



The Liberal Tradition in South Africa, 1910–2019

Martin van Staden¹

[LINK TO ABSTRACT](#)

There is nothing 'neo' about my liberalism.
—Leon Louw

Part I: Liberalism in South African history

Liberalism in South Africa developed most in the Cape Colony, which later became the Cape Province. British influence was always greatest at the Cape, which was home to most English-speaking South Africans, who have always been somewhat cosmopolitan compared to the other section of South Africa's white population, the Afrikaners.

The story of the Union of South Africa started when South African liberalism—then embodied in the Cape liberal tradition—suffered a great defeat in 1910. The Cape Colony had had a non-racial, but qualified, franchise, which allowed all men who complied with certain literacy and property qualifications to vote and stand for elections.² The liberal Cape Colony's delegates at the 1908–09 National Convention that led to the establishment of the Union of South Africa

1. Free Market Foundation, Cramerview 2060, Johannesburg, South Africa. The author is indebted to Eustace Davie, a director of the Free Market Foundation, who read through the initial drafts of this paper and provided valuable historical information and context throughout the duration of preparing this work, and to Jane Shaw Stroup for her careful and considered editing of the paper.

2. Even though any man could stand for an election, by the time of the unification only whites had been elected.

had hoped to negotiate an extension of those rules to the northern territories, where non-whites³ were excluded from the franchise. They failed, however (Rich 1987, 271). The failure did not mean the end of liberalism in South Africa but represented a setback. The setback culminated in the constitutional crisis of the 1950s—arguably liberals’ finest fight for civil rights, but a fight they lost as well. It is therefore correct to say that the history of liberalism in South Africa has been a history of failure, but nonetheless a proud history that climaxed in the adoption of many liberal values in South Africa’s current constitution between 1993 and 1996.

The descriptor ‘liberal’ was almost always regarded as derogatory among Afrikaners, most of whom were conservative and in favor of racist policies in the years before 1994 (McGregor 1990, xi).⁴ In 1941, for instance, the Nazi-sympathizing *Ossewabrandwag* (‘Ox Wagon Sentinel’) had a falling-out with the National Party, their political allies, and referred to them as “liberal” (Malan 1964, 207). The falling-out deeply upset the Nationalist establishment, leading to what was perceived as a *skeuring*, or break, within conservative Afrikanerdom. Another break happened when the Conservative Party split away from the National Party in 1982, with the former accusing the latter of liberalism.

Liberals were seen as foes to Afrikaner national aspirations and enablers of communism; liberals would destroy the Western way of life in Africa, specifically by undermining the Protestant ethic (Swart 1991, 9). Liberals almost exclusively came in the form of English-speaking white South Africans, further adding to the contempt with which the ideology was treated by Afrikaners.⁵ During the same era, black nationalists, too, came to regard liberalism as being contrary to their aspirations, with the anti-Apartheid activist and thinker Steve Biko famously criticizing white liberals in essays such as “Black Souls in White Skins?” (Biko 1987/1970, 19–26). Liberals were seen as sanctimonious do-gooders who, to the Afrikaner nationalists, were disloyal to South Africa and, often, were said to be crypto-communists; and, to the black nationalists, were viewed as ultimately comfortable with the status quo, enjoying their privileges as white persons and also indulging a “feeling that [they are] not like the rest of the others” (ibid., 22); they were later criticized for their preference for free markets and non-violent change

3. Conscious of many of the objections made to the use of the term ‘non-white,’ it is used here in good faith and for lack of a better (and equally concise) descriptor. When ‘non-white’ is used, it refers to those people classified by the government as black (or native), coloured (mixed race), and Indian (or Asian).

4. ‘Afrikaners’ are the descendants of Dutch immigrants who settled South Africa from 1652 onwards. German and French settlers who settled later were also subsumed into the Afrikaner *volk*. Afrikaners constitute the majority of the white population in South Africa.

5. The two white sections of South Africa’s population, the English and the Afrikaners, had fought two major wars. The First Boer War between 1880 and 1881 was won by the Afrikaners, and the Second Boer War (or the South African War) between 1899 and 1902 was won by the English. Tensions between these two groups certainly ran high in 1910. Some may say there still exists a tension between them today.

(Dubow 2014, 7–8). Such were the seeds of the criticism of liberalism that persists today. The Afrikaner criticism of liberalism, while it does still exist, has subsided along with the disappearance of Afrikaners from political dominance. In recent decades, the prevailing attitude toward liberalism—mostly among intellectuals who support the new government’s policies of social transformation—is that it is cold and unresponsive to the lived realities of the black poor, that its claim to colorblindness only serves to further entrench white privilege, and that a limited government is incompatible with the requirement for extensive poverty-alleviation programs. When finance minister Tito Mboweni, for instance, proposed some measure of deregulation in an August 2019 policy statement, the South African Federation of Trade Unions and the third-largest party in Parliament, the Economic Freedom Fighters, which subscribes to Marxism-Leninism, decried the proposal as “neoliberal” (Vavi 2019; Nkanjeni 2019). They, like many on the left in South Africa, regard neoliberalism—which is used synonymously with classical liberalism, as opposed to the technical meaning of neoliberalism—as anti-poor (ibid.). The liberal parliamentarian of the Democratic Alliance, Michael Cardo, notes that “those writing about South African history have vilified liberalism as a mere adjunct of imperial conquest, racial segregation and capitalist exploitation.” It is thus claimed that liberal economics, if adopted, would retain the economic relationships and structures entrenched during the Apartheid era (Cardo 2012, 17–18).

‘Liberalism’ in the context of South Africa

Liberalism has had a long tradition with its own unique character in South Africa. Timothy Hughes writes:

Like those of its classical forebears, the parameters of South African liberalism do not lend themselves to definition with theodolite precision. The South African variant embraces the manifold dimensions of both utilitarian and rights-based theory and discourse, but also overlaid within it the dynamics of a colonial and post-colonial legacy with which it continues to struggle and come to grips to the present. South African liberalism exhibits the complexities and nuances of traditional, classical and new liberalism, but does so within the context of an ethnically and racially divided society. (Hughes 1994, 15)

Generally speaking, liberalism in South Africa is not understood to be quite as far to the left in the field of economics as it is usually understood to be in America, but it is also not the undiluted free-market liberalism of Ludwig von Mises or Albert Venn Dicey. There has been a constant tug of war between classical liberals and left-liberals (Sunter 1993, 41; Dubow 2014, 9). Phyllis Lewsen wrote of

the liberals of the interwar period as scoring “fairly well on the factious-minority scale” (Lewsen 1987, 110). But through much of South Africa’s history it has been common to refer to *all* liberals as being on the “left,” for until very recently “left” almost exclusively connoted a support for non-racialism over Apartheid (Swart 1991, 160). And today both left-liberals and classical liberals claim the word ‘liberal’ (Johnson 2011; Shandler 1991, 21–22).

In the interwar years, two white parliamentary representatives set aside for blacks (known as ‘native representatives’), Margaret Ballinger and Donald Barkley Molteno, certainly liberal in outlook on cultural and interpersonal affairs, regarded themselves as economic socialists, whereas two of their colleagues, also native representatives, Edgar Harry Brookes and John David Rheinallt Jones, believed in the free-market system (Lewsen 1987, 115). At the end of Apartheid, one would have found personalities like David Welsh and Terence Beard in the left-liberal camp, and Leon Louw and Ken Owen in the classical liberal camp (O’Malley 1988, 5).

While recognizing this diversity of thought within the liberal tradition, this paper is concerned mainly with the history and current state of *classical liberalism*. Moreover, it is concerned with classical liberalism after the formation of the independent nation-state of South Africa in 1910 (from 1910 to 1961 the country was known as the Union of South Africa, and thereafter it became the Republic of South Africa).

Today, the electoral system is one of party-list proportional representation. As of 2019, the African National Congress holds 230 of the 400 seats in the National Assembly, with the other 170 seats divided among 13 other parties. As we shall see, liberalism is largely missing in today’s parliamentary politics.

In South African academic economics, there has been little discernible classical-liberal thought, except for a select few figures like William Harold Hutt, Ludwig Lachmann, and Karl Mittermaier. The contemporary South African undergraduate economics curriculum, according to Stephen Graham Saunders (2008), is almost entirely mainstream material, viz., “the synthesis of Neoclassical Economics and Keynesian Macroeconomics.” The economic discipline is rarely placed “into its philosophical context,” and the “philosophical underpinnings of economic theory...are often not taught or ignored,” at least in first-year classes, Saunders writes. The “conceptual, methodological and ethical issues” of the discipline are left unaddressed. Discussion of schools of economic thought like the Austrian school is left to advanced or postgraduate levels of education (Saunders 2008, 740–741).

Up to 1994, when Apartheid ended, liberalism, like most other ideologies and political groupings in South Africa, was preoccupied with matters of race, and economics was often ignored. The two camps of South African liberalism,

the classical and left-liberals, also obviously could not agree on what economic direction South African policy should pursue (O'Malley 1988, 6). Yet liberals throughout South African history have been opposed to Apartheid, which was in large part an economic system, that is, a system of restrictions on human activity, notably economic activity.

In many respects, therefore, 'liberal' usually meant little more than 'not racist' or 'anti-Apartheid' before 1994, and more often than not was presumed to refer to an ideology of whites exclusively. It comes as no surprise then that the *de facto* leader of South African liberals before his death in 1948, Jan Hendrik Hofmeyr, would have declared in 1935: "When I speak of Liberalism I think especially of the Native people of this land" (Robertson 1971, 4). Both the Progressive and Liberal parties—each having a strong commitment to free enterprise in their statements of principles—were widely referred to as 'left-wing' before the end of Apartheid.⁶ The question of race was foremost in giving content to where one stood on the political spectrum in South Africa.

Still there is a substantive liberal tradition in South Africa that, apart from race, goes into aspects of politics, economics, and philosophy. Much has changed since 1994. The 'liberal' identity today is known to embrace all races but continues to have some unfortunate baggage, such as the idea that its 'neoliberal' policies benefit only the elite and particularly whites, and the perception that its colorblind approach to public affairs amounts to a refusal to acknowledge and redress the suffering black South Africans endured under Apartheid. Liberals of all races today have the difficult task of convincing a very skeptical population of why individual freedom should be the apex political goal in South Africa.

My focus lies in the years up to 1994—the year Apartheid is said to have formally ended and was replaced by a democratic dispensation. Works on liberalism in South Africa peaked in the political transition between 1990 and 1994. After 1994, there was a significant decline in liberal works, for reasons that may become apparent. Also, since 1994 the use of the word 'liberal' has declined. As a result, many liberals today call themselves all sorts of names, from 'libertarians' to 'democrats' to 'pragmatists,' so it is considerably more difficult to craft a historical narrative about the liberal movement after 1994. It is also the case that the attention paid by historians and commentators to liberals and the liberal movement has declined considerably, given that during the period before 1994 liberalism was the main political opponent of the dominant nationalist ideology. Since 1994, when South Africa's political paradigm changed completely, liberalism's relevance appears to have taken a knock. Nonetheless, the few liberal individuals, and liberal organizations and political groupings that have persisted into the democratic era

6. As readers will learn, 'progressive' too is different in South Africa than in the United States.

and their views on public policy, will be considered.

The character of South African liberalism

The principles of South African liberalism were largely transplanted in the nineteenth century from Britain into the then-Cape Colony. Liberalism there traces its roots to the English missionary John Philip in the 1820s (Cardo 2012, 16). Most liberals in South African history have been white and their primary language English. Among non-whites, liberalism was largely discredited during Apartheid because they felt its “promises have been endlessly deferred and its assurances betrayed by discrimination and a white monopoly of Africa’s favors” (De Kiewiet 1955, 36). There were some Afrikaner liberals, such as Jan Hofmeyr as well as, in the 1950s and 1960s, Philip Pistorius, a professor at the University of Pretoria, and Nic Olivier, a professor at the University of Stellenbosch (Swart 1991, 118). Those two universities were then and are still today considered to be more conservative and Afrikaans than the traditionally English universities. That is because their embrace of the government’s post-Apartheid social-transformation policies was slow and gradual, and the bulk of the student body are still white Afrikaans speakers. It should not, however, be assumed that Apartheid was an exclusively Afrikaner enterprise. Many, perhaps most, English-speaking South Africans were conservative on the question of race relations despite their opposition to Afrikaner nationalism (*ibid.*, 104). By the time of Hendrik Verwoerd’s premiership in 1958, the National Party, led by the Afrikaners, was actively courting white English South Africans to support Apartheid (*ibid.*, 90).

Along lines set by Hughes (1994, 22–31), I would put forward the following as generally uniting principles of, or dimensions to, South African liberalism:

- *The individualist dimension*: Racial discrimination in state policy is rejected. The individual must be the object of emphasis in social and political institutions, and the principle of equal liberty must be respected.
- *The Millian⁷ dimension*: The conditions conducive to individual freedom are freedom of thought, conscience, expression, movement, and association.
- *The Diceyan⁸ dimension*: The rule of law is necessary to protect individuals and minority groups.
- *The pragmatic dimension*: History and context are allowed to adjust the practice and outlook of liberalism. On the other hand, Kieran O’Malley

7. That is after John Stuart Mill.

8. That is after Albert Venn Dicey.

of the Liberal Forum and a lecturer in political science at the University of South Africa provided a brief description of what South African liberalism constituted in 1994. He argues that there is a core of liberalism that does *not* shift over time. He pointed out why it is important to appreciate the fixed nature of this core by referring to the *liberal slideaway*—where liberals abandoned their principles for expediency—that has occurred in South Africa from the 1980s. The liberal core that was slid away from is said to be “individual self-determination and self-realisation (which can only be achieved within a noncoercive framework)” (O’Malley 1994, 29–30). Ken Owen, a popular anti-Apartheid classical liberal journalist, too described the core of liberalism in 1988 as a belief in “individual liberty, the rule of law, the democratic method and the free market” (O’Malley 1988, 36).

- *The institutional dimension*: Liberty must be safeguarded by institutions specifically aimed at checking and balancing government power.
- *The economic dimension*: An economy unhindered by unnecessary and artificial government intervention will tend to produce more wealth and prosperity.
- *The gradualist dimension*: Political change should be brought about not through revolutionary violence but through gradual or incremental steps. Perhaps the one constant and unifying feature of South African liberalism has been its opposition to revolution, and its insistence on evolutionary change from the Apartheid order to a liberal-democratic order (O’Malley 1988, 31).

John Kane-Berman (2002, 2–5) has given a useful account of South African classical liberalism. Kane-Berman served as chief executive officer of the Institute of Race Relations (IRR). Founded in 1929, IRR is South Africa’s oldest think tank and is one of the oldest classical-liberal think tanks in the world. In the following paragraphs I summarize Kane-Berman’s account.

Kane-Berman finds that within liberal theory the role of the government should be to protect individuals’ rights so that they may forge their own paths and destinies in society. These rights “are in the nature of man as a sentient being with free will and the ability to imagine, reason, and create.”

Kane-Berman criticizes the left and the right for both assuming that the government, instead, has a duty to engage in social engineering: in essence, to reshape man. Liberals are skeptical of granting government this kind of power, for fear of the abuses and potentially tyrannical consequences. Indeed, governments in practice tend to promote only the interests of specific lobbies or interest groups, rather than the so-called common good. Thus, liberals prefer man to be free even

though highly imperfect.

It is sufficient, writes Kane-Berman, for people to be protected from harming one another in their own divergent pursuits. Individuals are better judges of their own interests. Freedom promotes the taking of responsibility rather than the outsourcing of that responsibility to others. This, argues Kane-Berman, was partly how the Apartheid system was defeated: with ordinary South Africans of all

racess pursuing their economic interests, many Apartheid laws were undermined to the extent that the system collapsed.

The dignity of the individual, freedom of expression, freedom of association, equality before the law, an independent judiciary, supreme constitutions and the rule of law, the right to participate in governance, and a free press are considered by Kane-Berman to be “vital components of the package of rights and freedoms characteristic of the liberal state.” He hastens to add that it is arbitrary to distinguish between these aforementioned rights and freedoms, and rights of an economic nature:

the liberal view is that...freedom of contract, freedom to trade, and freedom to engage in economic activity are logical extensions of individual liberty, as are property rights.

According to Kane-Berman, the market system is what logically follows from freedom of choice. Markets are where producers meet consumers. A free market is more democratic than the political ‘market’ because in politics the voting age is restricted and participation in governance, like voting, happens only occasionally, whereas in a market one votes continuously with one’s resources.

But to Kane-Berman liberalism is not akin to anarchism. The government has a role to play in protecting the vulnerable from abuse: keeping inflation stable and low and ensuring big businesses do not succeed in “manipulating markets to the detriment of consumers.” Unlike socialists and interventionists who see intervention as a desirable foregone conclusion, liberals regard intervention as justified only where it is absolutely necessary and where a thorough cost-benefit analysis has been conducted. Taxes within a liberal regime should be low, and used only to allow government to perform its limited role. Tax monies are “held in trust on behalf of the nation.”



John Kane-Berman, former CEO of the Institute of Race Relations, speaking at a Free Market Foundation event.

Liberalism before 1994

Cape liberalism in early South Africa (1910–1948)

The Union of South Africa was established, at least in part, on considerations that might be described as classically liberal. The historian Leonard Monteath Thompson, in his comprehensive account of the events surrounding the South African National Convention of 1908–09, writes that the last prime minister of the Cape Colony, John Xavier Merriman, who would also go on to play a leading role in the convention, was a Whig in the British tradition. According to Thompson, Merriman believed that:

The functions of a Government should be limited; taxation and public expenditure should be kept to a minimum; an unbalanced budget was a major evil; and Parliament should be the sovereign element in a Constitution—the real forum of a nation, where decisions should be made by free votes after full public debates. (Thompson 1961, 95)

Merriman, along with Jan Christiaan Smuts, later multiple-time prime minister of South Africa, insisted that the new country's constitution be unitary instead of federal, and that Parliament must be sovereign and not subject to substantive constitutional safeguards (*ibid.*, 97–98). This was because Merriman was concerned that a federal dispensation and/or a dispensation with constitutional rights would be too costly to the South African taxpayer (*ibid.*, 102–104).

Despite this economic liberalism, the Whig ideology was intensely conservative in some respects. It opposed equal representation of constituencies in the legislature, preferring that rural areas be given weighted preference, and it opposed women's suffrage. But Merriman was also opposed “to the increase in the range of government action” (Thompson 1961, 95). In the end, however, Merriman and the other unitarists convinced the convention of the downsides of federalism and strict constitutionalism (*ibid.*, 105), and from 1910 to 1993 South Africa had a centralized political system that, in part, enabled later governments to relatively easily extend their racially discriminatory policies across the whole country.

The Cape liberal tradition, of which Merriman was said to be a part (Bickford-Smith 1995, 70), represented four principles of classical liberalism: free expression, economic freedom, political rights (in the form of a non-racial but qualified franchise), and access to justice (Hughes 1994, 16). The Cape liberal tradition is associated with the slogan “equal rights for all civilized men” (Johnson 2011).

The delegates of the Cape Colony at the National Convention represented the only liberal tradition existing in the region at the time. As the South Africa Act (i.e., the 1910 Constitution) was being drawn up, however, the delegates abandoned these liberal principles (Hughes 1994, 20). They were faced down by the uncompromising Afrikaner conservative nationalists from the northern colonies, the Orange River Colony and the Transvaal Colony. Even their fellow English-speaking colonists from the Natal Colony, which had a more restricted form of qualified franchise, resisted the Cape liberals' attempts to extend the franchise throughout the whole Union (Robertson 1971, 3–4).

The liberals had believed that from the time of the unification of the South African colonies, whites would gradually grow more liberal in their outlook on race and race relations, a hope maintained as late as the 1950s (Robertson 1971, 7). The first notable liberals⁹ within the Union of South Africa who were concerned about the freedom of non-whites under the political dominance of the whites were the chief justices John Henry de Villiers and James Rose Innes, the journalist F. D. Malan, and the politicians Jacobus Wilhelmus Sauer, Walter Ernest Mortimer Stanford, John Xavier Merriman, William Philip Schreiner, and Jan Hofmeyr (Robertson 1971, 2–3).

Liberals initially focused on establishing forums, known as joint councils, to facilitate contact and cooperation between the politically dominant whites and the other racial groups, outside of politics (Hughes 1994, 20). The joint councils were based on the American model spearheaded by W. W. Alexander in the southern United States to promote good relations between blacks and whites toward the end of World War One. J. D. R. Jones was behind the joint council idea in the South African context, where they would afford “an opportunity for whites and blacks to get to know each other personally, and they did a good job in furthering black adult education, child welfare and other social services” (Byrne 1990, 21).

The councils steered away from politics partly because it was expected that the United Party, formed in 1934, would provide the progress needed on the political front to end racial prejudice (Hughes 1994, 21). Until the 1950s, the United Party was the only political home of liberals. It enabled certain liberals, like Jan Hofmeyr, to serve in government and to work toward a gradual loosening of authoritarian racial policy. But early liberal trust in the United Party would be progressively disappointed—by the United Party abolishing the limited black franchise in the Cape in 1936, for example—until the eventual formation of the breakaway Liberal and Progressive parties in the 1950s (Hughes 1994, 34; Robertson 1971, 12).

9. It must be emphasized that some of these individuals were not necessarily as liberal as one would today desire.

The liberal doctrine of trusteeship—the notion that oppressed peoples in what are today the developing countries should be protected and their status and rights elevated to that which was enjoyed in the West—was ironically used as a basis for both the Cape liberal tradition *and* what would later be known as Apartheid. The white regimes of the Union of South Africa accepted the powers that came with trusteeship but employed them to the benefit of whites, paying only lip service to the elevation of blacks. The National Party, the party that created and implemented the Apartheid system—acknowledging that the South African Party and United Party, too, contributed their share to entrenching racial discrimination in public policy—was primarily concerned with the protection of white political supremacy, which it considered to be compatible with trusteeship (Malan 1964, 282). As a result, Apartheid reinterpreted trusteeship as paternalism rather than as a system of empowerment. Trusteeship, which by its nature was intended to be temporary, was made into a permanent institution by the time of Apartheid (Ntsane 1994, 22).

The Cape liberal tradition did not die out with the formal establishment of Apartheid in 1948. In October 1952, for instance, the Liberal Party was founded. Indeed, some of the founders declared in an article that non-whites should be offered “a reasonable status in our common society,” something only possible by reviving “the liberal tradition which prevailed for so many years with such successful results in the Cape Colony.” This liberal tradition, they wrote, was based on the principle of “equal rights for all civilized people and equal opportunities for all men and women to become civilized” (Robertson 1971, 86).

Economics and the state before 1948

The National Party was founded in 1914 by James Barry Munnik Hertzog and governed South Africa as the senior partner in the Pact Government with the Labour Party between 1924 and 1934. In 1934, the National Party split, with the larger section following Hertzog, then prime minister, into a merger with the South African Party to form the United South African National Party (the United Party), and the smaller section—one of Afrikaner nationalists—following Daniel François Malan.

The National Party secretary and historian M. P. A. Malan wrote with pride that the National Party recognized and was faithful to the “political and traditional policy of whites from generation to generation to keep power in the hands of whites” (Malan 1964, 267).¹⁰ M. P. A. Malan was chronicling the political successes of the Afrikaner nationalist faction of the National Party, which would be reunited

10. My translation from the original Afrikaans.

with the Hertzog faction in 1940. He wrote in 1964 that the National Party had always been “a good friend of the workers.” The Labour Party died, as its traditional working-class members went to the Nationalists. Malan noted that the party had been advocating for an industrial color bar since 1922 in gold mining and other industries. The Nationalists, through legislative intervention, put an end to racially “mixed trade unions” and ensured that “white workers are legally protected in selected professions, so that they cannot be pushed out of their jobs by non-white competition” (Malan 1964, 269).¹¹

By 1922, the National Party’s Federal Council demanded that the government take measures to ensure the continued viability of certain “essential” industries, by means of protectionist measures or otherwise (Malan 1964, 79). According to Malan, the direction in which the NP was moving by then was clear: jobs for locals, support and protection of local industry, and economic self-sufficiency for South Africa. This direction culminated in 1923, when the NP and the small Labour Party formed a coalition known as the Pact Government. A 1922 NP Federal Council report confirmed that the Labour and National parties would stand together to “reduce or stamp out the evil that is the dominance of mining magnates and their financial power” (*ibid.*, 80).¹² The Pact Government coalition continued until 1933, a year before the United Party was formed.

