Johannesburg, Durban and other centres. Any attempt to wrench the Union Jack from them might be followed by 'calamitous consequences'.⁴⁰

37. S.P. vol. 38, no. 40, 10 May 1927; The Star, 5, 13 May 1927; Die Burger, 13 May 1927; E.G. Jansen Papers, vol. 573, telegram to E.G. Jansen, 11 May 1927.

38. The Star, 14 May 1927.

39. S.P. vol. 39, no. 369, 21 May 1927; The Star, 21 May 1927; Cape Times, 23 May 1927.

40. Sunday Times, 22 May 1927; Cape Times, Cape Argus, Die Burger - 23 May 1927.

Nationalist agitation between the readings

The Nationalist offensive in support of the Bill took a similar if less intense form. Its newspapers supported the Bill, Party branches resolved in favour of it, and wheels were set in motion to establish an organization to support the Flag Bill.

On the day after the first reading, all three Nationalist newspapers played down the Opposition speeches, Die Burger describing them as a wearisome repetition of tedious platitudes, and Die Volksblad declared: 'Die toon van die hele toespraak getuie van 'n papbroekige Smutsiaanse konsiliasiegees waarvan die volk alreeds sat is.' Editorial emphases, however, differed. Whereas Ons Vaderland, on 17 and 20 May, emphasized that the Opposition was using the flag issue purely for election purposes, and therefore retailed the occasions between 1919 and 1921 on which Smuts and the S.A.P. had allegedly stated that they were in favour of a clean flag, its Nationalist contemporaries stressed the constitutional issue, maintaining that the Union Jack was really wanted as a symbol of the Union's subordination to Britain.⁴¹

Additionally, the Nationalist press maintained that the Government had done its best to compromise, that the Union Jack did arouse painful memories, that the proposed designs which included the Union Jack and former republican

41. Die Volksblad, 16 May 1927; Die Burger, 17 May 1927.

colours were impracticable - they resembled a Malay maid's headcloth - and that Smuts's contention that agreement should precede the introduction of a contentious measure would condemn any Government to impotency.⁴² In all events, the Government was not forcing the issue since the referendum would decide the matter; and this referendum was perfectly fair.⁴³

Lastly, Die Burger argued that by opposing the Bill at its introductory stage, that is, even before its contents had been debated, the S.A.P. had proved that it wanted no national flag at all. When the Cape Times vigorously assailed Die Burger for 'lying', the latter insisted that its contention was correct: The Pitchers and Nicholls of South Africa had denied the Union's constitutional right to its own flag; indeed, a league had been formed in Natal whose members would swear never to acknowledge any flag other than the Union Jack. Smuts, the S.A.P., indeed all those who opposed the Government's Bill, were grouped together as 'die vyande van Suid Afrika'.⁴⁴

Against the background of the opposition's protest meetings, Nationalist Party branches continued to pass

42. Die Burger, 17 May 1927; Ons Vaderland, 17, 20 May 1927.

43. Die Burger, 17 May 1927; Die Volksblad, 21 May 1927.

44. Die Burger, 17, 21 May 1927; Cape Times, 20 May 1927.

resolutions supporting the Bill. However, as before the first reading, the great majority of these came from branches in the Cape Province. Of the eighty-five resolutions passed in the six weeks before the first reading, eighty-one had arrived from the Cape Province.⁴⁵ Only two had come from the Transvaal, and one each from the Free State and Natal.⁴⁶ For a measure that was partly justified on the grounds that it was demanded by people throughout South Africa, this response was undoubtedly an embarrassment. From the start of the controversy the opposition had maintained that there was no large scale demand for the Bill; at the beginning of May the Natal Witness, for instance, argued that the lack of public support for the Bill from Nationalists proved that the bulk of Afrikaners were not interested in the attempt to exclude the Union Jack.⁴⁷

45. Die Burger, 4-7, 9-14, 16-17 May 1927. Seven of the total had been passed by women's branches (Ibid. 12, 14, 16, 17 May 1927).

Between January and March 1927 only three branches appear to have resolved in favour of pressing the Bill; these were Barberton (Ibid. 16 March 1927), Boskloof (Caledon) and Pretoria (H.P. vol. 28).

46. They were from Potgietersrust and Standerton, in the Transvaal, Dealesville, in the Free State, and Pietermaritzburg (Women's branch) in Natal (Die Burger, 12 May 1927).

47. 3 May 1927. See also Watt's assertion that most Afrikaners were indifferent towards the flag question and the attempt of Die Volksblad on 23 April to rebut this view on the grounds that Afrikaners, 'beskou die saak as te ernstig en te heilig om op die hoeke van die strate daaroor te staan en skreeu.'

The establishment of Our Own Flag Organization

In the Cape Province, Malan's and Die Burger's influence had unquestionably gone a long way towards stimulating Party branches to act, but no equivalent stimulus had operated elsewhere. In the Transvaal, Roos's lack of enthusiasm for the measure was well known. In the Free State, Roos's coolness was probably thought to be shared by Havenga, who had made no public comment on the subject. Though Hertzog was supporting the measure, his public utterances on the subject had been designed to conciliate. Many Nationalists in the Free State and Transvaal also probably suspected that there was some truth to the Opposition's frequent contention that Hertzog, Roos and Havenga favoured the postponement of the Bill, but were being forced to support Malan.

In view of the vigour of the opposition's protest and the lack of response from Nationalists in the northern Provinces, it seemed desirable to some of the Bill's champions to awaken more widespread public support for the Bill. This might be done through a nation-wide organization that would act both as a counter-pressure group to the Flag Organization and patriotic societies and as a mobilizer of supporters in the referendum. Not surprisingly, the first public intimation that such an organization might be established came from Die Burger,⁴⁸ when at the

48. Its editor, Dr. A.L. Geyer, was soon to be a foundation member of the organization's Central Committee.

end of April it declared that as a result of the latest developments, the establishment of an organization to work for their own flag was being strongly urged. The silence, for which there may have been good reason in the past, was being misunderstood by their opponents who interpreted it as a sign of irresolution and weakness. Those who were in favour of an organization were enjoined to remain patient a little longer and to 'hou jul kruit droog en juiself gereed!'

Two weeks later, immediately after the first reading, South Africans learnt that a new flag organization was being formed. Known as 'Ons Eie Vlag Organisasie/Our Own Flag Organization' (hereafter cited as O.O.F.O.), it was to consist of a central committee which would institute provincial committees throughout the provinces. The names of the members of the central and provincial committees were to be announced soon, and there was to be an appeal for funds. The declared object of the organization was to propagandize throughout the country in favour of the Government's Flag Bill, but 'outside the realm of party politics' and with both races represented on its committees.⁴⁹

49. Cape Argus, Die Burger, Die Volksblad - 17 May 1927.

The first meeting of the Central Committee took place in Cape Town on 13 May 1927. Present were Dr A.L. Geyer, Professor J.J. Smith and Mrs H.J. Conradie - for the Cape Province; General J. Pienaar, Mrs H.D. van Broekhuizen - for the Transvaal; Dr N.J. van der Merwe - for the Free State; T.G. Strachan - for Natal. Smith was elected Chairman and he together with Geyer and Dr T.E. Dönges (both of Die Burger) constituted

Two days later, the Central Committee published a fighting manifesto over the prestigious name of the widow of the ex-President of the Free State, Mrs M.T. Steyn. Addressed to 'all South Africans, English- as well as Dutch-speaking', it declared, in nationalistic idiom, that the proposed flag met all the requirements for the Union's national flag: it recognized the country's independent status and true friendship with Great Britain, and stood for peace, a united South Africa, just treatment of her Native population in accordance with the highest principles of western civilization and a genuine patriotism coupled with national pride. Had they loftier ideals than these to fight for? If not, it was their sacred duty to themselves and to subsequent generations to support the movement for their own flag. Unfortunately, though their independent status required a national flag, 'the enemies of South Africa, the instigators of racial hatred', would not have it. They wanted to keep South Africa dependent, and for that reason, exploited the legitimate love of English-speakers for the Union Jack. The specious arguments of 'the enemies of South Africa' must not mislead them: 'Wees wakker! Werk! Organiseer!!!'⁵⁰

the Publication Committee. N.J. van der Merwe Papers, vol. 2, 'Notule van die eerste vergadering van die sentrale kommissie wat ywer vir die aanname van die regering vlagontwerp, gehou in die parlamentsgebou op Vrydag 13 Mei 1927 om 8.30 n.m.'

50. The Star, The Friend, Cape Argus, Die Burger, Die Volksblad - 19 May 1927.

Strong and immediate support came from Die Burger on 19 May and from Die Volksblad. On the day after the announcement of the organization's establishment, the latter declared that it was time Afrikaners in the Free State began to bestir themselves over the flag question. It appealed to them to form committees which would pass strong resolutions and show that Afrikaners were in earnest over the flag, correcting the impression that the flag idea 'net in die brein van 'n klein minderheid broei'. Women were encouraged to assist.

Daar mag nie uitgestel word nie. Suid Afrika staan op 'n kritieke tydstip in sy ontwikkelings-geskiedenis. Hy het elke ware Suid-Afrikaner en elke opregte patriot nodig in hierdie stryd. Die een seksie veg vir oorheersing, die ander vir sy volksbestaan, en ons will vertrou dat die volk die erns van die aangeleentheid sal insien. Organiseer dus! Staan bymekaar en praat, so dat die res van Suid Afrika kan verneem wat the Vrystaat te sê het!

The establishment of the organization, the encouragement of certain individuals⁵¹ and the publicity and excitement surrounding the first reading doubtless contributed to the greater response of Nationalists to the Flag Bill in the week between the first and second readings. In the Transvaal, Nationalist Party branches responded with some ten resolutions supporting the Bill; in the Free State some fifteen were forthcoming, and in the Cape Province,

51. For example see Die Volksblad, 11 May 1927, Senator W.J.C. Brebner and Dr H.J. Steyn (Mayor of Bloemfontein); Natal Witness, 12 May 1927.

over fifty.⁵² Thus about three-quarters of the branch resolutions passed in favour of the Bill since April had come from the Cape Province.⁵³ It seemed that much work remained for O.O.F.O. in the northern Provinces. Still the areas of response had broadened and for Malan and other ardent advocates of the Bill these resolutions must have been a welcome encouragement and counterbalance to the protests of the opposition.⁵⁴

The appearance on the political scene of a body to rival the Flag Organization, was bound to heighten tension. Moreover, its timing - it appeared in the week between the first and second readings - helped to aggravate feelings as did the wording of its manifesto. Particularly its identification of the opponents of the Bill with 'the enemies of South Africa' gave offence. Commenting on the flag question on 20 May, the day after the manifesto's publication, The Friend alleged that the Government's

52. Die Burger, 17, 18, 21-24, 26, 27, 29, 30 May 1927; Die Volksblad, 18, 23, 26 May 1927; P.S.M.I. vol. 3; H.P. vol. 28.

The date of the passing of a resolution was not always published; as a few days to several weeks could elapse between its passing and its publication, it has not always been possible to determine with certainty whether the resolution was passed between 17 and 23 May.

53. See p. 310 for resolutions passed before the first reading.

54. Public meetings in support of the Bill were held in two places, Reddersburg and Boshof (Die Volksblad, Die Burger - 23 May 1927).

supporters had begun propaganda to confuse the issue: an attempt was being made, and would be intensified as the controversy progressed, to persuade Afrikaners that English-speakers opposed the principle of a national flag and were therefore anti-South African. This was not true, it protested. The protest of the Cape Times, on the same day and against the same allegation, could hardly have been stronger: 'grossly misleading', a 'bold and barefaced lie', 'a false assumption, a lying accusation', were some of the terms used. Politicians, such as Malan and van der Merwe, with their 'helot-paper', Die Burger, were labouring night and day to persuade the backveld that opposition to the Government's flag design was opposition to a national flag for South Africa. 'They continue repeating their lie, knowing that it will have a fair run through the country districts of South Africa and will never be caught up. All the same the lie is deliberate and reiterated'. As for the statement that the opponents of the flag wished to keep South Africa dependent on Great Britain, their Dominion status had been won on the battlefields of the Great War by Afrikaans- and English-speaking South Africans, by soldiers who in their lifetime were

slandered, vilified and traduced by the very men who now claim to be the only South Africans with 'lofty ideals.'....For their love of South Africa they fought and died. How can Dr Malan, a Party politician, set his patriotism up in comparison with theirs? They died to vindicate the unity of the two white races of South Africa. He lives to brandish a sword of division between them. They died for the Union Jack as a symbol of that freedom which South Africa has under the British

Crown. He lives to whet his hatred of the Union Jack at any cost in disunion, enmity, discord between the races. They died, Dutch and English, side by side, in quixotic oblivion of each others race. He lives to insult those of his own blood who dare to oppose him....⁵⁵

The identification of those who opposed the Bill with 'the enemies of South Africa' did not escape Smuts. He, his wife and all those who opposed the Nationalists' flag, he wrote to Mrs Smuts, had been branded in the manifesto as the enemies of South Africa. 'Begryp jou nou - jy en ek is die vyande van Suid Afrika! Dit is waar dinge heengaan.'⁵⁶

In its last edition before the second reading The Star observed that seldom had conditions been worse for clear thinking and sensible action. And, on the day the second reading began, Smuts complained: 'With wise guidance under General Botha, our united people weathered every storm, but within three years after the Nationalist advent the country is seething with wild excitement and torn asunder by racial divisions as never before.'⁵⁷

55. 20 May 1927. See also Cape Argus, 23 May 1927.

56. S.P., vol. 39, no. 148, 18 May 1927.

57. Ibid. no. 157, to Sir Edgar Walton, 23 May 1927.

CHAPTER X11

THE SECOND READING OF THE FLAG BILL, MAY - JUNE, 1927

Main themes of the Opposition speeches

The second reading proved memorable. Starting on 23 May, it continued intermittently for seven sittings. Every Opposition Member who was able to be present, spoke against the Bill.^{1a} In the first week of the debate, that is between Monday and Friday, 23 - 28 May, only three days could be devoted to the measure. Nevertheless, the most important speeches, including the chief ministerial contributions which provided the highlights of the reading, were made during this period, and it is therefore convenient to consider it separately.

1a. Altogether fifty-six Members spoke of whom forty-eight belonged to the S.A.P. Only three of the Opposition speeches drew attention to the nationality clauses of the Bill, the most important of these being that of C.P. Robinson who was suspicious of the provisions for the renunciation of South African citizenship (especially those absent from the corresponding Canadian Act) and maintained that dual nationality would create many problems (Hansard, vol. 9, 4034-4042). His misgivings were not generally shared.

In a caucus meeting the previous month, Smuts, while complimenting Robinson on his careful study of the nationality clauses of the Bill, said he thought the position was safe, as in order to get South African nationality one had first to be a British subject (Stanford Papers, D 56, 5 April 1927).

Outside Parliament, only the Empire Group expressed concern at the nationality legislation and was taken to task for its criticisms by the opposition press.

For a full list of the Members of the House of Assembly see pp. 701-3.

