

# **Contradictions of community within local government in the 1950s with reference to municipal beer trading**

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## ***Samevatting***

Hierdie artikel beskryf die etiese dilemmas waarin munisipale amptenare in die 1950s hulleself bevind het, veral rakende die munisipale bierbrouery in die swart woongebiede. Hierdie ervarings illustreer die patriargale verhoudings tussen swart en blanke gemeenskappe, en die paternalistiese politieke denke van hierdie era. Die onderliggende probleem was dat blanke amptenare probeer het om swart inwoners se reg om bier te gebruik binne 'n konteks van inheemse gemeenskapsreg verstaan het, en nie as 'n vorm van moderne, individuele regte nie. Drie hoofemas word hier geanaliseer: bierbrouery as 'n teenvoeter vir probleme van moderniteit en sosiale dissipline; die rol van kulturele verskille wat patriargale sisteme van beheer aangemoedit het; en die morele probleme van winste as gevolg van bierbrouery, in 'n konteks van paternalisme. Die artikel beskryf hoe die munisipale amptenare hulle morele besware uiteindelik oorkom het, in 'n konteks van Verwoerdiaanse voorskrifte op munisipale segregasie en rassedominasie.

### **Keywords:**

Patriarchalism; Paternalism; Municipal beer; Apartheid; Local government; IANA.

## **Introduction**

The introduction of municipal beer trading provides a useful lens through which to examine the workings of patriarchal relationships, and the political morality of paternalism within the context of 1950s urban local government.

This article commences with an overview of some of the views expressed in the historical literature regarding municipal beer trading. Thereupon three

main themes which informed debates surrounding beer production will be explored, viz.:

- the introduction of beer trading as a response to problems of modernity and discipline;
- the role of cultural difference, tradition and community boundaries as patriarchalist justifications for municipal beer trading; and
- the questions of paternalism, morality and the issue of profit-making from beer sales.

In general, commentators' insights regarding beer-brewing have tended towards superficiality and have failed fully to integrate the phenomenon with prevailing dynamics in the societies at large. Most notably, the motivations of the City Councils are usually presented very one-dimensionally, thus losing sight of the intense debates and contradictory sentiments which characterised the positions of all the parties. This essay will attempt to synthesise and elaborate on these insights, in order to highlight the development of modernity and 'discipline' in the cities; the ambiguities of urban community during the 1950s; and the nature of paternalistic moral action in perplexing dilemmas.

It will be argued that the question of controlling beer production was pursued by white Local Government Councillors in the hope that they could raise the social tenor of the townships, exert some control, and finance township improvement. The Councillors equated township beer production with squalor and deprivation, and consequently, they were predisposed to restrict or prohibit it. These motivations can be characterised as an impulse to impose a modern form of 'discipline', in the Foucauldian sense. Such ideals were defined as being in the interests of the African residents themselves, and justifiable to white Councillors, in terms of the prevailing paternalistic ethos to intervene extensively in the lives of African residents. The same type of paternalistic but coercive interventions were made in European societies during early modernity, as Michel Foucault has described.<sup>1</sup>

However, the parameters of the urban patriarchal ethical order in the 1950s were still unclear. African opposition to municipal beer production had some moral leverage. The municipal officials' ethical perspectives were also divided, and this prevented a coherent and sustained response to the pressures exerted by

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<sup>1</sup> M Foucault, *Madness & civilization: A history of insanity in the Age of Reason* (London, Tavistock, 1967); M Foucault, *Discipline and punish: The birth of the prison* (New York, Vintage Books, 1979).

the Native Advisory Board. Eventually, by the mid-1960s, most municipalities introduced beer brewing, in the context of growing Verwoerdian pressure to reform municipal administration along segregationist lines of control. The paper shows how the changing social and political context encouraged municipal officials to take morally uncomfortable decisions. This does not trivialise the significance of their normative debates, because political actions are often undertaken despite moral qualms.

### **Perspectives on beer trading & production in African townships**

Historians have often presented municipal beer trading in terms of a rather crude notion of ‘interests’. Edwards, for example, says that the Durban City Council, “despite a critical housing shortage, was allocating large sums from Native Revenue to erect beerhalls”<sup>2</sup> without really considering the constraints under which municipalities were operating and the choices which they had to make. In Cohen’s analysis of the municipal campaign against beer brewing in Benoni during the 1930s, the beer issue is linked to that of influx control. According to Cohen, the Council regarded unattached women as a source of crime and disease. The Council attempted, therefore, to prohibit beer-brewing, which was these individuals’ main source of livelihood, in the hope that they would then be forced to leave the location.<sup>3</sup> Similarly, Eales refers to Johannesburg municipal officials’ concern with the crime and prostitution which always seemed to be associated with beer-brewing.<sup>4</sup>

A second theme in the historical literature features the ‘history from below’ approach, and looks at the sentiments of township dwellers regarding beer. Cohen says that household “beer brewing became a source of revenue and [beer consumption] an avenue of escape”.<sup>5</sup> Eales points out that beer production and consumption played an integral part in many African customs and ceremonies in the cities.<sup>6</sup> According to la Hausse, “For the majority of workers the brewing

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2 I Edwards, “Swing the assegai peacefully? ‘New Africa’, Mkhumbane, the co-operative movement and attempts to transform Durban society in the late 1940s”, P Bonner, I Hofmeyr, D James & T Lodge (Eds), *Holding their ground: Class, locality and culture in 19<sup>th</sup> and 20<sup>th</sup> century South Africa* (Johannesburg, Witwatersrand University Press, 1989), p. 71.