The Labour Party’s involvement in government came with its insistence on the “Civilised Labour Policy” as a response to the “rapid dissolution of racial barriers” in employment. Racial discrimination in matters of employment became even more conspicuous after 1948 (Hutt 1975, 57–58). The Pact Government wanted to set a color bar against non-whites in competition with whites for jobs, mostly in industrial areas. The free-market liberal Edgar Brookes (1956, 190) wrote that nationalism “is fundamentally an emotional rebellion against harsh facts rather than a readiness to face the facts and to see what can be done with them,” alluding to the small number of whites in South Africa. Most available white foreigners were not allowed to immigrate to South Africa at the time of his writing because the National Party was afraid of importing Roman Catholics or liberals. Needs for unskilled labor were being met by the blacks, coloureds, and Indians of South Africa. Herein Brookes identified a fatal flaw in the Apartheid ideology, which rendered the success of the “ideal” of total segregation impossible (*ibid.*). As the numbers of skilled black, coloured, and Indian workers increased, they would not be content with being kept out of the professions by the so-called Civilized Labor Policy, which was later a cause of the unrest that erupted throughout the country against racial discrimination.

11. My translation from the original Afrikaans.

12. My translation from the original Afrikaans.

There was also an education color bar. Prior to Apartheid in 1948, university councils had the right to reject or admit students. English universities allowed a small number of non-whites to attend, but the Afrikaans-language institutions did not. Some universities, like the University of Fort Hare, were reserved for blacks (Davies 1996, 321). Brookes wrote of an instance pre-1930 in which a black person who qualified academically tried to enroll in the Transvaal University College (today the University of Pretoria), in the veterinary science program, which was the only program of its kind in Africa. The Senate of the college voted by 20 votes to 12 to refuse admitting him (Brookes 1956, 197). After 1959, special permits were required for blacks to be admitted to white universities (Davies 1996, 322).

The Pact Government also established state control over South Africa's steel industry in 1928—creating the Iron and Steel Corporation (ISCOR)—to the widespread, if somewhat hypocritical, condemnation of the South African Party (SAP), the official opposition and main precursor to the United Party. The former and future prime minister and leader of the SAP, Jan Smuts, supported the government's intention to establish a steel factory outside Pretoria but did not want to see the industry falling under state protection or receiving state support. As reported by Malan, Smuts said that the “dead hand of the State will rest upon [the industry]”¹³ and that the enterprise would thus not succeed. Smuts went as far as to say that state control would act as an adhesive for a socialist “blemish” on the industry. Sir Ernest Oppenheimer, another member of the SAP, condemned the initiative as follows:

A failed industry will be a disadvantage [to South Africa] especially if it is to be State property, because the pressure that will be exerted in the direction of protected rights will be much greater than if it were a private enterprise.¹⁴

The South African Party was also concerned that a state-subsidized and controlled enterprise would undermine, if not totally destroy, the existing private steel companies in South Africa. The opposition's attempts to stop the creation of ISCOR, however, failed, and the bill that established this state-owned enterprise was passed in 1928, with 78 votes in favor and 50 against (Malan 1964, 104–105).

Before the National Party was elected to power, it intended to nationalize the mining industry, a powerhouse of white English-speaking capitalists (Giliomee 2008, 774; *Laissez-Fair* 1987, 174), but did not follow through when it became apparent that economic ruin would follow. Interestingly, the liberal Harry Oppenheimer, son of Ernest Oppenheimer, assisted Afrikaners in the 1960s to

13. My translation from the original Afrikaans.

14. My translation from the original Afrikaans as found at Malan (1964, 104).

take over the General Mining company to overcome their exclusion from the industry, and to create an English/Afrikaner alliance against state intervention in the mining industry.

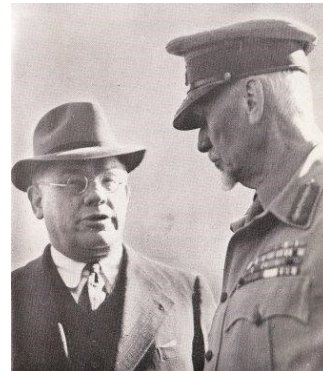
Apartheid and liberty

There was a hope among black South Africans generally and liberals in particular that whatever party governed, the Second World War and its elevation of the notion of human rights regardless of race, would lead to a loosening of domestic legislated racial discrimination. But the hope was to be bitterly disappointed. The National Party, which returned to power in 1948, went about implementing Apartheid. It took existing racial discrimination in the statute books and systematized it into a comprehensive policy program (Swart 1991, 40–41).

Apartheid was often presented as an ideology. “Apartheid is sometimes described as the ‘philosophical basis’ of the Afrikaner’s racial philosophy meaning the approach to life which has developed around the colour question and, after three centuries, crystallised into a unique formula for the regulation of race relations” (Rhodie and Venter 1959, 19). In that conception, government was described as “the Afrikaner’s political instrument” to release “the ideal they had set themselves,” that is, “the comparatively permanent and concrete separation of White and Black in South Africa” (ibid., 22–24).

Janet Robertson argues that the decision of Smuts’s United Party government to enter South Africa into the Second World War in 1939 is what led to the breakdown of the “fusion” between white Afrikaners and white English South Africans that had come about when the South African Party and the National Party combined in 1934 to form the United Party. Entering the war enabled D. F. Malan’s faction, the Reunited National Party, to surge in support and replace the United Party in government in 1948 (Robertson 1971, 12). With their vanquishing in 1948 and the entrenchment of National Party rule until 1994, liberals were henceforth excluded from positions of formal power.

Edgar Brookes and J. B. MacAulay wrote that 1948 can be described as the year of the “great divide,” when statutes encroaching on liberty became more striking (Brookes and MacAulay 1958, 8). South Africa prior to 1948 was no bastion of freedom, of course, as before that year the country “experienced that trend towards bureaucracy caused by the development of the Welfare State” as well



Jan Hofmeyr (left) and Jan Smuts (right). *Source:* Wikimedia Commons.

as laws infringing on individual rights along racial lines. But the restrictions on civil liberty during the Apartheid era were systematic, and more brazenly restricted the freedom of black, coloured, and Indian South Africans as well as that of whites (*ibid.*, 5).

The bedrock policy instrument of Apartheid, as a system of political, social, and economic racial discrimination, was the Population Registration Act of 1950. It provided for the classification of the South African population into four racial categories: white, black, Indian, and coloured. Each race would have its own areas, institutions, and amenities. Black, Indian, and coloured persons were thus blocked from many advantageous situations. The manner for classification into these racial categories was dependent upon the discretion of census officials. The discretion placed the totality of persons' destinies in those officials' hands. If, say, a white person was 'reclassified' to any other race, at once he or she would be politically disenfranchised and no longer enjoy the multitudes of advantages accruing to or set aside for whites. Reclassified people would need to move to an area designated for the new racial category into which they had been placed. Their children would be forced into inferior educational circumstances. Anyone from whatever race who had the misfortune of being classified as black would have their whole world upended, as they would then have to endure the worst possible treatment at the hands of the state and participate in the worst possible education. Many coloureds were reclassified as black, meaning they, being a mostly Afrikaans-speaking community, were put among mostly Xhosa-speaking blacks in the Cape Province (Brookes and MacAulay 1958, 15–17).

Under the various Group Areas Acts,¹⁵ all South Africans were restricted from residential or commercial property ownership in areas not assigned to their race. Applied to corporate persons, government would look at the race of those with a controlling interest in the company. The determination of where one lived and worked became highly governmentalized. The government enjoyed a statist presumption; if the minister of the interior or someone working in the deeds office maintained that someone or a company belonged a particular racial group, they would be presumed to be part of that group unless they could prove otherwise. Prime commercial real estate—urban centers—were almost invariably 'white' group areas. In the town of Lydenburg, for instance, all the Indian traders were already self-segregated into one part of the shopping district. The whites who had shops in the same area were willing to sell. The bureaucracy, however, moved the Indians out of the district across the river (Brookes and MacAulay 1958, 18–21).

15. Most prominently the Group Areas Act of 1950.

Liberals and the constitutional crisis (1951–1957)¹⁶

One factor behind the desire to disenfranchise blacks (which took place in 1936) and the Cape coloureds (in the 1950s) is to be found in the early history of the Cape Colony, where the non-racial franchise originated in South Africa. By the 1880s, Cape Colonial politicians became concerned that increasing numbers of blacks and coloureds were qualifying to vote in terms of property and literacy qualifications, and as a result were playing a larger and larger role in political battles. The qualifications for franchise were thus raised at various junctures, long before the Union of South Africa came into existence (Robertson 1971, 4). After the Union was formed, the Cape liberals drew a line in the sand over the existing rights of coloured and black voters in the Cape Province, saying that those rights should persist and should not be modifiable unless in terms of the strict procedure set out in the 1910 Constitution drawn up at the National Convention (May 1955, 11).

In 1936, the Representation of Natives Act removed blacks from the Cape common voters roll. They were placed on a separate roll entitled to elect three white “native representatives” to represent them in the House of Assembly and four in the Senate. They also received the ineffectual Native Representative Council (Robertson 1971, 9).

The native representatives tended to side with the liberal-spirited United Party, as when they assisted Prime Minister Smuts in gaining a majority in Parliament to enter South Africa into the Second World War (Lewsen 1987, 102). According to Brookes, he and the other liberal white native representatives regarded their mission as bringing about an end to the existing native representative system and replacing it with one where South Africans of any race, directly elected by enfranchised blacks, could sit as parliamentarians (Lewsen 1987, 110).

Early 1950s politics was defined by what became known as the constitutional crisis, which represented one of the biggest clashes between the new National Party government and the opposition United Party. In what may be its most liberal moment, the United Party stood for the supremacy of the 1910 Constitution in the face of attempts by the National Party to amend it in order to remove coloured voters from the common electoral roll in the Cape Province, by way of the Separate Representation of Voters Act in 1951. The Constitution—the South Africa Act of 1910—entrenched two provisions: that providing for equality of English and Afrikaans, and that which protected the existing non-racial, qualified franchise in the Cape Province. The only way to amend the entrenched provisions was by obtaining a two-thirds majority of both houses of Parliament in a joint sitting.

16. The legal aspects of this event as set out below are based on the work of Geoffrey Marshall (1957, 139–248) and Henry John May (1955, 22–78).

The United Party's English constituency particularly feared that allowing the government to do away with the provision protecting the non-racial franchise would open the door to the Afrikaner-dominated National Party also doing away with the provision protecting their language rights. Thus, Jan Smuts, the former prime minister, declared that, "To break away from the Constitution is to break away from the very foundation of Union" (Robertson 1971, 48).

The Separate Representation of Voters Act was passed only with bare majorities (not two-thirds), and in separate sittings as opposed to a joint sitting of both Assembly and Senate, thus contravening the constitutional procedure on two counts. In future attempts to force the bill through it also failed to obtain the requisite two-thirds majority in a joint sitting. Its supporters, as a result, relying on the doctrine of parliamentary sovereignty, attempted to bring the Act into operation despite failing the procedure. Their argument, simply, was that Parliament was sovereign: because the 1910 Constitution was an ordinary piece of legislation, and because Parliament cannot bind its successors, the current Parliament must be allowed to amend any law by a simple majority.

The United Party responded as follows, via Smuts's successor, Koos Strauss:

The United Party...will fight this Bill inch by inch and all the way. It will fight it not only in this Parliament by every legitimate means at its disposal, but should the fight of the United Party not prevail in this House, that fight will be carried on in the law courts of this country. And if it should happen that the United Party does not prevail in its fight in the law courts, if it should be held by the highest court in this land that the entrenched clauses are no longer in full force and effect, then the United Party will make it its business to see to it that a new entrenchment will take place of these fundamental provisions in our Constitution. (quoted in Marshall 1957, 163)¹⁷

On 20 March 1952, the Appellate Division of the Supreme Court, consisting of Chief Justice Centlivres and justices Greenberg, Schreiner, Van den Heever and Hoexter, unanimously held that the Separate Representation of Voters Act was invalid, as its passing did not comply with the procedures set out in the 1910 Constitution. According to the court, legislation affecting the entrenched provisions had to be passed by two-thirds of the members of a joint sitting, and not by a bare majority of each house (Marshall 1957, 171).

The prime minister, D. F. Malan, announced on the same day that:

Neither Parliament nor the people of South Africa will be prepared to acquiesce in a position where the legal sovereignty of the lawfully and democratically

17. Marshall cites the parliamentary Hansard: 75 *House of Assembly Debates* col. 4483.

elected representatives of the people is denied, and where an appointed judicial authority assumes the testing right... (Marshall 1957, 185)

After this announcement that government would not abide by the decision of the Appellate Division, and that action would be taken to circumvent it, Sailor Malan (no relation to D. F. Malan) of the liberal Torch Commando is reported to have said:

The mask of respectability is there for all but the blind to see. The sheepskin has fallen off and the fascist wolf is snarling at the courts. We accuse the government of preferring jungle law to the rule of law. We accuse them of preferring unfettered dictatorship to a constitution which binds them to certain standards of procedure. (quoted in Kane-Berman 2018)

In light of these developments, the Torch Commando, the United and Labour parties, and the Defenders of the Constitution formed themselves into the United Democratic Front to agitate against the National government in the 1953 general election (Robertson 1971, 60).¹⁸ In 1956, the Women's Defence of the Constitution League—later and today known as the Black Sash—committed itself to “the restoration and encouragement of political morality and the preservation of Constitutional Government.” They argued that the National Party government was besmirching South Africa's honor by so brazenly refusing to comply with the 1910 Constitution's prescripts (Black Sash 1956, 1–2).

The National Party was so outraged by the audacity of a court defying the will of the sovereign Parliament that it attempted to create something known as the High Court of Parliament. This ‘court’ would, in fact, be Parliament sitting as if it were a court, and would have the authority to review decisions of the Appellate Division that related to the constitutionality of legislation. Margaret Ballinger said in the House of Assembly that this legal absurdity amounted to “Parliament establishing Parliament in a new form to say that a majority of the Government was itself right by a verdict of its members.” Abe Bloomberg, the United Party MP for the Castle constituency in Cape Town, whose electorate was mostly coloured (Green 2004, 163), said that the High Court of Parliament was a “phoney,” “fake court,” that amounted “to nothing more than a Select Committee of this Parliament that gives effect to the decisions of the Nationalist Party Caucus” (Marshall 1957, 192).¹⁹

18. This United Democratic Front should not be confused with the United Democratic Front that composed a substantial segment of the anti-Apartheid movement in the 1980s.

19. Marshall cites the parliamentary Hansard: 78 *House of Assembly Debates* col. 4209.

When the legislation creating this ‘court’ was challenged, the Appellate Division found on 29 October 1952 that it was unlawful, because in substance no court was being created. The legal reality was that if Parliament fails to secure a two-thirds majority in a joint sitting, it could not legislate repugnantly to the entrenched provisions (Marshall 1957, 222). This decision by the Appellate Division further angered the National Party, which again vowed to ensure a return to what it considered constitutional normalcy.

It proved relatively easy for the National Party to get around the Appellate Division’s findings of unconstitutionality. The size of the Senate, the upper house of Parliament, and the size of the Appellate Division bench were not entrenched provisions, meaning no special procedure had to be followed if government wished to modify them. As a result, government introduced legislation that expanded the size of the Appellate Division bench in constitutional matters from five to eleven. Thereafter, the government introduced the Senate Act, which enlarged the Senate, allowing the National Party to secure a two-thirds majority in a joint sitting of Parliament after itself nominating new senators. Parliament consequently passed the Separate Representation of Voters Act, which became law on 2 March 1956 (Marshall 1957, 236).

The Senate Act was also challenged for its constitutionality, with the applicants arguing that government was using underhanded means to circumvent the entrenched provisions of the 1910 Constitution, as it did with the High Court of Parliament. The Appellate Division, however, now composed of eleven judges and no longer five, found against this argument and confirmed the validity of the Senate Act on 9 November 1956, thus ending the constitutional crisis in favor of the National Party government (Marshall 1957, 240–242). Only one judge, the liberal Oliver Deneys Schreiner, agreed with the applicants in his dissent:

I hold accordingly that on the proper construction of the [1910 Constitution,] a Senate constituted *ad hoc* for the purpose of securing, by nomination or its equivalent, a two-thirds majority in a contemplated joint sitting is not a House of Parliament within the meaning of the proviso. The application of this conclusion to the facts creates no difficulty. It is clear that the Senate set up under the Senate Act was as certain to provide the requisite two-thirds majority as if the names of its members had been scheduled to the Act or the Government had been empowered to nominate all of them. It is not seriously



The Appellate Division of the Supreme Court of South Africa found Parliament’s Separate Representation of Voters Act unconstitutional in 1952. Today the Appellate Division is known as the Supreme Court of Appeal and is housed in the same building in Bloemfontein. *Source:* Wikimedia Commons.

disputed by the respondents, and the history of the legislation proclaims, that the Senate Act was part of a legislative plan to create a Senate that would in that way provide the two-thirds majority required to remove the appellant from the common roll, and that it was enacted only for that purpose. (*Collins v. Minister of the Interior and Another* 1957)

The disappointing end of the constitutional crisis made it evident that the flexible 1910 Constitution itself would be no asset in the cause of liberalism (Brookes 1956, 194). As Ballinger noted in the House of Assembly during the debate on the Separate Representation of Voters Bill:

The people of South Africa...believed that they had a Constitution. ... If we have not got a Constitution, if we are assuming, as we all seem to be assuming in a broad general fashion, that Parliament is sovereign, we are also assuming...that our Constitution is completely elastic, and that [we, Parliament] can do what we like. (Marshall 1957, 159)²⁰

Subsequently, legal-constitutional challenges to Apartheid legislation were of negligible significance. The constitutional crisis was, however, the United Party's and the judiciary's finest hour from a liberal perspective (Swart 1991, 15).

Liberalism during Apartheid (1948–1994)

The 1950–1961 Assembly speaker for the National Party, Johannes Hendrik Conradie, usefully summarized the National Party's apparent intentions with its Apartheid policy:

If we yield in every sphere, in the political sphere and in the economic sphere, we shall be forced later on to yield in the social sphere. We would like to see the native develop in his own sphere and there attain a high standard of civilisation. We are not opposed to that but he must be separated from us. (quoted in Robertson 1971, 44)²¹

With Hendrik Verwoerd's tenure as minister of native affairs (1950–1958) before becoming prime minister in 1958, the lives of black people in South Africa became rigidly centrally planned. They were expected to live in rural reserves, or 'homelands,' and could come into so-called 'white' areas, which constituted about 80 percent of the surface area of the country, only if they had a pass. Yet for those non-whites who lived in 'white' areas—and in their own houses—their stay in

20. Marshall cites the parliamentary Hansard: 75 *House of Assembly Debates* col. 4638.

21. Robertson cites the parliamentary Hansard: 64 *House of Assembly Debates* col. 1602.

such areas was by government considered to be temporary. Therefore, within the Apartheid logic, they could never truly call the houses they lived in, sometimes for generations, their homes. Their home, according to government, was always to be in the rural homelands set aside for them (Swart 1991, 39–40).

Blacks were promised eventual sovereign independence from South Africa in these homelands, where they could then fully exercise political rights and have their own political and economic institutions. But by this time South Africa already had a high degree of integration, especially economically—an egg that could not be unscrambled, said Ray Swart. The plan also ignored the fact that many millions of blacks were urbanized with no real ties, as individuals, to the rural areas to which they were assigned (Swart 1991, 47–48). Even by 1956, less than a decade after Apartheid began, Brookes noted that the quickly integrating economy undermined the Apartheid vision (Brookes 1956, 195).

The lack of economic opportunities in the rural areas spurred black people to move into urban ‘white’ areas in defiance of laws, threats, arrests, and demolition of their makeshift houses (Wentzel 1995, 20). The phenomenon was later known as the Defiance Campaign. The laws that reserved specific kinds of jobs for members of specific racial groups had the same consequence. By the 1970s there were not enough white South Africans to fill the jobs that had been reserved for them, leading to employers hiring blacks in contravention of the law. The government was powerless to stop them. Also, private schools and universities, in defiance of law, admitted black pupils (*ibid.*, 18–19).

Brookes and MacAulay wrote that civil liberty amounts to the rule of law “in the sense of basic principles of right, not merely of any and every statute or regulation that has force, but not the right, of the State behind it” (Brookes and MacAulay 1958, 1). The government moved away from its British heritage, gradually destroying the principles of individual freedom and the rule of law (*ibid.*, 5). For example, under the Suppression of Communism Act of 1950, the government issued a banning order against Albert Luthuli, a moderate from the African National Congress preaching non-racialism. For five years he could not legally leave the magisterial district in which his black reserve was located. For this ban the government gave no reasons, despite its severity. Luthuli noted to United Party MP Ray Swart that the United Party equivocated on the race issue over the years, and that black South Africans had come to not expect any solution to their lot to come from that party (Swart 1991, 42–43). According to R. W. Johnson (2011), “Luthuli was a liberal through and through who always lived a modest life.”

The Suppression of Communism Act was a particularly illiberal piece of legislation. The Act said, in essence, that a communist was one who was ‘deemed’ by government to be a communist. The result of being deemed a communist was that the government could prohibit that person from being in certain areas, attend-

ing meetings, or being a member of certain organizations (Brookes and MacAulay 1958, 23–24).

Helen Suzman of the Progressive Party was the only representative of the liberal cause in the South African Parliament between 1961 and 1974. Since communist and liberation movements were banned by law in the 1950s and 1960s, the National Party government faced insignificant political opposition (Wentzel 1995, 9). The core of the liberal movement at that time consisted of the Liberal Party, the Progressive Party, the Institute of Race Relations, Black Sash, the National Union of South African Students, and the Civil Rights League (Hughes 1994, 26). Other organizations that could be considered allies, at least partially, were the Torch Commando and the Defenders of the Constitution, as well as the English press and universities.

The English universities, also referred to as ‘open universities’ because they did not discriminate along color lines, were often considered by Nationalists as “provocatively liberalistic” and posing an existential threat to the continued existence of whites in South Africa (Lavin 1965, 436). Despite this apparent liberal threat, Brookes and MacAulay wrote that liberty as an ideal had by 1948 already been defeated “in the schools and universities of the Union before [it was defeated] at the polling-booths and in Parliament” (1958, 6).

By the 1950s, the Cape Province was still the heartland of South African liberalism. There coloured, but perhaps not necessarily black, South Africans could sit on municipal councils and engage with whites in various jobs where they would come into regular contact, even in hierarchically superior positions such as a traffic police officer. The National Party government however started applying Apartheid more strictly in the Cape in the early 1960s, which put an end to much of this (Robertson 1971, 22).

A major test for South African liberals came on 24 July 1964. The Institute of Race Relations’ Michael Morris writes of how Frederick John Harris, a senior Liberal Party member, planted a bomb at the whites-only platform of Johannesburg Park Station, the main railway station in South Africa’s largest city. Immediately after setting the bomb, Harris, who did not want to harm any innocents, contacted both the press and the police, urging them to evacuate the platform before the bomb went off. No action was taken, leading to an explosion that injured 23 and killed one. Harris was the only white anti-Apartheid activist to be hanged by the South African government on murder charges. Today, perhaps ironically, the liberal Harris is regarded as a hero by many, but not necessarily by many liberals (Morris 2019b).

By the 1960s, Apartheid was seen as inexcusable by the international community. The South African government was losing sympathy and was forcing its own international isolation (Swart 1991, 107). When the members of the

Progressive Party met with foreign statesmen, they urged them to soften their approach to South Africa so as to not push white South Africans further into the arms of the National Party, which had been capitalizing on international condemnations of Apartheid. The Nationalists spun these condemnations as being from foreigners who did not appreciate the complexities of South African life, and, should foreign powers succeed in bringing about change in South Africa, black majority rule would mean the end of the Afrikaner and Western civilization in this part of the world. The Progressives, as a result, wanted to abate the foreign element in the narrative of the National Party, an element which they felt was making the project of non-racialism more difficult (Swart 1991, 105).