Before proceeding to the main speeches of this week, however, it is advisable to deal collectively with the some twenty-five speeches made against the Bill during these three days, for they constituted the backbone of the debate. Though the content of the speeches of Afrikaans- and English-speaking Members of the Opposition overlapped, there were certain differences. Afrikaans-speakers stated frankly that they opposed the Bill not because they loved the Union Jack, but because they loved their own flags, and they denied feeling inferior before the Union Jack.^{1b} They also challenged the assertion that Nationalists spoke for the whole of the Dutch section. Hertzog had not received a mandate from all of it and Malan should not forget that in the 1924 general election the Nationalists had received 113 000 votes to the S.A.P.'s 149 000 - the Nationalists' claim to represent all Afrikaners was false.² It should also not be forgotten that under the 'borrowed' Union Jack they enjoyed as many privileges as they had ever had. To meet the wishes of those who had been 'noble and generous' towards them was only fair. Every 'jot and tittle' of the

1b. Hansard vol.9, 4029, 4031, Col.-Cdt. W.R. Collins (Ermelo); 4180, Lt.-Col. H.S. Grobler (Bethal); 4059, Reitz.

2. Ibid. 4031, Collins; 4059, Reitz; 4243, L. Geldenhuys (Johannesburg, North).

of the conditions laid down at Vereeniging had been carried out by the victors, but were they, the former vanquished, in removing the Union Jack, carrying out their promises? That was a question they should look in the face.³

Similarly, English-speakers did not claim to love the former republican flags, but, repeatedly, they emphasized their respect for them. They denied that the Union Jack was a symbol of oppression, that the protest meetings had been fomented by politicians, and that the S.A.P. had been uncompromising - to call them obstinate because they refused to compromise on an essential point was to strain the meaning of words.⁴ Suspicion of republicanism was again raised⁵ and Labour Members were assailed for political expediency and betrayal of their electors.⁶ Hertzog, Malan, and van der Merwe were also criticized. Hertzog had allowed himself to be swayed by extremists and had lost a great opportunity of bringing harmony to South Africa.⁷ Malan was attacked for his 'rabid fanaticism', 'vindictiveness',

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3. Hansard, vol.9, 4243,Geldenhuis; 4179,4184, Grobler.
 4. Ibid. 4168,R.H. Struben (Albany); 4167, The Hon. W.A. Deane (Umvoti); 4190, Marwick; 4138-9, Sir William Macintosh (Port Elizabeth,South); 4158, Chaplin.
 5. Ibid. 4169, 4171, Deane; 4015, 4018, Smartt;4158-9,Chaplin.
 6. Ibid. 4191ff., Marwick; 4170-1, Deane; 4134-5, Macintosh; 4044ff. Brig.-Gen. the Hon. J.J. Byron (East London,North).
 7. Ibid. 4015ff., Smartt; 4103,R.H. Struben (Albany); 4164, E.Buirski (Swellendam).

and 'perversity',⁸ and van der Merwe for his provocative statements and attacks on Natal.⁹

Yet, despite differences, the content of Opposition speeches, whether of English- or Afrikaans-speakers, was largely similar. Both demanded the inclusion of the Union Jack and former republican flags. Both complained that the referendum was unfair and would lead to discord.¹⁰ And both denied that the republican flags were dead and condemned this as a strategem to exclude the Union Jack.¹¹ One Afrikaans-speaker read telegrams received from former concentration camp inmates requesting the inclusion of the Vierkleur, another related that the Nationalists in his town had four years earlier dedicated the Vierkleur and handed it over to the Dutch Reformed Church minister

8. Ibid. 4189-90, Marwick; 4103, Struben.

9. Ibid. 4168-9, Deane; 4190, Marwick. Van der Merwe had allegedly referred to Natal as a 'kaffir and coolie location' and, a few days before the second reading, declared that if the Union became a republic the proposed flag would not have to be altered in any way (see Die Burger, Die Volksblad, Cape Times - 21 May 1927).

10. Ibid. 4167, Deane; 4173, E.Nathan (von Brandis); 4187-8, R. Stuttaford (Newlands); 4161, Chaplin; 4178-9, 4182-3, Grobler; 4142, O.R. Nel (Newcastle); 4058-9, Reitz, 4243ff., Geldenhuys.

11. Ibid. 4030, Collins; 4167, Deane; 4195-6, Col.Sir David Harris (Beaconsfield); 4156, 4158, Chaplin; 4123, A.O.B. Payn (Tembuland); 4164, Buirski; 4106, Struben.

for safe keeping, and, 'for resurrection when the time came'.¹² The Vierkleur was being 'trod on' merely to banish the Union Jack, and this banishment, both groups insisted, was a breach of faith of pre-Union assurances.¹³ Both warned that exclusion of the Union Jack would alienate British territories to the north, sacrificing South Africa's position as the 'natural leader' of the southern subcontinent.¹⁴ And finally, they attacked the Government for pressing ahead without a mandate from the people¹⁵ and strongly urged Hertzog to postpone or withdraw the Bill.

Highlights of the first week of the second reading

Yet, any account of the main themes of a debate must largely fail to convey its fluctuating atmosphere and drama, which, in the second reading, had influence beyond the confines of the Assembly itself. For, as Malan was careful to stress in the opening speech, the tone of the debate inside the House would set the tone of the discussion

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12. Hansard, vol.9, 4182, Grobler; 4143, Nel.
 13. Ibid. 4160-1, Chaplin; 4020, Smartt; 4167, Deane; 4140-2, Nel.
 14. Ibid. 4159-60, Chaplin; 4033, Collins; 4143, Nel.
 15. Ibid. 4182-3, Grobler; 4172, Nathan; 4058, Reitz; 4243, Geldenhuys.

outside it. However, his own example of subdued expression was not always followed. Nor was it only S.A.P. back-benchers who sometimes fell short. Their intemperate remarks aroused little general interest compared to those of Cabinet Ministers. Indeed, the latter's addresses, together with those of other Party leaders, were to fall with great effect in the House, and, against a background of good, bad, and indifferent back-bench speeches, strongly colour the debate and mark its points of prominence.

When Malan rose to move the second reading of the Bill, on the afternoon of Monday 23 May, the public galleries were again packed to capacity and 'hundreds of people' had to be turned away. Never, the press alleged, had public interest in a parliamentary debate 'been so keen. Never have speeches been listened to with such avid attention.' Every Member who was able to attend was present and an atmosphere of the 'tensest excitement' prevailed. Speaking 'very clearly in vigorous English' and, 'with the spirit which complete self-conviction alone can give', Malan carefully maintained a moderate tone throughout.¹⁶ Further delay, he said, was not likely to bring agreement; in matters involving taste and sentiment discord was to be expected, but this did not mean they should remain without a national flag. Other countries had not. Furthermore, it would be fatal to the acceptance

16. Cape Times, Die Burger, The Star, Natal Witness - 24 May 1927.

of their independence if they remained without one. At the root of the nation's trouble lay divided sentiments, and these could be brought to an end only by the creation of a new unifying symbol which all sections would come to revere. He detailed the Government's efforts to effect a solution, complaining that the opposition had 'not budged an inch'. Its comparison between South Africa and other Dominions was not fair, for here, 'the Union Jack stood for conquest'. The closest parallel lay in the experience of the Irish Free State where its exclusion had so satisfied Irish sentiment that old wounds were now healing. South Africa's experience would be similar. The Union Jack would still be flown on certain days when it was desirable to signify their relationship with the British community of nations for, only as part of the national flag itself was it unacceptable. The Government's policy, Malan continued, was not an extremist one, and the design was a carefully thought out compromise. As for the referendum, it disposed of the objection that an unwilling people would have a flag forced on them by Parliament; it would separate, so far as it was still possible to do so, the question of a national flag from Party politics; and, finally, it would force the Opposition to accept the expressed will of the people.¹⁷

Malan had presented the Government's case clearly, and probably

17. Hansard, vol.9, 3991-4012.

no other member of the Cabinet, the Cape Argus declared the next day, could have handled the subject more clearly. Though the sitting continued for another five hours, providing a scene that was 'extraordinarily animated and dramatic', only one other speech was to arouse a comparable degree of interest. After Smartt, who followed Malan, had re-iterated S.A.P. objections to the Bill, Hay rose to speak. In an atmosphere, 'electric with tension', he assailed his own Party and the Bill. He condemned the referendum as unfair, refused to agree that their status demanded a new flag, and warned that the Bill re-aroused fears of republicanism. Whatever Malan might say, it was a 'coercion Bill'. This was the Government's first act of sovereign independence. He did not blame the Nationalists, however. They had lived up to expectations. 'No, the Labour Party to which I belong, is wholly and absolutely responsible for this mad business....They could have stopped it. It is to them that final responsibility attaches.' Hay insisted that the Pact agreement had been broken by pressing the Bill and rejected the view that the Afrikaners were a conquered people: from the day responsible government had been obtained they had ruled the country. So long as they governed constitutionally, preserving secured rights, the British section was content. But they would not be content to be governed with a rod of iron. They could not be ridden with spurs: 'When the general election comes those who sit in the seats of the might may remember with sorrow that they put on spurs to rough-ride

this country.¹⁸ Hay's denunciation of his Party was heard in almost total silence, and the remaining speeches on this day were perhaps inevitably less dramatic.

Two speeches had dominated the first day's sitting and two were also to dominate the second - those of Smuts and Havenga. The former contained an offer, the latter its rejection. When the debate recommenced on Wednesday - once again in an excited House and amidst crowded galleries - the first new speaker was Smuts. He began by stressing that he would like to keep before the House the 'larger African point of view'. They should therefore not take any decision in this 'grave matter' that would preclude the Union from maintaining a united front with the other 'civilized communities' on the continent.

The Union Jack, he said, did not stand for conquest. It had once done so. But that was long ago. Ever since Vereeniging the British had extended a helping hand. He appealed to those who opposed the Union Jack not to identify it with old grievances but rather to associate it with British magnanimity. After the Boer War, the Union Jack was,

no longer a flag of injustice, a flag of the conqueror, a flag of the superior over the subject race, but always the helping hand, always the friend, anxious to help, anxious to extend liberty, anxious in every way to further our rights.

It would be ungrateful if Afrikaners failed to recognize this.

18. Hansard, vol. 9, 4021-28; Cape Argus, Cape Times - 24 May 1927.

Because the vast bulk of Afrikaans-speakers had kept faith, South Africa today enjoyed equal nationhood in the Empire and in the world. Yet even greater than this achievement, was the tradition built up between English- and Afrikaans-speakers - a tradition of honour, loyalty and co-operation based on the understanding that great national issues affecting the races would be settled by consent. To depart from this tradition was to invite grave danger.

Smuts agreed that they should have a flag to represent their status as an independent nation; but they should remember that the flag should also represent certain traditions. The present design did not represent Afrikaans-speaking South Africa: 'We Boers have no lot or part in it.' As for the English-speakers, it was only fair that they themselves should say how they wished to be represented. Even at this late hour it was possible to reach agreement, not on a basis of compromise, which would merely lead to mutilation, but simply by giving each section its due. If agreement could not be reached, they should pause and recognize that the time was not yet ripe for a flag.

Smuts attacked the referendum as a 'dangerous proposal' because it did not give a fair choice, while those who voted against it would be told they were voting against a national flag. It was also not constitutional - the South Africa Act did not provide for it; additionally, it would create a precedent enabling a majority to use its force against a minority in matters of grave national difference. And, it would once again 'let loose the dogs of racialism'.

The flag was not a matter of tremendous urgency and the Government had not received a mandate on the subject. All this suggested that the Government should not force the Bill through. Though it had been said that the Government's withdrawal of the Bill at this stage would be greeted with insults, taunts, and sneers, they could rest assured, Smuts said, in proposing an amendment which declined to accept the Bill, that this would not be his reaction.

I say that they will be doing a statesmanlike thing, a patriotic thing - something which is wise and fair and proper in the interests of this country - and they need not fear that there will be any sneers or jeers from me on this matter....When they take this step and pause and reconsider the whole position it will be the duty of all of us, and it will be my duty, to give them such assistance as lies in our power in this very difficult matter.

On this note, Smuts ended.¹⁹

At this stage it would seem that an end to the controversy would not have been unwelcome to Smuts. He was concerned at the mood that was gripping the country and had become 'benoud vir hierdie affaire.'²⁰ On 17 May he complained that never before had he seen such a spirit of suspicion and resentment in the country and three days later was warned: 'A number of private

19. Hansard, vol.9, 4109-4121.

20. S.P. vol.39, no. 151, to Mrs. Smuts, 23 May 1927.

persons...have the hatching of a kind of Jameson Raid in their minds...they are getting the names of those prepared to defend the northern part of the Transvaal and Natal if Malan's flag is hoisted.'²¹ Even Forward, whose policy was to play down the controversy, declared on the same day that despite its absurdity, flag excitement had reached a height of some concern to peace-loving citizens, 'and hints of civil war have not been entirely wanting.'

Whatever weight Smuts chose to give these rumours, it could not be disputed that the 'wild excitement' in some areas gave cause for concern and needed to be dampened in the interests of nation and Party. An over-excited Party - such as one containing a jingoistic wing might become - could be an uncontrollable Party. In a letter to Sir Edgar Walton, in which Smuts held Hertzog and the Nationalists responsible for the excitement, Smuts urged moderation but was careful to draw attention to the danger of extremists on both sides:

Hertzog [he said] funk'd standing up to his extremists and also funk's a General Election. And so this poor people are to be distracted and divided over a subject involving deep passions....We shall have to do our best to calm and pacify public opinion and to prevent the extremists on both sides from getting control, for in that event everything in this country will be in jeopardy once more.²²

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21. S.P. vol. 39, no. 290, to Gillett, 17 May 1927, and vol. 37, no. 20, Joan to Smuts, 20 May 1927. Joan [Boardman] was a secretary to Smuts.
22. Ibid. vol. 39, no. 157, 23 May 1927. See also ibid. no. 145, to Dr Edington, 18 May 1927. Walton was chief editor of the Eastern Province Herald.

Similarly, he appealed to the influential journalist Vere Stent to use his journalistic talents towards restraint and moderation so that no offence was given 'to the milder section of our supporters' for unless they were careful 'we may be seriously weakened by extremists' influence.²³ Smuts had to steer a middle course and keep the controversy within manageable limits. Excessive jingoism could be as harmful to his Party as excessive nationalism to Hertzog's. Thus, when Crewe proposed in May that the opposition press should make a concerted onslaught on the Bill, Smuts opposed it. Once again he enjoined moderation: 'Let the press be firm, but calm and unprovocative. The passions are there among the people and will soon be boiling over in all directions.'²⁴

However, Smuts's 'olive branch'²⁵ represented the limits to

23. S.P. vol.39, no. 178, 30 May 1927.

Vere Stent was a former editor of the Pretoria News. He was now freelancing and had written several jingoistic articles on the flag question (see Daily Despatch, 13,16,19,21,23 October 1927). These articles were published in a flag pamphlet entitled, A Hundred Years of Humbug. A reply to "A Century of Wrong". Open letter to South Africans of British Descent. See also Daily Despatch, 10, 24 June and 13 September 1926, containing 'An open letter to Sir William Campbell by Vere Stent', 'An open letter to my fellow workmen of the South African Labour Party' and an 'Open letter to my Brethren of the GrandLodge of the Order of the Sons of England in Council', resp. Some of these articles also appeared in the Pretoria News.

24. S.P. vol. 38, no. 85, John Martin to Smuts, 23 May 1927, and no. 165, Smuts to Martin, 28 May 1927. Martin, who was head of the Argus group of newspapers, also opposed the idea.