3 J Cohen, “Twatwa: The working class of Benoni during the 1930s”, *African Perspective*, 20, 1982, p. 91. Cohen provides no references to back up his claim.

4 K Eales, “Patriarchs, passes and privilege”, P Bonner, I Hofmeyr, D James & T Lodge (Eds), *Holding their ground...* p. 111.

5 J Cohen, “Twatwa...”, *African Perspective*, 20, 1982, p. 82.

6 K Eales, “Patriarchs, passes and privilege”, P Bonner et. al, *Holding their ground...*, pp. 109-111.

of beer was both traditional and ‘a national right’ of which women, in particular, had been deprived”.<sup>7</sup> African resistance to municipal brewing is a common theme in the literature.<sup>8</sup> In particular, the Native Advisory Boards, which had to advise the white municipalities, were assertive in expressing opposition to the white city fathers. The role of the Native Advisory Boards, caught between the local authorities and black residents, received scant treatment in the literature.<sup>9</sup> There has, until now, been a lacuna in the story of municipal beer halls. The normative perspectives of municipal officials have never been explored. In the next section, the complexity of municipal debates on beer brewing is outlined.

### **Municipal officials and beer production**

A common view amongst local officials was that domestic beer brewing contributed to social distress. For example, the Native Affairs Manager of Johannesburg concluded, after a lengthy study tour through several South African cities, that home-brewing contributed to social problems. It promoted an influx of visitors into the locations at weekends, with the effect that crime increased and the “peace and quiet of residents were seriously impaired”. Black home owners were officially allowed to produce a certain amount of beer per resident. This encouraged householders to take in sub-tenants in order to increase the quota of beer for the household and this, in turn, led to overcrowding. A common view taken by officials was that “domestic brewing [did] not remove the incentive to illegal brewing, but acted as a cloak to it”, and produced a “deterioration in health, morals and crime”.<sup>10</sup> According to a prominent advocate of municipal beer production, a Dr Bang of Pietermaritzburg, the “illicit sale of this beverage, with its adulterations” was often accompanied by prostitution, and the use of children as touts for customers. “What an education for a child!” he exclaimed at a 1956

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7 P la Hausse, “The message of the warriors: The ICU, the labouring poor and the making of a popular political culture in Durban, 1925-1930”, P Bonner, I Hofmeyr, D James & T Lodge (Eds), *Holding their ground...*, pp. 36, 43.

8 For example, P la Hausse, “The message of the warriors...”, P Bonner et. al, *Holding their ground...*, pp. 35-8; I Edwards, “Swing the assegai...”, P Bonner et. al, *Holding their ground...*, p. 71; and J Cohen, “Twatwa...”, *African Perspective*, 20, 1982, p. 91.

9 For the composition of Native Advisory Boards see D Atkinson, “Complex negotiations in local governance: The municipal beer hall debate in East London, 1956 to 1962”, *New Contree*, 55, May 2008, p. 95.

10 Report by Mr. LJ Venables to Johannesburg City Council, 1948, quoted by SF Kingsley, “Drankverskaffing deur Munisipaliteite”, South African Bureau for Racial Affairs (SABRA), *Drankverskaffing en die Bantoe*, Symposium Proceedings April 1957, pp. 20-21.

conference of township administrators.<sup>11</sup>

Bang's sentiments were echoed by Mr. Buitendag of Germiston, who provided a critique of domestic production on several counts:

- Control over quantity, quality or alcoholic content was impossible;
- The alcoholic content of 'kaffir beer' and 'other concoctions' was usually several times higher than that of beer brewed by urban local authorities;
- Beer was brewed under unhygienic conditions;<sup>12</sup>
- The presence of large numbers of males living under single conditions encouraged the commercialisation of 'kaffir beer', and, when supplied by liquor queens, the price was several times that charged by local authorities;
- "Natives congregate[d] at liquor dens, and fights, assaults, disturbances and immorality usually [took] place at such drinking parties";
- "Very often Natives land[ed] up in hospital at the expense of the European taxpayer after drinking some of the homemade kaffir beer or concoctions"; and
- "The S.A. Police [had] on numerous occasions" condemned home brewing.<sup>13</sup>

In contrast to the prohibitionist controls on 'European liquor', municipal officials did not advocate prohibitions on "beer consumption", but on "alcohol production". The proposal to institute municipal brewing was part of a reformist and disciplinary impulse. A 1941 Commission of Enquiry, for example, had proposed "the increase of sympathetic and efficient control of the urban Natives by the employment of competent and experienced municipal officials" and had stated that "while there is an expressed preference by Natives for the system of domestic brewing, such a system cannot meet the requirements of all Natives in the Municipal area".<sup>14</sup> Dr Bang, who quoted the Commission's sentiments, was convinced that a municipal monopoly in beer production would remedy these evils. He went on to maintain that Durban's municipal brewing system "has

11 Institute of Administrators of Non-European Affairs (IANA), Fifth Annual Conference proceedings, Bloemfontein, September 1956.