As late as the 1980s, liberals, it now seems, did not realize that the Apartheid system was already collapsing (Wentzel 1995, 17; Kane-Berman 2017, xi). Starting in the 1970s, Apartheid laws were being flouted not only by the black, Indian, and coloured victims of the system, but also by white businessmen and educational administrators. In many cases, government simply acquiesced to the civil disobedience (Wentzel 1995, 18–19). The crumbling of the system had the effect of bringing about a *de facto* freer market. Although the welfare state was rather minimal, between 1970 and 1991 “the white share of total income dropped by 24% while the [black] share rose by 67%.” Real wages among blacks in the manufacturing industries also rose by 29 percent in the 1980s, with that of the whites only going up by one percent. Ordinary white South Africans adapted to these changing circumstances, with Jill Wentzel noting that by the time Nelson Mandela was released from prison in 1990, post-Apartheid South Africa was already being created (1995, 20–21). Liberals, however, were largely conditioned by the authoritarian Apartheid from the era of prime minister Verwoerd (1958–1966); they seem to have largely not noticed how the system they so vehemently opposed was crumbling around them. Thus, while the liberals correctly noted that the reforms to the Apartheid system were structurally insignificant and aimed mostly at whitewashing Apartheid or trying to dress it in more politically correct terms, the fact is that these reforms gave people on the ground room to maneuver in ways government never intended (Wentzel 1995, 23).

Michael O’Dowd, a polymath liberal who served as chairman of the Free Market Foundation from 1978 to 2005, head of the Anglo American mining corporation’s Chairman’s Fund between 1974 to 1997, and former president of the liberal National Union of South African Students, famously (Keniston 2010, 28) predicted in 1966 that economic growth and capitalism would lead to the crumbling of Apartheid by 1980 (O’Dowd 1996, 13). O’Dowd’s timeline was off by 14 years, which he later freely admitted (*ibid.*, 33), but the essence of his predictions turned out to be true. Because liberals were largely unconvinced that Apartheid was already collapsing, they reacted adversely to his prediction (Wentzel 1995, 24).

Private enterprise before 1994

Now let us look at private enterprise in South Africa and its relation to liberalism. The story is turbulent and quite confused.

The arrival of British private industry in the eighteenth century in South Africa contrasted with the largely subsistence existence of Afrikaner farmers. The English, as well as Eastern European Jews, established commercial wool farming, import-export businesses, etc. Many Afrikaners regarded private commerce and industry as the driving force behind the South African War (the Second Boer War) and the conquest of independent Afrikaner states (Giliomee 2008, 767–768), especially considering the fact that it was the influx of non-Afrikaner whites to the Johannesburg gold fields in the 1890s and the apparent displacement of local Afrikaner interests that provided impetus to the outbreak of hostilities.

According to Hermann Giliomee, it was said at a conference dedicated to the economic emancipation of poor Afrikaners in 1939 that Afrikaners must “conquer the capitalist system and [transform] it so that it fits our ethnic nature.” Giliomee writes that there was a north-south divide between Afrikaners, with southerners tending to favor private enterprise and cooperation with English businesses, and northerners being wary of “the excesses of the capitalist system,” and preferring cooperative enterprises where profit was not necessarily the main driver. William Harold Hutt, the acclaimed classical liberal economist who was teaching in South Africa at the time, in 1941 likened the Afrikaner organizing along ethnic lines to preparation for war (Giliomee 2008, 772–773).

Despite this general Afrikaner opposition to ‘capitalism,’ the National Party, which represented Afrikaners politically, repeatedly claimed its commitment to the private enterprise economy throughout the twentieth century. As Ian J. Hetherington notes, the South African government, as well as many intellectuals at South African universities, sincerely believed the economic system of the country to be one of free enterprise (Hetherington 1985, 190–191). But as Peter Berger and Bobby Godsell noted:

The vocabulary of the present government would suggest that South Africa is currently organised along capitalist, or even libertarian lines. In a country where state regulation is central to most aspects of the lives of black South Africans in particular, this is clearly not the case. (Berger and Godsell 1988, 296)

From the left, too, Apartheid has been described as essentially capitalist (Lazar 1988, 105). Racial oppression, the argument goes, was intended to benefit wealthy capitalists (Vorhies 1990, 19). Liberals were criticized for being “benefi-

ciaries of the very racist system that they claimed to oppose” (Dubow 2014, 10). But the classical liberal economist Clem Sunter notes that despite the presence of crony businesspeople during the era, Apartheid amounted to putting ideology above the natural principles of economics, and as such had nothing in common with capitalism (Sunter 1993, 55). The system “placed major restrictions on entrepreneurship, on free enterprise and on the movement of people, capital and goods to where the markets demanded they should go.” Apartheid was “completely incompatible with capitalism,” which means “free enterprise, entrepreneurship, laissez-faire and voluntary exchange” (Vorhies 1990, 19).

Economists Brian Kantor and H. F. Kenny of the University of Cape Town criticized the Marxist analysis of Apartheid. They write that the labor theory of value was convenient to Marxists because of the difference in income between whites and blacks. Examples throughout Africa, argued Kantor and Kenny, showed that capitalists rejected Apartheidesque labor controls, to the benefit of the workers (Kantor and Kenny 1976, 27–28). To Kantor and Kenny, it was peculiar that Marxists argued that the South African government knew what was good for capitalists when capitalists themselves, in neighboring states with similar circumstances, were rejecting the kinds of policies the South African government was implementing (*ibid.*, 31).

Kantor, an economic liberal, was appointed professor of economics at the University of Cape Town in 1981. Shortly thereafter, at a meeting of the Free Market Foundation, he argued that ordinary businesspeople need not understand the theory of economics. This is because in the market, information that is communicated through mediums like prices, wages, rents, interest, and competition, is sufficient for ordinary people to read the economy. Government, on the other hand, certainly had to understand the theory and principles of economics. In particular, to Kantor, they had to appreciate from the discipline of economics “why planners were not needed” (*Witness* 1981).

The Apartheid regime, then, was heavily interventionist. The Price Control Act of 1964 authorized the government to control the prices of goods and services. These goods included “electrical and non-electrical household appliances and parts therefor,” which included hairdryers, sewing and knitting machines, vacuum cleaners, toasters, etc.; movie tickets; bricks; cameras and their parts; films, flashlights and their parts; margarine; lawnmowers and their parts; tobacco; cigarettes and cigars; sugar; coal; milk; firearms and ammunition; whisky; television receivers; mineral water and fruit juice; bread; butter; and cheese (Swanepoel 1976a). The classical liberal Don Caldwell also writes of subsidized exports, rent paid to the state, Sunday trading restrictions, control boards, state financing of politically favored projects, job reservation, unemployment insurance, monopolization and protection of favored industries, occupational licensing,

tariffs, exchange controls, agricultural subsidies, and a complex tax collection system, among other things (Caldwell 1989, 39–41).

In 1976, Milton Friedman, who had just been awarded a Nobel prize, was in Johannesburg hosted by the Graduate School of Business of the University of Cape Town. He said he opposed the idea of egalitarianism for South Africa. By this Friedman meant state policy directed at addressing wealth inequality. For him, the pressing issue of income discrepancies between whites and blacks had to be resolved by removing barriers and “artificial impediments to the advancement of the individual in accordance with his capacity and ability,” and not by government programs (Feldberg et al. 1976, 48–49).

In 1981, ZSA Gurzynski, professor and head of the School of Economics at the University of Cape Town, wrote in defense of the free-market system in the Free Market Foundation journal *Free Market*. After problematizing the fact that the notions of “private enterprise” and “free markets” have been misrepresented and mischaracterized in South African discourse, especially by socialists, Gurzynski wrote:

It is essential, therefore, to place the terms Private Enterprise and Free Markets in their proper perspective and to show that far from being conditions under which people are enslaved and exploited, they are the very conditions which are essential to the maintenance of the freedom and dignity of the individual. (Gurzynski 1981, 24)

Gurzynski criticized the government for having “taken upon itself the task of promoting and co-ordinating the development of the country’s various ethnic groups.” The reasoning advanced by government was that black South Africans required “special protection, since their backward economies could not possibly compete with the highly productive and aggressive white economy.” This and the concomitant control exercised over the so-called white economy made “the government the key economic agent for the whole country.” While it was, according to Gurzynski, indeed a legitimate role for government to create the conditions necessary for enterprising individuals to operate freely, it would be better to rely “on individual freedom, private property, free enterprise and free markets,” as these are “the most conducive to development and economic growth.” “The more control the government exercises, the greater is the regimentation of society and the smaller is the freedom of the ordinary, individual citizen” (Gurzynski 1981, 24).

Piet Meyer, former chairman of the Afrikaner Broederbond—a semi-secret society to which most of the holders of power in politics, culture, and business belonged during the Apartheid era—said in 1981 that Afrikaners had to resist the free-enterprise economy because it intended to integrate racial groups:

An integrated economic system tends inevitably towards an integrated society at all levels—political, educational, church and eventually also in cultural and social spheres. May the Afrikaners never allow themselves to adapt passively to the tendencies and demands of the free enterprise system especially where it involves well-being for its own sake. (Meyer, quoted in Zille 1981)

The article in which Meyer was quoted, written by Helen Zille—who is today one of South Africa’s most prominent and controversial liberals—illustrated the tension between the *verligte* (‘enlightened’) and the *verkerampte* (‘closeminded’) factions of Afrikanerdom and particularly the National Party (Zille 1981). That tension reflected what Caldwell noted—that there is no such thing as “Apartheid capitalism,” and that the architects of Apartheid knew that they had to make great onslaughts on property and freedom to implement their policies (Caldwell 1989, 24).

After 1985, large-scale disinvestment took place as foreign companies withdrew from South Africa. The companies tended to sell their interests in the country to local buyers, which, wrote the classical liberal University of the Witwatersrand economist Duncan Reekie, had the result of increasing concentration in particular industries and “at an aggregate, cross-economy level.” Complaints were subsequently heard about having a ‘free market’ like this in South Africa, but the increased concentration was essentially induced by government. Reekie points, for example, to the tax advantages that long-term insurance companies enjoyed that enabled them to tailor more beneficial outcomes than can a saver who invests directly. He also notes the strict exchange controls that inhibited domestic companies from expanding their operations abroad, thereby causing them to focus on local expansion (Reekie 1990, 115–116).

The liberal slideaway (1980s–1990s)

In the 1980s, there occurred what Wentzel (1995, vii) referred to as a “liberal slideaway,” the consequences of which South Africa still experiences today. Liberals had warned that the indignity of Apartheid policy would eventually lead to a violent reaction. In 1906 John Xavier Merriman said that the “inferior race” would sooner or later rebel if they were excluded completely from the regime of political rights. Merriman was advancing the cause of a qualified franchise to be applied universally to all men, regardless of race, but which he felt would continue to secure “European political supremacy” for several generations to come. The argument did not catch on, and for most intents and purposes non-whites were denied political rights. The non-racial, qualified approach was still being advocated by the Progressive Party as late as the 1970s (Robertson 1971, 6).

The warnings of violence came true in earnest in the 1980s after the so-called Tricameral Parliament was established, and violence would continue until the dawn of democracy in 1994. This violence in response to the indignity of Apartheid was perpetrated by both black and white South Africans, largely to enforce rent and school boycotts. It was during this period that the influence of liberals was at its highest, especially with the international community. That influence flowed in part from the liberals' credibility with facts and the avoidance of unnecessary ideological pontification (Wentzel 1995, 1).

A large contingent of people who considered themselves liberals at this stage, however, started supporting the violence or responding with silence. Wentzel said these liberals would not dare to be seen as "criticising blacks' and failing to 'understand why' black people were compelled to resort to violence" (1995, 45). It had become "anathema publicly to criticise one's own side (defined as any individual or group opposed to apartheid)" (ibid., 4–5). Apartheid itself tended to be blamed for the violent means enacted by revolutionary organizations (52). White liberals especially believed "that to show goodwill to black people it was necessary not to criticise the strategies of some of their leaders" (6). There were some liberals who regarded criticizing revolutionaries as taboo, if not treasonous (Kane-Berman 2017, xii). Illiberal leftists used the struggle against Apartheid as a useful tool to attack traditional liberalism (Douglas 1994, 12) because of its preference for peaceful and gradual change.

Wentzel attributes this change in the "liberal" attitude to the "tyranny of 'political correctness'" which was developing in the United States around the same time the liberal slideaway in South Africa was developing. Many liberals had "lost their pragmatism, their critical faculties and their willingness to court unpopularity in the pursuit of truth, and succumbed instead to the kind of romanticism they had always despised" (Wentzel 1995, 1–2). Bloom criticized the liberal slideaway as "an unwillingness everywhere to firmly challenge the myths of the 'underdog' liberation movements," saying instead that liberals' humaneness and open-mindedness "must not make us the 'useful idiots' of the new tyrannous forces in our society" (Bloom 1994, 8). Peter Coleman later noted that political correctness is what happens when liberalism and leftism come together (Coleman 2000, 6).

A factor and manifestation of the liberal slideaway was that from the 1980s the English universities increasingly lurched leftward, particularly in the social sciences. By 1994, the library at the University of the Western Cape, for example, did not include works by notable liberals like Friedrich A. Hayek. The history faculties, too, opted to not teach their students about liberal revolutions throughout history, but instead focused on avowedly socialist revolutions. And the National Union of South African Students, formerly an unashamedly liberal student association, once it fell in with the left-nationalist South African Students

Congress, started marginalizing liberals from student governance and channeling funds to socialistic causes (Hughes 1994, 26). The silence of classical liberals on campus during the 1980s was, according to Wentzel, not because classical liberals stopped believing in their ideas “but because they were too timid, guilt-ridden and lacking in confidence to expound them.” The Democratic Party, which Wentzel identified as a holdout against the liberal slideaway in the 1990s (Wentzel 1995, 292), however, won some battles on behalf of liberalism on campuses (Douglas 1994, 15). Meanwhile the National Union of South African Students was at the forefront of fighting against liberalism, despite its own historically liberal character, because they now considered liberalism to be “capitalist” (Welsh 1998, 5).

The early 1990s represented a time when (classical) liberalism enjoyed a slight uptick from the slideaway of the 1980s, with academic leftists fazed by the fall of the Berlin Wall and Afrikaner nationalists losing their powerbase during the democratic transition (Douglas 1994, 16). In the mid to late 1990s South Africa’s democratic transition was completed, and many, perhaps most, liberals believed their mission to be over. As Keirin O’Malley noted during the transition: “Belief in a liberal victory prompts the inappropriate view that all that is now needed is a little more of what was done in the past” (O’Malley 1994, 31).

Where white liberals did propound classical liberal principles, to both the Apartheid regime and to the illiberal forces fighting it, they were often labelled as ‘right-wing.’ Black liberals were labelled ‘sell-outs’ of the revolutionary cause. Such labels carried with them the implication that one was racist or an apologist for the regime. As Wentzel writes: “For liberals [the ‘right-wing’ label] became the psychological equivalent of necklacing, and the fear of it kept many people very quiet at meetings of liberal institutions” (Wentzel 1995, 271–272).²²

O’Malley wrote that the so-called “right wing economic liberals”—by which he meant classical liberals—have been better able to withstand the liberal slideaway than the left-liberals, or “left wing economic liberals” (O’Malley 1988, 5). Wentzel lists some liberal groups that did not fall victim to the liberal slideaway: the Free Market Foundation, Groundswell, the Institute of Race Relations, and the Democratic Party (Wentzel 1995, 288–297). In the latter half of the 1980s the Liberal Democratic Association was formed as a non-slideaway organization. It was to oppose government’s tyrannical policies but also oppose violent overthrow of the state, a tendency of many revolutionary organizations. It would cooperate with government reforms away from authoritarianism and also provide its own innovative solutions to the problems facing South Africa (*ibid.*, 288).

22. Revolutionary movements in South Africa, particularly the African National Congress, engaged in the “necklacing” of black people who were deemed to be traitors to their cause or informers to the police. This meant a vehicle tire was hung around the alleged traitor’s neck, doused in fuel, and then set afire.

Kane-Berman (2019c) summarizes the pronounced schism caused by the slideaway in the following words:

Classical liberals versus social democrats, liberals who rejected violence versus apologists for revolutionary violence, liberals who believed that apartheid was being peacefully overwhelmed by economic forces versus liberals who refused to believe that that system could be overcome by anything other than revolution (which some of them romanticised), and liberals who opposed economic sanctions on the grounds that they would damage the economy versus liberals who said that that was just too bad and that most blacks supported sanctions anyway.

The liberal slideaway continues to this day, in modified form, and is often spoken of as relating to 'political correctness.' In October 1999, the Institute of Race Relations and the Friedrich Naumann Stiftung (FNS) hosted a conference about the problem of political correctness in South Africa. Temba A. Nolutshungu, a director at the Free Market Foundation, noted that the "moral ugliness of apartheid and the very real atrocities that accompanied it are such that a timorous critic of [politically correct] positions can be cowed into silence by the mere suggestion that his or her views represent a disguised defence of the old order and show an insensitivity to the plight of black people." Nolutshungu mentioned that critics of the Employment Equity Act, a mainstay of post-Apartheid racially discriminatory legislation, are the target of attacks alleging that they are defending Apartheid's legacy. Whites who embrace politically incorrect positions are considered racist and blacks are considered heretical traitors to the black cause (Nolutshungu 2000, 23–24). As Rainer Erkens of the FNS said, political correctness does not translate into social justice or a prosperous society, but simply stifles freedom of expression which is a precondition for progress (Erkens 2000, 2).

Economics during the transition years (1990–1996)

Apartheid caused a very peculiar thing: there existed, and some argue today still exist, parallel economies. One is a developed economy of immense wealth, development, and prosperity, and the other is a developing economy of great poverty, dilapidation, and destitution. The existence of the latter economy has provided impetus to the post-Apartheid regime and civil society to call for further and expansive governmentalization of social affairs.

Pierre van den Berghe wrote in 1979 that after Apartheid was abolished, and a free market system was implemented in South Africa, there would be "a drastic reduction of the standard of living of most whites" and that the living standards of blacks, coloureds, and Indians would "improve only marginally." He was arguing

that Apartheid propped up whites economically (Van den Berghe 1979, 15). In reality, while Apartheid intended to prop up whites, almost immediately after Apartheid ended in 1994, and South Africa attained the highest level of economic freedom it had ever experienced, white incomes skyrocketed (*Economist* 2013).

Van den Berghe was thus wrong on most counts. For whites and Indians particularly, a freer market has meant a considerable rise in welfare. Coloureds and blacks benefited as well, albeit to a far lesser extent. The average incomes of blacks seem to have plateaued in the year 2000, shortly after the post-Apartheid government's new labor laws came into operation. Van den Berghe was, however, correct in noting that Apartheid was "grossly at variance with a free market" (Van den Berghe 1979, 62).

It is today widely assumed "that extensive state intervention is required to undo the legacy of apartheid and that traditional liberalism is irrelevant" (Kane-Berman 2002, 2). This assumption is based on the idea that because the Apartheid government caused the poverty South Africa is burdened by today, the democratic government should be the entity to undo it. A cruder basis for this reasoning is the idea that because the Apartheid government succeeded in uplifting whites from poverty and providing whites with benefits, the democratic government must do the same on behalf of blacks. Such reasoning, to liberals, exalts collectivist endeavor.

It is more difficult for liberals to criticize the post-Apartheid government than the Apartheid regime (Kane-Berman 2017, x), especially from an economic standpoint. Bloom of the Democratic Party related in the year of transition, 1994, that campaigning for liberal values in areas considered by the African National Congress to be their turf was incredibly difficult, and that the Democratic Party encountered intimidation when working in those areas (Bloom 1994, 3–4). Kane-Berman (2019a) relates that many liberal organizations joined the ANC-affiliated United Democratic Front during the transition, and the "Mandela years after 1994 helped to ensure that almost everyone continued to see the ANC through rose-tinted spectacles."

Kierin O'Malley (1994, 39) specified the dangers:

It is not impossible that the market consensus alluded to above is simply a subterfuge and that once Nkrumah's adage about seeking first the political kingdom has been achieved, the domestic left will be forced by populist pressures from below to embark on a more radical socialist economic project.

Clem Sunter, too, warned in 1992 that the end of Apartheid would cause domestic and foreign "effendis" to regard South Africa as a prime location to, once again, try a new model of socialism. They would argue that socialism failed elsewhere for

reasons other than its inherent impossibility, and as such it would be worth a try in South Africa (Sunter 1992, 162).

To guard against those dangers, O'Malley argued, liberals had to ensure that there were adequate constitutional protections for the market economy, such as the right to private property. These protections were taken up in the 1996 Constitution; for instance, in the Section 25 right to private property and the Section 22 right to freely choose one's trade and occupation. Some of these guarantees, as O'Malley and Sunter predicted, are today in the crosshairs of an increasingly left-populist regime.

Liberals warn that intervention exacerbated the poverty that contemporary intervention is meant to remedy. State-owned companies represented substantial interference in the economy during the Apartheid era, with the largest of such companies having been among the largest enterprises in the whole economy: the Post Office, Transnet, and the power utility Eskom, with the latter having been the single largest company by 1990 (Leach 1990, 95). By 1990, too, television-producing firms in South Africa were statutory monopolies that received tariff and import quota protection from foreign competition (*ibid.*, 100). Duncan Reekie wrote then that wealth distribution would be better through deregulation and privatization. Privatization could be pursued not only by sale but also by simply giving state companies, freely, to South Africans (Reekie 1990, 111). Kane-Berman too notes the truism that under regimes of economic freedom there is more prosperity and less poverty (Kane-Berman 2002, 3).

Since the late 1980s, the South African government has declared itself to be pursuing privatization. Some steps were taken, like the privatization of ISCOR in 1989 and the passage of the Minerals Act of 1991, but little else was achieved by 1990 according to Reekie (1990, 120), and certainly little else was achieved thereafter. Regardless, by the end of Apartheid, private enterprise had proven to be competitive when contrasted with the statutory monopolies. The Cooperative Wine Growers Association was an unnatural state monopoly over the wine production industry of some 6,000 farmers. It had the ability to fix prices and set production quotas. South African Breweries, on the other hand, was a private enterprise that controlled 99.9 percent of the malt beer market, but with no protection from competition. Economist Daniel F. Leach argued that SA Breweries dominated the beer market "because the economics of beer production dictates that it is efficient for one firm to serve the market," and was, as such a natural monopoly (Leach 1990, 97) but with no "monopoly power" (*ibid.*, 105).

Sunter wrote that the notion that "the State will provide" has led to big government, itself a phenomenon of the 20th century. Ordinary people have outsourced their responsibility to care for themselves and their families and communities to government. Hitherto the government had provided extensively

for the welfare of the white minority. Going forward the majority would expect a similar arrangement. Sunter wrote that this would never come to be. The promises would not be fulfilled (Sunter 1993, 69–70).

Liberalism after 1994

When Apartheid ended, the political paradigm in South Africa changed completely, especially as it related to liberals. Liberals participated in the negotiations for a post-Apartheid constitution during a time that seemed like a moment of liberal victory, but soon thereafter and to this day liberals have had to respond to renewed government attacks on liberal institutions.

Constitutional negotiations

Bloom (1994, 5) set out the liberal position during the constitutional negotiations that brought South Africa out of Apartheid:

One of the key issues in the interim Bill of Rights that has been tabled is the appropriate balance between the principles of liberty and equality. The true liberal understanding is that liberty is the more important of these principles and is consistent only with equality before the law and equality of opportunity. This is a battle that dare not be lost. Equality of result, of outcome, of condition, is a tyranny that must be ardently fought not only in the interests of a free society but also for a dynamic, prosperous economy.

Bloom notes that the institutions of “property, family, local community, religion and voluntary association” necessarily involve hierarchy and kinds of inequality but are imperative in a free society because they “are the social and cultural walls that provide checks and limits” against the overthrow of the liberal-democratic political order.

Bloom said that affirmative action is “a woolly term” that eventually develops “into group-based schemes inimical to individual merit.” Institutions then “become hostage to spurious claims as to whether they are fully ‘representative’” (1994, 5). Paul Pereira, commenting on Bloom’s speech, said that discussions about affirmative action, whether a program is justified or not, often ignore the fact that the economic-wealth pie is not fixed but can grow (1994, 63).