25. By this term Smuts meant both his undertaking not to make political capital out of the Bill's withdrawal and the S.A.P.'s proposed amendment to the Bill in the second reading. This amendment included the assertion that it was desirable to adopt a national flag based on a large measure of general agreement and which embodied 'as far as possible' the historic flags representing the races (Hansard, vol.9, 4121).

which his Party allowed him to go at this stage.²⁶ One may wonder whether Smuts believed it to be a practical aid to a settlement. With regard to the S.A.P. concession, contained in its amendment, that the new flag should embody historic flags of the two races, 'as far as possible', it would seem that this was never intended to concede more than the possible slicing off of edges of these flags, possibly in order to avoid overlapping and to fit them into a curved or similarly limited space.²⁷ And so far as Smuts's offer not to make political capital out of the Bill's withdrawal was concerned, did Smuts really believe the Government could withdraw its Bill at this stage? It had postponed it two years earlier - in 1925. Again in 1926 it had done so. Each postponement had been opposed by Malan and been accompanied by cries of indignation from ardent supporters of the Bill and firm assurances from the disappointed Die Burger and Die Volksblad that postponement in no way meant abandonment. These newspapers (and Malan) insisted that the Bill would be passed in the next session; national honour and national pride demanded it; failure to do so would be tantamount to treachery to the volk; to abandon the quest for a national flag was to abandon

26. That Smuts's offer not to make political capital out of the Bill's withdrawal was not popular amongst a significant section of the opposition is indicated by the failure to comment on it editorially during the reading by The Star, Natal Witness, Daily Despatch and Cape Times.

27. See chapter 14.

a cardinal Party principle; the acquisition of a national flag was a sacred mission. Most important, postponement of the Bill was certain to raise once more the question of Malan's resignation and its consequences. As we have seen, immediately after the first reading Jansen declared that the Government had had to carry on with the Bill or see itself smashed through internal dissension and the formation of a strong republican party.²⁸

Furthermore, in assessing the loss of face which would inevitably accompany the Flag Bill's withdrawal,²⁹ the Government had to take into account the prestige it had already lost amongst supporters who, instead of the Indian Agreement, had expected it to take strong action against Asiatics. Hertzog's much vaunted Native Bills had yet to reach legislative form. The Government's Iron and Steel and Precious Stones legislation would definitely be thwarted in the present session. The above increased the Pact's need not to appear dispirited or weak. Three months earlier Hertzog had told the flag deputation that though there may have been a time when it would have been wiser to delay the Bill, the Government could not do so now because the inevitable inference would be that threats had made it

28. See p. 217.

29. Ironically, Malan maintained that this loss of face would be even greater because of Smuts's offer. See below.

abandon its goals.³⁰ Thus warnings of an impending racial clash could not stay the hand of the Government. Withdrawal of the Bill would bring too great a loss of prestige and, above all, precipitate a dangerous Cabinet crisis.

Smuts must have been aware of the above factors when he put forward his 'olive branch'. That it would be rejected was virtually certain. However the offer would retain propaganda value. For instance, in January and then in April he had been requested by opponents of the Bill to give his personal undertaking not to make political capital out of the Bill's withdrawal.³¹ This he had now done and he could therefore claim to have proved his bona fides and the Government's intransigence. His offer therefore came as a further embarrassment to the Government and its bitterness, at what it regarded as a deliberately belated and purely propagandistic offer, was very soon revealed.

Smuts thought his address had made a great impression.³²

Certainly, its 'lofty' tone and sentiments were lauded in the opposition

30. Fremantle Collection, vol.9, 'Deputation to the Prime Minister on the flag question Thursday, 24 February, 1927.'

31. See p.235 and Natal Witness, 27 April 1927.

32. S.P. vol. 39, no. 162, to wife, 28 May 1927.

press. But in the House itself, its effect was soon overshadowed by a bitter speech from a most unexpected source which took the Opposition completely by surprise. Coming during the evening sitting, the address was doubtless made after discussion with Hertzog and other leading Pactites and betrayed their exasperation with Smuts and disdain for his 'olive branch'.

Havenga's high reputation with the Opposition was largely based on his moderation and it was hoped that his speech on the Bill would be in the same character and perhaps smooth the way towards a settlement. Many believed that his attitude towards the Bill was lukewarm and that he was being forced to support the measure because of Malan's threat to resign. However, when he began to address the House it was evident at once from the bitter tone in which he immediately attacked Smuts that a side of him was being revealed that was rarely exposed. With a 'pale and set face, and an intensity of feeling which at first gave the appearance of nervousness',³³ he began.

Smuts, he said, had stressed the necessity for give and take, but he should not think that he would be able to evade responsibility if they failed to reach an agreement. Though he was pleased to learn that Smuts was now prepared to co-operate, he regretted that he had not come forward to help them out of their difficulties months ago.

33. Cape Argus, 26 May 1927.

For example, when at the end of the last session it became necessary to find representatives of all sections to select a design, the Opposition had done their best to make it impossible to find a representative commission.

Havenga denied that enthusiasm for a flag was new; Smuts himself had stressed the need for a national flag, and, what was more, for a flag that did not contain the Union Jack. On 1 December 1919, he had said at Ventersdorp: 'Dutch- and English-speaking South Africans are unanimous that we should have our own Union flag. The Union Jack hurt some people, and a change would come with their own flag.' And at Paulpietersburg, in 1920, he had told a questioner that he was in favour of a clean flag. Smuts interjected, accepting the Ventersdorp but rejecting the Paulpietersburg statements, and he denied Havenga's further contention that in 1920 he (Smuts) had believed that it was impossible to get Afrikaners to agree to the incorporation of the Union Jack because it would hurt them.

They had been told, Havenga continued, about the intense feeling of the Opposition for the inclusion of the Union Jack, but the Opposition should realize the equally intense feeling that no settlement was possible with the Union Jack. The real reason for the uncompromising opposition was that the majority of Smuts's followers did not accept the present constitutional position: the English-speakers

would really prefer not to become South Africans; they would prefer to remain British subjects if they could renounce South African nationality without leaving the country. One Member had claimed the inclusion of the Union Jack as a right. What would he say if they too demanded the right to include an unacceptable emblem - such as the national monument to the Boer Women at Bloemfontein?

He had no bitter feelings against the British, but what he did resent was the absolute refusal to appreciate their feelings in the matter. The design was being opposed not because it failed to recognize British traditions and sentiments, but because 'hon. members opposite... think that if that symbol does not appear they will no longer occupy a dominant (sic) position in the country.' For that reason, if the Government were now to withdraw the Bill, it would be treason to South Africa. He supported the Bill because he was convinced it contained nothing unfair to English-speakers. Moreover, unless a sufficient number of English-speakers supported the Bill, it would be rejected at the referendum, and it was therefore wrong to say that the Bill would be forced through - the people would decide.³⁴

Perhaps it was less the sentiments expressed than the fact that it was Havenga who had stated them and, 'with a freezing bitterness and a passion long repressed until it had become icy cold', that

34. Hansard, vol. 9, 4151-4157.

stunned the Opposition. Havenga, the Cape Times reported on the following day, had thrown his reputation for moderation to the winds and emerged, to the bewilderment of those who had looked to him for a lead, as an embittered antagonist of the Union Jack and an opponent of any compromise. His bitterness of tone, particularly when dealing with Smuts, was stressed: he had rejected the latter's overtures 'with something akin to contempt'. Whatever hope there may have been of an eleventh hour settlement, declared the Cape Argus's parliamentary correspondent, had been destroyed: 'An evil spirit had entered the House. In a single hour South Africa went back thirty years.'

But Havenga's speech was merely the prelude to a far more bitter attack on the Opposition on the next day of the reading. The despondency which his speech produced in the Opposition was changed to despair two days later by Hertzog's three hour 'tirade'. Hertzog's address on Friday more than dominated the day; it climaxed the week, even the entire reading. The intensity of its passion and the bitterness of its personal attacks were perhaps unique in the history of the Assembly. Reporting the debate on the following day, the Cape Argus's parliamentary correspondent declared that, in the main,

the day had belonged to Hertzog:

He dominated the sitting to an extraordinary degree. His speech alone covered half of the six and a quarter hours through which the debate ran. Yet he was not content with that. He was hardly silent for five minutes throughout the entire afternoon and evening. He fought for his own point of view with searching questions, caustic interjections, and vigorous explanations. Single-handed he did battle with the entire Opposition, interminably reiterating his own case, and trying to whittle away theirs....It was a remarkable performance, begun in the middle of the afternoon and continued far into the evening.

When Hertzog began his address on the third day of the reading, excitement had been heightened by the rumour that he was to drop a 'bombshell' that would confound the Opposition. **The Prime Minister** began by declaring that he intended to be straightforward. He dismissed Smuts's argument that it was their duty to include the Union Jack out of gratitude to England. When, before the 1921 Imperial Conference, Smuts had consulted people in England about a South African flag, they had told him that the question did not concern the Conference and was a matter for South Africa. From this he concluded that the people of Great Britain were not so anxious for them to express gratitude in this way.

English-speakers, he insisted, did not have a monopoly of sentiment, and Smuts had dealt with only one side of the Union Jack. He would give other facts: the Union Jack was not the original flag of South Africa and its western civilization; it was an intruder - in all four provinces it had pushed out an older flag, in each case with

violence. Those who wished to incorporate the Union Jack should consider what they expected: 'How dare that be asked? How can anyone with any reason ask a Dutch-speaking South African whether he feels in such a way that the Union Jack shall be included on the national flag and that they should then love the national flag?' Irrevocably, for Afrikaans-speakers the Union Jack recalled grievances and pain.

Since Union, not only the Nationalist but also the S.A.P. had favoured a national flag. This appeared possibly most of all from the speeches of Smuts who in December 1919 had said that there would be objection to a national flag, 'because even amongst our British brethren the feeling exists that it is not the British flag that we should have here.' In the same year he had told a S.A.P. Congress that English-speakers were as much in favour of a national flag as Afrikaans-speakers. Again, on 2 December 1919 he had said at Ventersdorp: 'The Union Jack was a stumbling block to some people, but a change would come with our own Union flag.' Furthermore - here was Hertzog's 'bombshell' - he had irrefutable proof that in 1921 Smuts had concluded that they required 'a distinctive national flag' apart from the Union Jack, and without the Union Jack. The proof was to be found in a document Smuts had drafted in connection with the 1921 **Imperial Conference** in which he had written:

To mark the fundamental change in the status of the dominion, the resolutions should provide that besides... a common

Imperial flag (which may be the Union Jack) each dominion should have it (sic) own distinctive national flag.³⁶

Here, Hertzog insisted, was the proof. Repeatedly he demanded to know from Smuts in what respects the latter's proposal clashed with the Bill; he would warn Smuts to be careful because not only did he have several copies of the document, he also had the original in Smuts's own handwriting. A heated exchange followed, Smuts demanding to know who had allegedly told him (Smuts) that the flag was a purely South African affair, while Hertzog accused Smuts of prevarication: 'If there is one thing I object to and to which the whole people can object to in the hon. member for Standerton it is that he has hardly done or said a thing than he tries to find a backdoor to run away from it.' Smuts denied ever proposing the idea; Hertzog insisted that he had nevertheless been in earnest about it. And he persisted in identifying Smuts's 'distinctive national flag' with a clean flag. Denying Smuts's contention that his documents were private, Hertzog described Smuts's behaviour as 'contemptible'; ordinary political necessity had made him change his views since 1921 - 'Then the hon. member comes here and stands on a pedestal with a pious face'; the only reasonable interpretation of Smuts's proposal was his own. On his side, Smuts accused Hertzog of indulging in 'wastepaper basket espionage', something for which he was fitted; his conduct,

36. Hansard, vol.9, 4211; see also pp. 5-11.

he said, had been 'contemptible'; he had no sense of honour. He rejected Hertzog's interpretation of the document and denied ever having stated that he wanted a clean flag.

Their opponents, Hertzog continued, had asked for the inclusion of the Union Jack as a right of that flag and because failure to do so would wound their sentiments. But the Union Jack was the flag of Great Britain, not South Africa, and he wished to know in what way the sentiment of English-speakers was being hurt. In what way was an atom of the Union Jack's might and authority being lost? The fact was that it was not really a question of British sentiment but of haughtiness and 'because they - if we have our national flag in South Africa - will no longer be able to see themselves represented as the dominating people in South Africa. That is at the root of it all.' Political reasons, not sentiment, lay at the bottom of the opposition: '...90 per cent. of the agitation against the South African national flag without the Union Jack on it is based on the fact that they are being wounded and that their object is to destroy the constitutional independence of South Africa.'³⁷

When the debate recommenced that evening, Hertzog returned to the same arguments. Amidst disturbances, he accused English-speakers of suspicion, distrust and anti-Afrikaner hysteria. Distrust

37. Hansard, vol. 9, 4204-4219.

had made them suspect secession as a motive for the Bill, while 'anti-Dutch' hysteria did not even allow the opposition to enquire whether Afrikaans-speakers had a right to sentiment. And Smuts had not lifted a finger to help: 'Has he in all those years, in all the bitterness since 1921 said a single word to give a lead in the matter? That is the great complaint which the people have and are entitled to have against the hon. member - Dutch-speaking South Africa at any rate.'

Amidst further disturbances, Hertzog declared that the Government would make the Bill law; there was no chance of an amicable agreement. On returning from Europe, he declared, 'I intended to let it [the Flag Bill] stand over. . . . I was hardly here three days when I was disillusioned.' The Empire Group 'and others' had immediately demanded the incorporation of the Union Jack to put matters right again, 'and then I immediately felt that we could wait one, two, and even seventeen years, and yet forty years more, and would not get the flag. Then I said: Now we are going on and no more going back.' First it had been the Empire Group, then the newspapers had joined in. The Cape Times, in particular, had published the most insulting articles towards Afrikaans-speakers that had ever appeared. Under such conditions the Government could not allow itself to be led to a postponement; it had to go on.³⁸

38. Hansard, vol.9, 4221-4228.

Though there were other speakers, it was on the disturbing chord struck by Hertzog that the week's debate ended. Never before had a South African premier assailed a leader of the opposition with such bitter taunts, insults and scorn. Indeed, Parliament had never witnessed an attack of such length or so lacking in restraint. On the following day the parliamentary reports of the opposition drew attention to the extraordinary hostility Hertzog had shown towards Smuts: 'Every line of argument he began, every bypath into which he strayed', had led him to Smuts, who was 'the hidden cause of every movement, the sinister figure behind every trouble.' Repeatedly Hertzog had returned to renew his attack on Smuts, 'each time with a vehemence of denunciation which has hardly been excelled even in his own stormy past.'³⁹ Doubtless, it had been Hertzog's intention to jolt the Opposition into recognizing the strength of sentiment that opposed their own.⁴⁰ Respectful references by the Opposition to the former republican flags may have struck him as spurious; it was ridiculous, he had said, to believe that by sweet words they could flatter each other into a solution. But he had allowed his emotions to carry him

39. Cape Argus, Cape Times - 28 May 1927; see also London Times, 28 May 1927.

40. See Havenga Papers, vol.1, letter to wife, 31 May 1927.

forward⁴¹ so far that his near concluding appeal: 'We ought merely to restrain ourselves from anything which would stir up feelings', was the very antithesis of his own example. On the Opposition, the overall effect of his speech was to deepen the despondency which Havenga's address had done so much to create, and the week's debate ended on a note of despair.