12 Dr Buitendag had reason to be concerned. An East London surgeon, Dr RJW Burrell, published a paper entitled "Oesophical cancer in the Bantu", in which he correlated cancer to consumption of illicit liquor. Shebeen queens wanted to produce a narcotic draught which would produce a quietening semi-anaesthesia in the consumer, but also pass off sufficiently quickly to induce him to drink more. The shebeen queens used 44-gallon drums, previously used by the oil refineries to distribute cut-down petroleum asphalt. The drums were used to brew a mixture of domestic beer containing baker's yeast, crude carbide, liquid metal polish and damaged or mouldy fruit. This combination contained a high level of carcinogens, IANA Fifth Annual Conference proceedings, Bloemfontein, 1956.

13 Memorandum included in East London Township Manager's report to Native Affairs Committee (NAC), 6 November 1956. East London Municipal Minutes, held at East London Municipal Archives.

14 Quoted by Dr Bang, IANA, Fifth Annual Conference proceedings, Bloemfontein. 1956, p. 66.

resulted in a very marked decrease in crime; and shebeening - once the greatest trouble confronting the Police - has, in towns, practically ceased". He further quoted the Commission to the effect that the cultivation of "healthy, congenial and peaceful conditions" in beer halls "would sustain the interests of the Natives during their leisure hours". The beer halls would also provide "a hygienic and pure beverage".

These arguments for enhancing the welfare of Africans inevitably provided for the intrusion of the state into civil society and private life. However, it would be simplistic to dismiss officials' arguments as convenient pretexts to enable them to extend their powers. To any observer, the evidence of social decay in the townships was undeniable. The officials interpreted the problem in ways that made the most intuitive sense to them. They were struck by the fact that black residents were susceptible to exploitation by shebeen owners, sometimes leading to real suffering and moral decay. A responsible local government was morally obliged to intervene.

This view was reinforced by the evidence of sophisticated research on the topic. Annual conferences were held by the Institute of Administrators of Non-European Affairs (IANA), where officials tasked with 'native administration' grappled with policy questions. At the September 1956 IANA conference, held in Bloemfontein, Dr Schwartz spoke at length about the research conducted regarding modern ways of producing traditional beer.<sup>15</sup> He expressed his appreciation for IANA's support of research pertaining to "kaffircorn malting and kaffir brewing" at the Council for Scientific and Industrial Research (CSIR), where a 'Kaffir Beer Fellowship' had been established. Research was being conducted on various topics, such as the quality of kaffircorn malt, the nutritional value of kaffir beer, the development of dispensing meters, and appropriate tankers for the transport of beer. In 1955, a 'Technical Committee for Kaffir Beer Research' had been established consisting of representatives of local authorities, Chambers of Commerce, and the Departments of Native Affairs and Agriculture. It operated under the patronage of IANA.<sup>16</sup>

Due to these efforts, significant results were obtained. New stainless steel drums speeded up the brewing period. Using this technology, local authorities

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15 Schwartz discussed a paper entitled "Current research on Kaffir Beer at the South African Council for Scientific and Industrial Research", IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, pp. 70-78.

16 IP Ferreira, Township Manager of Vereeniging, "Die brou en verskaffing van kafferbier, met spesiale verwysing na moderne tendense", South African Bureau for Racial Affairs (SABRA), *Drankverskaffing en die Bantoe*, Symposium proceedings April 1957, p. 12.

could double their production and reduce costs. Lectures on all aspects of the industry were given to municipal staff by CSIR experts, and an examination board tested the capabilities of municipal brewers.

This display of scientific rigour made a great impression on the municipal officials at the 1956 IANA Conference, eccentric as some of it may appear to us today. It also points to a more fundamental characteristic of modernising societies, viz. the overriding importance accorded to scientific knowledge. The officials drew moral succour from the fact that highly qualified experts in responsible research institutes were producing a high-quality, nutritious beer. Compared to officialdom's visions of modern, gleaming, hygienic brewing plants, producing a steady flow of high-quality beverage, the shebeen queens' grubby 44-gallon drums represented the epitome of primitiveness and squalor. For officials groping towards modernity, the issue did not seem as petty or absurd as it may appear to contemporary historians. It was part of a modernising spirit that was sweeping the country - a spirit which, even today, still dominates our lives.

The emphasis on centrally guided research and expertise also eliminated another policy alternative, viz. the establishment of formal beer halls by black entrepreneurs. According to Mr. Buitendag, it was extremely doubtful whether township residents would have sufficient financial resources to establish and equip a brewery and beer hall:<sup>17</sup>

General experience has taught us that the usual Native business man is scarcely competent to run any type of business let alone a specialised business such as the manufacture and sale of kaffir beer.

Hence the inequality of access to scientific knowledge reinforced paternalism as a form of moral reasoning, for the employment of useful knowledge justified interventions, prescriptions and prohibitions in the lives of less qualified individuals.

This left two main policy options, each with a different configuration of controls and rights. These were, a municipal monopoly, or a dual system of beer production, permitting both municipal and domestic brewing. The latter could be instituted with or without a permit system for domestic producers.