Today, indeed, it is constantly questioned whether the private sector, judiciary, the press, etc., have been adequately ‘transformed.’ Even the Democratic Alliance itself, the successor to the non-slideaway Democratic Party, today makes much ado over its own racial makeup, with spokesperson Phumzile van Damme

recently proudly proclaiming on Twitter that fewer than half of the Alliance's parliamentary candidates are white (Leng 2019; Cele and Khumalo 2019). The Democratic Party, the final embodiment of the Progressive Party founded in 1959, in contrast, opposed the very principle of racial discrimination, especially in politics and representative institutions.

Bloom said that liberals were concerned about "protecting the realm of the social from being swallowed up by the political" by way of centralized power. Some social or private institutions require reform, but liberals must nevertheless protect them "against all forms of unwarranted state intrusions." Bloom spoke of a kind of judicial activism that South Africans may come to regret, if the law were allowed "to intrude into the delicacy of private social arrangements" (1994, 6).

Liberals and the new Constitution

Despite the fact that liberals had seemed not to make any significant political gains over the course of the Apartheid era, especially nearer Apartheid's end, liberal values ended up being adopted as constitutional content in the interim (1993) and current (1996) Constitutions (Hughes 1994, vii). Bloom however argued that liberalism was "accepted in form but not wholly in content in the current negotiations" (1994, 4). The constitutional content included the rule of law over arbitrary discretion, the recognition of legal equality, the protection of civil liberties and property rights, and a government with clear lines of separation between the executive, legislature, and judiciary.

In 1993, the Tricameral Parliament, with its dominant white chamber, enacted the interim Constitution, which would apply after the first broad-based democratic election in April 1994. The interim Constitution put an end to parliamentary sovereignty and, for the first time, gave South Africa a justiciable Bill of Rights. In 1994, the first democratic Parliament was elected, with the African National Congress scoring an overwhelming victory and ending 46 years of continuous white National Party rule. This Parliament, sitting as the Constitutional Assembly, would be responsible for formulating the current Constitution, which came into operation in February 1997. The current Constitution remains the Constitution of South Africa today, and includes a Bill of Rights in its chapter 2.

Liberals were not completely satisfied with the Constitution, however. Both the Institute of Race Relations and the Free Market Foundation made submissions on two crucial shortcomings in the Bill of Rights. Firstly, both organizations regarded it as a mistake to make the Bill of Rights apply horizontally and vertically rather than simply vertically. Horizontal application means the rights—including socio-economic rights—were not only enforceable against government but also enforceable between private persons *inter se*. For instance, this might mean that

farmers would be constitutionally required to provide education (which is a constitutional right) to the children of farmworkers, or at least allow the government to construct a school on their farm. Secondly, the FMF and IRR challenged the inclusion of socio-economic rights—i.e., not only first-generational, or liberty, rights—in the Bill of Rights. To the IRR, including socio-economic rights and horizontal application in the Bill of Rights could result in government using the Constitution to justify illiberal interventions in the economy (Kane-Berman 2019c). The FMF, in particular, argued that the State did not have adequate resources to give effect to these rights, and that the courts would be required to adjudicate matters properly within the purview of the legislature. The FMF also pointed out that the rights as worded were vague, and that socio-economic rights were unprecedented in South African law, meaning the courts would have to develop a new jurisprudence to accommodate them (Free Market Foundation 1996, 2–3).

The years immediately after Apartheid ended can be described as South Africa's brief experiment with classical liberalism. Privatization, deregulation, and respect for property rights were briefly considered by the new government to be key policy objectives. Tshepo Madlingozi (2006) writes:

[The Growth, Employment, and Redistribution (GEAR) policy] is essentially a conservative policy that affirms the virtues of a neo-liberal free-market economic system. This programme promises the following: cutting down on government spending; keeping inflation in the single digits; encouraging 'wage restraint'; speeding up privatisation of government assets; tax breaks for corporate capital; and the creation of a flexible labour market. Although criticised severely by ANC alliance partners, GEAR was meant to be the vehicle with which to transform the legacy of inequality, poverty and stagnant growth. (Madlingozi 2006, 9–10)

With the end of the Apartheid era, then, many liberals believed their work to have been completed, at least until a new status quo came into focus (Kane-Berman 2017, x). The J. H. Hofmeyr Memorial Trust, an organization tasked with keeping alive the spirit and values of Jan Hofmeyr, decided to close down shortly after the current Constitution was adopted. It was thought that the Constitution adequately enshrined the liberal values Hofmeyr stood for (Deane 2001, 63).

O'Malley writes that the movement toward economic liberalism had been successful in the years leading up to 1994, and for two reasons: many communist governments had recently fallen, discrediting socialism; second, there was a "vociferous free-marketeer and radical capitalism grouping in South Africa." This group included the Free Market Foundation and Groundswell (O'Malley 1994, 39), a grassroots movement spawned by Leon Louw and Frances Kendall's book *South*

Africa: The Solution to promote direct democracy and the Swiss canton system as an alternative for South Africa (*Sun* 1987).

Radical economic transformation

Ace Magashule, the Secretary General of the African National Congress, said in the aftermath of the 2019 general election that the ANC is determined to

foster a new momentum for the fundamental radical economic transformation (RET) of our socio-economic landscape. Our mandate is to expropriate land without compensation...to nationalise the Reserve Bank...to transform the financial institutions and banks in order to serve the needs of our people...to stop privatisation of state-own[ed] enterprises...the transfer of the political and socio-economic power into the hands of the overwhelming majority of our people, Africans in particular, and the black people in general. (African News Agency 2019)

This is a useful summary of the agenda the ANC has been pursuing to greater and lesser extents since the GEAR years ended. Labor policy and land reform are key aspects of this agenda to which liberals have had to respond over the last two decades.

Labor policy

Unemployment has in general been the most pressing issue to most South Africans according to Institute of Race Relations surveys (Kane-Berman 2002, 5; Institute of Race Relations 2018, 3). In 2019 the unemployment rate in South Africa was around 27 percent. The answer to this problem, writes Kane-Berman (2002), is not for government itself to create work by merely using taxes to hire people into the public service. But that is what government has, unfortunately, done with the public sector, employing more than 1.6 million people across all levels and spheres of government. In 2014, the public service wage bill amounted to 11.5 percent of South Africa's GDP, according to research done for the Helen Suzman Foundation (Franks 2014, 55).

Kane-Berman describes a liberal solution to the joblessness crisis. The government must cease strangling the labor market with restrictions, collective bargaining mandates, and minimum wages, and should free small businesses from overregulation. These interventions by the state have served only to protect the employed at the direct expense of the unemployed, who have been priced out of the market. "They must be empowered to sell their labour to the highest bidder."

A liberal solution would include having government fulfill its core mandate of protecting rights by keeping people and their property safe, enabling market competition, and privatizing state functions. Government must also voucherize education as far as possible to encourage private schooling. This would help poor children gain access to good schools. The government must also play a role in healthcare, while making maximum use of the private sector (Kane-Berman 2002, 6–7).

The IRR opposed the ANC's new labor regime from the beginning. Notably, the Labour Relations Act of 1995, the Employment Equity Act of 1998, and the Broad-Based Black Economic Empowerment Act of 2003 were all resisted (Kane-Berman 2019a). The purpose of the Black Economic Empowerment policy is “to increase the number of black people that own, manage, control and gain employment in South Africa’s economy” (Investment House 2016). It does this, for instance, in the mining industry by requiring that the shareholders of a company be 30 percent black (Ritchie 2018). The IRR notes that Black Economic Empowerment, affirmative action, and employment equity policies have failed, as they have only assisted “those who are already fairly advanced on the social ladder” instead of poor blacks (Roodt 2018, 1).

As historian Hermann Giliomee writes, the “policy of ethnic preferment provides new opportunities to the politically dominant group for generating wealth, income and employment. It bolsters the support of ethnic leaders, even from those who are not benefiting from the policies” (Giliomee 2008, 767).²³ The IRR has proposed a liberal alternative to the government’s Black Economic Empowerment model. Rather than using race as a proxy for disadvantage, disadvantage itself should be considered. The result would be that the majority of beneficiaries of state assistance would continue to be black, but the stain of racial discrimination will no longer taint South African law (Kane-Berman 2002, 7). Policy should “shift away from a focus on numerical targets, [and] rather look to provide the inputs which would improve the lives of poorer people.” It should prioritize “rapid economic growth, excellent education, more employment, and the promotion of vibrant and successful entrepreneurship” (Roodt 2018, 11).

On 1 January 2019, South Africa’s National Minimum Wage Act came into operation, creating one single standardized minimum wage across all sectors in the South African economy.²⁴ Sunter had warned 25 years earlier that social engineers should not interfere in how wages are arrived at in the market, because it would lead to unemployment (Sunter 1993, 59). As of 14 May 2019, South Africa’s

23. Here Giliomee was referring to Malaysia’s New Economic Policy, which in part inspired South Africa’s policy of Black Economic Empowerment.

24. Subject to limited exceptions.

unemployed plus discouraged workers made up 38 percent of the potential labor force (*BusinessTech* 2019). The generally free-market Centre for Development and Enterprise (CDE), led by Ann Bernstein, argued in an October 2018 report that South Africa must undergo labor policy reforms, chiefly in the form of exemptions from the national minimum wage, to arrest the crisis of slow growth and unemployment. The authors, economist Nicoli Nattrass and political sociologist Jeremy Seekings, concluded that there must be an “expansion of lower-wage, labour-intensive sectors” to make room for the unemployed (2018, 5). In an earlier spotlight notice, the CDE concluded that upon “sober examination,” government’s national minimum wage policy “reveals unacceptably high levels of risk and a very high chance of exacerbating poverty, inequality, and unemployment, while also slowing economic growth” (CDE 2017).

Land reform and expropriation without compensation

The post-Apartheid regime’s determination to carry out land reform came to a head in 2018, when Parliament adopted a resolution that committed the institution to amending the Constitution to allow for the expropriation of private property, mostly rural land, without compensation.²⁵ In the words of president Cyril Ramaphosa, the measure would address the “original sin” of land dispossession (quoted in Herman 2018). Others too, like Julius Malema, leader of the Economic Freedom Fighters (EFF), a radical Marxist-Leninist party, believe that the answer to poverty in South Africa is land redistribution, and that South Africans are poor because they do not own land (Cronje 2014).

Sunter, however, noted that peasant or subsistence farming will not provide the answer to South Africa’s poverty woes. Indeed, the Apartheid homeland policy—requiring blacks to live in rural areas—was particularly directed toward “depositing masses of people on semi-arable land in rural areas remote from markets.” Instead, it is principally in urban areas that people learn trades and entrepreneurship (Sunter 1993, 73–74).

When the government expropriates property for public purposes or land reform, the Constitution requires government to pay just and equitable compensation based, among other things, on market value. Expropriation without compensation would remove that provision. A similar process was followed in Zimbabwe in the early 2000s, when farms owned by whites were violently expropriated without compensation, crashing the banking sector and consequently the economy. The EFF, which has been the greatest champion of expropriation

25. For a broad discussion about the question of land and property in post-Apartheid South Africa, see Van Staden (2019, 272).

without compensation, has lauded the Zimbabwean situation as one to emulate (Head 2019).

According to the CEO of the Institute of Race Relations, Frans Cronje, prospects for blocking expropriation without compensation in the May 2019 general election hinged on keeping the ANC and the EFF, collectively, under 66 percent of the seats in the National Assembly. In terms of the 1996 Constitution, that coalition would need a two-thirds majority in the lower house of Parliament to amend the Constitution to implement its program (Cronje 2019a). The ANC and EFF collectively attained 68 percent of the vote, however, and now do possess a two-thirds majority of the seats in the National Assembly.

Recent discourse about ‘liberalism’

Criticism of liberals and liberalism has continued after the end of Apartheid. For example, Ismail Lagardien (2019) has accused the liberal former premier of the Western Cape, Helen Zille, of “stepping into the alt-right, and hiding behind the fig leaf of ‘classical liberalism.’” He lambastes Zille for fondly citing Thomas Sowell, “the right-wing economist” who is associated with “the most notorious paleo-conservatives” in America. Above all, Lagardien criticizes classical liberalism for its emphasis on “individual liberty, meritocracy, [and] rational thought” and the notion that people “are responsible for their own misery and poverty.” He concludes that liberalism thus glosses over the unearned privileges white South Africans gained from colonialism and Apartheid. Liberalism is therefore a dog whistle to racists. To Lagardien, “atomistic individualism is one of liberalism’s worst aspects.”

The former minister and Communist Party central committee member Jeremy Cronin (2019) lauds the “progressive liberalism” of “the founders of the ANC,” but has criticized the liberalism that “is also invoked by the likes of the Free Market Foundation, calling for the unleashing of untrammelled market appetites with all their ecocidal implications.”

Etienne Mureinik, like many liberals at the end of Apartheid, warned of this kind of sentiment:

Liberal has again become the stigma label. Under [former Apartheid prime ministers] Verwoerd and Vorster liberal was the stigma-label of choice. It meant so far left as to be almost Communist. But now it [means] so far Right as to be almost racist. It is a new psycho-trick, calculated to taint the democrats on one’s Right with the authoritarianism of those much further to the Right. (quoted in Leon 2019)

Part II. Classical liberal personalities and institutions

In Part II, I turn to particular persons and organizations, and specifically liberals in politics. What follows is episodic, sometimes doubling back chronologically.

Liberal organizations and liberals in civil society

Historically, the liberal movement was supported by the South African English-language press, the English-language universities, some English-language churches, some businesses, lawyers, and literary and other artists (Hughes 1994, 25). But in the twenty-first century the liberal movement received support from foreign quarters. A German political foundation, the Friedrich Naumann Stiftung, has been described as the most helpful foreign institution to South African liberals (Johnson 2011). Also, the Atlas Network, a United States-based global network of classically liberal think tanks and organizations, assists partners in South Africa (Sayyid 2019).

There are several civil society organizations in South Africa today that can broadly be described as “liberal.” Arguably, however, only two can be described as classical liberal, the Institute of Race Relations, founded in 1929, and the Free Market Foundation, founded in 1975.²⁶ This part of the essay will cover these and other organizations and individuals important to liberalism.

Institute of Race Relations

The South African Institute of Race Relations (IRR) was established on 9 May 1929 by John David Rheinallt Jones, Charles Loram, Howard Pim, Edgar Harry Brookes, J. du Plessis, D. D. T. Jabavu, J. H. Nicholson, and J. G. van der Horst.²⁷ The IRR is perhaps one of Africa’s oldest think tanks, and certainly its oldest classically liberal (Shandler 1991, 21) think tank. It was located in the basement of the University of the Witwatersrand until February 1947 (Byrne 1990, 27).

By 1936, the IRR was engaged in welfare activism, which contributed to

26. The Free Market Foundation is the author’s employer.

27. C. de B. Webb, however, includes as founders Rheinold Frederick Alfred Hoernlé and Leo Marquard, and excludes Pim, Du Plessis, Nicholson and Van der Horst (Webb 1979, 40).

stimulating an emerging liberalism in South Africa. Phyllis Lewsen writes that although the IRR was not politically partisan, it “was broadly liberal in its quest for individual freedoms and social advancement.” Socialists at the time attacked the IRR for being capitalist. Lewsen writes that the IRR had a “belief that accurate information can change attitudes” (Lewsen 1987, 101). Its annual *South African Survey of Race Relations* began in 1946 and continues today.

J. D. R. Jones, the “Forgotten Man of liberal politics,” has been described as “South Africa’s first full-time professional liberal,” given that he was the first director of the Institute of Race Relations, serving between 1930 and 1947 (Byrne 1990, vii). His successors were Quintin Whyte (1947–1970), Frederick Johannes van Wyk (1970–1980), John Rees (1980–1983), John Kane-Berman (1983–2014), and currently Frans Cronje (Byrne 1990, 30; University of the Witwatersrand 2011; Spector 2013). The IRR relied mainly on American funding since its founding at least up to 1990, at which time the Kellogg Foundation and the American Aid Programme were the main financial supporters of the IRR. Other large funders over the IRR’s history were the Carnegie Corporation, the Phelps-Stokes Fund, and the Ford Foundation (Byrne 1990, 28–30). The IRR’s reliance on American organizations declined beginning around 1983. USAID and the Kellogg Foundation provided funding mainly for bursaries, but others refused to fund the think tank due to their criticism of international economic sanctions and the violence employed by the ANC to further its cause. The IRR survived financially mainly as a result of local fundraising efforts. Michael O’Dowd of the mining corporation Anglo American is noted as having been instrumental in sourcing funds from that company for the IRR’s most contentious work (Kane-Berman 2019c). The government was so threatened by the IRR’s research and stature in civil society that in 1948 it established its own, pro-Apartheid counterpart, the South African Bureau of Racial Affairs at the University of Stellenbosch (see Overy 2002, 66 n.9).

Widely respected by those who opposed the idea of Apartheid before 1994, the IRR is today regularly labelled as reactionary, conservative, and right-wing, despite the fact that the IRR has simply continued to advocate personal and economic liberty (News24 2011; Cloete 2011; Bond 2015). Compare, for instance, the 1958 IRR-sponsored publication *Civil Liberty in South Africa* by Brookes and MacAulay and its 2018 publication *Race Relations in South Africa: Reasons for Hope 2018*. In both there is a clear overtone favoring the dignity and worth of the individual and an unashamed advocacy of private property rights regardless of race. Indeed, Kane-Berman describes the IRR as “unashamedly liberal” (Kane-Berman 2017, ix).

The IRR claims that it has described itself as liberal since 1929, and by that it means to take the view that society is “made up of various interest groups, political

and otherwise, but as essentially comprising a collection of individuals, each with inalienable rights” (Kane-Berman 1994, 1). In April 2019, the IRR’s Sihle Ngobese described the IRR as “an advocacy organization that fights for your right to make decisions about your life, your family, and your business, free from unnecessary government, political and bureaucratic interference. We are an actual, classically liberal organization” (Ngobese 2019).

In the same month, April 2019, President Ramaphosa conferred the Order of the Boabab in Silver posthumously on Ray and Dora Phillips, Americans who were involved with the IRR at its founding (Morris 2019a), for their social work among poor black South Africans in the early twentieth century (Lubisi 2019).

In May 2019, Frans Cronje summarized how the IRR believes South Africa should “rebuild” after ideological mismanagement and corruption in recent years:

Rebuilding will mean, among other things, jettisoning over-zealous labour regulation that prices poor people out of jobs, repealing all race-based policy, reducing the state’s role in the economy, and allowing parents control over the education of their children. Do these things, and South Africa might achieve the growth rates sufficient to substantively erode levels of poverty and inequality to take the wind out of the racial nationalist sails. (Cronje 2019b)

Free Market Foundation

The Free Market Foundation (FMF) was founded in August 1975, and its inaugural congress took place in March 1977 (Swanepoel 1976b). The FMF’s goal was and remains “to encourage a free market economy in South Africa” and stop the trend of “increased government participation in and control of the economy” (Swanepoel 1975). In 1976 the FMF complained of a “paradox” where South Africa had a “declared pro-capitalist position” and “anti-communist laws,” but “against a background reality of extending, creeping state tentacles which envelop, constrict and eventually stifle” (*Daily News* 1976). The FMF said of itself: “The Free Market Foundation is the only organization in the Republic with the singular goal of advancing capitalism” (FMF 1976, 7).²⁸

Leon Louw described the work of the FMF as follows in 1987: “We mobilise public opinion, we lobby, we fight government, any government, and make representations and submissions. Our objective is to create a climate of public opinion among politicians, radical groups and unions in favour of free markets” (quoted in Kennedy 1987). The American classical liberal James U. Blanchard III wrote that the “growing group of intellectuals who understand individual liberty

28. My translation from the original Afrikaans.

and the free market” in South Africa were “centered around the Free Market Foundation” (Blanchard 1979, vii).

The FMF was born out of the South African Association of Chambers of Commerce (Assocom), of which Louw was the legal manager (*To the Point* 1977). Louw has been executive director of the FMF from 1978 to the present. Assocom gave the FMF direct assistance for the first ten months of its existence before the FMF became independent (Louw 1978, 5). Lou Sher, the former president of Assocom, was the FMF’s first chairman (Segal 1977). Louw was the chairman of the steering committee constituted to form the FMF (Robertson 1975) and was joined by Ed Emary, Mike Lillard, Fred Macaskill, Andre Spies, and Mark Swanepoel (*Daily News* 1976). After its establishment, the FMF’s interim executive committee was chaired by Dirk Hertzog, a relative of the former prime minister J. B. M. Hertzog, and was formally supported by Assocom, the South African Society of Marketers, the South African Federated Chamber of Industries, the National African Federation Chamber of Commerce, and the Afrikaanse Handelsinstituut (*Clarion* 1976). In March and April 1978, the FMF and the University of South Africa co-hosted Friedrich A. Hayek in Johannesburg.

Stephan du Toit Viljoen, the first president of the FMF and chairman of the Bantu Investment Corporation, argued at the FMF’s inaugural congress that the unrest in South Africa was due to the inability of blacks to identify with the system in which they lived. For conflict to be abated, all races had to be included in the administration of the country. A free market in South Africa could not be successful if this was not done (Segal 1977). Louw echoed this in 1978, saying in a response to a survey showing that most blacks self-identify as communist or socialist that this was because the *status quo* in South Africa—Apartheid—was described as capitalist by both its promoters and detractors, which was not in fact the case (Norton 1978). At a 1987 symposium in honor of Martin Luther King Jr. in Atlanta, Louw said that peace in South Africa could only be achieved if the white electorate gave blacks citizenship and equality before the law and abolished Apartheid (*Citizen* 1987).

Michael Conway O’Dowd (1930–2006) has been described alongside William Harold Hutt (1899–1988) as a “doyen of the free market school” in South Africa (O’Malley 1988, 6). In addition to being an executive of the mining corporation Anglo American, O’Dowd was chairman of the Free Market Foundation from 1978 until 2005 and known for his “O’Dowd Thesis.” The O’Dowd Thesis, initially circulated privately in 1966, held that industrialization would lead to the end of Apartheid, just as it had led to greater democracy in Britain (Keniston 2010, 28). The thesis



O’Dowd in 1996.
Source: FMF.

was inspired heavily by Walt Whitman Rostow's *The Stages of Economic Growth* (O'Dowd 1996, 1). In 1987, O'Dowd wrote that the privatization of South Africa's state-owned enterprises would make it easier for disempowered blacks to enter the market. The reform had to be combined with the liberalization of regulations that were causing small enterprises to be priced out of the market (*Sowetan* 1987).

Fred Macaskill, then a director of the FMF, wrote that the problem in South Africa was "not a question of violating the rights of blacks or whites." Instead, the issue was "the state's violation of individual rights," implying that the racial element of oppression in South Africa drew attention away from the machinery of oppression. He criticized certain constitutional proposals—those which would ultimately culminate in the 1983 Tricameral Constitution—for not contemplating a limited government but instead further entrenching the absolute power of government. The only way to solve the problem of oppression according to Macaskill was to limit the government's powers, especially the power to discriminate (Macaskill 1979, 215–216).

In November 1980, Terry Markman, a council member of the FMF and well-known transportation consultant, called for the deregulation of South Africa's state-run airline monopoly, South African Airways (SAA). He advocated that the domestic market be deregulated immediately, that SAA be required to make a profit and eventually be privatized, that airports finance themselves, that the country enter into generous bilateral agreements with other countries, and that private airlines be allowed to compete on international routes (*Cape Times* 1980).

In 1981, Markman called on the then-Monopolies Commission to investigate SAA, then effectively a monopoly that had the right to license other operators, for refusing a "right to operate" to another airline, Sky Couriers. Sky Couriers had been taking a large amount of cargo business from SAA, angering the freight agents' union. Markman condemned SAA for its "coercive monopoly" and lambasted the fact that a market player could deny, by force of law, the right to participate in the market to its competitors (Duncan and Paris 1981). In 1991, the domestic aviation market in South Africa was deregulated and SAA demonopolized, allowing private airlines to compete against the state's carrier (Mhlanga 2017, 3–5).



1991: The FMF's Terry Markman was a member of the South African government's International Aviation Policy Steering Committee, which culminated in the demonopolization and deregulation of the aviation industry. Markman is standing fourth from the left. *Source:* FMF.