The charges against Smuts

The vehemence of Hertzog's attack on Smuts, even if unique in its degree of personal enmity, was but part of a general condemnation of Smuts's stand on the flag by the Pactites. They had repeatedly accused him of political opportunism on the subject. The chief charges against him were that he had favoured a new flag, even a clean one, in 1919-1920, but objected to it now. As these accusations reached a peak at this juncture,⁴² it is appropriate to turn to them now

Smuts never denied having made speeches in which he held out the possibility, even the desirability, of a new flag. Thus, in the second reading he acknowledged the correctness of Havenga's allegation that in 1919 he had said that both races were in favour of

41. A comparison of Hertzog's typewritten speech and the one he delivered supports this statement (see H.F. vol. 85).

42. For example see Ons Vaderland, 17, 20 May 1927; Die Burger, 25, 26 May 1927; Die Volksblad, 28 May 1927; South African Nation, 28 May 1927.

their own flag and that a change would come with a new flag. But, he denied ever having advocated a clean flag. When Havenga in the same speech charged him with having declared himself in favour of a clean flag at Paulpietersburg in December 1920, Smuts denied the accuracy of the report and challenged M.P.'s who had attended the meeting to corroborate it. None did.⁴³ Indeed, none of the evidence the Pact adduced to prove that Smuts had advocated a clean flag was conclusive. Hertzog's 'bombshell' proved to be a damp squib. For Smuts's proposal for a 'distinctive national flag' (contained in the memorandum he prepared for the 1921 Imperial Conference), did not preclude the inclusion of the Union Jack: a South African flag could be characteristic and distinguishable, and therefore distinctive, without excluding the Union Jack.

Similarly, Smuts's reply to Col. E.M. Greene of Natal, which the Pactites adduced as further evidence, failed to prove the charge. When in January 1920, in response to Smuts's references to the possibility of a new flag, Greene warned that the 'loyal section' would not tolerate a flag which came into existence 'on account of the Union Jack being obnoxious to the older members of the population',⁴⁴

43. The person who had questioned Smuts at Paulpietersburg on the presence of the Union Jack in the national flag was E.G. Jansen - the Speaker in the Assembly in 1927 (Die Afrikaner, 7 January 1921). Compare Die Burger, 26 May 1927.

44. Die Burger, 25 May 1927 quoting Natal Witness, 3 January 1920.

Smuts replied as follows:

My first offence is that I have spoken about a flag for South Africa. The Colonel does not object to Australia having a flag of her own. But South Africa....is going to have it, and, I feel sure with the complete goodwill of both English and Dutch. It is the design for a new flag which troubles the Colonel....I hope that...he will compete when designs are called for....I am sure he will not forget in his design to introduce some substantial reminder of our connection with the Imperial system to which we belong.⁴⁵

Greene's letter was cited as evidence that there could be only one interpretation of Smuts's remarks on the flag, namely, that it should be free of the Union Jack, while Smuts's reply was held to endorse this conclusion.⁴⁶ Yet neither letter proved the point; indeed, it may be argued that Smuts's reply, with its reference to a flag obtained 'with the complete goodwill' of both races, its suggestion that Greene should submit his own design, and above all, its invitation to include in it 'some substantial reminder of our connection with the Imperial system to which we belong', invites the opposite conclusion. Written at a time when Smuts was hoping ultimately to unite his Party with the Unionists, and shortly after Smartt had voiced his concern on the question of a new flag,⁴⁷ Smuts could hardly have intended his reply to be seen as endorsing a clean flag.

45. Cape Times, 14 January 1920.

46. See Die Burger, 25 May 1927; South African Nation, 28 May 1927. (Both these articles contained factual errors.)

47. See pp. 9-10.

Yet, there was often a measure of ambiguity in Smuts's flag utterances - doubtless not unrelated to his political position and aims. This applied particularly to those declarations in which he mentioned the Union Jack and may be seen in three statements he made in December 1919. In the first, he was reported to have said that the Union Jack hurt some people and a change would come with their own flag;⁴⁸ in the next, that the Union Jack had unpleasant memories for many;⁴⁹ in the last, that English-speakers also desired a new flag because they trusted the S.A.P. and knew that their own flag did not mean a declaration of war against the Empire, or the Union Jack.⁵⁰ Thus, though it cannot be categorically said that Smuts advocated a clean flag - 'our own flag', for instance, could incorporate a small Union Jack or other imperial symbol - it is not difficult to understand how those who were disposed to do so concluded that he had advocated one.

The charge that Smuts advocated a clean flag can be no more proved than the ambiguity of his statements denied. This difficulty of proof had caused Hertzog to accuse Smuts in the second reading of

48. De Volkstem, 2 December 1919, at Ventersdorp.

49. Ons Land, 6 December 1919, at Rustenburg.

50. De Volkstem, 19 December 1919, at Bloemfontein.

'contemptible' behaviour; ordinary political necessity, he said, had made him change his views. His own actions, Hertzog claimed, had been determined by questions of sentiment and constitutional status: the incorporation of the Union Jack in their national flag would have been tantamount to treason. Though he had favoured a postponement of the Bill on his return from England, he told the House, the demands of the Empire Group and the insults of the Cape Times had made him change his mind and continue with the Bill. But, as we have seen, it was Malan's threat to resign that had made Hertzog change his mind.⁵¹ Fear of a split in his Party had been his overriding consideration, for in the three days between his return and his yielding to Malan, there had been no approach from the Empire League and no insulting articles in the Cape Times. Hertzog had condemned Smuts for giving first place to Party considerations, yet hid his own surrender to the same need. Indeed, by supporting the incorporation of a Union Jack in the national flag at the Groote Schuur meeting, he had, by his own yardstick, supported 'treason'. Pragmatic political considerations had made him continue with the Bill, and his 'holier than thou' attitude towards Smuts must be questioned.

51. See pp. 210 ff.

Second half of the second reading

In the remaining four days of the second reading there were another thirty-one speeches.⁵² Yet, if this week could claim three more speeches than the previous, it lacked its drama. Some of the fire had gone out of the debate. Nonetheless, the galleries remained crowded, public interest persisted and Opposition speeches were sometimes hard hitting. The addresses of Afrikaans-speaking S.A.P. Members, particularly, were subjected to frequent interruption. As little purpose would be served in retailing the individual speeches, whose content was often similar, a broad survey of these is given.

As was to be anticipated, Hertzog, Havenga and Malan were sharply criticized. The criticisms against the first two were many: '...God knows there was trouble enough in the country about the division caused by this unhappy Bill', but the gloom had been made 'deeper and more sombre' by their speeches.⁵³ Both had been made with the deliberate intention of rousing passions, and if strife followed, the responsibility would be their's. Havenga's bitterness had proved that while some men could be reasonable on most occasions, 'the moment the British connection comes into the question they entirely lose all reason.'⁵⁴ And Hertzog's deadly enmity towards Smuts seemed

52. Of these, only those of Malan, Beyers and Allen opposed the Bill.

53. Hansard, vol.9, 4300-1, R.W.Close (Rondebosch). See also 4312, L.D. Gilson (Griqualand).

54. Ibid. 4445, Major G.B. van Zyl (Cape Town, Harbour). See also 4281, Major G.R.Richards (Weenen).

'to be a nightmare with him.'⁵⁵

Criticism of Hertzog went further than a denunciation of his speech. He had lost 'the chance of a lifetime' in failing to unite the people on his return from England.⁵⁶ But he had always 'failed to rise to a big occasion', and he had now finally forfeited any influence he may have had with the English section.⁵⁷ The trouble with him was that when it came to putting his glowing principles - such as South Africanism should override sectional interests - into practice, he fell very far short of his principles.⁵⁸ He was not a statesman, but a politician, 'and a second-rate one at that!'⁵⁹

The attacks against Malan took a different form, for unlike Hertzog and Havenga he had delivered his address with studied moderation and his 'uncompromising attitude' could hardly be greeted with surprise at this stage. Instead, he was taken to task as the instigator of racial discord and doubly condemned by virtue of his background.

55. Hansard, vol.9, 4357, Lt.-Col.N.J.Pretorius (Witwatersberg). See also 4315, J.P.Louw (Stellenbosch); 4279, J.Nieuwenhuize (Lydenburg).

56. Ibid. 4398, Blackwell. See also 4258, F.J.Lennox (Durban, Stamford Hill); 4273, W.J. O'Brien (Pietermaritzburg, South); 4309, C.A.A. Sephton (Aliwal); 4312, Gilson; 4344, Major R.Ballantine (Kingwilliamstown).

57. Ibid. 4398, Blackwell.

58. Ibid. 4452-3, Watt. See also 4249, H.E.K. Anderson (Klip River).

59. Ibid. 4398, Blackwell. (Blackwell was quoting from an article, allegedly written by Barlow.)

They lived, a Member said, in a most beautiful country,

a country blessed with all that man could have, and cursed by politicians, may I say, at this moment by the parson politician... While I admire their work... when they become politicians then I begin to fear. I would remind the Minister of the Interior that if he had lately read the Sermon on the Mount and remembered that -

Blessed are the peacemakers, for they shall be called the children of God,
he would have been doing much better than piloting a Bill through this House which is going to send the people of this country to the devil.⁶⁰

Malan had also to face an alleged contrast between an earlier and a later political credo: between that of 1915 and 1927. In 1915, Jagger said, Malan had held that the Union's primary need was for internal peace and that if the country was happy under the British flag, 'that flag will never be in danger.' At that time, Malan had held that the calming of the English section by convincing them that the flag was secure would be a task of the next parliament. 'I must confess he [Malan] has gone a long way since then. Where is the attempt at "internal peace"?' Instead of uniting people, his Bill would divide them.⁶¹ What was Malan's professed object? asked another Member.

He says it is to build up a great South African nation. No, sir. His real object is to build up a little Afrikanerdom, and everything he has done is making it impossible to build up this great nation he talks about but which he is far from desiring.⁶²

60. Hansard, vol. 9, 4423, W. Rockey (Parktown). See also 4404, G.A. Louw (Colesberg); 4435, L. Moffat (Queenstown).

61. Ibid. 4289-4291. See also 4404, Louw. Jagger was quoting from a manifesto, signed by Malan, which had been adopted by a Cape Province Nationalist Party Congress at Middelburg (Cape) on 16 September 1915.

62. Ibid. 4284, Richards.

The Government's lack of a mandate, the referendum, the exclusion of the former republican flags and of the Union Jack were all lively topics. Forcing the Bill through without a mandate was a 'trick';⁶³ the referendum was a 'sham and a mockery';⁶⁴ and the alleged demise of the Vierkleurs was a transparent stratagem to exclude the Union Jack.⁶⁵ Apart from earlier arguments that the exclusion of the Union Jack was a breach of the spirit of 1910, and a betrayal of the trust Natalians had placed in **their Afrikaans-speaking friends**,⁶⁶ a more assertive argument was presented: English-speakers had the right to demand the symbol of their choice for they too had pioneered South Africa. 'Who built our railways? Who developed our mines? Who established industries in the country? Who even introduced improved methods of agriculture? Very largely the English-speaking section of the population, and very largely with money coming from Great Britain', Watt told the House.⁶⁷ No less forthright

63. Hansard, vol. 9, 4256, Lennox. See also 4260, Brown; 4267, Giovanetti; 4315, Louw; 4339, Nicholls; 4345, Ballantine; 4350, Henderson; 4427, Rockey; 4430, Miller; 4435, Moffat.

64. Ibid. 4398-9, Blackwell. See also 4258, Lennox; 4263, Brown; 4272, O'Brien; 4314, Louw; 4345, Ballantine; 4424, Rockey; 4430, Miller; 4448-9, G.B. van Zyl; 4456, Watt.

65. Ibid. 4345, Ballantine. See also 4311 Gilson; 4292, Jagger; N.J. Pretorius, 4354, 4358.

66. See ibid. 4265-6, Giovanetti; 4272, O'Brien; 4282ff., Richards; 4348, 4350, Henderson; 4453, Watt; 4345, Ballantine; 4256, Anderson.

67. Ibid. 4451.

was Jagger. English-speakers, he said, had 'just as great a moral right to have their sentiments emblazoned on the national flag as the Dutch-speaking people... We demand it as a right - I do not want to go round corners - to have our sentiments embodied in the flag.

The PRIME MINISTER: Do you mean to say you have a right to demand that, no matter what the other side thinks?

Mr. JAGGER: Certainly. At least 45 per cent. of the people of this country are of British extraction. These people have done their full share to build up South Africa. We have spent blood. Take the Eastern Province... take Natal... Take any section of work, it may be industry, farming, mining or trade. Have English-speaking people not taken a full share of the burden...? 68

Free to chose a symbol, English-speakers would undoubtedly chose the Union Jack, which was not a foreign flag - as Hertzog had alleged. To the English section it, 'is South African by sacrifice. It is South African by achievement. It is South African by every principle of justice and freedom which it implies... It is part of the soul of the British people of this country...'⁶⁹ And both the aversion to it and the demand for a new flag had been exaggerated. Equally spurious was the claim that South Africa's new status demanded a new flag. Canada and

68. Hansard, vol. 9, 4292. See also 4300, Close. For the influence of Jagger's speech on the Government, see 5435, Malan, 21 June 1927, and p.400, n.119.

Though Jagger's strong views on this point were shared by other English-speakers (see Stanford Papers, D 56, 14 May 1927; Cape Argus, 10 May 1927), they were not often expressed openly.

69. Hansard, vol. 9, 4344, Nicholls.

Australia - countries whose status was every bit as high as their own - had not adopted new flags.⁷⁰ And as for the oft-cited Irish flag, this alleged endorsement of the Government's flag was, in fact, a flag of division, for so long as it flew northern and southern Ireland would remain divided.⁷¹ Moreover, an unpopular flag would simply be ignored,⁷² and the proposed flag would definitely be unpopular: 'Is that hot-cross-bun a repository of national sentiment is that hot-cross-bun going to create the greatest enthusiasm, is it going to move to the deepest springs of action and inspire to the noblest ideals? That flag means nothing to the English or the Dutch...'⁷³ Behind the alleged need for it lay the desire for a republic. Thousands of English-speakers saw the Bill as the final severance of the imperial connection; Natal, in particular, was suspicious, and felt that the proposed flag would be the one under which, when the time came, a republic would be proclaimed.⁷⁴

70. Hansard, vol.9, 4455, Watt. See also 4295, Jagger.

71. Ibid. 4286, Richards; 4295, Jagger; 4345, Ballantine; 4428, Amott.

72. Ibid. Ballantine, 4345; 4352, Henderson; 4358, Pretorius; 4401, G.A.Louw; 4429, Amott; 4454-5, Watt.

73. 4310, Gilson. See also Nieuwenhuize, 4277-8; 4430, Miller. Gilson was, of course, parodying Malan's second reading speech of May 1926 - see p.102.

74. Ibid. 4285, Richards; 4297, Jagger; 4347, Henderson; 4422, G.B. van Zyl; 4433, Heatlie.

By insisting that the flag be designed on the principle of exclusion and not inclusion, the Government, from the start, had frustrated all attempts at agreement. Under the circumstances, patience and not compulsion should be their watchword. The Bill should be postponed and the solution left to the future.

These, then, were the main arguments of the Opposition, and when Malan rose on the afternoon of 2 June to refer the Bill to a select committee and to conclude the debate, most of his speech attempted to rebut some of them. A large number of the Opposition's arguments, he said, had not been reasoned at all. On the Government's side, however, it was a question of 'logical reasoning of the whole position.' The Opposition had chiefly stressed the strong feelings for the inclusion of the Union Jack and argued that because these precluded agreement the matter should be dropped. But they had to recognize the strong sentiment that opposed this flag, and that the problem could be resolved only by agreeing that the design should offend no one. They had also to recognize that at the root of the matter lay a conflict of ideals: Afrikaans-speakers were above all South Africans; with English-speakers the interests of South Africa did not occupy the same exclusive position, and their ideal, which was fused with their attitude towards the flag, was not acceptable in the interests of South Africa.