These two policy alternatives each called for different kinds of intervention

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<sup>17</sup> East London Municipal Archives. Memorandum by Mr. Buitendag, in East London Township Manager's report to NAC, 6 Nov 1956.

in people's lives. The municipal monopoly lent itself to a more coercive form of paternalism, while the dual system held out more leeway for individual liberty. The choice was not an easy one. Even Dr Bang, who had researched the topic in detail, felt ambivalent about it. On the one hand:<sup>18</sup>

A municipal monopoly would do away with a great deal of unpleasantness and would create better relationships between the residents and the Police. Domestic brewing cannot be left uncontrolled, and it is a constant source of annoyance to the residents to be visited by the Police ... This friction would be avoided if there were no domestic brewing but a municipal off-sales supply ....

On the other hand, Dr Bang was also prepared to concede the advantages of a more permissive arrangement, in which the beer hall system could run concurrently with domestic brewing. He claimed that the introduction of municipal beer halls would benefit certain special categories of residents, most notably the "unattached Native, and the busy or lazy householders", who would be able to get beer easily and legally.

Each option represented an attempt to impose some kind of systemic control on a situation which threatened to get out of hand. The proposed controls tended to be self-defeating, since they were very difficult to implement. Whichever system was implemented, "some" form of domestic activity was still outlawed, requiring local officials to police household behaviour. The licenced domestic production of beer entailed numerous administrative difficulties: it would be virtually impossible to withdraw licences once issued; adulteration of beer could not be prevented; and it was unlikely that income from township revenue would cover the expense of effectively implementing the measures. On the other hand, a municipal monopoly would present its own set of problems. Outlawing domestic beer production necessitated restricting access to the ingredients, and local authorities would have to control residents' access to sprouted grain.<sup>19</sup>

Furthermore, the distribution of municipal beer was no easy matter. IANA delegates raised the possibility of 'congestion' at beer halls. According to Mr. Meyer of Kimberley:<sup>20</sup>

Here we are faced with the question of congestion and the large concentration of many people at one spot where they are all to be served at the Beerhall. This makes control very difficult.

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18 IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, p. 69.

19 IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, p. 67.

20 IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, p. 76.



For IANA officials, however, the problems of control in a municipal monopoly system were small when weighed up against the benefits of the system. This was all the more so when their stance seemed endorsed by all the scientific resources and authority provided by westernisation and modernity.

### **Beer production and the patriarchal order: The debate on cultural tradition**

Significantly, officials did not advocate the total prohibition of beer consumption. The issue of beer control did not become a form of prohibitionism, because of officials' awareness of the importance of traditional beer within African 'tribal custom'. The topic readily lent itself to exercises in amateur anthropology amongst the white officials. For example, Dr Bang maintained that, "among primitive people, custom was the binding force necessary for the well-being and solidarity of a tribe" and that the use of proper rituals in the manufacture of beer was of religious significance.<sup>21</sup> Mr. Meyer of Kimberley cited the various Zulu social rituals where beer played a large role, while Mr. Buitendag of Germiston stated that "one cannot help but be impressed with the significance this beverage played in ... tribal tradition".<sup>22</sup>

The argument for the importance of traditional customs entailed, in effect, that blacks, *qua* traditional natives, had a *right* to consume beer. According to Mr. Buitendag:

The beliefs and customs which centre around [beer] have had and continue to have a remarkable influence and significance even today and it is extremely doubtful whether they could ever be weaned from this tradition or whether any substitute could ever take its place in Native life and custom.

As will be elaborated on below, the recognition of this right would have two important implications: first, it was avidly defended by officials who wanted to reap beer profits for their Native Revenue Accounts; and second, it gave the Native Advisory Board a common understanding with the Council which they used quite successfully to confound the latter body's arguments for monopoly. Since all parties accepted the notion of Africans' customary right to drink beer, the debate then revolved around who should supply the beer in a manner which did not violate customary usage.

<sup>21</sup> IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, pp. 61-63.

<sup>22</sup> Memorandum, included in East London Township Manager's report to NAC, 6 November 1956.

Dr Bang argued that municipalities should have a monopoly on beer provision, since the traditional constraints on beer production and consumption were no longer effective. In the traditional order, “Tribal sanctions and training prevented over-indulgence ... Now that these sanctions have fallen away, some deterrent is essential - hence the very irksome but necessary statutory control measures of today”.<sup>23</sup> The argument from tribal custom could, however, be used to argue against municipal monopolies. According to Mr. Taljaard of Alberton, certain religious rituals which involved the consumption of beer could only be practised if beer was produced at home.<sup>24</sup> To incline people to do this illegally would expose them to the risk of prosecution, and this might provoke rebellion and unrest in urban areas. In fact, Mr. Taljaard came very close to rejecting municipal beer production altogether. His frustration consisted in that IANA members constantly made questionable assumptions about ‘native customs’, without inquiring further what these customs really meant to people in modern townships. Research into such spiritual issues should receive priority, he claimed. His argument was a strongly moral one: “If [IANA] could subsidise research into the best methods of beer brewing, the best types of meters, the best kinds of beermugs, how much more important are the human and spiritual dimensions of the issue!” However, his reservations were not heeded.