The FMF continues to argue for the privatization or liquidation of SAA itself, as the government persists in propping up the thoroughly uncompetitive and unprofitable airline. Since deregulation, SAA's market share went from 95 percent in 1994 to 17 percent in 2018. By June 2018 the airline needed R9.2 billion (\$6.3 million) to pay off its debts and R15 billion (\$1.03 billion) for operating costs (eNCA 2018). In June 2018, Louw made a R100,000 (\$6,916) wager with the CEO of SAA, Vuyani Jarana, that the airline would not be profitable within Jarana's three-year timeline. Jarana accepted the wager (Smith 2018) but resigned from SAA on 29 May 2019 (Gernetzky 2019), less than a year after taking office, citing red tape and an unwillingness of the government to help SAA succeed (*TimesLive* 2019).

Louw has been considered the face of the free-market movement in South Africa since the 1970s. In a December 1987 biographical article by journalist Stan Kennedy in the Johannesburg paper *The Star*, Louw was described as "the driving force for a free-market society" in South Africa. Louw came from an Afrikaner family, initially flirted with fascism, then at university became a Marxist and acted as a courier for the then-banned African National Congress (Lawson 2013). He was weaned away from Marxism when he discovered that there was "no sign of any great struggle between the working classes and capitalists," instead seeing cooperation between consumers and sellers (Kennedy 1987).

Louw wrote in 1981 in the FMF journal *Free Market* that adopting a free-market paradigm would solve South Africa's most important social, political, and especially racial problems. His major points were three:

- There needed to be rapid wealth creation, without which any political solution to South Africa's problems would be stillborn. Even if all the wealth white people owned at the time were redistributed, this ultimately would do little to help the impoverished black majority. Only a free market would be conducive to such rapid wealth creation.
- South Africa's woes would not come to an end unless racial intergroup domination is eliminated. By embracing the free market, life would be less politicized, with the important decisions that affect people's daily lives being made by them individually or as communities.
- Such a depoliticization, furthermore, is not possible except under a constitution that provides for a limited government, especially insofar as government's economic powers are concerned. Such a constitution would defuse the intense racial and ethnic tensions.

Louw concluded, "the promotion of a free market, or stated conversely, the reduction of statism, whether it be left or right, is the most urgent and important priority in South Africa" (Louw 1981, 2).

Louw was the principal author of the Ciskei's Small Business Deregulation Act (Blundell 1985), and chairman of the Commission of Inquiry into Ciskei Economic Policy (*Financial Mail* 1980). The Ciskei was an Apartheid homeland considered by the Apartheid regime to be "independent" from South Africa but rightly seen by the international community as a puppet meant to legitimize the Apartheid system. Louw and the FMF pressed to take advantage of the South African government's self-declared non-involvement in domestic Ciskeian affairs. The Small Business Deregulation Act, among other things, exempted small businesses from a host of interventionist legislation still imposed upon the homeland by the central South African government, and it established the office of the Small Business Commissioner, who could exempt small businesses from other burdensome laws or regulations unless Parliament overruled it. The Act also legalized child

labor when there is consent from parents or guardians. And the Act certainly did not create a free-for-all of economic anarchy; for one, it explicitly provided that all the rules of employment and public health that exist under common law shall persist (Hetherington 1985, 192).

The FMF-advanced reforms in the Ciskei included the abolition of various taxes, and they led to the development of new industries and greatly increased foreign investment. The FMF's slogan for taxes in the Ciskei was "Simple, Flat, and Low," as the personal income tax return was simple and one page long, and those who earned more than R8,000 had to pay a flat 15 percent rate. There was no company tax. The reform led to 90 percent of those who used to be liable for personal tax being liable no longer. In the wake of these reforms, over about three years, the Ciskei had an annual economic growth rate of 6 to 8 percent, whereas South Africa's growth was near nil (*Business Day* 1987).

By the mid-1980s, the FMF's funding largely came from big companies, augmented by membership contributions from individuals and smaller companies and paid consultancy work for firms and government institutions. In the late 1980s, FMF's training program Justice For All taught politics and economics to millions of South Africans employed by participating companies, and it contributed 60 percent of the FMF's total income (Kennedy 1987).

In 1986, Louw and his wife Frances Kendall co-wrote the best seller *South Africa: The Solution* (Louw and Kendall 1986). Widely acknowledged as a potential



1986: Frances Kendall and Leon Louw in a promotional photo for their book *South Africa: The Solution*. Source: FMF.

path forward for South Africa, the book recommended a direct democracy system patterned on the Swiss canton system: “Democracy is a complicated array of checks and balances, intended to protect individuals and minorities and limit the power of central governments” (*Sun* 1987). The book was widely promoted by the FMF and Groundswell at forums like the 1987 Dakar Conference and the first national congress of the Institute for a Democratic Alternative for South Africa (*Pretoria News* 1987). Groundswell was formed specifically to promote the Swiss-style direct democracy and federal canton system ideas offered in the book. The book opened the way for FMF’s participation in the constitutional negotiations that brought South Africa out of Apartheid. Louw and Temba A. Nolutshungu “played a role in negotiations to democracy, and successfully included property rights in the Constitution” (Bloor 2019).

In line with its support of entrenching property rights protection in the 1996 Constitution, FMF opposes the government’s policy of expropriation without compensation. In November 2018, the FMF hosted a conference in Johannesburg that drew participants from Venezuela, India, Nigeria, Kenya, Ghana, and the United States, who related their own countries’ experiences with similar anti-property rights laws (Van Staden 2018).

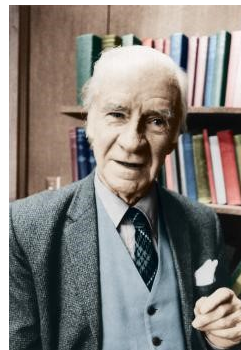
The FMF is known for its Khaya Lam (Xhosa for “My Home”) land reform project. The goal is to facilitate the transfer of title deeds from municipalities to indigent tenants. Under Apartheid tenure law, black South Africans could not own property in ‘white’ cities and had to rent houses from the municipalities in ‘black’ townships on the periphery of the cities. By 2019, many of these tenants had lived on these properties for more than a generation. As a pro-property rights method of realizing the constitutional commitment to land reform, the FMF believes these tenants must become full freehold owners of those properties (eProperty News 2018). By May 2019, Khaya Lam had successfully facilitated the processing of 3,610 title deeds, with another 3,525 titles in process.²⁹

William Harold Hutt (1899–1988)

William Hutt was a renowned economist from Britain who came to work in South Africa at the University of Cape Town in 1928. He became dean of the Faculty of Commerce in 1931. His best-known contribution to South African liberal economics was his book *The Economics of the Colour Bar* in 1964, which addressed the economics of Apartheid (see also Hutt 1975).

29. Numbers obtained from Perry Feldman, Khaya Lam project manager, via email.

Hutt had always been an opponent of racial discrimination by the state in South Africa, even before the National Party won the 1948 election and implemented its Apartheid policy. In 1937, Hutt warned of the coming threat to the entrenched clauses of the 1910 Constitution, a threat that was realized in the 1950s during the constitutional crisis discussed above. The entrenched clauses had protected the equality of the English and Afrikaans languages, as well as the non-racial but qualified franchise in the Cape Province. In 1961, when South Africa was to become an independent republic outside the British Commonwealth, Hutt argued that all South Africans should be offered British citizenship (Hutt 1964, 6–7).



William Harold Hutt. *Source:* Mises Institute.

Hutt described Apartheid as an economic injustice, that is, “any policy or action which is intended to perpetuate the inferiority of material standards or status of any racial group” (Hutt 1964, 9). According to Hutt, Apartheid South Africa was characterized by two opposing forces. The first force—the free market—tended to liberate non-whites from coercion and subservience, and the second force—interventionism—tended to subjugate them (*ibid.*, 173). Unchecked state power, wrote Hutt, “deliberately or unintendedly, patently or deviously” represses politically vulnerable groups (174). In South Africa, Apartheid was not a “truly free enterprise” system, but instead a state-directed economy, where the spontaneous order of the market was “replaced by planning with political objectives” (177).

Hutt argued that the elimination of racial discrimination in state policy was not going to solve South Africa’s problem with authoritarianism. In the context of South Africa having had parliamentary sovereignty as opposed to constitutional supremacy, Hutt wrote: “Universal suffrage would merely mean the transfer of power to a new political majority, with no constitutional limitations to prevent retaliatory abuse” (1964, 178). Instead, South Africa needed to adopt the political philosophy of liberalism. “The rule of law,” wrote Hutt, “must be a rule of non-discrimination and a rule, therefore, of limited state intervention in the sphere of markets and free contract” (*ibid.*, 179).

Ludwig Maurits Lachmann (1906–1990)

The economist Ludwig Lachmann, well-known for *Capital and Its Structure* (1956) and *The Market as an Economic Process* (1986), taught at the University of the Witwatersrand in Johannesburg, South Africa, between 1948 and 1972, and was president of the South African Economic Society between 1961 and 1963.

In September 1976 Lachmann addressed a meeting of the Free Market Foundation, alongside Dirk Hertzog and Leon Louw, on the topic of economic freedom. He explained how politicians trade promises for votes, arguing that the more they promise, the more votes they attain. This was the basis for his argument that democracy, as it was then widely practiced, threatens economic freedom (Swanepoel 1976c). In an interview with the FMF in August of the same year, Lachmann (1976) argued that inflation, too, threatens economic freedom. Governments, which are invariably unwilling to stop increasing the supply of money, will use methods like price, wage, and rent controls, among other restrictions on the market, to restrain inflation.



Ludwig Maurits Lachmann. *Source:* Mises Institute.

Torch Commando

The Torch Commando was a group of former South African soldiers who had served during the Second World War (Robertson 1971, 51). Founded in 1951, the Torch Commando was organized specifically to oppose the introduction of the Separate Representation of Voters Act, which gave rise to the constitutional crisis in the early 1950s. Having recently fought fascism in Europe, Torch Commando members felt that the National Party government was exhibiting signs characteristic of their former enemy: the prioritization of race, extreme nationalism, and dictatorial government.

The national chairman of the Torch Commando was Louis Kane-Berman, father of John Kane-Berman, the latter of whom became and remains today one of South Africa's most prominent classical liberals. The Torch Commando was one of the largest resistance movements in the country's history, once boasting 250,000 registered members (including civilians who were not veterans), including five judges and ten generals, amounting to about 10 percent of South Africa's white population. Other prominent members of the Torch Commando were its national president, Adolph "Sailor" Malan (1910–1963), and Alan Paton (1903–1988), who would later be a founder and leader of the Liberal Party (Kane-Berman 2018). Sailor Malan referred to the National Party government as "fascist in spirit,"



Adolph "Sailor" Malan was the president of the Torch Commando. *Source:* Wikimedia Commons.

while the Torch was founded on principles of constitutionalism, democracy, individual liberty, and the rule of law (Robertson 1971, 52–53).

Black Sash

The Black Sash was founded in 1955 during the constitutional crisis as the Women’s Defence of the Constitution League, “an organization of white women to promote respect for the constitution and protest the loss of voting rights for Coloureds” (Michigan State University 2005). Jean Sinclair, Ruth Foley, Elizabeth McLaren, Tertia Pybus, Jean Bosazza, and Helen Newton-Thompson were among the League’s liberal founders. The League employed marches, convoys, protests, and vigils to oppose government policy (South African History Online 2011).

At the League’s protests against what it considered unconstitutional government action, the women wore black sashes fastened to white cards reading “*Eerbiedig ons Grondwet*,” Afrikaans for “Respect our Constitution.” The protesters became associated with these black sashes. They gave rise to the name (Black Sash 1956, 2), which was formally adopted at the organization’s April 1956 National Conference (Black Sash 2017).

Their role expanded after the unsatisfactory resolution of the constitutional crisis. Wentzel argues that after the dissolution of the Liberal Party in 1968 the Black Sash was the most effective human rights organization in South Africa, working directly in communities that were threatened with forced removals and trying to ensure the injustices were exposed (Wentzel 1995, 10).

In the 1970s, increasing numbers of Marxists joined the Black Sash, leading to the sidelining of liberals; Wentzel writes that Marxists were “in many ways the traditional foe of liberals” (Wentzel 1995, 12). Today, the Black Sash makes submissions and advises government on legislation and welfare (South African History Online 2011).



Circa 1955–1960: Black Sash members protesting with a placard reading “Justice demands a National Convention of all races.”

Source: Wikimedia Commons.

Anton Rupert and Johann Rupert

Anton Rupert (1916–2006), the business magnate who established the international Rembrandt Group, was another Afrikaans liberal. In 1985, for

example, Rupert pointed to building codes, health regulations, restricted operating hours, licensing requirements, transportation regulations, labor regulations, and minimum wages as reasons for poverty in South Africa.

In part as a result of Rupert's activism in favor of a free-enterprise economy, in the late 1980s South Africa went about a process of regulatory reform designed to benefit small businesses and the informal economy (Esterhuyse 1986, 66–67). Rupert opposed influx controls, i.e., controls on black movement into 'white' urban areas. For Rupert, without freedom "private initiative and creative ingenuity cannot develop fully" (ibid., 102–103). Rupert's was one of various voices pointing out that Apartheid measures did not work in light of the economic realities in South Africa. Rupert assisted with the initial funding of the Free Market Foundation (Louw 2011).



Anton Rupert.
Source: Wikimedia Commons.

Rupert's son Johann Rupert, who inherited his father's empire, continues Anton's liberal legacy. Recently, Johann partnered with the Free Market Foundation's Khaya Lam land reform project, sponsoring the title deeds of 70 Aberdeen residents (Free Market Foundation 2018).

Liberals in politics

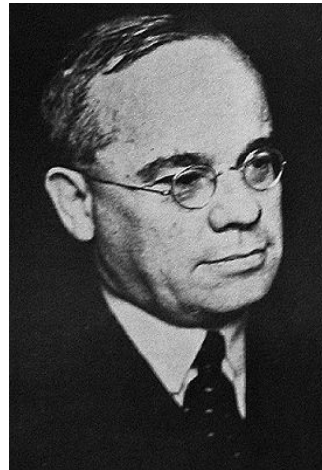
A number of South African liberals and liberal organizations had an important role in politics throughout the twentieth century. This participation has continued, but to a lesser extent, into the twenty-first century.

Jan Hendrik Hofmeyr (1894–1948)

Jan Hofmeyr was seen as the leader of South Africa's fledgling liberal political movement in the 1930s and 1940s. He had been a veteran politician, but was also "convinced that prevailing South African racial attitudes and policies could not be reconciled with either his Christian principles or his understanding of liberal democracy" (Deane 2001, 58–59). As a minister in the United Party government in 1936, he opposed his own party's legislation that disenfranchised blacks and cordoned them off in the homelands (Robertson 1971, 15). He was vice president of the Institute of Race Relations from 1944 until his death in 1948 (ibid., 27).

Hofmeyr, a political polymath, held five Cabinet positions between 1933 and 1938. After he threatened to resign in 1937 when his party made threats against coloured rights, the prime minister, Jan Smuts, wrote that his resignation would “be a great loss,” and that Hofmeyr was “a good liberal with a fine human outlook.” Hofmeyr did resign from Cabinet later because of a different issue—the appointment by prime minister J. B. M. Hertzog of an unqualified person to a vacant ‘native representative’ Senate seat. The 1910 Constitution required such senators to be “thoroughly acquainted” with black affairs, which Hertzog’s appointee was not (Lewsen 1987, 109).

Hofmeyr had been the deputy prime minister under Smuts since 1938 and was expected to be Smuts’s replacement as leader of the United Party and prime minister of South Africa when Smuts retired. Hofmeyr’s untimely death in 1948—the same year as the National Party’s electoral victory over the United Party—represented a significant setback for liberalism in South Africa, and with him probably died any possibility of the United Party becoming more dependably liberal (Hughes 1994, 32–33; Robertson 1971, 27).



Circa 1940s: Jan Hendrik Hofmeyr was considered to be the political leader of South African liberalism until his untimely death at the age of 54.

African National Congress prior to the 1940s

Despite its inherent appeal to nationalism, the African National Congress (ANC), which rules South Africa today, was a largely liberal organization from the time of its founding in 1912 to roughly the end of the 1940s. It advocated the removal of discriminatory government policy but tolerated a qualified franchise. Above all, it sought equal rights, including property rights, across racial lines (Robertson 1971, 28–29).

The ANC Youth League was founded in 1944. One of the founders, Jordan Kush Ngubane (1917–1985), said in a 1964 interview that he split with more militant elements within the League partly for “ideological reasons.” He was from a family that owned land, with a traditionalist mother and a realist father. These influences made him become, in his own words, “a non-racialist and a liberal.” His father, for instance, “rejected race as criterion by which to fix the position of the individual in society” (Ngubane 1964). Ngubane wrote that, “True liberalism recognises every man’s right to a life of his own; to a culture of his own, so long

as these do not constitute a threat to his fellowmen,” and that liberalism was “the only philosophy on which we can build a lasting Union of South Africa” (Ngubane 1954).

Ngubane wrote that he “rejected Communism,” “a foreign ideology.” His own “liberal background,” however, led him to stop short of expelling communists from the Youth League. He thought they, the liberals in the League, should instead come up with an idea more powerful than communism. A fellow Youth Leaguer, Anton Lembede, opted for Africanism, “a racially exclusive attitude among the Africans which would be similar to that of the Afrikaner nationalists,” an idea that did not sit well with Ngubane. Some, like Ngubane, “wanted a liberal democratic republic,” while others “preferred a socialist community.” The differences between these groups would be set aside until the common enemy—the white government—was vanquished. Lembede “disliked [Ngubane’s] friendship with white men and women of liberal persuasion.”

But Ngubane was not prepared to consider all whites as “sinners”—he “did not wish to judge any human being as a member of a racial group.” He thought that “the element of liberalism on the race question had always been an important ingredient in the makeup of African nationalism.” Ngubane’s thinking on what the liberation movement should have done is handily summarized in his own words: “Our task was to move events in the direction of our choice; to establish a new social order where liberty would mean the freedom to make the best possible use of our lives as human beings and not just as members of a particular racial group” (Ngubane 1963–64).

In 1961 Ngubane went into exile in Swaziland, before going on to lecture about Apartheid in the United States. By 1980, Ngubane had allied with Inkatha, the main black group opposing the African National Congress in South Africa (Ngubane 1980). His 1963 book, *An African Explains Apartheid*, contains a chapter titled “Communists versus Liberals,” wherein he wrote about the impotence of the Liberal Party, which had been formed in 1952 to oppose Apartheid and promote full rights for all South Africans. It would dissolve five years later (Trewhela 2017).

Jan Smuts, while prime minister, was instrumental in drafting the World War II Atlantic Charter, a fact that gave liberals and the ANC hope that the United Party regime would soon adopt a policy resembling respect for equal rights. This was especially true after Smuts declared economic segregation impossible (Robertson



Circa 1940s–50s: Jordan Kush Ngubane was one of the liberals in the African National Congress in the 1940s. *Source:* <http://pzacad.pitzer.edu/NAM/>.

1971, 30). Smuts also composed the preamble to the United Nations Charter (Lewsen 1987, 108). Smuts was later evicted from power by the National Party, which turned “his international standing against him” and attacked him “for being under the sway of liberalism and for prioritizing his personal international reputation over white national interests” (Dubow 2019). But in reality, as Saul Dubow writes: “Smuts was nowhere as hard line as some of his white compatriots, but neither was he in favor of black political rights. Like many paternalistic and ‘moderate’ whites, he was inclined to defer problems of race equality to the future” (ibid.).

The ANC’s proposed bills of rights in 1943 (Nthai 1998, 142) and 1945 (Robertson 1971, 31)³⁰ were inspired by the Atlantic Charter, thereby seeking, according to Janet Robertson, “freedoms which democrats outside South Africa regarded as inalienable rights” (ibid.). Importantly, the ANC wanted protection for the right to land ownership. Both the ANC’s 1923 and 1943/1945 bills of rights sought the entrenchment of property rights as an individual right founded in the British common law tradition (Nthai 1998, 142–143).

Despite the ANC’s early liberal and moderate character, white South Africans, including many white liberals, did not believe that fully extending political rights to blacks would end well for the rights of whites (Robertson 1971, 31). This attitude was largely in response to the views of the younger, more radical Africanist members of the anti-Apartheid movement, chiefly those in the ANC Youth League (ibid., 34). Immediately after the end of World War II, and the failure of the government to grant rights to the blacks who served in the armed forces, the ANC’s character started to move away from moderate liberalism (Robertson 1971, 32) and toward cooperation with communists. That relationship persists to this day, and it has led to the effective end of liberalism within the ANC and to a break in the relationship between white liberals and the ANC.

Robertson usefully outlines the three reasons why the ANC warmed up to communism. First, the leadership of the Indian Congress in Natal was already communist, and Apartheid forced the ANC and the Indian Congress into a close relationship to resist racial discrimination. Second, the communists in South Africa did not act condescendingly toward black aspirations for equal—as opposed to “qualified”—rights. On this second reason, Robertson quotes Nelson Mandela at his terrorism trial in 1964:

[F]or many decades communists were the only political group in South Africa who were prepared to treat Africans as human beings and their equals; who were prepared to eat with us; talk with us, live with us, and work with us. They

30. Robertson quotes Carter (1958, 484–485).

were the only political group which was prepared to work with the Africans for the attainment of political rights and a stake in society. (Mandela 1964; quoted in Robertson 1971, 75)

Third, the government's clampdown on communism from 1950 onward with the Suppression of Communism Act was interpreted by the ANC as a thinly veiled attack on activism for equal rights between blacks and whites, rather than as only the suppression of communist ideology (Robertson 1971, 69–78). Thus, by 1965, liberals found themselves caught between the twin extremes of Afrikaner nationalism and black nationalism fused with communism, both of which were hostile to the values underlying a liberal democratic order (Spence 1965, 56).

Edgar Harry Brookes and the native representatives

Edgar Brookes (1897–1979) was a Liberal Party senator in Parliament for 15 years, representing the blacks of Zululand (Brookes 1956, 190) between 1937 and 1952. He was national chairman of the Liberal Party between 1963 and 1968 (Webb 1979, 40). In the Senate, he edited the chamber with Institute of Race Relations reports, himself having been a co-founder of that organization and its president in 1933. Brookes likened “himself to a second-rate J. H. Hofmeyr,” referring to the historical leader of South African liberals whom he greatly admired (Webb 1979, 39). Although less critical of government policy than were Margaret Ballinger and Donald Molteno, his counterpart native representatives in the House of Assembly, by 1947 Brookes had demanded qualified common roll franchise for black South Africans at every level of government (Lewsen 1987, 102). That is, black South Africans would be part of the general electoral list rather than be limited to electoral rolls defined by race.



Edgar Harry Brookes. *Source:* Natal Witness.

Ballinger (1894–1980) had represented blacks in the lower house of Parliament from 1938 until 1960, the entire period during which the native representative system was in operation (Robertson 1971, 26). Ballinger was an economic historian at the University of the Witwatersrand who had a track record of work in the black community (Lewsen 1987, 101). She was a founding member and early leader of the Liberal Party. Another liberal associated with the IRR, J. D. R. Jones, represented the blacks of the Transvaal and Orange Free State provinces in the Senate between 1938 and 1943 (Robertson 1971, 26).

Liberalism in the United Party (1934–1959)

The United Party (UP) had traditionally been the political home of English-speaking South Africans, and, as a result that of liberal South Africans, as the bulk of liberals had been English. While it did falter substantively and often on the question of race relations—which perhaps did not have a simple solution, since immediate and unqualified universal suffrage might have destroyed *liberal* democracy—the UP did have notable liberal characteristics. It sought a limited government that did not infringe too wantonly on individual liberty and maintained the rule of law and constitutionalism (Robertson 1971, 15–16). Chiefly, it sought the protection of *existing* rights, and did so admirably during the 1950s constitutional crisis (Robertson 1971, 42). The rule of law “is fundamental to freedom, and freedom is fundamental to the good life,” wrote Brookes and MacAulay. It was undermined during the Apartheid era because the destinies of millions of South Africans were placed in the hands of a “thousand petty tyrants”—ordinary officials with virtually unlimited discretion—without effective control by the courts (Brookes and MacAulay 1958, 26).

In the late 1930s, the UP increased state benefits for many blacks: a housing and pension scheme, grants for education and welfare, an agreement by Jan Smuts to recognize black trade unions, and higher wages for blacks working on the railways. In 1942, the minister of native affairs, Deneys Reitz, attacked the pass law system, hinting at its potential future abolition (Lewsen 1987, 104–105).