Those who had emphasized magnanimity, were unable to appreciate the state of mind of others. Those who held that the English section was sacrificing everything and the Nationalists nothing, were ignoring both the Nationalists' abandonment of their republican ideals and the fact that the Union Jack would still symbolize the British connection. And those who pointed to the Canadian Government's withdrawal of its flag measure, failed to see that South Africa and Canada did not provide parallel cases. As for the referendum, the circumstances justified its use as a special measure and its question was not unfair. Nor had there been a breach of faith with Natal: he did not think that it had ever been intended that they should maintain one design for ever and, as the British link was as safe now as it ever had been, where had there been a breach of faith?

He regretted that Smuts had failed to give a lead and he depreciated his offer. All it appeared to amount to, was that if the Bill were withdrawn, Smuts and his Party would not make any 'sneers and taunts' against the Nationalist Party. He did not know whether this was such a great offer, for if they accepted it, it would show that they were worthy of 'sneers and taunts' and were running to Smuts for protection.

After Hertzog's speech, Duncan had asked the Prime Minister to give a lead, the implication being that if another compromise were proposed, Duncan would be prepared to co-operate. Also, shortly

after the last session Duncan had stated that he did not wish to say that a flag that omitted the Union Jack but contained some symbol of the British tie would be unacceptable to him. He (Malan) wished to take this as an indication that in the opinion of some Members of the Opposition every method of reaching agreement had not been exhausted. For this reason, the Government was prepared, at the conclusion of the second reading, to send the Bill to a select committee.⁷⁵ There he would very much like to see a design containing the Union Jack and former republican flags such as Smuts proposed, but he suspected that it would look ridiculous. However, one aspect of Smuts's S.A.P. amendment could be greeted as the greatest advance that had been made in the debate; this was the preparedness to accept that the three flags need not be included in their entirety. Here was an attitude, Malan said, that provided a basis for discussion.⁷⁶

When Malan began to enlarge on the Opposition's present acceptance of the Vierkleur and past rejection of the Walker flag on the grounds that it was nothing other than a disguised Vierkleur, Opposition Members protested that his prolongation of the debate was more likely to harm than assist the chances of settlement in the Select Committee. Malan therefore brought his speech to an abrupt end, and shortly before six p.m., on the seventh day of the reading, the House divided. Voting strictly on Party lines, with the notable exception of Hay who crossed the floor

75. Of course the Government had decided to send the Bill to a select committee well before Duncan's address (see p.295).

76. For Malan's speech see Hansard, vol.9, 4458-75.

to vote with the Opposition, the second reading was carried by sixty-nine votes to fifty-four.⁷⁷

77. Hansard, vol. 9, 4475-6.

CHAPTER X111

THE EMERGENCE OF THE 'SHIELD FLAG'

Press comment on the second reading

Public interest in the flag debate had remained strong. Apart from detailed press reports of the speeches, the subject received much attention from both leader writers and parliamentary correspondents. The latter, on all sides, commented not only on the extraordinary excitement inside Parliament but also on the great interest outside it. It was undoubtedly, Die Volksblad's correspondent declared of the opening day, the great day of the session. 'Vir dae en weke en selfs maande het die lede and self die publiek uitgesien na hierdie dag.... en die atmosfeer van sentiment wat rondom die kwessie ontstaan het, het nou die hele bevolking, vaders, moeders en kinders, so beetgepak dat dit nou die algemene onderwerp van bespreking geword het.'¹

As the debate progressed, interest held. On 31 May the Cape Argus observed that the Bill 'exhibits wonderful vitality.' On its fourth day 'one should expect it...to fall like dough instead of soaring into

1. 24 May 1927. See also Ons Vaderland, 25 May 1927; The Star, Natal Witness - 24 May 1927.

the colours of the sunrise. Yet once more tonight it thrilled crowded galleries with surprising and dramatic incidents.' At the end of the reading even the correspondents of Die Burger and Cape Times were agreed that the reading had been most exciting. The final stages of the debate had been no less interesting than the early, the latter's correspondent wrote, adding that it was remarkable for a discussion on one theme to have been maintained with such 'extraordinary vigour'.² Equally remarkable, in his opinion, had been the generally moderate tone of the debate. This view of the reading - Hertzog's and Havenga's speeches always excepted by the opposition - was generally shared.

But here agreement ended. On almost every other point each side insisted on the sole merits of its own case. Each day, correspondents claimed the honours of the debate for their side. Accordingly, of the first day, against the efforts of two powerful government speakers victory was claimed by the opposition on the grounds of its arguments and the spirit in which they were used.³ Malan's introductory speech, unable to stand critical examination by one side, was declared by the other to have crushed all contrary arguments.⁴

2. 3 June 1927. See Die Burger, 3, 7 June 1927.

3. The Star, Cape Argus - 24 May 1927.

4. Cf. The Star, Die Burger - 24 May 1927.

Smuts's speech, acclaimed by one party as having given those privileged to hear it 'that peculiar thrill which seems to be compelled by great utterances', was dismissed by another as not having made the least impression.⁵ Havenga, according to one side, had spoken 'with a recklessness of phrase which seemed intent only to wound'; to the other, his speech had been brilliant.⁶ Lastly, Hertzog's 'bombshell' was described as a total failure and his arguments as 'rather jumbled'. They were not so to the Nationalist press: Smuts had received, ' 'n verdiende pak slae' and Hertzog's 'bombshell' had sent him 'Bolmakiesie'.⁷

Wider-ranging and more strongly expressed were the disagreements in the opposing sides' leading articles. Their content was largely determined by already familiar issues, reiterated in the Assembly. Was the Bill a breach of the spirit of Union?⁸ Had the Government really compromised?⁹ Was the referendum a suitable means of settling the question?¹⁰ Had the sentiments of English-speakers been taken into

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5. Cf. Cape Times, 26 May 1927 with Ons Vaderland, 28 May 1927.
 6. Cf. Cape Argus, Die Burger - 26 May 1927.
 7. Cf. Cape Argus, Cape Times with Die Burger, Die Volksblad - 28 May 1927.
 8. Cf. Daily Despatch, 31 May 1927 with Ons Vaderland, 25 May 1927.
 9. Cf. Natal Mercury, Natal Witness - 25 May 1927 with Die Burger, 23 May 1927.
 10. Cf. Rand Daily Mail, 24 May 1927 with Die Burger, 27 May 1927.

proper account?¹¹ Should Government wait for general agreement?¹²
 On whose side did logic lie?¹³ As these, and other issues,
 had been put forward and argued earlier in the controversy, little
 purpose would be served in repeating the opposing editorial arguments
 on them.

However, the reading had raised some new issues. What, for
 offer
 instance, was the value of Smuts's, not to make political capital out
 of the Bill's withdrawal? The editorial columns of Government news-
 papers, during the reading, chose to ignore the question.¹⁴ Both the
Cape Argus and Rand Daily Mail welcomed the offer as giving the Pact
 the chance to withdraw from an impossible position;¹⁵ but the latter
 regretted that Smuts had not seen fit to make the offer earlier: 'had he
 done so, instead of giving the impression...that the flag question was
 not altogether unwelcome as a party asset, the whole course of this
 miserable business might have been altered.'

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11. Cf. Rand Daily Mail, Cape Times, Natal Mercury - 24 May 1927
 with Die Burger, 23 May 1927.
 12. Cf. Cape Argus, 28 May 1927, Sunday Times, 29 May 1927,
The Star, 31 May 1927, with Die Burger, 24 May 1927.
 13. Cf. Cape Argus, 24 May 1927, The Star, 2 June 1927, with
Die Burger, 24 May 1927.
 14. Only after Malan's concluding speech, in which he rejected the
 offer, did the Nationalist press follow suit. (See, for example,
Ons Vaderland, 7 June 1927.)
 15. 26 and 27 May, resp.

If it ignored his 'olive branch', the Nationalist press did not fail to draw attention to Smuts's 1921 memorandum proposing a distinctive flag for each Dominion and insist that his present attitude contradicted his former.¹⁶ 'Well, what of it?' The Star declared of the memorandum on 2 June; no one denied there had been discussions on the suitability of dominion flags, but whatever theoretical ideas Smuts may have held on the subject, he soon realized the futility of making definite proposals except by agreement. Similarly the Cape Argus submitted on 28 May that the division of the Union into two hostile camps over a national flag would never have been contemplated: 'That is a stupendous act of folly which could only be committed by a Prime Minister of impetuous and ill-balanced temperament, living in a perpetual state of mental fog...'

Further aspersions on Hertzog's temperamental suitability for his office were sparked by his explanation that he had been persuaded to persist with the Bill because of press and Empire Group criticism. This explanation, The Star found 'so amazing, so fantastic, so utterly inadequate and so deficient in any sense of proportion, that if it had been forthcoming from any other person than General Hertzog we would quite frankly have regarded it as incredible.' If they were to accept his explanation at its face value, 'we can only arrive at

16. Die Burger, 28 May 1927; Die Volksblad, 30 May 1927; Ons Vaderland, 3 June 1927.

the conclusion that he is temperamentally unfitted for the high office he holds, and that his occupancy of it today is little short of a national misfortune.¹⁷

It was ironical that these and similar sentiments should be expressed against the background of Union Day. On this day the Daily Despatch complained that self-seeking politicians had created a state of chaos comparable only to that existing at the outbreak of the Anglo-Boer War. Properly speaking, Union Day should be a day for rejoicing.

Not so this year:

An irresponsible Government, put into power with the traitorous assistance of parliamentary Labour leaders, is stoking up the fires of racial hatred that may lead, if unchecked, inevitably to civil war. Is this, then, a day for holiday-making? Rather should it be a day of humiliation and prayer. We cannot see the end of this tragic quarrel: a quarrel, be it noted, that was none of our seeking; and who shall say through what dark shadows of despondency and horror our country will not have passed by the time another Union Day comes round?

Even if strong feelings had, on the whole, been moderated inside Parliament, it seemed to many that the chances of a parliamentary select committee reaching an agreement were slim. That Malan himself entertained small hope for its success is perhaps shown by the limited time he initially allowed for its effectual deliberations. After the

17. 2 June 1927. See also Cape Times, 2 June 1927.

second reading he called for a select committee that would report back in one week. As Smartt pointed out, this would have allowed it some eight hours for its work. Smuts immediately denounced the idea of four effective days in select committee as a mockery - evidence that the Government did not genuinely seek a settlement. When other Members supported an extension of the time limit, Malan agreed that the committee should have an extra week and report back on 17 June.¹⁸

Influences for change from within the Pact

However, before setting out on an examination of the Committee's deliberations, it is important to examine the factors that were at work during the Committee's life and which caused it to introduce a significant change. Several factors were influencing change. Some came from within the Pact's ranks, others from within the opposition's. Within Nationalist ranks, design no.2 had never been popular.¹⁹ Though Party branches expressed support for the Bill as a whole, there were many that criticised the flag's design. The presence of the English cross of St George and the absence of any symbol of the Free State were the two chief objections.

18. Hansard, vol. 9, 4475-9, 2 June 1927.

19. See Round Table, vol.XV11, 838-9.

In mid-May, it was reported at Stellenbosch that it was feared that hundreds of Afrikaners would rather abstain than vote in the referendum for the St. George's design.²⁰ At the same time it was disclosed that in Pretoria feeling among Afrikaners 'is weinig geesdriftig vir die Rooikruis-vlag. Hulle voel hier veel meer vir die Walker ontwerp.'²¹ These feelings in Pretoria were shared by many Nationalists in the Free State. The resolutions of many Free State branches,²² such as those of Wolwepan and Odendaalsrust, demonstrated this. The former's resolution declared that it wanted no St. George's cross; the latter's declared that it wanted the Walker flag if possible.²³ The two declarations were not unrelated: preference for the Walker flag was closely associated with dislike of the St. George's cross. This was openly stated at the Bloemfontein public meeting in support of the Bill where a considerable section of the audience voted for the Walker flag 'omdat hulle hul nie met die insluiting van die St. George kruis in die vlag kan vereenselweg nie.'²⁴

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20. Die Burger, 16 May 1927. For other evidence of misgivings about the design amongst Cape Nationalists see ibid. 15 April and 3, 4 May (letters to the ed.), 11 May (resolutions), 18 May (leading article).
21. Die Volksblad, 16 May 1927. For general lack of enthusiasm for the design in the Transvaal see Die Burger, 23 May 1927.
22. See Die Volksblad, 23 May, 6, 10, 13, 14, 23 June 1927; The Star, 10, 19 May 1927; P.S.M.I. vol.3.
23. Die Volksblad, 16 June 1927.
24. Ibid. 28 May 1927; Ons Vaderland, 7 June 1927.

The omission of any symbol of the Free State in design no.2 was strongly related to its unpopularity in that province - and to the preference for the Walker flag which had contained a Free State colour. In April van der Merwe received an angry letter from a constituent who asserted that he expressed the opinion of all in the Winburg district when he insisted that the Free State should be represented in the design; they would rather have no flag at all than design no.2.²⁵ Disappointment with this omission was openly stated or implied in Party resolutions. Some made the point indirectly by favouring a design 'van meer nasionaal aard'; others requested 'dat ons dierbare oranje-kleur' should not be omitted; the remaining group simply stated that the national flag should contain a symbol of the Free State.²⁶ Bloemfontein's Mayor, H.J.Steyn, declared that Free Staters felt very strongly about the flag's failure to symbolize the province.²⁷ As Die Burger's correspondent pointed out in May, 'prejudice' against design no.2 amongst Nationalists was something Malan could not fail to take into account.²⁸

The second influence for change from within the Pact came from Labour.

25. N.J.van der Merwe Papers, vol.2, letter from J.(?)E.Barnard, 22 April 1927.

26. Die Volksblad, 14, 16, 21, 22, 23 June 1927.

27. Ibid. 20 June 1927. See also Die Burger, 22 June 1927, Chairlady of the O.V.S. Nasionale Vroueparty.

28. 16 May 1927.

Ever since its crushing defeat in the Provincial elections in February, the opposition had maintained its attack on the Party. Its chief target remained the same - Labour's responsibility for the flag conflict. The main features of the assault are already familiar.²⁹ In brief, Labour's 'self-seeking' Ministers, Parliamentary Labour, and the Party as a whole were held to blame for the Bill: without their support - particularly that of its leaders - the Bill could not have been brought forward.³⁰ All these charges had been repeated in Parliament.³¹

At several protest meetings Labour had been vigorously criticised,³² and when prominent Labourites themselves condemned Party policy, their views received wide publicity. A statement attributed to Barlow which accused Labour's Ministers of being 'the real villains of the piece' was one such condemnation.³³ Another came from Jamieson who declared:

In my opinion, the Labour Party, which is no longer the Labour Party... is wholly responsible for the introduction of the Flag

29. See pages 132ff., and 238ff., for example.

30. See for example The Star, 11, 22 April, 23, 26 May 1927; Natal Witness, 13 April 1927; Cape Argus, 6, 10, 16 May 1927; Cape Times, 10, 16, 17 May 1927; The Friend, 18 May 1927; Sunday Times, 22 May 1927; Natal Mercury, 25 May 1927.