Mr. Taljaard’s views were symptomatic of a crucial tension in the arguments of advocates for municipal beer production. On the one hand, the consumption of beer by black residents was justified on the grounds of traditional custom; but on the other, officials were proposing to supply this beer in a modern, controlled way that conflicted with such customs. It was clear that many officials sincerely subscribed to both propositions. But in order to reconcile Africans’ right to consume with the municipalities’ right to produce they found themselves resorting to all kinds of semantic and logical gymnastics.

The fundamental problem was that officials, relying on habitual forms of argument, visualised Africans’ right to consume beer within the framework of African customary rights, instead of modern individual rights. This was ironic, for it would have been fairly easy to justify municipal production of beer on the grounds of modern governmental practice. It could have been argued that no modern society can allow private citizens to distil forms of liquor on their residential premises - especially if it is produced for sale!

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23 IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, pp. 61-63.

24 IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, pp. 78-79.

Such restrictions on production would have been quite compatible with individuals' rights to consume what they liked. The imbroglio over beer production therefore illustrates the extent to which officials were still trapped in pre-modern notions of authority and social structure. It was their intuitive view that Africans were still 'tribal' but in some undefined way. The central question was about Africans' place in the modern urban community. It was always unclear which tribal practices should be prohibited and which not. If Africans were, in a very real sense, still tribal, should their traditions be allowed to override the officialdom's conception of what their material welfare ought to entail? Should tradition or should modern conceptions of welfare prevail? And, significantly, if traditions were abandoned, what would this imply for official rationales for urban segregation?

The local officials were not alive to the significance of the fact that the 'natives' *were* becoming rather like the Europeans. Something had to be done about the social evils which afflicted urban Africans, but the ambiguities of the patriarchal order offered little guidance on the appropriate remedies. In retrospect, one can interpret the increasing felt need to superimpose municipal controls on the rapidly crumbling traditional ones as a forlorn attempt to combat the painful symptoms of social transition. This without an appreciation of the ways in which the nature of the urban community was changing.

### **To profit or not to profit?: Trading off moral imperatives against financial constraints**

It is remarkable how important it was to municipal officials and Councillors that the entire issue of beer production be addressed from a moral perspective. For example, at the 1955 IANA conference, Dr Bourquin from Durban asserted that, "A local authority's responsibility does not begin and end with its legal responsibility; it is under a moral responsibility in regard to all needs and grievances which arise within its area".<sup>25</sup> Similarly, Dr Bang began his 1956 IANA address by posing the question: "What is the right thing from an ethical point of view?"<sup>26</sup>

Dr Bang maintained that "apart from the material benefits accruing to natives through the municipal supply of kaffir beer, there were the indirect

25 Report of Judicial Commission on Native Affairs in Durban, 1947, quoted by Mr. Bourquin, IANA Fourth Annual Conference proceedings, Bloemfontein, 1955, p. 91.

26 IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, p. 61.

benefits”, such as:

- It would ensure a standard quality, and latest developments in “kaffir beer research” would be applied;
- Since profit would not be the first consideration, consumers would get the beverage at a price well within their means;
- Control over supply and consumption would prevent “excessive over-indulgence with the resultant benefit to the peace of the community”;
- Beer halls would provide places where Natives could eat and drink according to their social customs; and
- It would strengthen family life by reducing the attractions of shebeens.

In sum, the quest for an appropriate way of imposing a modern disciplinary order on the seemingly chaotic circumstances of the townships involved questions about moral issues on the part of officials. There was general agreement amongst IANA municipal officials that municipal beer production was a positive measure from a utilitarian perspective as it would benefit the African urban community. This threw up moral dilemmas of its own, however. Justifying a municipal beer monopoly in the face of ‘native custom’ was tricky enough but this still left the uncomfortable moral issue of profitability to be sorted out.

The Native Revenue Accounts of most townships usually faced a deficit. There were four main ways of responding to the need for desperately needed facilities in the African townships, viz.:

- by raising rentals,
- by drawing on local authorities’ General Rates Accounts,
- by ignoring the problem, or
- by introducing municipal beer sales.

The first and third options would only exacerbate the problems of black poverty.<sup>27</sup> Significant subsidisation via the General Rates Accounts was politically unthinkable. This seemed to leave the municipal beer hall proposal as the only viable option.

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<sup>27</sup> Dr Bang posed the question, “Where would the funds come from for such amenities as social centres, sports grounds, clinics, health services, old age homes, grants-in-aid to charitable organisations?”. Furthermore, he said, “It would be a terrific hardship on the great majority of Natives were they required to pay a fully economic rent on the existing type of housing in many locations”. IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, p. 68.

According to Section 19 of the Natives (Urban Areas) Consolidation Act of 1945, all monies received by an urban local authority from the sale of beer had to be credited to a sub-account of the Native Revenue Account, called the “Kaffir Beer Account”. The profits could be used for social and recreational facilities, social welfare, subsidising losses on sub-economic housing schemes, or for capital works.<sup>28</sup> It is significant, however, that the moral question was always at the forefront, betraying the presence of an anxiety about the morally decent course of action. It was a question concerning the moral responsibility of the white community towards their fellow black townsmen. In what way were whites financially responsible for the material welfare of blacks? If “controls” could be justified on the grounds of paternalistic benevolence, was this not then implicitly an argument for paternalistic “subsidies”? Mr. Meyer of Kimberley came the closest to articulating this problem when he asked:<sup>29</sup>

If profits on the sale of kaffir beer vanish completely, where must the revenue be derived from to balance the budget, to off-set losses on housing, losses in the reduction of rentals, and expenditure on works or services connected with a location, native village or hostel? Must it be borne by the ratepayers, or the residents of the locations, well knowing their economic position?