The tumultuous history of the United Party and the Progressive Party’s attempt to advocate liberalism in white politics is well chronicled by Ray Swart in his 1991 book *Progressive Odyssey*, which is an important source for the pages ahead. Swart was a rebel member of the United Party, and his book reflects close familiarity with its past. As we will see, the Progressive Party broke away from the United Party in 1959, became the Progressive Reform Party in 1975, then the Progressive Federal Party in 1977, and, finally, in 1989, the Democratic Party. The modern Democratic Alliance, established in 2000, was based on the Democratic Party plus two other parties.

The United Party was for many years, before 1948, the governing party of South Africa, and for many years thereafter the official opposition. It would be incorrect, however, to consider the UP as the liberal alternative to the racist National Party. The UP, instead, was a big-tent organization (Swart 1991, 23), with a run-of-the-mill, generally Afrikaner wing that agreed, in principle, with legalized and systematic racial discrimination. Indeed, Swart, a new young parliamentarian in the UP in the late 1950s, relates how a senior UP official admonished him for waving a greeting to black children (*ibid.*, 13).

Lewsen (1987, 110) writes that conservative segregationists made up the

majority of the rank-and-file of the United Party, even though it had notable liberal-spirited leaders and representatives. The UP also broadly supported the intentions of various pieces of Apartheid legislation, but opposed the means they sought to employ. On the Prohibition of Mixed Marriages Act, for instance, Robertson relates how many in the UP were opposed to mixed marriages but felt that legislation was not needed. Robertson attributes this to the UP's support for the rule of law—i.e., the notion that government officials must not have broadly defined discretions stated in vague legislation. The UP opposed the Suppression of Communism Act not because the UP welcomed communists, but because the law assigned sweeping powers of political suppression to the minister of the interior (Robertson 1971, 45–47).

The UP also had a center faction that consisted primarily of English South Africans who simply feared living under a system of Afrikaner nationalism outside the British Commonwealth, and a small wing that was liberal on questions of race (Spence 1965, 61). Because of the performances of both the conservatives and the liberals of the UP in parliamentary debates, the party was often accused of speaking with two voices (Swart 1991, 28). Because of its lack of a coherent, direction-giving philosophy, the UP would during the 1960s and 1970s lose its right wing to the National Party. And earlier, in 1959, Swart and others in the center and left factions broke away from the UP to form the Progressive Party, which had as a core policy pillar the rejection of racial discrimination and an insistence on equal opportunities and a common franchise (*ibid.*, 9). What had united the United Party was opposition, for different reasons, to the National Party (*ibid.*, 14).

So the UP was not entirely illiberal. In fact, Jan Smuts, as prime minister, addressed the staunchly liberal IRR in February 1942 and acknowledged that segregation had failed because of economic reasons. Many liberals believed that gradually the UP would adopt a more racially inclusive policy, especially in light of the fact that its racial policy at the time was already far more inclusive than that of the National Party (Robertson 1971, 24).

The liberal backbench of the UP right after the watershed 1953 general election³¹ was composed of Jan Steytler, Helen Suzman, Owen Townley Williams, Sakkies Fourie, John Cope, Zach de Beer, and Ray Swart (Swart 1991, 14, 21–22). Another MP, Bernard Friedman, had sympathies with this clique, as did the business mogul and MP Harry Oppenheimer (*ibid.*, 35).³² After the 1958 general election they were joined by Clive van Ryneveld, Boris Wilson, and Colin Eglin.

31. This was the election immediately following the National Party's victory over the United Party in 1948 (the year described as the beginning of Apartheid). The United Party had strong hopes that it would oust the Nationalists in 1953, but this was not to be. UP leaders, after this election was lost, seemed to resign themselves to the fact that the NP would remain in power for some time to come.

32. Oppenheimer also contributed funds to the founding of the Free Market Foundation (Louw 2011).

It was only in the 1958 general election that the National Party secured a majority of votes from the white electorate. In the two previous elections the UP was the largest party, but the majority of votes were split among the opposition parties (*ibid.*, 44).

In the late 1950s these younger, more liberal backbenchers tended to be shunned by the UP's old guard, even though the party required their energy and talents to be blended with the experience of the senior members if it hoped to be successful (Swart 1991, 32–33). The UP was known in the 1950s for “the equivocation inherent in the party's approach to matters of principle,” which ultimately led to the formation of the Progressive Party (*ibid.*, 36). Perhaps ironically, the Progressive Party's big-tent successor in recent times, the Democratic Alliance, is also known among liberals for often being equivocal and having a turbulent relationship with principle (Gon 2019; Berger 2018).

Harry Lawrence, a UP frontbencher from the days of the old South African Party, also counted himself among the liberals' ranks, and along with Steytler was the most senior liberal in the party. In a June 1959 letter to the UP leader, Sir De Villiers Graaff, for instance, Lawrence said that time was running out for white South Africans to find a peaceful and equitable way of living with non-whites:

If my premises are accepted, then Verwoerd's aims [*viz.*, Apartheid] require the posing of a clear alternative—an alternative, moreover, which must rest on sound moral and ethical grounds, which must not involve permanent discrimination for all time. (Lawrence, quoted in Barnard and Marais 1982, 110–113)

At the August 1959 UP Union Congress³³ in Bloemfontein, the liberals were openly treated as pariahs and hissed as they went to the podium to speak. The leader of the liberal wing, Jan Steytler, was to be the chair of the congress because that office rotated among the provincial leaders of the party. Steytler was the head of the party in the Cape Province. A delegate at the congress objected to this by way of a point of order, asking whether it was appropriate for a liberal to chair the occasion. A large number of delegates applauded the objection, showing the level of contempt in which the liberals were held, but eventually Steytler was allowed to take the chair. While the party formally wished to keep its liberal wing to ensure it sustained its dominance of urban centers, the liberals' attempts to reform the party from within along more tolerant lines was treated with contempt. Such occurrences at the congress made the liberals believe their future in the UP to be precarious (Swart 1991, 53). The decisions taken at the Union Congress and the UP's lack of

33. The annual Union Congress was the UP's highest decision-making body.

coherent race policy finally sparked the resignation of the liberals from the party, and soon thereafter they resolved to establish a new political party (ibid., 53, 64).

Swart was the first rebel from the UP to address a public meeting, in Eshowe, Natal. Similar meetings were held by the other dissidents in their own locales to explain why they had resigned from the UP but intended to keep their parliamentary seats (Swart 1991, 66–67). At Eshowe and elsewhere motions of confidence in such individual liberal dissidents were passed. Motions of no confidence, on the other hand, were routinely defeated, except when the UP succeeded in packing a meeting in Empangeni and narrowly passed a vote of no confidence in Swart. The UP, however, knew that the liberals had significant support in those constituencies. The English newspaper media, which have historically associated with the UP as opposed to the Afrikaans newspapers, which supported the National Party, proved sympathetic to the liberals, with the popular *Rand Daily Mail* going as far as outright support (ibid., 67–69, 71).

Liberal Party (1953–1968)

The Liberal Party was founded in 1953 on the tenet that “non-racialism is the only sure foundation for a multi-racial society of such complexity” as South Africa. It sought the non-racial extension of “full political, social, and individual rights to all adult South Africans.” The Liberals rejected the qualified franchise, color bars, and authoritarian government (Paton 2011).

Initially, the Liberals sought to participate in white electoral politics, but due to the party’s failure to make any inroads, it adopted electoral boycott as a legitimate means of pursuing political change (O’Malley 1988, 32). Only its white “native representatives” in Parliament, who were either appointed by the government or elected by blacks, could act as the party’s bridge into government. But the party lost these seats when black South Africans were deprived of their white representatives in 1959, and it was robbed of the majority of its grassroots members—blacks—when mixed racial membership of parties was outlawed in 1968 (Hughes 1994, 38–40). The Liberal Party voted to disband itself after mixed racial membership in political parties was outlawed, as it did not wish to comply with legislation that offended its core principles (South African History Online 2012a).

Cardo says of the Liberal and the Progressive parties that the Liberal Party was largely progressive, in that it pushed for state-provided welfare, and the



The Liberal Party was a non-racial party from its founding in 1953 to its disbandment in 1968. *Source:* Wikimedia Commons.

Progressive Party on the other hand was largely liberal, in that it focused on civil rights (Cardo 2012, 19–20). Hughes, on the other hand, describes the early Liberal Party as focusing public attention on “the core classical liberal values,” including “strict adherence to the rule of law and Parliamentary democracy as the primary institutional guarantees of the liberty of the individual.” He goes so far as to write that in the face of South Africa’s realities, the party “never transcended its preoccupation with classical liberal principle.” By 1963, however, the party appointed a commission to reconsider the party’s identity as the organization shifted focus to “social and distributive justice” (Hughes 1994, 35, 37).

Progressive Party (1959–1975)

While the Liberal Party was multi-racial, with most members black (Hughes 1994, 38), the Progressive Party consciously decided to direct its attention at the white electorate where political power legally resided, in order to convince that electorate to shun prejudice and embrace individual freedom (Swart 1991, 11). The Progressive Party was formally launched on 13–14 November 1959 at the Cranbrook Hotel in Hillbrow, Johannesburg. The inaugural congress attracted 300 delegates. Jan Steytler was elected unanimously as the party leader, and former UP stalwart Harry Lawrence became the national chairman (*ibid.*, 75–76, 79–80). The party’s basic principles were:

- The maintenance and extension of the values of Western Civilisation, the protection of fundamental human rights and the safeguard of the dignity and worth of the human person, irrespective of race, colour or creed.
- The assurance that no citizen of the Union of South Africa shall be debarred on grounds of race, religion, language or sex, from making the contribution to our national life of which he or she may be capable.
- The recognition that in the Union of South Africa there is one nation which embraces various groups differing in race, religions, language and traditions; that each such group is entitled to the protection of these things and to participate in the government of the nation; and that understanding, tolerance and goodwill between the different groups must be fostered.
- The maintenance inviolate of the Rule of Law.
- The promotion of social progress and the improvement of living standards through the energetic development of a modern economy based on free enterprise, whereby the national resources of men and materials can be fully utilised.

- The promotion of friendly relations with other nations, more particularly the members of the Commonwealth and those who share with us the heritage of Western Civilisation. (Kruger 1960, 105)

It was also decided at the inaugural congress that a commission would be established that would draw up proposals for a new constitution for South Africa. This constitution would bring about non-racialism in governance and entrench individual rights, which were absent from the 1910 Constitution (Swart 1991, 77–78). Donald Molteno was a constitutional lawyer and civil rights champion at the time of the founding of the Progressive Party and joined the party to chair its constitutional policy commission.³⁴ He was previously a native representative in the House of Assembly. Molteno grew up in Cape Town with a tradition of liberalism in his family (Lewsen 1987, 101).

Douglas Mitchell, a conservative United Party frontbencher considered to have been a leading figure in the breakaway of the Progressives, had this to say about the split in the UP:

No, I don't take the blame for kicking out the Progressives. I take the credit. We must always have a political rubbish bin on our left in South Africa into which all the curious people with their curious political ideas can be safely packed together. Indeed, I go further and say that if there was no such a thing called the Progressive Party it would have paid us in the United Party to have manufactured such a political creature to have on our left otherwise we would become the party of the left. (quoted in Barnard and Marais 1982, 135)

Despite Mitchell's elation, S. L. Barnard and A. H. Marais opine that the liberal rebellion was one of the worst setbacks the UP experienced during its existence.



1960: The parliamentary caucus of the Progressive Party. Left to right: Walter Stanford, Ray Swart, Harry Lawrence, Clive van Ryneveld, Boris Wilson, John Cope, Jan Steytler, Zach de Beer, Helen Suzman, Ronald Butcher, Colin Eglin, and Owen Williams. *Source:* Wikimedia Commons.

34. Other commissioners on the party's constitutional commission included the former chief justice of South Africa, Albert Centlivres, native representative Edgar Brookes, judge Leslie Blackwell, businessman Harry Oppenheimer, Selby Ngcobo, Richard van der Ross, Eugene Marais, former UP leader Koos Strauss, and Kenneth Heard (Swart 1991, 80).

There were liberals who remained in the UP, however, who did not want to give the conservatives the pleasure of thinking they had scored a victory over the progressive cause. This group of liberals—known as the “Young Turks”—would be relevant again in the 1970s, when they joined the Progressives after a brief period as the independent Reform Party (Barnard and Marais 1982, 136).

Disaster for South Africa and the Progressives in the 1960s

On 21 March 1960, there was protest throughout the country against the so-called pass and influx control laws, which excluded blacks from so-called white areas unless they possessed a pass book with the necessary stamps and permits from employers and government officials. Thousands were arrested across the country, but the black township of Sharpeville was where the unrest came to a head: the South African Police shot and killed 68 people in Sharpeville.

The government imposed press censorship around these events, but it could not censor Parliament, where freedom of expression was absolute. The Progressives thus used their parliamentary podium to keep the public informed about what was going on, while calling for restraint on the part of the police. The Progressives had opposed the pass law system as “an unjustifiable invasion of personal liberty” (Swart 1991, 84–85).

Days after the Sharpeville massacre, the government introduced the Unlawful Organisations Act, which banned the African National Congress and the Pan-Africanist Congress, which were behind the demonstrations. The Progressives opposed this legislation as well. Steytler said in Parliament that the law would simply drive the ANC and PAC underground and lead to violent fanaticism—something that proved to be true as the years went on (Swart 1991, 86).

After South Africa became a republic in 1961, independent of the British Commonwealth,³⁵ it became “more important than ever” for the Progressives to mobilize white liberals in opposition to the Nationalists’ racial Apartheid platform (Swart 1991, 90). It was around this time—the 1960s—that the UP finally abandoned any pretense of liberalism, joining the National Party in condemning those foreign countries that criticized domestic South African political arrangements (Robertson 1971, 42). But while the Progressives did operate exclusively within formal white electoral politics, the party engaged in cross-racial dialogues from its overriding commitment to creating a non-racial society (Swart

35. The National Party resolved in 1941 that only the approval of the white population should be necessary for South Africa to become a republic without a British connection. Prior to 1941, the party’s platform said it would only take South Africa to republican status under a Nationalist government if it was the “people’s will” (Malan 1964, 292).

1991, 73–74).

The general election of 1961, however, spelled disaster for the Progressives, who retained only one seat in Parliament, down from ten (Swart 1991, 97). This seat was held by Helen Suzman, who would be the lone Progressive member of Parliament for the next thirteen years. Swart (*ibid.*, 102) provides highlights of what Suzman stood for as the sole representative of South African liberalism in Parliament:

- Abolition of detention without trial
- Abolition of pass laws and influx control
- Abolition of job reservations on the basis of race
- Recognition of trade unions with mixed racial profiles
- Abolition of separate amenities and the Group Areas laws
- Abolition of the forced removals system
- Better wages and working conditions for the poor

Suzman's performance in Parliament won her admiration from the coloured community, which was entitled to political representation in the Provincial Council of the Cape Province and to four seats—represented by whites—in Parliament. Coloureds were placed on a separate voters' roll from whites after being disenfranchised during the constitutional crisis of the 1950s, and as such had to be politically represented by whites.

In the 1964 provincial elections, two Progressives were elected to the Cape Provincial Council representing the coloureds, and it was likely that the Progressives would also receive the four seats contested on the coloureds' voters' roll in Parliament in the 1966 election. The Progressives had not contested those seats because of their opposition to the separate representation system, but it appeared that the coloured community desired representation. With the potential of having to deal with a renewed Progressive caucus in Parliament joining Suzman, however, the National Party introduced legislation that prohibited political parties from having mixed racial constituencies, and also abolished the coloureds' representation in Parliament in favor of a separate Coloured Representative Council (Swart 1991, 109–110).

In 1970, Swart became chairman of the National Executive of the Progressive Party, and Colin Eglin became the party leader (Swart 1991, 112). In 1973, the Progressive Party hosted the Bulugha Conference in the Ciskei homeland with leaders of all the major non-banned black, Indian, and coloured groups, with liberal whites. The result of the conference was a declaration in favor of a non-racial federal system with a bill of rights that protects individual rights and outlaws discrimination (*ibid.*, 117).

Shortly thereafter, the government set up a commission to investigate various liberal civil society organizations, specifically the National Union of South African Students, the Christian Institute, the IRR, and the University Christian Movement. The United Party, to the condemnation of the English press, liberals around the country, and those few liberals among their own ranks, participated in this commission's proceedings (Barnard and Marais 1982, 220). Swart considered the work of this commission to be a witch hunt against those who opposed Apartheid, and the press at the time likened it to McCarthyism. The UP's participation in the commission further evidenced its abandonment of liberalism, and this close cooperation with the National Party likely contributed to the UP's demise (Swart 1991, 120).

The Young Turks and the 1974 election

At the same time, a liberal coup was staged in the UP's Transvaal Province branch by the so-called "Young Turks" of the party, led by Harry Schwarz. The individualist Young Turks ousted the conservative Transvaal leader of the UP, Marais Steyn, at the party's 1973 provincial congress. Schwarz was not on good terms with the Progressive Party, but they did share common views on matters of racial policy. A year later, for instance, Schwarz and Mangosuthu Buthelezi, then chief minister of the KwaZulu homeland and today leader of the Inkatha Freedom Party, co-signed the Mahlabatini Declaration of Faith, in which they resolved that South Africa should adopt a federal constitution that guaranteed equal rights and limited government (Swart 1991, 120–121; Dhlamini 2017).

While the Schwarz faction and the Progressive Party were in talks, the 1974 general election was announced. The Progressives' financial and human resources situation had greatly improved from 1970, and the electoral climate was also more favorable. Against even the most optimistic expectations, the Progressive Party attained six seats in total. A seventh Progressive was added to Parliament in a by-election shortly after the general election (Swart 1991, 123, 127).

Schwarz and the Young Turks founded the Reform Party in February 1975 after breaking away from the United Party. Because they already controlled the Transvaal branch of the UP, the Reform Party became the official opposition



Harry Schwarz, once leader of the UP in the Transvaal, prominent member of the future Progressive Federal Party, and ambassador to the United States between 1991 and 1995. *Source:* Wikimedia Commons.

in the Transvaal Provincial Council as all ten UP members became Reformists. The Reform Party was always intended to be a mechanism through which the Young Turks could enter into talks with the Progressive Party with a view toward amalgamation. In the lead-up to such talks, Swart notes one attitude within the Progressive Party at the time:

There was a deep concern within our ranks that in our attempts to broaden our base by forging links with others who had opposed us through the years, in hope of winning more support from amongst the white electorate, our political thrust as a tough-principled anti-racist group might become diluted and that we would fall to temptations of political expediency. (Swart 1991, 129)³⁶

Progressive Reform Party (1975–1977)

Although the Progressive Party endorsed the qualified franchise, many members acknowledged that the principle of universal franchise would need to be adopted sooner rather than later, within the framework, they hoped, of a constitution that protected individual rights and barred racial discrimination. The Reform Party also supported universal franchise, and the two parties looked to merge. There was also some quibbling over what the name of the newly merged party would be (Swart 1991, 129–130).

The two parties congressed simultaneously in Johannesburg in 1975. It was agreed that should each party's congress adopt the details of the proposed merger, the congresses would merge into one inaugural congress of the new Progressive Reform Party (PRP), which indeed transpired. Eglin would remain party leader, Swart would remain national chairman, and Schwarz would become chairman of the National Executive (Swart 1991, 130–133).

Shortly after the PRP's establishment, it won its first by-election in Durban North, with Harry Pitman becoming the eighth Progressive to sit in Parliament. This was the Progressives' first victorious incursion into the UP stronghold of the Natal Province. As Swart notes pertinently, however, the liberals' political success was of "symbolic rather than practical" significance to the black majority, who were still locked out of South African politics. The Progressives were only making progress against the weak UP opposition rather than the relatively strong National Party government (Swart 1991, 137–138).

36. It is today believed by some that the Democratic Alliance—the Progressive Party's descendant—has in fact been so tempted by political expediency and has largely abandoned its classical liberal roots in its attempts to appeal to the black electorate (Van der Westhuizen 2018).

Progressive Federal Party (1977–1989)

In 1977, the UP finally met its end after merging with the small Democratic Party and forming the New Republic Party (NRP). Many sitting United Party members, among them Japie Basson, Nic Olivier, Derek de Villiers, and Gavin McIntosh, were unhappy with this decision and instead decided to join the Progressive Reform Party. It rebranded again, becoming the Progressive Federal Party (PFP), with the controversial political chameleon Basson becoming the deputy national chairman.³⁷ The party's position on the franchise was then subjected to a review commission chaired by Frederik van Zyl Slabbert. In September 1978, the commission made its proposals, and the PFP adopted them. The Progressive policy was now one of non-racial universal franchise within a strong federal system, thereby abandoning the qualified education and property franchise that had characterized the Cape Liberal Tradition for a century (Swart 1991, 149).

Swart beat the leader of the newly formed New Republic Party, Radclyffe Cadman, in the Durban Musgrave constituency during the 1977 election. The Progressives replaced the NRP as the largest opposition party in Parliament, winning 17 seats to the NRP's ten. The National Party increased its majority (Swart 1991, 143–145).

By 1977, however, Nationalist dedication to the Apartheid idea was falling apart due to the policy's obvious unworkability and the violent protests that had erupted throughout the country against it. The government went about trying to adapt Apartheid while enacting ever more stringent security measures to ensure law and order (Swart 1991, 147). The political establishment's abandonment of Apartheid as an ideology, in favor of a kind of pragmatism, was becoming increasingly apparent (Kane-Berman 2017, x). Kierin O'Malley writes that the Progressives' victories in the 1970s flowed principally from the demise of the UP and the breakdown of "monolithic Afrikanerdom" (O'Malley 1994, 32).³⁸



The Progressive Federal Party was the political home of white South African liberalism. *Source:* Wikimedia Commons.

37. Basson began his political career in the National Party, then started his own National Union in 1960, then joined the United Party in 1961, then the Progressive Federal Party in 1977, and finally rejoined the National Party in the mid-1980s.

38. Here O'Malley was likely referring to the fact that Afrikaners were no longer only represented by the National Party in national politics, in light of the emergence of the popular Conservative Party of Andries

In September 1979, the academic Frederik van Zyl Slabbert became the leader of the Progressive Federal Party, replacing Colin Eglin, who became national chairman in the place of Swart.³⁹ Slabbert was a well-credentialed Afrikaner schooled in the conservative far north of the country, with a degree from Stellenbosch University. That he was now the face of “liberal values in white parliamentary politics” led to consternation on the part of his Nationalist opponents (Swart 1991, 156–157). Slabbert’s leadership proved productive, as the PFP increased its representation in Parliament from 17 to 27 in the 1981 general election. The liberals, despite this victory, still feared that it might have been too late for liberalism to gain support among white South Africans, given that the conflict between whites and blacks was reaching a boiling point (*ibid.*, 160).

To make Apartheid seem more acceptable, the Nationalists proposed what would become the Tricameral Parliament in 1984, a legislature consisting of three houses constituted along racial lines: one for whites, one for coloureds, and one for Indians. Blacks were excluded because the Nationalists argued that their political and constitutional activities were sufficiently accommodated in their homelands. The Progressives opposed the idea of a tricameral legislature, dismissing it as a sham in light of the facts that blacks were excluded and that whites would retain political supremacy even if both other houses voted against a measure. In the following white referendum to approve or reject the new constitution, the National Party government used state resources like public broadcasters to promote the new composition of Parliament, putting the opposition at a disadvantage. Sixty-six percent of the white electorate approved the 1984 Constitution, and the Tricameral Parliament was inaugurated (Swart 1991, 161–164).

The Progressives now faced an old liberal dilemma: should they participate in a fundamentally illegitimate system in order to reform it from within, or boycott the system knowing that the void will be filled by others? The PFP decided to continue serving in this flawed Parliament (Swart 1991, 165). To their credit, the Progressives and the anti-Apartheid movement succeeded in convincing the government to repeal measures that banned political race mixing, to relax strict labor laws and regulations, and to abolish pass laws and relax influx control (*ibid.*, 175).

Slabbert’s unhappiness with the effectiveness of opposition within white parliamentary politics wore heavily on him, and the Progressives’ ambivalence toward the 1984 Constitution led to his and Alex Boraine’s resignations in 1986 (O’Malley 1994, 33). They went on to establish the Institute for a Democratic Alternative for South Africa (IDASA), which would play an influential role in the

Treurnicht and to a lesser extent the Reconstituted National Party of Albert Hertzog.