31. See for example Hansard, vol. 9, 4351, Henderson; 4364, Coulter; 4346, Ballantine.

32. Cape Times, 26 May 1927; Natal Witness, 28 May 1927; Rand Daily Mail, Cape Argus - 7 June 1927.

33. The Star, Cape Argus - 11 April 1927. See also Hansard, vol. 9, 4044, Byron, 23 May 1927, for other criticisms by Barlow.

Bill. The Party could have nipped it in the bud by telling General Hertzog that Labour would vote against it. But then the salaries of £2,500, or £700, per annum, as the case may be, would have been in danger, and they were not prepared to take the risk.³⁴

Such criticism, coming from a Labourite who until January had been the Party's secretary, provided telling propaganda for the opposition.

That Jamieson's remarks were made between the first and second readings was not accidental for as the parliamentary debate approached, and then began, feelings for the Union Jack ran high. Labourites were conspicuously present, both in the audience and on the platform, at protest meetings such as those at Cape Town and East London.³⁵

The latter was addressed by a Labour M.P.C., while, when the Natal Provincial Council called for the inclusion of the Union Jack, the resolution was seconded by a Labourite whose feelings for the Union Jack moved him to tears.³⁶ Only on the very eve of the first reading did the National Council give its approval to the Bill, and then only after lengthy discussion and the withdrawal from the meeting of C. Kingdom - a strong opponent of the Bill.³⁷

In Parliament, whatever Labourites did during the second reading

34. Cape Argus, The Star - 20 May 1927.

35. Cape Times, 18, 23 May 1927; London Times, 19 May 1927.

36. Die Burger, Natal Witness, London Times - 12 May 1927.

37. Die Burger, Cape Times, The Star - 16 May 1927. Kingdom was Chairman of the Johannesburg District Committee.

was assailed. If they remained silent they were taunted for their failure to speak out.³⁸ If they tried to defend their Party's stand, as Boydell and Allen did, they merely provided new targets for their opponents outside³⁹ and in the House. Thus Boydell's argument that a referendum was a safeguard against coercion was ridiculed as spurious and Allen's speech was condemned as an attempt to villify, mock and degrade the Union Jack; he had out-Hertzoged Hertzog and was a liar.⁴⁰

Valuable as these attacks were to the opposition press, perhaps nothing was more helpful to it than Hay's open defiance of his Party. His second reading speech in which he held his own Party 'wholly and absolutely responsible for this mad business' was widely hailed by the opposition and made him a hero to many of the Bill's opponents. The Empire Group conveyed warm greetings.⁴¹ Even the Labour branch of Creswell's constituency sent him a resolution of support.⁴²

38. See for example Hansard, vol. 9, 4280, Richards and 4390, Blackwell. Initially the Labour Caucus decided to leave the advocacy and defence of the Bill during the second reading entirely to its Nationalist allies (Cape Times, 22 June 1927, letter to the editor from Hay). Boydell's and Allen's speeches indicate that this policy was later revised, perhaps in response to the S.A.P.'s challenges.

39. See for example Cape Argus, 2 June 1927; Daily Despatch, Natal Witness - 3 June 1927; Cape Times, 8 June 1927, p.9.

40. For attacks in the Assembly see Hansard, vol. 9, 4246, Rockey; 4272, O'Brien; 4346, Ballantine; 4312, Gilson; 4386, 4391-2, Blackwell; 4448, G.B.van Zyl.

41. Cape Times, 9 June 1927.

42. Ibid. 20 June 1927; Cape Argus, 17 June 1927. This was the Malvern-Denver branch of the Party.

The latter congratulated Hay on his 'heroic stand' while others suggested that a public testimonial to him should be placed in Pioneers' Park.⁴³ Hay's defence of his stand, and his subsequent criticisms of the Bill and the Pact generally - a partnership which he denounced as one-sided - were widely reported and certainly reflected the disillusionment of many Labourites with the Pact.⁴⁴

Hay's dissension may be seen as a symptom of the Party's general malaise. Its weaknesses were unquestionably due to many circumstances additional to the flag conflict. But that the conflict tended to bring them to a head was indicated by the Party dissension that broke out immediately after the strain of the second reading - while the Select Committee was still in session. In Johannesburg, 'Expulsions and suspensions and rumours of expulsions and suspensions' continued to be one of the main topics of speculation amongst Labourites.⁴⁵ Small wonder this was so. Hay had been expelled from the caucus.⁴⁶ There

43. Die Burger, Cape Times - 13 June 1927. Wemmer Pan Park had been re-named and dedicated to the memory of the Rand and Transvaal Pioneers.

44. Monthly Herald and Industrial Record, June 1927, p.1; Forward, 17 June 1927, letter to the editor from D. Davies; The Star, 9, 11 June 1927, letters to the editor.

45. Cape Times, 13 June 1927.

46. Cape Argus, The Star - 3 June 1927. The Labour Caucus had pledged its support for the Bill on 10 May 1927. Hay refused to be bound by this decision mainly on the grounds that he would not be violating any pledge under the Party's constitution as the flag issue formed no part of the Party's principles; also no reference had been made to it in the Party's general election manifesto. (When asked for its opinion, his constituency had given none, while his branch had resolved that the question should be dropped by the Party. The Star, 11 May 1927; Cape Times, 9 June 1927.)

was talk of the expulsion of Karovsky, and of the temporary suspension of J.P. Madden and J.Duthie - two prominent Johannesburg Party members.⁴⁷ At the same time, H.G.Trollip, Chairman of the Kensington branch of the Party, was expelled and the branch dissolved; that other branches, including one of the biggest in Johannesburg might follow suit, because election promises had not been met, was declared possible.⁴⁸ The constitutional validity of these expulsions and suspensions was being questioned. Publicity was given to other Labourites who had left or were said to be thinking of leaving the Party, such as M.J.Green and M.E.Lang in Johannesburg, and H.H.Kemp, Eaton and Jamieson in Durban,⁴⁹ and there were reports of movements to launch new Labour Parties in both Johannesburg and Durban - the latter possibly to be known as 'The Anti-Pact Labour Party of South Africa'.⁵⁰ The disillusionment of many Labourites with the Pact was patent and was associated with a Bill that excluded the Union Jack from the national flag.⁵¹ This

47. Cape Times, 7 June 1927; The Star, 11 June 1927.

48. The Star, Die Burger - 8 June 1927; Cape Times, 8, 9 June 1927.

49. Forward, 17 June 1927.

50. Monthly Herald and Industrial Record, June 1927; The Star, 10 June 1927; Cape Argus, 11 June 1927; Cape Times, 10, 11 June 1927; Die Burger, 13 June 1927.

51. See The Star, 9, 11 June 1927; Forward, 17 June 1927, letters to the editor.

much was clear, and not least to the Pact members of the Select Committee which was meeting against this background.

Influences for change from outside the Pact

The stimulus for change stemming from inside the Pact, was quickened by influences outside it. These included the fear of secession, talk of Natal seceding, the generally hardening mood, protest meetings and the possibility of violence. Attention will therefore be given to each of these in turn.

Fear of secession served to bolster the opposition. The report of the Imperial Conference had been greeted with mixed feelings by some English-speakers who thought it had conceded too much to the Dominions.⁵² Their sensitivities - especially strong under the Pact regime - were bound to react sharply to any question touching on the Union's imperial relations. Earlier in 1927 this had occurred over such questions as the Union's contribution to the Royal Navy⁵³

52. For example see E.G. Jansen Papers, vol. 2, 'Copy of Resolutions passed at Executive Meeting of the Empire Group of South Africa Monday 21st March 1927'; B.K. Long, Drummond Chaplin His Life and Times, p. 325 and In Smuts' Camp, pp. 33-4. Long was editor of the Cape Times during the flag controversy.

53. Cape Times, 22, 25 January 1927; Die Burger, 26 January 1927.

and the purchase of German locomotives in preference to British.⁵⁴

A clean flag bill brought in by a Nationalist dominated Government was certain to re-awaken earlier fears of secession.⁵⁵ As it became clear that the Government was intent on pushing through its 'Red Cross flag', these fears were revived, becoming particularly strong at about the time of the second reading. On the day before the reading the Sunday Times insisted that the Bill had been designed to placate secessionists and republicans. One week later it declared that thousands of South Africans were now convinced that the Bill was 'only a stunned secession-and-republican issue revived in another, and more subtle form.' It recalled that two years earlier, the former Minister of Finance, H. Burton, had warned of grave reasons for fearing that indirect methods of attaining a republic were being insidiously and systematically pursued while at about the same time, the Natal M.P., Richards, had thought that not a single parliamentarian with full inside knowledge doubted that the Government aimed to

54. For example, see Cape Times, 5, 12 January 1927; Die Burger, 14 January 1927; South African Nation, 15 January 1927; The Star, 5 February, 8 March 1927; Hansard, vol. 8, 1133, Strachan, 7 March 1927. (When the previous government had preferred German to British railway tenders, the English press had not taken up the matter - evidence of their greater trust in the Smuts regime.)

55. See for example pp. 55-9, 301-2.

establish a 'Dutch republic'. Despite assurances to the contrary -
 'This suspicion cannot now be allayed by soft words.'⁵⁶

In the Cape, newspapers were similarly suspicious of the Government's motives. At Stellenbosch, when N.J. van der Merwe argued that the cross of St George had no political significance so that if South Africa became a republic there would still be no objection to it, the Cape Argus responded: 'Exactly; it is not the past that the nationalist extremists are thinking about, but the future.' They could easily, at some future date, drop the flying of the Union Jack, but it would be very difficult to change a design which included the Union Jack and had been solemnly chosen by the people was a whole.⁵⁷ What was the motive of the Bill? the Cape Times asked on 2 June. Thousands of people were asking themselves this question and inevitably very undesirable answers were being found: 'As Mr. Jagger said the other night, the memory of the recent Nationalist conversion from Republican doctrine has its place in these speculations.'

In Pietermaritzburg, the Natal Witness on 4 June approvingly quoted the Cape Argus's suspicions, adding that fear of secession had become an important factor precluding agreement; what the British section might

56. 29 May 1927. (Emphasis in the original.) See also The Star, 3 June 1927, letters to the editor expressing fear of republicanism.

57. 23 May 1927. See also 24 May 1927.

have accepted from Smuts, it would not accept from the Pact. And in Durban, on the same day, the Natal Mercury wanted to know why controversial Article 4 had been retained if Hertzog genuinely accepted the permanent relationship between the Union and British Commonwealth.⁵⁸ Why had 'little Afrikanerism' refused to sacrifice even 'this barren "ideal"' for the sake of peace? 'Is not the reason', it suggested, 'because in its heart of hearts it accepts the present status only as a stepping stone to complete secession?'⁵⁹

From fears of secession from the Commonwealth, to demands for Natal's secession from the Union was a short step. The demand had been heard in May 1925, less than a year after the Pact came to power. During the 1925 Easter recess Richards complained bitterly about the 'unfair treatment' of Natal. Natalians, he protested, had paid dearly for their patriotism in 1910; the things they had feared had become realities and they were seriously discontented and anxious about the future. To assume that Natal would not secede from the Union in any circumstances was a fundamental error, he continued; the letters Natal M.P.'s were receiving daily from their constituents demonstrated this,

58. For interest in and the controversy surrounding the future of this article in the constitution of the Nationalist Party after the Imperial Conference, see The Star, 22, 24, 26 November, 1, 11 December 1926; Cape Argus, 23, 24 November, 2 December 1926; Daily Despatch, 24, 26 November 1926; Sunday Times, 12 December 1926; Die Burger, 25, 26 November, 3, 9 December 1926; Die Volksblad, 24 November, 3, 9 December 1926; Ons Vaderland, 7 December 1926, 7 January 1927.

59. See also The Star, 23 May 1927 (Pitcher); Die Burger, 25 May 1927 (Stallard); Cape Times, 8 June 1927 (Col. G.A. Morris).

and the decision

to which Natal may be forced by circumstances sooner than she imagines is that as to whether she is prepared to remain under the present intolerable circumstances, with the certainty sooner or later of being the Cinderella of a Dutch Republic, or whether she would prefer to retain her nationality, her language, and her independence of action while there is yet time.⁶⁰

The next month thoughtful correspondence appeared in the Natal Witness as to the advantages and disadvantages to Natal of seceding from the Union.⁶¹

When the Flag Bill came before Parliament in May 1926, talk of Natal seceding revived. Despite the Natal Mercury's condemnation of 'All this talk of Natal's Secession' on 22 June, it did not abate, and in July a Natal association was formed to work for the Province's secession.⁶² Again, as flag feeling grew in 1927, threats of Natal's secession were renewed. On the last day of May the London Times reported that ministerial addresses during the second reading, especially Hertzog's, had created 'a most unhappy state of feeling in Natal'; feeling, it said, had been strong in the previous week but since then, in both town and country, it had become more bitter and the possibility was being openly discussed of secession from the Union. A case in point was the large meeting of farmers at Richmond which resolved that if a flag without

60. Rand Daily Mail, 16 April 1925 (Richards).

61. 6, 13 May 1925.

62. Duncan Papers, to Lady Selborne, 21 July 1926.

a Union Jack was forced on Natal, it should secede.⁶³ Talk of Natal seceding continued in June with warnings that if the Flag Bill became law the question might become a real one.⁶⁴ To what extent the possibility of Natal seceding was taken seriously by the Government it is not possible to say. Certainly Hertzog kept himself informed on the subject⁶⁵ and the Government could not but fail to recognize its relationship to the flag issue and that the sentiments it aroused were not in the interests of Union.

These sentiments were symptomatic of the general hardening of attitude. In Natal there was ample evidence of this. During the first sittings of the Select Committee's sitting, a letter from Col. S. Molyneux in the Natal Mercury warned Malan not to visit Durban to open its new Technical College. Molyneux wrote:

He had better know at once that he would not be welcome in Durban. Why should we allow the future of that young institution to be blighted from its start by the presence of a politician who has done more than anyone else to revive racialism in South Africa? Every loyalist in Durban would regard his presence as an insult.⁶⁶

63. Hansard, vol. 9, 4250-1, Anderson, 30 May 1927; Cape Times, 28 May 1927.

64. Ons Vaderland, 3 June 1927; Cape Times, Die Burger - 14 June 1927; Grocott's Daily Mail, 15 June 1927.

65. H.P. vol. 114.

66. The Star, Cape Times - 11 June 1927; Die Burger, Die Volksblad - 13 June 1927. See p. 81.

He called upon all men in Durban to pledge themselves to prevent the visit. The letter evoked nation-wide comment, both for and against, but in Durban feelings were so strong that the Council of the Technical College was obliged to withdraw its invitation to Malan as Minister of Education.⁶⁷ At the same time as this was announced, it was reported from Natal that a cornerstone containing Reyburn's name had been defaced.⁶⁸

Even if in Natal feelings against the Bill were on the whole stronger than elsewhere, opposition in other areas had also generally hardened. In the Albany district no flag committee had been formed in 1926; however, in the first week of June 1927 an enthusiastic Flag Committee was established in Grahamstown.⁶⁹ About ten days later, in the same town, at the annual meeting of the local branch of the B.E.S.L., a vigorously worded resolution against the Flag Bill was passed despite the opposition of the Committee's Chairman and others who felt that the B.E.S.L. should not 'mix itself up with politics'. The final resolution concluded that,

...this meeting considers that the time has come to clearly state that if the Flag Bill is persisted in, and a flag is forced upon the country which in no sense of the word can be regarded as a true national emblem by reason of the non-incorporation of the Union Jack, that the vast numbers of people whose deepest feelings are thereby violently outraged, will be justified before

67. The Star, Die Volksblad - 16 June 1927; Cape Times, 18 June 1927; Die Burger, 13, 14, 15, 20 June 1927; Cape Argus, 17 June 1927.