What made the beer issue so difficult was that municipal beer sales would not be an “addition” to, but a “substitute” for, a local authority subsidy on township expenditure. All the arguments that beer was nutritious, or that it formed an essential facet of black culture, or that a municipal monopoly would have the side-effect of reducing social evils, could not obviate the fact that the revenue for ameliorating the appalling location conditions would have to come from the pockets of those desperately poor communities themselves.

The thought of financing facilities from the income of very poor people, via their spending their leisure time and money at communal beer halls, was a prospect many municipal officials baulked at. Again, the latent question was: “Are ‘natives’ part of our community?”. If so, are we simply responsible for maintaining law and order, or are we responsible for improving their material conditions as well? And if the latter, does this morally require sacrifices on the part of the white community? A letter to the *Daily Dispatch* summed up this moral dilemma perfectly:<sup>30</sup>

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28 SF Kingsley, “Drankverskaffing...”, SABRA, *Drankverskaffing en die Bantoe*, p. 22. According to Mr. Kingsley, Pretoria Municipality had spent money on creches, furnishings for a community centre, new sportsfields, youth education, and leisure activities.

29 IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, pp. 77-78.

30 *Daily Dispatch*, 5 November 1961.

East London locations are a disgrace to the city ... If we are not prepared to direct the profits from kaffir beer sales in the locations ... to a good cause, that is to say, the provision of amenities for the Natives, then we are left with the moral duty of either financing, permanently, the running of soup kitchens and milk bars in each of the three East London locations, or of instructing the Municipality to institute these amenities - and of paying higher rates.

We will argue that this anxiety existed due to a constant tension between differing interpretations of the form of ethical life (Hegelian *Sittlichkeit*) that should prevail. The financial question invoked, not only conflicting notions of patriarchy, but the beginnings of a modern, individualist moral consciousness as well.

### **Officials' views of patriarchy and ethical life**

Let us first turn to the patriarchal heritage. If the urban African community was to be seen as a traditional enclave within the city, one whose traditions should be maintained as a bulwark against the hazards of modern city life, then the city fathers had important obligations towards Africans. It was the moral code of the stronger towards the weaker, the patriarch towards the child. The moral logic of protection has tended to be downplayed in the revisionist and neo-revisionist literature in favour of the potentials for exploitation which traditionalist paternalism embodied. In terms of the protection logic, however, it was incumbent upon the white community somehow to improve the life circumstances of its African counterpart. Many officials intuitively subscribed to these sentiments, and they exerted much time and effort in pursuit of this ideal.

The specific nature of these obligations was unclear, however. The officials' inability to determine their moral obligations arose from an inherited baggage of unexamined policy principles concerning financial relations in the cities. Ever since 1923, the principle of financial separation between whites and Africans in the cities had been justified by a Stallardist version of patriarchy.<sup>31</sup> According to Stallardism, Africans' presence in the towns could be justified only in so far as they served white people's needs. This strain of patriarchalism consigned blacks to a rural destiny in South Africa. Whatever paternalistic instincts whites might have felt should properly be given expression to in the

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31 TRH Davenport, "The triumph of Colonel Stallard: The transformation of the Natives (Urban Areas) Act between 1923 and 1937", *South African Historical Journal*, 2, 1970, p. 79.

context of tribalism.

By the 1950s, this version of patriarchalism made little sense. Social and economic conditions had changed. The permanence of blacks in the cities had become a reality. The problem was that the Native Revenue Accounts, which made financial provision for expenditures in black townships, were in chronic deficit. However, municipal officials had become so accustomed to the idea of financial separation between town and township that it would have required a seismic paradigm shift in morality to justify institutionalised cross-subsidisation<sup>32</sup>. In towns such as East London, the Native Revenue Account was in fact being subsidised by the white rate-paying community, but on an “ad hoc” basis. Such stop-gap measures were technically in contravention of government policy, which was based on financial separatism. The municipal officials were caught in a bind bequeathed to them by history. Whereas the subsidisation of the poor was an accepted principle within the white community, the subsidisation of black townships had no explicit political or moral appeal. It would take another thirty years before such justifications were developed.<sup>33</sup> Officials were locked into an ambiguous patriarchalism, one that sufficiently emphasised racial inequalities to justify paternalistic social “controls”, but not enough to justify paternalistic “financial assistance”.

The only way out of the dilemma seemed to be to tap new sources of finance from within the locations themselves. Since black residents could not afford increased rentals or service charges, the only solution was to take over the supply of a commodity on which they were already spending a proportion of their income. This had to be a commodity supplied in the townships, as other products would entail competition with white firms, and private sector competition would then force prices down to a level where profits might dwindle away to nothing.

The only viable solution was municipal beer production. Paternalistic controls would deliver revenue for social development and, at the same time, a prohibition on competing household production might reduce some social evils. This contradictory solution, which entailed depriving a poverty-stricken community of an informal revenue source in order that its poverty could be addressed, was the only one which accommodated the concurrent demands of

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32 The only officially-recognised form of subsidisation was the Native Services Levy payable by white employers, but this could only be used for infrastructure in the establishment of new townships.