39. Swart was chosen as the leader of the party in the Natal Province in 1980.

remainder of the struggle against Apartheid (Swart 1991, 181).

The resignation of the popular Slabbert signaled a downturn for liberal politics. In the 1987 election the PFP lost six seats in Parliament, losing its position as official opposition in the process. The New Republic Party, the successor to the once-dominant UP of Jan Smuts, was reduced to having only one seat in Parliament. But these losses for the liberals did not mean the Nationalists gained, for this time the Conservative Party, which thought the National Party itself had become too liberal on the race question, sailed into the slot of official opposition (Swart 1991, 191).

By the end of the 1980s, the situation in South Africa was critical. Large parts of the country had been under an almost continuous state of emergency from July 1985, a state of affairs that only ended in June 1990 (South African History Online 2012b). The tumult combined with international sanctions led many to believe that there would be no return to normalcy (Swart 1991, 197–198).

Democratic Party (1989–2000)

Delegates at the 1988 Federal Congress of the Progressive Federal Party were eager for closer cooperation with two new independent parliamentary groups, the Independent Party of Denis Worrall and the National Democratic Movement of Wynand Malan (Swart 1991, 198). Various *verligte* (“enlightened”) Afrikaners, mostly associated with the National Party, were also involved in the negotiations that followed. The PFP’s principles were accepted as the basis of the new Democratic Party, founded on 7 April 1989. The co-leaders of the party would be Zach de Beer, Worrall, and Malan (ibid., 199–201).

At the same time, the National Party itself started adopting positions historically advanced by liberals, now realizing that keeping South Africa committed to Apartheid would be disastrous. Such was the agenda of Frederik Willem de Klerk, the reformist and pragmatist National Party leader (Swart 1991, 200). His predecessor Pieter Willem Botha had declared at the opening of Parliament in 1986:

We believe in the sovereignty of the law as a basis for the protection of the fundamental rights of individuals as well as groups. We believe in the sanctity and indivisibility of law and the just application thereof. ... We believe that human dignity, life, liberty and property of all must be protected, regardless of colour, race, creed or religion. (quoted in Du Toit 1988, 240–241)⁴⁰

40. Du Toit cites the parliamentary Hansard: *House of Assembly Debates* 31/1/1986.

The last general election to take place in Apartheid South Africa was on 6 September 1989. The strife within the National Party between the reformist faction of De Klerk and the conservative faction, combined with the ailing state of the economy as well as the relative principledness of its opponents, led to the Nationalists losing much ground to the Conservative and Democratic parties. The Conservatives, still the official opposition, won 39 seats and the Democrats 33, with the latter up from 21 in the 1987 election. The National Party lost 29 seats, but still emerged victorious with 94 total seats. This was the first time since the 1961 election that the Nationalists received less than 50 percent of the vote—having taken 48.2 percent. Nonetheless De Klerk, now state president, considered his party's victory as an endorsement of his reformist agenda, and he pressed forward (Swart 1991, 202).

On 2 February 1990, what could be described as the death of Apartheid occurred, when De Klerk announced the unbanning of the African National Congress and other anti-Apartheid groups, as well as the releasing of Nelson Mandela from prison. By this time, various Apartheid laws and restrictions had been repealed, with more repealed thereafter. These actions paved the way for the Convention for a Democratic South Africa (CODESA) and the first multi-racial democratic elections on 27 April 1994. The Nationalists had by now adopted practically every substantial proposal made by liberals throughout South Africa's history, at least in principle. In 1994, the Democratic Party itself attracted less than 5 percent of national popular support according to survey data and received only 1.73 percent of the vote in the April elections. But the former chief opponents of liberalism—Afrikaner and black nationalists—had adopted many liberal values during the transitional period (Hughes 1994, viii). At the time, the Institute of Race Relations considered the Democratic Party as “the oldest party-political vehicle for liberalism in South Africa” (Kane-Berman 1994, 1).

O'Malley makes the point that even though liberals thought their work to be over by the mid-1990s, that was incorrect. During the years approaching the start of the political transition in 1990, liberals suffered political defeat after defeat. It was the left that had forced the situation:

The [National Party's] sudden adoption in the early 1990s of many of the liberal policies of the [Democratic Party] was thus not a voluntary and considered adoption of liberal policies, but a forced retreat from a defeated ideological position towards the centre. (O'Malley 1994, 33)

Helen Suzman disputed O'Malley's characterization of political liberalism as a failure, given how the Progressives had achieved the status of official opposition within Parliament at one stage and that the party was largely responsible for the

acceptance of the notions of a bill of rights, universal suffrage, and freedom of expression (Kane-Berman 1994, 41).

In a June 1995 speech in Parliament, the Democratic parliamentary Tony Leon said that there was “clear blue water” separating the National and Democratic parties, not simply because the parties had long disagreed about key policy issues, but because they had fundamentally different political philosophies. For the Nationalists after the end of Apartheid, their core philosophy was built around the notion of power-sharing. The Democrats, on the other hand, placed “the liberty of the individual as the highest priority of public policy” (Leon 1998, 34). A year later, Leon became the leader of the Democratic Party, “introducing a more aggressive approach to opposition politics.” The DP became the official opposition again in 1999, reclaiming the position they lost in 1987 as a result of this new approach and the NP’s growing irrelevance (Brand South Africa 2014). Helen Suzman wrote that Leon stood squarely in the South African liberal tradition, having “a staunch commitment to civil rights and to the rule of law, and a total opposition to racial discrimination” (Suzman 1998, ix).

The Democratic Party’s support grew quickly among white South Africans (Kenny 2019). The National Party now all but disintegrated as its historical purpose—Apartheid—was gone. The Democratic Party, under the leadership of Leon, was aggressively liberal and rejected the ANC’s new affirmative action policies on that basis. Former white Nationalist supporters now largely became Democratic Party supporters. In 2000, the “New” National Party, the Federal Alliance, and the Democratic Party merged to form the Democratic Alliance.⁴¹

Democratic Alliance (2000–present)

Leon Louw, executive director of the Free Market Foundation, described the Democratic Alliance (DA) as the “more pro-market, capitalist, classical liberal” political party in South Africa (Louw 2011). Indeed, shortly after the Democratic Alliance was created in 2000, it included in its statement of principles freedom of expression and association, a dedication to the rule of law, federalism, an independent and vibrant civil society, a free enterprise economy, and the right to private property (Democratic Alliance 2000).

In November 2018, the Friedrich Naumann Stiftung awarded the Democratic Alliance its 2018 African Freedom Award. The DA’s leader since 2015, Mmusi Maimane said, in accepting the award, that the DA had “been fighting for a free and open society with opportunities for all for the past 60 years.” He

41. The NNP and FA later “left” the merger, but many of their members remained, and the new DA name was kept. The NNP merged with the ANC in 2005.

said that liberals have “to become a lot better at crafting and explaining liberal solutions.” He criticized the government’s policies of expropriation of property without compensation, free university education, and the proposed nationalizations of healthcare, the information technology sector, and the Reserve Bank, pointing to Venezuela and Zimbabwe as examples where similar ideologies had failed. Maimane (2018a) has written that for the Democratic Alliance a prosperous society can only arise “in a liberal democracy with a market economy, a capable state, a zero tolerance for corruption and a Constitution that guarantees its people their rights, including the right to own property.”

The DA has had remarkable electoral successes in a country often thought to be dominated by one party. In the 2006 municipal elections, the DA took control of the city of Cape Town, where the South African Parliament is based. It governs the city to this day. The former journalist, Helen Zille, became the mayor of Cape Town, the first time any liberal party in South Africa governed a major city. In the same year, Tony Leon declined to run for the position of leader again, with Zille being elected. Zille won the World Mayor prize in 2008, the only time the prize has been bestowed upon a mayor of an African city.⁴²

In the 2009 general election, the DA was elected as the government of the Western Cape Province, which it has governed since then with an outright majority in each successive election. The provincial government and municipalities in the Western Cape have received successive clean audits from the Auditor General on financial management, outperforming all other provinces in South Africa (Winde 2019).

In the 2016 municipal elections, the Alliance won pluralities in the cities of Port Elizabeth, Pretoria, and Johannesburg under Maimane’s leadership. The coalition government in Port Elizabeth fell apart soon thereafter and was returned to effective ANC rule, but the DA remains in power in Pretoria and Johannesburg today as the result of an informal and precarious arrangement with the Marxist-Leninist party, the Economic Freedom Fighters. Through 2014, the DA had gained in every national general election since 1994: 1.7 percent in 1994, around 10 percent in 1999 when it became the official opposition, 12.4 percent in 2004, 16.6 percent in 2009, and 22.2 percent in 2014. But the DA has been the subject of intense criticism from contemporary classical liberals, especially in recent times. In the 2019 general election the DA attained 20.8 percent of the vote—the first time since 1994 it had lost voter share (Johnson 2019).

At a 2015 meeting of the DA caucus in Johannesburg, Paul Pereira said that “when messages become blurred, when a pursuit of electoral reward trumps common sense and political principles,” the DA could destroy itself, which he felt

42. The prize is awarded biennially by the City Mayors Foundation, a London-based think tank ([link](#)).

was in progress at the time. The DA, noted Pereira, had already flip-flopped on racial policies in defiance of its colorblind tradition (Pereira 2015). Andrew Kenny (2019) has said that after Tony Leon left the DA as leader in 2003, the party “began to stray from its liberal values,” became apologetic, and adopted affirmative action and Black Economic Empowerment into its policies, thereby becoming an “ANC-lite,” “in the hope of appealing to ordinary black people.” Frans Cronje (2019b) later accused the DA of “jettisoning” its liberal heritage.

Even among the party leadership all has not been well. On 20 March 2017, the popular former leader of the DA, Helen Zille, herself a social democrat (see Zille 2013, xi), warned that the DA might, as it tried to secure more black votes, “start to swallow every tenet, myth and shibboleth of African racial-nationalist propaganda, including the scape-goating of minorities, populist mobilization and political patronage” (Zille 2017). Zille was that same week penalized by the DA for innocuously noting that Singapore, a former colony of Britain, had in part benefited from being a colony. She said it was incorrect to claim that the legacy of colonialism was purely negative. Maimane responded by referring Zille to a disciplinary hearing and said Zille’s views were inconsistent with the party’s values (Mngadi 2017). The settlement subsequently reached between Zille and the party was that she would, and did, apologize for her remarks, and that she would no longer participate in DA political activities (News24 2017).

An historical contrast may be helpful: at the Progressive Party’s inaugural congress in 1959, it became clear that liberal South Africans who were involved in the party would not be whipped into line. Leadership and party positions could be criticized, making the party dynamic with a “healthy, enquiring, and individualistic attitude” (Swart 1991, 77). The contemporary DA, however, shows much less tolerance for public disagreements with leadership figures (Cele 2019).

In the days leading up to the 2019 general election, the IRR’s Gareth van Onselen accused Maimane of leading the DA down a “vacuous, ambiguous, directionless and anti-intellectual” path. Van Onselen continued that Maimane and the DA had abandoned the battle of ideas and opted to give the “[African National Congress’s] ideas a fresh coat of paint, and present them as [their] own.” Through all these criticisms, however, the DA’s leadership holds fast that the party represents liberal values “that put the individual first.” (Van Onselen 2019). Maimane (2018b) says the DA “will never abandon [its] liberal values.” In May 2019, after the DA’s disappointing showing in the 2019 general elections, Zille (2019), who was DA leader between 2007 and 2015, acknowledged that she had played a role in having the DA join the racial-nationalist narrative, and she apologized for it.

Conclusion

South Africa during Apartheid has often been described as fascistic, undemocratic, and authoritarian. Whilst this is accurate to an extent, it ignores some nuances. South Africa during Apartheid was not a liberal democracy, and not an upholder of freedom and human rights. But as the second post-Apartheid chief justice and prominent anti-Apartheid activist Arthur Chaskalson has observed: “Some unjust societies lack any semblance of [a commitment to legality]. There was, strangely, a commitment to legality in apartheid South Africa, and that is what makes it such an unusual case” (Chaskalson 2003, 598). The word “unusual” to describe the Apartheid regime is apt.

Press freedom, while often undermined, was respected far more than one could expect today in Venezuela, China, the Gambia, Eritrea, or North Korea. The judiciary, too, was well-respected among black South Africans and anti-Apartheid activists for its commitment to the civil libertarian themes underlying South Africa’s Roman-Dutch common law (Wacks 1984, 270). It cannot be denied that the judiciary often had to enforce authoritarian, racist laws, but it also cannot be said that the judiciary was simply a puppet of the regime.

What seems to be the case is that a large portion of Afrikaner intellectuals and statesmen sincerely considered themselves part of the Western, broadly “liberal-democratic” political tradition, but believed that to apply such a tradition unmodified in South Africa would go badly, even disastrously. On such apprehensions, they engaged in authoritarian social engineering. Edgar Brookes suggested that both communism and nationalism view everything in society, including art and science, as a means to achieve some political end. He implored those “who love freedom,” liberals, not to do the same in an attempt to defend themselves from the onslaught of authoritarianism. South Africa, Brookes argued, should be served by education, literature, art, music, and science in their own right, and not merely as part of a grand political project (Brookes 1956, 198). Unfortunately, the ideology of Apartheid subsumed everything in South Africa between 1948 and 1994 in an effort to maintain white supremacy against the perceived inequality of civilization between whites and blacks, with a legacy that continues to this day.

Today, many former supporters of the National and Conservative parties, almost invariably conservative white South Africans, lay part of the blame for South Africa’s current corrupt political and sluggish economic state at the feet of liberals who during Apartheid pushed for a non-racial franchise and equal rights. Steve Hofmeyr, a conservative South African singer and media personality, for example, tweeted in Afrikaans on 3 June 2019 that, “The bogus reasonableness

of the *verligtes* [the enlightened] is what gave us this dump. They still justify [their actions during Apartheid]. They praise themselves” (Hofmeyr 2019). In an article titled “Critics Who Blame Liberals Never Had Any Real Answers of Their Own,” Kane-Berman (2019b) addressed this type of criticism, saying that South Africa’s current malaise is not the result of the white Apartheid government compromising and negotiating with those who sought majority rule, but a result of not doing so earlier. Liberals had been campaigning for a non-racial franchise for decades before 1994, but the white electorate was largely unwilling to budge. Kane-Berman also notes that Apartheid was never going to be economically practicable, hence criticizing liberals for contributing to its demise is misplaced. Liberals in organizations like the IRR consistently marketed a viable liberal alternative to the *status quo*, one that was not adopted to any great extent, especially economically, by either the Apartheid or post-Apartheid governments.

Retaining a non-racial but qualified franchise in the same tradition as the nineteenth-century Cape Colony would likely have been a more-than-sufficient safeguard against a majority running roughshod over Western political traditions, because the qualified franchise required by its nature a level of sophistication and understanding of modern economics and literacy. At some unknowable point in time, if a non-racial qualified franchise were kept intact, the number of black, coloured, and Indian electors on the voting roll would have equaled, and eventually, surpassed, that of the whites, but this process would have been gradual. Indeed, the coloured African Political



William Schreiner, seated in the center, with a delegation of Cape liberals who went to London in 1909 to plead for Britain to enforce a non-racial franchise on South Africa. John Tengo Jabavu is seated on the left. His son, Davidson, was a co-founder of the Institute of Race Relations in 1929.

Source: Wikimedia Commons.

Organization and the black Transvaal National Natives Union insisted on exactly that before the National Convention met to draft a constitution for South Africa in 1908: qualified franchise and equal rights (Thompson 1961, 214–215, 326).

Instead of going down that route, white Afrikaner and English statesmen sent South Africa down a route of enacting a system of governance that humiliated and oppressed millions, and killed thousands of non-whites, usually black South Africans. Many of Apartheid’s victims were indirect, like those of the so-called “People’s War” that occurred in the early 1990s between factions associated with the ANC and factions associated with Inkatha. This war claimed tens of thousands

of civilian lives, mostly in the Natal Province. The state of anti-liberalism prevalent among many black intellectuals and public policy today should, as a result, not come as a surprise, given how, to the extent that liberalism made any tangible positive changes in the lives of ordinary blacks, it took too long. But South Africa's classical liberals, both black and white, have consistently through it all upheld the values of individual liberty, free markets, and constitutionalism, despite their limited successes. As Kane-Berman wrote when South Africa became a democracy under majority rule:

It may well be that speaking out for liberal values will become more unpopular, and certainly less glamorous, than it became in the recent past. Liberals must be prepared for this. They should remember that the right of people to be different and to swim against the general tide is the foundation stone of a free society (Kane-Berman 1994, 2).

I've not been able to do justice to many liberals who left a mark in South Africa, including the former Sanlam executive Andreas Wassenaar, Free Market Foundation director Temba Nolutshungu, Liberal Party stalwart Peter Brown, economist Jan Lombard, philosopher and businessman Michael O'Dowd, native representative Margaret Ballinger, academic Temba Sono, and the Schreiner family. William Philip Schreiner, former Cape Colony prime minister, was the only notable white liberal who travelled alongside black South Africans to Britain before the Union of South Africa was established, to ask the British government to ensure that no racial discrimination be allowed in the new country. His sister, the activist Olive Schreiner, also actively tried to lobby the National Convention to respect equal rights. Oliver Deneys Schreiner, William's son, went on to become a judge of appeal in the Supreme Court's Appellate Division, and was known for his principled, liberal dissents from the bench. The End Conscription Campaign, Black Sash, the Civil Rights League, and the Centre for Development and Enterprise, among other liberal organizations, could also not be covered to any great extent if at all. Liberal media such the now-defunct *Rand Daily Mail*,⁴³ *The Individualist*, and *Free Market*, and the existing *Rational Standard* ([link](#)),⁴⁴ *Daily Friend* ([link](#)), and *Politicsweb* ([link](#)), were also unfortunately excluded from this article. The depth and breadth of liberalism throughout South Africa's history and today is far deeper and wider, especially in the realm of advocacy of private enterprise over social engineering, than I could render here.

43. The original *Rand Daily Mail*, referenced here, was a print newspaper with a clear liberal bent between 1902 and 1985. The Times Media Group relaunched it in 2014 as an online paper without an explicit ideological perspective.

44. The author is a co-founder of the *Rational Standard*.

References

- African News Agency.** 2019. We Are Coming for What Is Ours, Says ANC's Ace Magashule. *Independent Online* (Cape Town), May 18. [Link](#)
- Barnard, S. L., and A. H. Marais.** 1982. *Die Verenigde Party: Die Groot Eksperiment*. Durban: Butterworths.
- Berger, Mike.** 2018. Race and the DA. *Politicsweb* (Johannesburg), April 3. [Link](#)
- Berger, Peter L., and Bobby Godsell.** 1988. *A Future South Africa: Visions, Strategies and Realities*. Cape Town: Human & Rousseau and Tafelberg.
- Bickford-Smith, Vivian.** 1995. South African Urban History, Racial Segregation and the Unique Case of Cape Town? *Journal of Southern African Studies* 21(1): 63–78.
- Biko, Steve.** 1987 [1970]. Black Souls in White Skins? In *I Write What I Like*, ed. Aelred Stubbs, 19–26. Oxford: Heinemann.
- Black Sash.** 1956. Introducing Our Group. *The Black Sash* (Women's Defence of the Constitution League, Johannesburg) 1(1): 1–2. [Link](#)
- Black Sash.** 2017. History of the Black Sash. Black Sash (Cape Town). [Link](#)
- Blanchard, James U.** 1979. Introduction. In *In Search of Liberty*, by Fred Macaskill. New York: Books in Focus.
- Bloom, Jack.** 1994. Liberal Values and Practical Politics. In *The New Liberals*, ed. John Kane-Berman, 3–10. Johannesburg: Institute of Race Relations.
- Bloor, Garreth.** 2019. South Africa: A New Assault on Economic Liberty. *Library of Economics and Liberty* (Liberty Fund, Carmel, Ind.), January 1. [Link](#)
- Blundell, John.** 1985. Ciskei's Independent Way. *Reason*, April 1. [Link](#)
- Bond, Patrick.** 2015. 'Spend on the Poor, Not Flaky Projects.' *Business Report* (Cape Town), October 28. [Link](#)
- Brand South Africa.** 2014. A Guide to South African Political Parties. July 21. Department of Communications (Johannesburg). [Link](#)
- Brookes, Edgar H.** 1956. South Africa: The Possibilities in an Impossible Situation. *African Affairs* 55(220): 188–200.
- Brookes, Edgar H., and J. B. MacAulay.** 1958. *Civil Liberty in South Africa*. Cape Town: Oxford University Press.
- Business Day.** 1987. Economy Booms as Controls Are Scrapped. *Business Day* (Johannesburg), March 27.
- BusinessTech.** 2019. South Africa's Unemployment Rate Climbs to 27.6%. *BusinessTech* (Lyttleton, South Africa), May 14. [Link](#)
- Byrne, Errol.** 1990. *The First Liberal: Rheinallt Jones*. Johannesburg: Angel Press.
- Caldwell, Don.** 1989. *South Africa: The New Revolution*. Johannesburg: Free Market Foundation.
- Cape Times.** 1980. Benefits of Free Enterprise. *Cape Times* (Cape Town), November 24.
- Cardo, Michael.** 2012. The Liberal Tradition in South Africa: Past and Present. *Focus* (Helen Suzman Foundation, Johannesburg) 65: 16–20. [Link](#)
- Carter, Gwendolyn.** 1958. *The Politics of Inequality: South Africa since 1948*. New York:

- Frederick A. Praeger.
- Cele, S'thembile.** 2019. 'Shut Up': Mmusi Maimane Puts His Foot Down on BEE Debate. *City Press* (Johannesburg), February 10. [Link](#)
- Cele, S'thembile, and Juniour Khumalo.** 2019. DA Ramps Up Black Numbers. *City Press* (Johannesburg), March 17. [Link](#)
- Centre for Development and Enterprise (CDE).** 2017. Spotlight On: Minimum Wage—A Dozen Questions about the National Minimum Wage. February 2. Centre for Development and Enterprise (Johannesburg). [Link](#)
- Chaskalson, Arthur.** 2003. From Wickedness to Equality: The Moral Transformation of South African Law. *International Journal of Constitutional Law* 1(4): 590–609.
- Citizen.** 1987. Peace in SA if Demands Are Met. *The Citizen* (Johannesburg), December 3.
- Clarion.** 1976. A Major Step Towards Free Enterprise. *Clarion* (Cape Town), November.
- Cloete, Karl.** 2011. Modern Capitalists Have a Lust for Slavery—NUMSA. *Politicsweb* (Johannesburg), February 9. [Link](#)
- Coleman, Peter.** 2000. From Fellow Travelling to Political Correctness. In *Political Correctness in South Africa*, eds. Rainer Erkens and John Kane-Berman, 5–19. Johannesburg: Institute of Race Relations.
- Cronin, Jeremy.** 2019. No excuse for Zille's hatchet-job analysis of stature capture. *News24* (Cape Town), August 14. [Link](#)
- Cronjé, Frans.** 2019a. Avoiding an 'Unsurvivable' Political Event. *Daily Friend* (Institute of Race Relations, Johannesburg), May 4. [Link](#)
- Cronjé, Frans.** 2019b. Soft-ANC Has Failed and the DA Must Go Back to Liberalism. *Daily Friend* (Institute of Race Relations, Johannesburg), May 11. [Link](#)
- Cronje, Jan.** 2014. 'Stellenbosch Mafia' Controls SA—Malema. *Independent Online* (Cape Town), March 16. [Link](#)
- Daily News.** 1976. Free Economy Is Their Aim. *Daily News* (Durban), January 9.
- Davies, John.** 1996. The State and the South African University System Under Apartheid. *Comparative Education* 32(3): 319–332.
- Deane, John.** 2001. A Brief Account of the J. H. Hofmeyr Memorial Trust in Natal 1949–2000. *Natalia* (Natal Society, Pietermaritzburg, South Africa) 31: 58–63. [Link](#)
- De Kiewiet, Cornelis W.** 1955. Fears and Pressures in the Union of South Africa. *Virginia Quarterly Review* 31(1): 27–45.
- Democratic Alliance.** 2000. The DA's Principles. Democratic Alliance (Cape Town). [Link](#)
- Dhlamini, Mpiyakhe.** 2017. Remembering the Mahlabatini Declaration of Faith. *Rational Standard* (Johannesburg), October 6. [Link](#)
- Douglas, Colin.** 1994. Liberals on the Campuses of the Future. In *The New Liberals*, ed. John Kane-Berman, 11–19. Johannesburg: Institute of Race Relations.
- Dubow, Saul.** 2014. Uncovering the Historic Strands of Egalitarian Liberalism in South Africa. *Theoria: A Journal of Social and Political Theory* 61(140): 7–24.
- Dubow, Saul.** 2019. South Africa's Racist Founding Father Was Also a Human Rights Pioneer. *New York Times*, May 18. [Link](#)
- Duncan, Marion, and Richard Paris.** 1981. Sky Couriers 'Shot Down' by SAA. *The Star* (Johannesburg), May 7.
- Du Toit, Andre.** 1988. Understanding Rights Discourses and Ideological Conflicts in South