68. Cape Argus, 16 June 1927; Die Burger, 17 June 1927. In the previous month a large meeting of Reyburn's constituents had demanded that he oppose the Bill (The Star, 10 May 1927; Die Burger, 11 May 1927).

69. Grocott's Daily Mail, 4 June 1927.

God in adopting whatever measures may be humanly possible to resist to the uttermost such an iniquity.⁷⁰

As Grahamstown's Grocott's Daily Mail suggested on 1 June, since the Bill's second reading had commenced resistance to it had grown in both volume and strength.

A more hostile mood was also evident in Cape Town. At Salt River, H.G.Lawrence had to face a rowdy meeting.⁷¹ At Wynberg, Roos and Barlow received a rough reception with Roos complaining afterwards that 'all roads seem to lead to flags'.⁷² In June Fremantle fell from office. Despite his opposition to the Government's flag measures and the conscientious service he had rendered the Flag Organization, he lost his position as a local representative on the Central Executive. Writing to Pim, he explained:

The new organization for the Cape has been formed and I was not elected on to the executive. I do not think there is any doubt that this is due to the unwillingness of one section to co-operate with anyone who holds anything like my views as to the history and present character of the Nationalist Party and its leaders.⁷³

With the new organization had come a new spirit, one reflected again in the Transvaal by the refusal of the Imperial Light Horse to take part

70. Grocott's Daily Mail, 16 June 1927.

71. Cape Times, 31 May 1927.

72. Cape Argus, Die Burger - 17 June 1927.

73. Fremantle Collection, 24 June 1927.

in the annual Bisley because the Union Jack had not been raised⁷⁴ and by the great meeting of protest in Johannesburg.

Continuing, as a bolster to the Opposition, and as a constant reminder to the Government of the unwavering opposition outside Parliament, were the public meetings of protest held during and after the second reading. Many outside parliament who opposed the Bill - whether from fear of republicanism or for other motives - saw the protests as the most effective way to pressurize the Pact and channelled their opposition into them. These protest meetings had lost none of their earlier fervour. Crowded, enthusiastic, ringing to the sound of patriotic song, they took place throughout the country. During the second reading alone, no less than sixteen such meetings were held.⁷⁵ Scottburgh's protest brought together the largest gathering the town had ever seen; even Witbank's attracted more than six hundred people - not since the days of the Great War had it witnessed so large a meeting.⁷⁶ Scenes of 'unbounded enthusiasm and fervid patriotism' marked the protest at Sea Point, while at Richmond, where Labour was vigorously attacked,

74. Die Volksblad, 31 May 1927.

75. These included meetings at Bloemfontein, Vereeniging, Claremont, Mowbray, Wynberg, Mooi River, Underberg, Howick, Kei River, Peddie, Cathcart and Barberton (Die Volksblad, 28 May 1927; Cape Times, 26, 31 May, 2, 9 June 1927; Natal Witness, 2, 3 June 1927; The Star, 27 May 1927; Die Burger, 31 May, 2 June 1927; Daily Despatch, 31 May 1927; S.P. vol. 38, no. 126; P.S.M.I. vol.3.

76. Natal Witness, 30 May 1927; The Star, 26 May 1927.

pledges were taken never to vote for any person who supported the Bill.⁷⁷ At several meetings strong words were used. At Muizenberg, a speaker complained that the British section had been the under-dog for so long that their opponents thought they could kick them down still further; Hertzog might have ended the matter by putting his foot on Malan, had the Prime Minister had 'less of the backbone of a maggot and more of the backbone of a man'.⁷⁸

Largest and most enthusiastic of all the meetings held during the second reading was Durban's. Emotions reached a pitch not seen since the Armistice. Ninety minutes before the meeting began, the city hall was crammed with excited people and large crowds gathered in the town gardens outside to listen through loudspeakers. Patriotic songs were sung with 'extraordinary fervour'; scenes of 'unprecedented enthusiasm' greeted every mention of the Union Jack. The well-known Labourite, J.W.Coleman, spoke with tears running down his cheeks. The crowd cheered for nearly four minutes following a rendering of Kipling's 'English Flag'. An amended motion, substituting the word 'demand' for 'request' in calling upon the Government to abandon the Bill, was passed unanimously and the Mayor of Johannesburg, A.Law Palmer, in moving the principal resolution, warned that they were perhaps, 'on the

77. Cape Times, 31 May 1927; Natal Witness, 28 May 1927.

78. Cape Argus, Cape Times - 24 May 1927.

eve of a racial war.⁷⁹

During the Select Committee's deliberations, the protests continued. Hours after the Committee first met, a large and impressive meeting was held in Johannesburg. Two hours before speeches were due to start, people began to arrive, being conducted to their seats by some 380 stewards. Their conspicuous presence was intended as a safeguard against possible violence, for feeling in Johannesburg was running high; branch leaders in the city had called upon fellow Nationalists to stay away from the protest in order to avoid a serious clash. On the morning after the meeting, reports declared that the roof, floors and walls of the city hall had reverberated to the sounds of British patriotic and other popular songs - sung with 'hearty fervour from the throats of thousands of people'. Beneath Durban's monster Union Jack,⁸⁰ the speeches, including those of three Afrikaans-speakers, were delivered. The Mayor declared that they were standing on sacred ground that night, writing the pages of history which might determine peace or strife in South Africa for a hundred years. He challenged Creswell to fight an election on the flag issue, attacked Malan as an 'unbending political theoretical fanatic' and declared that if passed, the Flag Bill would be

79. The Star, Cape Times - 26 May 1927.

80. This flag, which measured 60ft. by 30ft. and weighed 80lbs, was claimed to be the largest Union Jack in the Dominions. It was slung horizontally from wall to wall like a ceiling. The republican flags of the Transvaal and Free State were hung above the platform where another Union Jack was pricked out by means of coloured lights in front of the organ (The Star, 6,7 June 1927; Hansard, vol.9, 5457, Reyburn, 21 June 1927).

'the most immoral political act ever perpetrated by a South African Parliament.'⁸¹ Though the Nationalist press tried to belittle the protest,⁸² in the view of one generally objective observer it had been 'a very fine meeting'.⁸³ In the next few days, more protest meetings took place at Maitland, Pinetown, Ladybrand and Somerset West.⁸⁴

At the time of the Select Committee's deliberations, a Nationalist Senator observed that never in his life had he seen the country 'so much in the boiling pot'; feeling amongst Afrikaners was more intense than at the time of the Jameson Raid.⁸⁵ On 26 May, the aged banker Lewis Michell noted in his diary: 'Flag Bill [is] becoming more and more likely to break up the Union!'⁸⁶ One week later, Smuts informed a close friend: 'Feeling is running higher than it has run since the Great War - and that is saying a good deal.'⁸⁷ Neither Michell nor Smuts was given to

81. Rand Daily Mail, Cape Argus, Die Burger - 7 June 1927.

82. See Die Burger, 8, 10 June 1927; Die Volksblad, 8 June 1927; Ons Vaderland, 10 June 1927.

83. S.P. vol. 40, no. 233, 11 June 1927, Cohn to Smuts.

84. Cape Argus, 8 June 1927; Cape Times, 8, 9, 11 June 1927; Die Volksblad, 9 June 1927; Die Burger, 13, 14 June 1927.

85. The Star, 20 June 1927.

86. Lewis Michell Papers, 26 May 1927, see also 27, 29 May, 1 June 1927.

87. S.P. vol. 39, no. 292, to Gillett, 2 June 1927.

exaggerated comment. Undeniably the mood of the country in many areas had become ugly. At Bedford, Union Jacks at a sports ground had been torn to pieces and trampled underfoot.⁸⁸ As we have seen, at Pietermaritzburg Reyburn's name on a cornerstone had been defaced and in Durban threats against Malan had forced a cancellation of his visit. At Johannesburg the presence of hundreds of attendants at a protest meeting and the appeal of Nationalist leaders to their followers to stay away from it, showed how seriously the possibility of violence was taken.

References to the possibility of 'racial' and civil war, made at protest meetings, and also dealt with in the press, contributed to the threatening situation. When Bailey commented on events in the Union in the London Evening Standard, Die Burger published his views under a full page headline: SIR ABE BAILEY PRAAT VAN BURGEROORLOG. It reported him as saying: 'Die Suid Afrikaanse volk is rusteloos en lig ontvlambaar, en die geroep van burgeroorlog is op die lippe van 'n groot aantal verantwoordelike, nugtere mense.'⁸⁹ At Durban's protest meeting there had been talk of the Union being 'on the eve of racial war', and at Johannesburg's of the possibility of peace or strife for the next hundred years. Elsewhere, comparisons were

88. S.P. vol. 37, no.65, letter from a Somerset East correspondent, 8 June 1927; Cape Times, 27 May 1927.

89. 9 June 1927. See also p 364 (for talk of civil war).

drawn with conditions before the Anglo-Boer War and open reference made to the possibility of bloodshed. At a Mooi River protest meeting one speaker declared, to loud cheers, that the flag controversy 'was one that must be fought out. If it is forced upon us we will resist'. Another warned, amidst acclaim, that 'when we can see that, by pulling down our Flag we were meant to become republicans, there was going to be bloodshed.' He recalled the circumstances that had led to war in 1899 and saw the same conditions; he hoped the Government would see a way out, otherwise, 'civil war was coming.' Repeated cheers were raised for the throne and Union Jack.⁹⁰

It has already been noted that after the first reading Smuts was warned that a number of persons had 'the hatching of a kind of Jameson Raid in their minds' if Malan's flag were hoisted. On 6 June, the Natal Witness's parliamentary correspondent reported that a 'man of thirty years political experience' had assured him that the Government was 'on the run'; 'certain developments' in the Eastern Cape had made the Government 'fearful of more than election excitement' if the country was exposed to a referendum.

Whatever authority was attached to such information, the country's mood was undeniably disquieting. On the third day of the Select Committee's sitting, the Rand Daily Mail warned that the protest meetings

90. Natal Witness, 2 June 1927.

being held throughout the country reflected the resentments and passions being experienced by the opponents of the Bill. 'Settle it now', was the title of its editorial. The advice required no emphasis.

The Government's problem

Yet how was the struggle to be settled? Several factors and circumstances had to be taken into account. Without the incorporation of the Union Jack, no flag was likely to be generally accepted by the opposition. This much had finally become clear to the Government. The unyielding resistance of the Opposition in the second reading, the spirited assertion of the opposition's right to be represented in a national flag in a manner acceptable to it, and the obvious sincerity of many of the Opposition speakers could not have failed to impress Cabinet members. In addition to the effect of this resistance inside Parliament must be added that of the agitation outside it and the threatening mood thereby produced in the country. A referendum - which the Government might well lose⁹¹ - was certain to exacerbate matters and possibly lead to a serious disruption of peace and order. These were considerations of the very greatest importance.

Furthermore, immediately before the Select Committee met, the

91. See pages 257-8 and 284-5.

political danger of submitting the flag issue to a trial by votes was driven home in the clearest possible way. Taking advantage of an irregularity, the S.A.P. unseated the Nationalist M.P.C. for Hopetown and re-fought the election. It turned a Nationalist majority of 166 to a minority of 49. Though Die Burger's report tried to play down the role of the flag question in this surprising defeat, The Star attributed the victory to improved organization and to the flag question. The Nationalists, it said, had fully expected to win the seat because they believed people in the north-western Cape did not share the same feelings for the Union Jack as people elsewhere; the result had proved otherwise.⁹² The unexpected result evoked a great deal of discussion in the corridors of Parliament where it must have given much food for thought, particularly to those Pactites who were about to serve on the Select Committee.

Amongst these was Hertzog. At just this juncture he received two private letters which probably gave him added cause for concern. The first arrived from Frankfort and came from a minister in the Dutch Reformed Church in the Free State. Declaring that he was interested in the flag question, he added:

Ek merk, dat vooraanstaande plaaslike nasionaliste [in Frankfort] bekommerd begin te word oor die ewentuele uitwerking van hierdie saak. Meer dan een het al die vrees geuit dat dit tot die val van ons Regering kan lei, daar vermoed word dat die arbeiders by de volgende eleksie die stem van die Engelse gaan verloor. Al te graag sien ek weer 'n Nat. regering aan die bewind. Daarom

92. See The Star, 1, 2, June 1927; Die Burger, 1 June 1927; Cape Argus, 6 June 1927.

skryf ek. Sal die vertraging van hierdie kwessie nie die gevreesde afweer nie? Kan daar nie op die duur meer gewin word nie deur Festina Lente?⁹³

The second letter was from one of these 'vooraanstaande' local Nationalists. He bluntly declared that the Flag Bill should never have been presented; the right time for it would have been after the next general election. He was very much afraid about the political future: 'daar is 'n baie slegte gevoel en agteloosigheid en ek kan nie genoeg waarsku maar daar is baie van ons mense wat baie hard gewerk het wat verwaarloos is en wat nooit in ag geneem word'. Nationalists had lost their unity and spirit. Now they had lost Hopetown and he was convinced they would also lose the next general election. He concluded his pessimistic letter with an appeal for a flag settlement.⁹⁴

However, counterbalancing to some degree such appeals and the often vigorous and impressive agitation of the opposition, were the Nationalist Party resolutions supporting Government flag policy. During the period of the second reading and Select Committee nearly another sixty were passed by representatives of local or district branches, or, in a few cases, by the branches as a whole or public

93. P.S.M.I. vol. 3, letter from Ds. J.P. van der Walt.

94. H.P. vol. 28, letter from N.J. van Wyk. See also Sen. D.J. Malan Papers, June 1927, for Free State Nationalists' general dissatisfaction with the Government's treatment of the Province.

meetings.⁹⁵ Though an examination of the gatherings at which these resolutions were passed reveals that many Nationalists would have preferred a flag other than the 'Red Cross flag', all final resolutions asked for the exclusion of the Union Jack. Thus, while the Government could with little embarrassment introduce a new design on the grounds that design no. 2 had not gained the wholehearted support of Nationalists - and had also been opposed by many English-speakers - it would be more difficult in the face of the resolutions against it to incorporate a Union Jack. Yet if the Government were to rid itself of the flag incubus and turn the public's interest to more fundamental (and politically advantageous) issues, like Native policy, some plan would have to be made for including the Union Jack in the new flag. Party resolutions had made this more difficult. But practical politics had made its inclusion imperative, and with ingenuity it was possible.

95. P.S.M.I. vol.3; Die Burger, 31 May, 2-4, 7, 14, 15, 23 June 1927; Die Volksblad, 26, 28, 31 May, 6, 10, 13, 14, 16, 17, 20, 21, 24 June 1927; Ons Vaderland, 3, 14 June 1927.

Of these resolutions some 26 were from the Orange Free State, 15 from the Cape Province, 14 from the Transvaal and 2 from Natal. Thus from the beginning of April 1927, altogether about 220 resolutions supporting the Government's flag policy had been passed. They were made up as follows: Cape Province - 150, Free State - 40, Transvaal - 30, Natal - 3 (see pp. 309-10, 314-5).