33 The Regional Services Councils and the National Security Management System, both introduced in the early 1980s, were the first institutions overtly to channel revenue from white to black communities.

social improvements and financial separation. Some of the officials, relieved to have any solution at all at hand, passionately and publicly defended this logic. But there were others who had their doubts.

During the 1950s, the Department of Native Affairs exhibited moral qualms about municipal beer production. For example, the Department opposed the financing of school buildings from beer revenues, since it was felt that this would encourage Natives to consume more beer so as to boost the supply of school buildings, thereby justifying “what is actually an evil”:<sup>34</sup>

It is the policy of the Department to restrict kaffir beer profits to a minimum or to see that profits vanish completely. The only reason for allowing local authorities to sell kaffir beer is to combat the evils incidental to uncontrolled brewing and not to make a profit.

Evidently the Department did not accept the argument that the “social good” ends justified the means of municipal beer supply. Certain municipal officials, however, had no such qualms. Dr Bang and Mr. Buitendag argued that profit-making “per se” was both legitimate and important, because of the beneficial consequences of social spending. According to Mr. Buitendag:<sup>35</sup>

The municipal monopoly system can be an economic proposition and it is our contention that there is absolutely nothing morally wrong in making a profit, more especially when account is taken of the use to which such profits may be put and the fact that expenditure of such profits is under the control of the Minister.

However, the moral defence of municipal beer brewing did not spring from patriarchal considerations alone. It also exhibited, albeit in a convoluted way, the germination of a non-traditionalist, non-patriarchal, modern view of ethical life. This view was ‘modern’ in two senses: it emphasised uniform individual rights and obligations; and it envisaged governmental action as non-discriminatory and formally egalitarian.

Consider, for example, the argument of Mr. Bourquin of Durban, a vocal advocate of municipal beer production: “It is ... common knowledge that in present times one gets nothing for nothing. In some way or other we must pay for what we receive, and in the normal course of things someone makes a profit in the process”.<sup>36</sup> For Mr. Bourquin, it was just and fair that all

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34 Quoted in Dr Bang’s address, IANA Fifth Annual Conference proceedings, Bloemfontein, 1956, p. 68.

35 Memorandum to East London City Council, contained in Native Affairs Committee (NAC), Minutes, 6 November 1956.

36 IANA, Fifth Annual Conference proceedings, Bloemfontein, 1956, p. 79.



individuals “must pay for what they receive”. This claim is a modernist one, in that no special allowances are made for ascriptive characteristics, such as race or cultural background. Furthermore, Mr. Bourquin said:

[K]affir beer .. is sold at a profit. [T]his point becomes objectionable apparently only for the reason that this profit is made by local authorities. If kaffir beer were a commercial commodity and the profits were made by commerce and industry in the normal course of their business, it is possible that no one would say anything about it....

For good measure, he added, “if Nasser can nationalize the Suez Canal what reason is there why our Government should not nationalize the liquor trade?”. According to this line of reasoning, beer was a commodity like any other. This argument, however, lost sight of the fact that under patriarchy, the city fathers had previously assumed a special moral responsibility towards their charges - a responsibility which transcended the materialistic motives of profit-taking. Mr. Bourquin’s argument reflects an ethic of crude materialism, a total departure from the patriarchal discourse of ethical life - although this did not stop Mr. Bourquin, on other occasions, from defending patriarchal controls on social evils. Mr. Bourquin’s reasoning shifted from one unexamined proposition to another:

Why then is it immoral, unethical or unreligious [sic] to make a profit on kaffir beer, especially if that profit is used for the benefit of the community? The answer is that natives are so poor that they cannot even pay in full for their housing and social services. Why then is it not immoral and unethical that liquor should be available to those Europeans who also belong to the poorer classes and would find difficulty in housing and feeding themselves? Yet while European liquor has no food value at all, kaffir beer has such value. Why is it not immoral that there should be profits on the sale of such essential foods as bread, meat and milk especially if such profits remain in private hands?

This convoluted statement contains several very different claims:

- since poor whites enjoyed the right to liquor, the same right should be recognised for poor blacks (a modern liberal claim);
- profits on beer were as justifiable as profits on other nutritious commodities (a modern capitalistic claim); and
- local authorities could justifiably control the market for Africans’ own good (a paternalistic claim, based on patriarchal assumptions).

Mr. Bourquin’s reasoning illustrates the underlying confusion regarding the form of ethical life which governed the urban community. He hovered between

a patriarchal ethic and an individualist modern ethic. In his inconsistency he could not settle on whether African urban residents should be treated according to the norms of modernity, applicable to whites, or whether they should be subject to the particularistic rights and obligations that typically characterised the ethos of patriarchalism and paternalism.

The beer debate revolved endlessly around an elusive moral issue which nobody articulated: Should the black residents of South African cities be treated differently from whites? Should they be treated with special paternalistic concern? If this were the case, then profiteering from beer sales seemed morally offensive, as it constituted the economic exploitation of a weak and disadvantaged cultural group.