- Africa. In *Essays on Law and Social Practice in South Africa*, ed. Hugh Corder, 237–265. Cape Town: Juta.
- Economist*. 2013. The Longer Walk to Equality. *The Economist*, December 6. [Link](#)
- eNCA**. 2018. Close Down SAA, Says Free Market Foundation. eNews Channel Africa (Johannesburg), June 28. [Link](#)
- eProperty News**. 2018. Nedbank Partners with Khaya Lam to Make Property Ownership a Reality for More South Africa. November 3. eProperty News (Johannesburg). [Link](#)
- Erkens, Rainer**. 2000. Drinking in Bad Company at the Wrong End of the Bar. In *Political Correctness in South Africa*, eds. Rainer Erkens and John Kane-Berman, 1–3. Johannesburg: Institute of Race Relations.
- Esterhuyse, Willem P.** 1986. *Anton Rupert: Advocate of Hope*. Cape Town: Tafelberg.
- Feldberg, Meyer, Kate Jowell, and Stephen Mulholland**, eds. 1976. *Milton Friedman in South Africa*. Cape Town: Graduate School of Business, University of Cape Town.
- Financial Mail*. 1980. Leon Louw: Doing More by Doing Less. *Financial Mail* (Johannesburg) November 28.
- Franks, Peter E.** 2014. The Crisis of the South African Public Service. *Focus* (Helen Suzman Foundation, Johannesburg) 74: 48–56. [Link](#)
- Free Market Foundation (FMF)**. 1976. Socialisme of Vryheid? *The Individualist* (Johannesburg) 11: 7.
- Free Market Foundation (FMF)**. 1996. FMF Evidence to the Constitutional Court in Certification of the New Constitutional Text. Constitutional Court of South Africa (Johannesburg). [Link](#)
- Free Market Foundation (FMF)**. 2018. Ruperts Quietly Get on With Land Reform, Offering Township Title-Deeds. *BizNews* (London), November 22. [Link](#)
- Gernetzky, Karl**. 2019. SAA’s Vuyani Jarana the Second SOE Chief to Quit in Two Weeks. *Business Day* (Johannesburg), June 2. [Link](#)
- Giliomee, Hermann**. 2008. Ethnic Business and Economic Empowerment: The Afrikaner Case, 1915–1970. *South African Journal of Economics* 76(4): 165–188.
- Gon, Sara**. 2019. ‘Disadvantage’ Is the Best Proxy for Disadvantage. *Politicsweb* (Johannesburg), February 19. [Link](#)
- Green, Michael**. 2004. *Around and About: Memoirs of a South African Newspaperman*. Claremont, South Africa: David Philip.
- Grzynski, Z. S. A.** 1981. Free Markets and the State. *Free Market* (Free Market Foundation, Johannesburg) 5: 23–25.
- Head, Tom**. 2019. Julius Malema Turns Heads After Claiming SA “Is Worse Than Zimbabwe.” *The South African* (Blue Sky Publications, Cape Town), March 22. [Link](#)
- Herman, Paul**. 2018. ‘We Will Not Allow Smash-and-Grab Interventions’—Ramaphosa on Land Expropriation Without Compensation. *News24* (Cape Town), February 20. [Link](#)
- Hetherington, Ian J.** 1985. *The Development of Small Business in South Africa*. Self-published.
- Hofmeyr, Steve**. 2019. “Die kastige redelikheid....” Twitter.com/steve_hofmeyr, June 3. [Link](#)
- Hughes, Timothy P. D.** 1994. *Political Liberalism in South Africa in the 1980s and the Formation of the Democratic Party*. M.A. diss., University of Cape Town.

- Hutt, William H.** 1964. *The Economics of the Colour Bar*. London: Andre Deutsch.
- Hutt, William H.** 1975. South Africa's Salvation in Classic Liberalism. In *Individual Freedom: Selected Works of William H. Hutt*, eds. Svetozar Pejovich and David Klingaman, 53–74. Westport, Conn.: Greenwood Press.
- Institute of Race Relations.** 2018. Race Relations in South Africa: Reasons for Hope 2018—Holding the Line. March. Institute of Race Relations (Johannesburg). [Link](#)
- Investment House.** 2016. What Is BBBEE? *Entrepreneur Magazine* (Johannesburg), August 23. [Link](#)
- Johnson, R. W.** 2011. The Future of the Liberal Tradition in SA. *Politicsweb* (Johannesburg), August 18. [Link](#)
- Johnson, R. W.** 2019. Strange Days in the DA. *Politicsweb* (Johannesburg), May 22. [Link](#)
- Kane-Berman, John.** 1994. Welcoming Address. In *The New Liberals*, ed. John Kane-Berman, 1–2. Johannesburg: Institute of Race Relations.
- Kane-Berman, John.** 2002. The Case for a Liberal Strategy. *Fast Facts* (Institute of Race Relations, Johannesburg), September: 2–7.
- Kane-Berman, John.** 2017. *Between Two Fires: Holding the Liberal Centre in South African Politics*. Johannesburg: Jonathan Ball.
- Kane-Berman, John.** 2018. The Rise and Fall of the Torch Commando. *Politicsweb* (Johannesburg), July 30. [Link](#)
- Kane-Berman, John.** 2019a. Ninety Years Old and Still Going Strong. *Daily Friend* (Institute of Race Relations, Johannesburg), April 23. [Link](#)
- Kane-Berman, John.** 2019b. Critics Who Blame Liberals Never Had Any Real Answers of Their Own. *Daily Friend* (Institute of Race Relations, Johannesburg), May 5. [Link](#)
- Kane-Berman, John.** 2019c. Email correspondence with Martin van Staden, September 3.
- Kantor, Brian S., and Henry F. Kenny.** 1976. The Poverty of Neo-Marxism: The Case of South Africa. *Journal of Southern African Studies* 3(1): 20–40.
- Keniston, William H.** 2010. *Richard Turner's Contribution to a Socialist Political Culture in South Africa (1968–1978)*. M.A. diss., University of the Western Cape. [Link](#)
- Kennedy, Stan.** 1987. Leon Louw—The Driving Force for a Free-Market Society. *The Star* (Johannesburg), December 28.
- Kenny, Andrew.** 2019. Election Lessons for Liberals. *Daily Friend* (Institute of Race Relations, Johannesburg), May 11. [Link](#)
- Kruger, Daniel W.** 1960. *South African Parties and Policies, 1910–1960: A Select Source Book*. Cape Town: Human & Rousseau.
- Lachmann, Ludwig M.** 1956. *Capital and Its Structure*. London: Bell and Sons.
- Lachmann, Ludwig M.** 1976. FMF Interview—Prof. LM Lachmann [interview by Marc Swanepoel]. *The Individualist* (Free Market Foundation, Johannesburg) 8: 1–2.
- Lachmann, Ludwig M.** 1986. *The Market as an Economic Process*. New York: Basil Blackwell.
- Lagaradien, Ismail.** 2019. There Is Much More to Helen Zille's Shift to the Right. *Daily Maverick* (Cape Town), July 30. [Link](#)
- Laissez-Fair [pseud.].** 1987. Mining in South Africa and Private Enterprise. *South African Journal on Human Rights* 3: 167–176.
- Lavin, Deborah.** 1965. The Dilemma of Christian-National Education in South Africa. *The World Today* 21(10): 428–438.

- Lawson, Kerianne.** 2013. Leon Louw. Working paper, December 17. [Link](#)
- Lazar, John.** 1988. The Role of the South African Bureau of Racial Affairs (SABRA) in the Formulation of Apartheid Ideology, 1948–1961. In *Societies of Southern Africa in the 19th and 20th Centuries*, vol. 14, 96–109. London: Institute of Commonwealth Studies, University of London. [Link](#)
- Leach, Daniel F.** 1990. Monopoly Power and the State. In *Liberty and Prosperity: Essays in Limiting Government and Freeing Enterprise in South Africa*, eds. Frank Vorhies and Richard J. Grant, 92–108. Cape Town: Juta.
- Leng, Claudio.** 2019. DA Roasted for Boasting About ‘Constitutional Blacks’ on Party List. *Briefly* (Cape Town), March 30. [Link](#)
- Leon, Tony.** 1998. *Hope and Fear: Reflections of a Democrat*. Johannesburg: Jonathan Ball.
- Leon, Tony.** 2019. The Need for A Liberal Party in A Time of Peril. Presented at the Friedrich Naumann Foundation (Johannesburg), August 1. [Link](#)
- Lewsen, Phyllis.** 1987. Liberals in Politics and Administration, 1936–1948. In *Democratic Liberalism in South Africa: Its History and Prospect*, eds. Jeffrey Butler, Richard Elphick, and David Welsh, 98–115. Middletown, Conn.: Wesleyan University Press.
- Louw, Leon M.** 1978. Executive Director’s Annual Report. Free Market Foundation Congress (Johannesburg).
- Louw, Leon M.** 1981. Free Market—the Solution. *Free Market* (Free Market Foundation, Johannesburg) 5: 2.
- Louw, Leon M.** 2011. Leon Louw on Sinking South Africa—and How Free-Market Thinking Can Help Recover Prosperity [interview by Anthony Wile]. TheDailyBell.com, November 20. [Link](#)
- Louw, Leon M., and Frances Kendall.** 1986. *South Africa: The Solution*. Bisho, South Africa: Amagi Publications.
- Lubisi, Cassius.** 2019. Director-General Cassius Lubisi Announces 2019 National Orders Recipients. April 2. South African Government (Pretoria). [Link](#)
- Macaskill, Fred.** 1979. *In Search of Liberty*. New York: Books in Focus.
- Madlingozi, Tshepo.** 2006. Legal Academics and Progressive Politics in South Africa: Moving Beyond the Ivory Tower. *Pulp Fictions* (University of Pretoria) 2: 5–30. [Link](#)
- Maimane, Mmusi.** 2018a. To Be Free, Africa Must Be Liberated From Its Liberators. November 30. Democratic Alliance (Cape Town). [Link](#)
- Maimane, Mmusi.** 2018b. Building an African Liberal Agenda. April 7. Democratic Alliance (Cape Town). [Link](#)
- Malan, M. P. A.** 1964. *Die Nasionale Party van Suid-Afrika 1914–1964: Sy Stryd en sy Prestasies*. Elsie’srivier, South Africa: Nasionale Handelsdrukkery.
- Mandela, Nelson.** 1964. Statement to the Pretoria Supreme Court, April 20. [Link](#)
- Marshall, Geoffrey.** 1957. *Parliamentary Sovereignty and the Commonwealth*. Oxford: Clarendon Press.
- May, Henry J.** 1955. *The South African Constitution*. Cape Town and Johannesburg: Juta.
- McGregor, Maurice.** 1990. Preface. In *The First Liberal: Rheinallt Jones*, by Errol Byrne. Johannesburg: Angel Press.
- Mhlanga, Oswald.** 2017. Impacts of Deregulation on the Airline Industry in South Africa: A Review of the Literature. *African Journal of Hospitality, Tourism and Leisure* (Johan-

- nesburg) 6(3): 1–14. [Link](#)
- Michigan State University African Studies Center.** 2005. South Africa: Overcoming Apartheid, Building Democracy—The Black Sash. Michigan State University (East Lansing, Mich.). [Link](#)
- Mngadi, Mxolisi.** 2017. Mmusi Maimane: Zille’s Views on Colonialism are Inconsistent with the DA’s Values. *Mail & Guardian* (Johannesburg), March 20. [Link](#)
- Morris, Michael.** 2019a. Institute of Race Relations’ Endurance a Testament to Founders. *Business Day* (Johannesburg), May 6. [Link](#)
- Morris, Michael.** 2019b. John Harris’s Bomb. *Daily Friend* (Institute of Race Relations, Johannesburg), July 24. [Link](#)
- Nattrass, Nicoli, and Jeremy Seekings.** 2018. Labour Market Reform is Needed for Inclusive Growth. October. Centre for Development and Enterprise (Johannesburg). [Link](#)
- News24.** 2011. Numsa: SAIRR Hostile Towards ANC. *News24* (Cape Town), January 26. [Link](#)
- News24.** 2017. DA and Zille Reach Settlement. *News24* (Cape Town), June 13. [Link](#)
- Ngobese, Sihle.** 2019. Young, Black, Conservative: The Politics of Liberty and Identity in South Africa. Presented at the University of Cape Town, April 10. [Link](#)
- Ngubane, Jordan K.** 1954. African Viewpoint: Liberalism Encounters Heavy Weather. *Indian Opinion* (Durban), April 16. [Link](#)
- Ngubane, Jordan K.** 1963–1964. Lembede and Africanism. Working manuscript. [Link](#)
- Ngubane, Jordan K.** 1964. Interview by Gwendolyn M. Carter, March 5. [Link](#)
- Ngubane, Jordan K.** 1980. Why I Came Back. *Sunday Tribune* (Durban), July 6. [Link](#)
- Nkanjani, Unathi.** 2019. Floyd Shivambu Calls Tito Mboweni’s Growth Plan ‘Imperialism in Action’. *The Sowetan* (Johannesburg), August 30. [Link](#)
- Nolutshungu, Temba A.** 2000. Political Correctness and the Black Intelligentsia. In *Political Correctness in South Africa*, eds. Rainer Erkens and John Kane-Berman, 20–27. Johannesburg: Institute of Race Relations.
- Norton, R.** 1978. Most City Blacks Are Leftists—Surveys. *The Star* (Johannesburg), August.
- Nthai, Seth A.** 1998. A Bill of Rights for South Africa: An Historical Overview. *Consultus* (General Council of the Bar of South Africa, Johannesburg) 11(2): 142–147.
- Ntsane, Stephen.** 1994. Is Liberalism Acceptable in African Townships? In *The New Liberals*, ed. John Kane-Berman, 21–27. Johannesburg: Institute of Race Relations.
- O’Dowd, Michael C.** 1996. *The O’Dowd Thesis and the Triumph of Democratic Capitalism*. Johannesburg: Free Market Foundation.
- O’Malley, Kierin.** 1988. South African Liberal Economics and the Question of Power. *Reality* (Reality Publications, Pietermaritzburg, South Africa) 4: 5–6. [Link](#)
- O’Malley, Kierin.** 1994. The Fundamentals of Liberalism in South Africa Today. In *The New Liberals*, ed. John Kane-Berman, 29–42. Johannesburg: Institute of Race Relations.
- Overy, Neil.** 2002. *‘These Difficult Days’: Mission Church Reactions to Bantu Education in South Africa, 1949–56*. Ph.D. diss., University of London. [Link](#)
- Paton, Alan.** 2011 [1962]. Non-Racial Democracy: The Policies of the Liberal Party of South Africa. *Politicsweb* (Johannesburg), September 6. [Link](#)

- Pereira, Paul.** 1994. Summing Up. In *The New Liberals*, ed. John Kane-Berman, 61–65. Johannesburg: Institute of Race Relations.
- Pereira, Paul.** 2015. Back Yourself to Try Freedom. Presented to the Democratic Alliance Johannesburg City Councilor Workshop, November 15.
- Pretoria News.* 1987. Meeting of Minds the Key, Says Slabbert. *Pretoria News*, May 11.
- Reekie, W. Duncan.** 1990. Privatisation and the Distribution of Wealth. In *Liberty and Prosperity: Essays in Limiting Government and Freeing Enterprise in South Africa*, eds. Frank Vorhies and Richard J. Grant, 110–131. Cape Town: Juta.
- Rhodie, N. J., and H. I. Venter.** 1959. *Apartheid: A Socio-Historical Exposition of the Origin and Development of the Apartheid Idea*. Cape Town: Hollandsch-Afrikaansche Uitgevers Maatschappij.
- Rich, Paul B.** 1987. The Appeals of Tuskegee: James Henderson, Lovedale, and the Fortunes of South African Liberalism, 1906–1930. *International Journal of African Historical Studies* 20(2): 271–292.
- Ritchie, Gemma.** 2018. Mantashe Releases Mining Character of Compromises. *Mail & Guardian* (Johannesburg), September 27. [Link](#)
- Robertson, Don.** 1975. New Champions of Free Market. *Sunday Express* (Johannesburg), September 14.
- Robertson, Janet.** 1971. *Liberalism in South Africa, 1948–1963*. Oxford: Clarendon Press.
- Roodt, Marius.** 2018. Economic Empowerment for the Disadvantaged: A Better Way to Empower South Africa's Poor. July. Institute of Race Relations (Johannesburg). [Link](#)
- Saunders, Stephen G.** 2008. Toward Bridging the Gap Between Theory and Empirical Reality. *South African Journal of Economics* 76(4): 738–748.
- Sayyid, Salma.** 2019. Connecting the Networks: Putting the Kochs into Race Relations. April 8. Afro-Middle East Centre (Johannesburg). [Link](#)
- Segal, Vivienne.** 1977. Blacks Must Identify with System. *The Citizen* (Johannesburg), March 10.
- Shandler, David.** 1991. *Structural Crisis and Liberalism: A History of the Progressive Federal Party, 1981–1989*. M.A. diss., University of Cape Town.
- Smith, Carin.** 2018. R100 000 Bet on SAA's Future. *Mail & Guardian* (Johannesburg), June 5. [Link](#)
- South African History Online.** 2011. Black Sash. March 30. South African History Online (Cape Town). [Link](#)
- South African History Online.** 2012a. Liberal Party of South Africa (LPSA). May 10. South African History Online (Cape Town). [Link](#)
- South African History Online.** 2012b. States of Emergency in South Africa: The 1960s and 1980s. March 14. South African History Online (Cape Town). [Link](#)
- Sowetan.* 1987. Loosening the Chains. *The Sowetan* (Johannesburg), January 1.
- Spector, J. Brooks.** 2013. SAIRR: There's a New Sheriff in Town and He's Moving Beyond Only Race. *Daily Maverick* (Cape Town), October 8. [Link](#)
- Spence, J. E.** 1965. The Origins of Extra-Parliamentary Opposition in South Africa. *Government and Opposition* 1(1): 55–84.
- Sun.* 1987. Leon Louw of the Free Market Foundation. *The Sun* (South Africa), June.

- Sunter, Clem.** 1992. *The New Century: Quest for the High Road*. Cape Town: Human & Rousseau.
- Sunter, Clem.** 1993. *Pretoria Will Provide, and Other Myths*. Cape Town: Tafelberg and Human & Rousseau.
- Suzman, Helen.** 1998. Foreword. In *Hope and Fear: Reflections of a Democrat*, by Tony Leon. Johannesburg: Jonathan Ball.
- Swanepoel, Marc.** 1975. Introducing the South African Free Market Foundation. *The Individualist* (Free Market Foundation, Johannesburg) 1: 1–2.
- Swanepoel, Marc.** 1976a. Disaster Diary. *The Individualist* (Free Market Foundation, Johannesburg) 10: 4–5.
- Swanepoel, Marc.** 1976b. Statement of Principles. *The Individualist* (Johannesburg) 11: 1.
- Swanepoel, Marc.** 1976c. FMF Meeting a Great Success. *The Individualist* (Free Market Foundation, Johannesburg) 9: 6.
- Swart, Ray.** 1991. *Progressive Odyssey: Towards a Democratic South Africa*. Cape Town: Human & Rousseau.
- Thompson, Leonard M.** 1961. *The Unification of South Africa 1902–1910*. Oxford: Clarendon Press.
- TimesLive.** 2019. CEO Who Pledged Cash for Charity If He Could Not Fix SAA Resigns. *TimesLive* (Johannesburg), June 3. [Link](#)
- To the Point.** 1977. Keep Free Enterprise Free. *To the Point* (South Africa), March 25.
- Trehela, Paul.** 2017. The Complexities of Liberalism in South Africa. *Politicsweb* (Johannesburg), December 11. [Link](#)
- University of the Witwatersrand.** 2011. Records of the South African Institute of Race Relations Part II. University of the Witwatersrand (Johannesburg). [Link](#)
- Van den Berghe, Pierre L.,** ed. 1979. *The Liberal Dilemma in South Africa*. London: Croom Helm.
- Van der Westhuizen, Christi.** 2018. The DA's White, Liberal Establishment Has to Face the Facts. April 12. Democracy Works Foundation (Johannesburg). [Link](#)
- Van Onselen, Gareth.** 2019. Vote for the DA, At Your Own Risk. *Politicsweb* (Johannesburg), April 25. [Link](#)
- Van Staden, Martin.** 2018. In Final Plea, Economists Implore South Africa to Abandon Expropriation Plan. December 6. Foundation for Economic Education (Atlanta). [Link](#)
- Van Staden, Martin.** 2019. The Politics of Race and Property in South Africa. In *Igniting Liberty: Voices for Freedom Around the World*, eds. Adam Barsouk and Martin van Staden, 271–300. Floyd, Va.: Champion Books. [Link](#)
- Vavi, Zwelinzima.** 2019. We Reject Mboweni's Treasury Paper—SAFTU. *Politicsweb* (Johannesburg), August 30. [Link](#)
- Vorhies, Frank.** 1990. From Liberty to Prosperity in South Africa. In *Liberty and Prosperity: Essays in Limiting Government and Freeing Enterprise in South Africa*, eds. Frank Vorhies and Richard J. Grant, 16–29. Cape Town: Juta.
- Wacks, Raymond.** 1984. Judges and Injustice. *South African Law Journal* 101(2): 266–285.
- Webb, C. de B.** 1979. Edgar Harry Brookes 1897–1979. *Natalia* (Natal Society, Pietermaritzburg, South Africa) 9: 39–42. [Link](#)

- Welsh, David.** 1998. Introduction. In *Hope and Fear: Reflections of a Democrat*, by Tony Leon. Johannesburg: Jonathan Ball.
- Wentzel, Jill.** 1995. *The Liberal Slideaway*. Johannesburg: Institute of Race Relations.
- Winde, Alan.** 2019. Clean Government in the Western Cape Shows the Way for the Rest of South Africa. *Daily Maverick* (Cape Town), May 8. [Link](#)
- Witness.** 1981. New Professor Attacks 'Indifference to Economics.' *The Witness* (Pietermaritzburg, South Africa), November 5.
- Zille, Helen.** 1981. Afrikaners Warned to 'Maintain Values.' *Rand Daily Mail* (Johannesburg), May.
- Zille, Helen.** 2013. Foreword. In *Tax, Lies, and Red Tape: Confessions of an Unreconstructed Neoliberal Fundamentalist*, by Dawie Roodt. Cape Town: Zebra Press.
- Zille, Helen.** 2017. From the Inside: Lessons from Singapore. *Daily Maverick* (Cape Town), March 20. [Link](#)
- Zille, Helen.** 2019. Dit Was My Fout. *Rapport* (Johannesburg), May 26. [Link](#)

Cases Cited

Collins v. Minister of the Interior and Another 1957 (1) SA 552 (A).

About the Author



Martin van Staden is head of legal policy and research at the Free Market Foundation, a Johannesburg-based classical liberal think tank in South Africa. At the time of writing he was pursuing a Master of Laws at the University of Pretoria. He has written one book, *The Constitution and the Rule of Law: An Introduction* (2019), and contributed to and edited several others, including *The Real Digital Divide: South Africa's Information and Communication Technologies Policy* (2017), *Fallism* (2017), and *Igniting Liberty: Voices for Freedom Around the World* (2019). He is the editor-in-chief of *Being Libertarian*. Martin is an alumnus of Students for Liberty, having served on its African Executive Board between 2015 and 2018. His email address is martinvanstaden@fmfsa.org.

[Go to archive of Character Issues section](#)
[Go to September 2019 issue](#)



Discuss this article at Journaltalk:
<https://journaltalk.net/articles/5992/>