The 1927 Select Committee

When the Select Committee⁹⁶ met on 6 June 'to consider and report upon' the Flag Bill, the S.A.P. representatives had no intention of helping the Pact out of its dilemma.⁹⁷ So long as racial feeling and jingoism remained within manageable bounds, the flag controversy was an asset to the S.A.P.⁹⁸ It would probably be quite fair to say that Smuts saw his Party as being on a good wicket.⁹⁹ Two weeks earlier he had held out his 'olive branch'. Yet even this small offer had not been generally welcomed by his supporters some of whom were now condemning the Select Committee as mere 'eye wash'¹⁰⁰ and as a gesture of despair on the part of the 'arch representative of little

96. Its nine Pact members were Hertzog, Malan, Roos, Boydell, Barlow Kentridge, J.H. Conradie (Gordonia), W.H. Rood (Barberton) and J.B. Wessels (Frankfort); the six Opposition members were Smuts, Watt, Duncan, Krige, Close and Robinson. Hertzog was elected Chairman of the Committee which, after deliberating from 6 to 17 June, brought out a report entitled, Report of the Select Committee on the South African Nationality and Flag Bill (hereafter cited as S.C. 12-27).

97. See S.P. vol. 39, no. 195, Smuts to wife, 6 June 1927.

98. See pp. 177 ff.

99. For Smuts's use of this idiom with regard to the value of the new flag design to the S.A.P., see below.

100. Cape Argus, 3 June 1927.

Afrikanerdom' who was, in effect, appealing to the S.A.P. 'to permit the Government to escape from the altogether impossible position in which it has placed itself.'¹⁰¹ Clearly the Government was seen as being on the run and on 4 June the Natal Witness warned that even if the Pact were to meet Smuts by providing for the flying of the Union Jack on all occasions, one could not be sure that he would now carry the British section with him; Smuts might run the risk of splitting the S.A.P. if he accepted such an offer. On the previous day the Cape Times had enjoined: 'no compromise on the side of the opposition'. Thus even if it had wanted to, the S.A.P. would have found it most difficult to abandon its oft-stated position. Happily for the Leader of the Opposition, no such problem existed. The wishes of his supporters and the interests of his Party appeared to be one.

In the first few days of the Committee's deliberations,¹⁰² the S.A.P. representatives tried to persuade the Pactites of the wisdom of postponing the Bill;¹⁰³ when the latter proved immovable on this point it became politic for the S.A.P. to propose its own design in response to those of

101. Natal Mercury, 3 June 1927.

102. Unfortunately the Select Committee's Report gives very few details of the discussions on the flags and of the first week's deliberations declares only that it 'proceeded to the consideration of the various Clauses of the Bill.' This laconic formula was probably agreed upon to ensure that talks were as frank as possible, and it was probably for this reason too that the press was requested not to report any of the Committee's activities - a request which it honoured. Consequently we learn little of the Committee's deliberations from the press other than of the fluctuating moods of optimism and pessimism the talks produced in Parliament.

103. Hansard, vol. 9, 5446, Smuts, 21 June 1927.

the Pactites. This the S.A.P. had so far avoided. If the Government was determined ^{to} give the country a clean flag despite the Opposition's advice, then the onus lay with the Government to provide it. However, a stage had now been reached where it could be disadvantageous if the Party failed to produce a flag in keeping with its requirements. Refusal to do so might give weight to charges that the S.A.P. had evaded its responsibilities and in practice could not produce a flag to meet even its own needs.¹⁰⁴ Thus, one week after its commencement, Smuts suggested a design to the Committee.¹⁰⁵ Consisting of a white cross divided quarterly, its top left corner contained the Union Jack, top right - the Free State Vierkleur, bottom left - the Transvaal Vierkleur, and bottom right - a springbok on a blue field. They had put forward 'a rather nice looking flag', Smuts wrote a few days later, but the Government had rejected it because it said the old flags were too prominent and attracted too much attention.¹⁰⁶

Having suggested - but not pressed ¹⁰⁷ - a design which met their own needs, and seen it rejected, the S.A.P. did not present another. Instead, towards the end of the Committee's deliberations it proposed the appointment of a new commission consisting of the President of the

104. It had been the Government's intention to force the S.A.P. to produce a flag in the Select Committee (see Malan, p.123; Hansard, vol. 9, 4227, Hertzog, 27 May 1927).

105. S.C. 12-27, p. ix.

106. Hansard, vol. 9, 5446, Smuts, 21 June 1927; ibid. 5452, Hertzog, 21 June 1927; S.P. vol. 39, no. 226, to Stallard, 18 June 1927. This flag, with four stars substituted for the springbok, was to be proposed by the Senate. See page 263.

107. See Hertzog's comment: '...they showed a flag in the select committee - we heard nothing further about it...' Hansard, vol. 9, 5361, 20 June 1927.

Senate and Speaker of the Assembly who, with the aid of others chosen by them, would design a national flag. Its design would embody the Union Jack and former republican flags 'as integral and substantial portions' and, not later than six months after its publication in the Gazette, the design would be submitted for the approval of Parliament as the national flag.¹⁰⁸ The S.A.P. representatives maintained that this plan would provide more time for the cooling of tempers and for dealing with the flag problem.¹⁰⁹ But as its adoption might have carried the flag controversy into 1928, bringing it nearer to the general election, without any guarantee of a settlement, it is not surprising that the Pactistes rejected the proposal.

Instead they put forward their own plan. A Committee, appointed and chaired by the Speaker of the Assembly, would include the Minister and thirteen other Members of the House. It would try to design a flag subject to the same principles laid down for the Select Committee. Majority acceptance of a design, approved by the Minister of the Interior, would be published in the Gazette not later than 13 September; this design - which would therefore not require parliamentary approval - would become the national flag.¹¹⁰

108. S.C.12-27, p.xii. This proposed body was later referred to as the Speaker-President Commission.

109. Hansard, vol.9, 5446. Smuts, 21 June 1927.

110. The proposed Committee was known as the Speaker's Committee. S.C.12-27, p. xii.

Far more important was the Pact representatives' second proposal. On the same day as the S.A.P. representatives put forward their flag, those of the Pact proposed an entirely new design. The 'Red Cross flag' was dropped; in its place appeared the 'shield flag'. Taking as its background the van Riebeeck colours - horizontal stripes of orange, white and blue - it had in the middle of its white stripe, 'within a blue bordure and a white inner bordure', a shield divided quarterly containing the Union Jack, the Transvaal Vierkleur, the Free State Vierkleur, and four white stars on a blue field.¹¹¹ Thus, the Union Jack had finally appeared in the national flag. Furthermore, alongside it lay the republican flags. Though these three flags were small, on the face of it the Government had made important concessions and the S.A.P. had won a major victory. But the S.A.P. representatives objected to the small size of the flags and, more important, to their enclosure in a shield. This enclosure, they argued, meant that the flags were not integral parts of the design. Hence, when Hertzog, on the final day of the Select Committee's deliberations, offered to double the size of the Union Jack in the shield,¹¹² the S.A.P.'s chief objection (the enclosure of the flags) remained, and agreement between the two sides on the design for a national flag could not be reached. Nonetheless, the 'shield flag' was soon to appear in

111. S.C. 12-27, p. xviii. See pages 262-3 for pictures of the various flags.

One of the flags proposed by the Government's Flag Commission had been the van Riebeeck flag with a white cross. The shield had now been substituted for the cross (Malan, p.124).

The design was later reported to have originated with Hertzog (Die Volksblad, 2 July 1927; Die Burger, 6 July 1927), but the idea of a shield (though with different contents) was suggested earlier by J.A.I. Agar-Hamilton who served on the Flag Commission (Pierneef Papers, vol. 3).

112. The Star, 4 August 1927, Kentridge. The Union Jack would then have occupied the top half of the shield.

the amended Flag Bill. The Government decided to adopt it. Despite repeated assurances to the contrary, the Pact had yielded on vital issues. How had this come about?

The mechanics of compromise

From what has already been said, it may be seen that a powerful argument could be made for flag concessions: the 'Red Cross flag' had not gone to the hearts of many Nationalists (and most Labourites); flag agitation had created a most unhealthy political mood; a referendum might deal a blow to the Pact and it could seriously disrupt public order; divided loyalties had created urgent problems for Labour and benefitted the S.A.P.; even the Nationalists might be losing support - as the loss of Hopetown seemed to indicate.

There was a further argument that could be advanced. If a suitable flag design was found which included the three flags the Opposition demanded, it could be used to divide the S.A.P. and siphon off some of its supporters, particularly those Afrikaners whom Malan and other Nationalists were so anxious to win. For while the S.A.P. as a whole was agreed on its demand for all three flags, there could be marked differences of opinion in it on, for instance, the required size of these flags or the manner in which they ought to be included. What English-speaking Natalians might reject outright, Afrikaans-speaking Transvaalers might find satisfactory. In this

way the S.A.P. might be manoeuvred into an unfavourable position. The Pact could maintain that it had given the S.A.P. the three flags it wanted and then attempt to drive a wedge between its 'moderate' platteland Afrikaners and its dissatisfied 'loyalists'. Without the incorporation of these flags, the S.A.P. would probably stand firm on the flag issue; with their inclusion, it might not. Such arguments could well have been presented in the Cabinet by Roos, Boydell, Madeley and others.

Just before the first reading Smuts expressed fear to his wife that the Nationalists aimed to raise racial feelings so that they could coax his Afrikaans followers away from his English supporters.¹¹³ During the Select Committee's talks he confided that the Nationalists 'sal seker net genoeg ingee om ons in een moeilike keuse te stel.'¹¹⁴ The press and others were soon to charge that the 'shield flag' had been designed for these reasons.¹¹⁵ Certainly Ons Vaderland was to make a strong appeal to 'ons vrinde (sic), die ou-Sappe' through the 'shield flag', while Roos put out a call for this flag to be used as a bridge over which 'moderate' S.A.P.'s could cross to join the Nationalist Party.¹¹⁶

Finally, among all the arguments for concession one always

113. S.P. vol. 39, no. 140, 15 May 1927.

114. Ibid. no. 305, to wife, 11 June 1927.

115. See below.

116. 21, 24 June 1927; Die Burger, 25 June 1927.

dominated: the absurdity of a national flag which would divide the nation. Rejected in Natal, distasteful to roughly half the total (white) population, such a flag would be a grotesque contradiction of its purpose. Commenting on the second reading, one leader writer had declared:

...one great fact has emerged and it is one which no sane government can afford to completely ignore. It is the strength of the opposition to the Bill and its increasing intensity. And another point that the Government cannot afford to overlook is that this opposition is not centred in one portion of the Union; it is scattered from one end to the other...In these circumstances a measure pregnant with far reaching national consequences and carried by a majority of only fifteen with no proof that this exactly represents the division of opinion in the country, cannot with safety be forced upon the nation. In no sense can the flag adopted by the Government become a national flag, because it does not and cannot stand for the embodiment of a national consciousness.¹¹⁷

Once the Government had determined against any further postponement of the Bill, the only alternative, if a truly national flag was to be obtained, was to seek a speedy end to the conflict through compromise. Any imposed flag would be to its and the country's detriment.

Hertzog was no stranger to compromise on the flag issue. After the Imperial Conference he had wished to postpone the Flag Bill. Malan's threat to resign had precluded this move. When Hertzog had conceded that the Bill could go forward but suggested that a Union Jack should be included in the flag's design, Malan had objected to the form of the design containing

117. Grocott's Daily Mail, 4 June 1927.

a Union Jack which Roos had immediately proposed. Although there can be no doubt at all that Malan would have preferred a flag that did not include a Union Jack, it cannot be definitely said, from Malan's account of the Groote Schuur discussion, that he opposed Roos's design on the grounds that it contained a Union Jack. It could be argued that he objected to the design because its Union Jack seen against a plain background was too prominent. Its 'opgaande son' was presumably too conspicuous for his taste. ¹¹⁸

In all events, by June 1927 he was in a weaker position to make a stand against Hertzog on the flag issue than six months earlier, for all the problems arising out of the flag struggle could be laid directly or indirectly at his door. He was the Minister of the Interior who had inspired and introduced flag legislation. He was the Minister who, on threat of resignation, had opposed his Leader's desire to postpone the measure six months earlier, and there was no denying that as a result of the continued pursuit of flag legislation the Pact was in great difficulty. Benefit of hindsight had made it abundantly clear that it would have been prudent to accept Hertzog's suggestion in December; because Malan had not, the Pact was fighting with its back to the wall and it would continue to do so until the flag issue was resolved.

118. See Malan, pp. 120-1: Die Burger (Malan), 1 February 1927.

Perhaps Hertzog's belief that his judgement should have prevailed in December 1926, fortified his resolve to obtain his way in June 1927. In addition to all the considerations already mentioned, Hertzog could point out to Malan and others that there were several features in favour of the 'shield flag' from the Nationalists' point of view. As a Free Stater, the Premier could claim that it met the objection that the 'Red Cross flag' contained no symbol of his Province. He could stress that the flag's background (the van Riebeeck colours) was entirely Dutch. He could emphasize that the origin of three-quarters of the shield was South African. True, a small Union Jack had been included, but more than ninety-five per cent of the entire flag was derived from the background of the Afrikaner. As for this Union Jack, in their flag it had nothing to do with Great Britain, its Commonwealth or Empire; it had been included to recognize English-speakers' past contribution towards building up South Africa.¹¹⁹ Could one take exception to that? Finally, the shield too could be seen as an ameliorative feature: the symbols it encased did not represent the Union of the present, the country in which they lived and for which they would sacrifice themselves, but a South Africa of the past - a land whose existence had ended. Thus, on a small shield, would stand a still smaller Union Jack, with neither representing the living South Africa.

119. Hansard, vol. 9, 5435, Malan, 21 June 1927. Malan maintained that the inducement to introduce the three flags on these grounds had come from Jagger's second reading speech (ibid.).

In the Cabinet Hertzog appears to have gained support for the 'shield flag' without difficulty. The Labourites, Boydell and Madeley, were doubtless in favour of concession in the hope of lessening their Party's problems. With Creswell abroad, they may have felt freer to take a stand against Malan, if such a need arose. Hertzog could certainly count on the support of Roos and probably gained that of Havenga, Kemp and Grobler without difficulty - all were later to support further flag concessions. Indeed, Malan's article's total silence on the Cabinet discussions which must have taken place on the 'shield flag' is noteworthy, and, if anything, tends to support the above view, perhaps even hiding the fact that the Cabinet decided to incorporate the Union Jack overwhelmingly if not unanimously.¹²⁰

In making new concessions rather than withdraw the Bill, the Government chose what it believed to be the 'lesser of two evils'. Withdrawal would have brought greater loss of face, a perpetuation of the flag issue at election time and all the attendant disadvantages already discussed. Practical political considerations had been the determining factor and private susceptibilities on the Union Jack had been forced to bend to political needs. But to meet the inevitable - even if lesser - loss of face for the further concessions, and the bitter disappointment of those

120. On 21 June 1927 Malan told the Assembly that he thought the 'shield flag' was beautiful (Hansard, vol. 9, 5435-6).

who had come to believe that the flag would never contain the Union Jack, the Government had prepared a design in which the presence of the Union Jack had been cushioned by several features. However, these very features - the shield and its small flags - were to be denounced by the opposition, and it was his anticipation of this that led Smuts, on the day after the Select Committee dissolved, to inform Stallard: 'we are on a fairly good wicket'.¹²¹

121. S.P. vol. 39, no. 226, 18 June 1927.