On the other hand, if blacks were regarded as modern individuals, who should experience the rough with the smooth when it came to the concomitants of freedoms and individual rights, then the profit-making was surely legitimate. The many 'contradictions of community' were the real issues at stake. What were the proper boundaries of the urban community? Were the 'natives' part of the modern capitalistic urban community, or were they lesser citizens – wards consigned to the city fathers' patriarchal care?

### **Moral reasoning and 'dirty hands' in political life**

The debate about municipal beer halls illustrates the difficulties of applying moral principles to practical realities. Practical situations require normative interpretations, which lead to confusions and conflicts of values. In the moral murkiness of political life, actors are often torn between the claims entailed by effectiveness in action, and the moral claims derived from moral ideals. In understanding political actions, it becomes evident that there are actions that are justified, even obligatory, but that are nonetheless wrong and shameful.<sup>37</sup> "Dirty hands" moral conflicts refer to cases where a choice is forced by competing moral considerations, in such a way that the actor has to take responsibility for whatever unpalatable option he or she chooses. Even if the act is justified, the actor still feels uncomfortable with it. Despite good intentions, political reality (especially in conditions of rapid social change) is such that practical political choices are seldom simple choices between good and evil. Many political alternatives involve "dirty hands".

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<sup>37</sup> M Stocker, *Plural and conflicting values* (Oxford, Clarendon Press, 1990), pp. 9-13.

The lengthy debates in municipal circles attests to officials' genuine disquiet about the moral confusion and moral costs of deciding between different courses of action. Yet despite these endless debates, the white officials tasked with 'native administration' ultimately had to act. To understand their choices, the concept of 'overvaluing' may be found useful.

Typically, people caught in a situation of choosing between two unpalatable options or values find that they can resolve their dilemma by means of "overvaluing" one moral duty and undervaluing another.<sup>38</sup> There are three grounds for "overvaluing" a certain choice: (i) The reasonableness of one value, compared to another, (ii) the likelihood that the value chosen will be actualised, and (iii) the choice for a specific value is more honourable than the choice for a competing value.

At the same time, the importance of social and political context should not be underestimated. Individuals do not make moral choices in a vacuum. The municipal beer hall debates took place in a context where the National Party became increasingly draconian about separating the affairs of black townships from those of the white citizenry. In a context of chaotic township administration, the National Party's vision of "separate development" offered a seductively persuasive logic of scientific anthropology. In the words of HF Verwoerd:<sup>39</sup>

[State policy] is not just casual ideas touching an odd point here and there, but is a programme extending its fingers deeply and affecting the circumstances in the lives of people. If it is to be accepted that the various directives are not just random ideas but part of a comprehensive all-embracing programme, then you will understand why deviations cause confusion ... The Government is not prepared to allow this.

The development of powerful and coercive bureaucratic institutions eroded the municipalities' memory of, and desire for, autonomy. If a local authority did not fulfil its duty regarding the implementation of state policy, strong action would be taken:<sup>40</sup>

If there is a local authority which tries to obstruct that policy, the government is not exercising dictatorship when it makes the national policy compulsory ... Therefore when it may become necessary to compel a city Council which is

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38 M Stocker, *Plural and conflicting values...*, p. 39.

39 Quoted in S Bekker & R Humphries, *From control to confusion: The changing role of administration boards in South Africa, 1971-1983*, (Grahamstown, ISER, 1985), p. 6.

40 Quoted in S Bekker & R. Humphries, *From control to confusion...*, p. 4.

not prepared to implement the policy of apartheid to do so, I shall do so...

## **Conclusion**

By the early 1960s, the beer hall issue became an instrument in a quest for apartheid social engineering. Many municipalities decided to introduce municipal beer production, after a debate which had raged inconclusively for almost five years. In the context of Verwoerdianism, with its emphasis on order and control, most white City Councils chose the virtue of modern and scientific beer production methods over that of respecting the views of black residents. They also chose the value of using beer revenue to subsidise township development, instead of the value of cross-subsidising township development from the white tax coffers. In the context of the National Party's increasingly draconian apartheid principles, there was no scope for subsidisation of black townships from the white tax-payer.

During the 1960s, the introduction of municipal beer halls appeared increasingly legitimate, because modernity and control appeared ever more reasonable, and because it became increasingly difficult to envisage opposition to the Verwoerdian state machine. Until the mid-1980s, the ideology of racial separation and administrative control set the benchmark for municipal policy. The normative vacillations of the municipal officials were no match for the ideological prescriptions which emanated from Pretoria. It was only twenty years later that the principle of "a single city with a single tax base" became a rallying cry for popular black opposition to the state, and that white South Africans came to understand the necessity for this moral standpoint.

The 1950s was a period of profound social change in urban South Africa. The municipal beer hall debate illustrated the ambiguities in the white officials' understanding of an increasingly chaotic urban situation. They felt called to address the social evils which resulted from illegal beer brewing, but at the same time their proposals were morally clouded by the principle of drawing resources from desperately poor black residents to fund social upliftment. At the heart of their moral vacillation was a deep normative confusion about the proper cultural relationship between the white city fathers and the black residents towards whom they had some kind of patriarchal duty. Ultimately, their growing urge to strengthen municipal control was legitimised and 'overvalued' by the Verwoerdian requirement of racial social engineering.