

‘Whiteness’, ‘blackness’, ‘neitherness’ – The South African Chinese 1885-1991: a case study of identity politics

KAREN L HARRIS*

Race has been a dominant construct in the explanation of much of the former colonial order and is regarded as “absolutely central to the history of European immigration and settlement”.¹ In South Africa, as in many other parts of the world, race in the form of a black-white paradigm has been persistent in explaining the past.² However, the ongoing “disinterest in thinking of race and race relations in terms other than black and white”³ has led to various cultural minorities being

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- * Prof. Karen L Harris kharris@postino.up.ac.za is a staff member of the Department of Historical and Heritage Studies, University of Pretoria. Her most recent publication is “Confucian Education: a case study of the South African Chinese” in M.W. Chaney, B.S.A. Yeoh and T.C. Kiong (eds), *Asian migrants in education*, (Kluwer Academic Publishers, The Netherlands, 2002). She is currently busy with research on “Black and Asian encounters through time and space”.
1. M. F. JACOBSON, *Whiteness of a different color: European immigrants and the alchemy of race*, (Harvard University Press, Boston, 1998), p. 8.
 2. See for example texts such as W. BEINART and S. DUBOW (eds), *Segregation and Apartheid in twentieth century South Africa*, (Routledge, New York, 1995), p. 4; T. KEEGAN, *Colonial South Africa and the Origins of the Racial Order*, (David Philip, Cape Town, 1995), p. viii; R. ELPHICK and H. GILOMEE (Eds.), *The Shaping of South African Society, 1652-1840*, (Maskew Miller Longman, Cape Town, 1989), chapter 4; S. MARKS and S. TRAPIDO, *The politics of Race, Class and Nationalism in Twentieth Century South Africa*, (Longman, London, 1987), p. 1.
 3. G. Y. OKIHIRO, “Teaching Asian American History”, *Organization of American Historians Magazine of History*, 10(4), Summer 1996, p. 3.

ignored in the historical record and misconstrued in popular consciousness. This trend has also confined the explanation of the past to a two-dimensional black-white analysis, obscuring subtleties and complexities which the inclusion of other minorities affords.

The Chinese form one such minority in countries like the United States of America, Australia and South Africa. Until recently, they were relegated to the periphery of their respective national histories, despite their presence as both indentured and free individuals in various societies already shortly after the inception of colonial rule. Moreover, as American historian Gary Okihiro argues, because the Chinese are neither white nor black, “the Asian racial subject is indispensable to both an understanding of race and an intervention into the politics of race”.⁴ In other words, as a case study the Chinese add a third dimension to the black-white paradigm and thereby allow scrutiny of racial policies from a different perspective.

This article proposes to focus on the restricted legal status of the South African Chinese from the segregationist policies of the mid-nineteenth century to the post apartheid period a century later. On the one hand it shows how certain discriminatory laws were clumsily applied to the Chinese; while on the other, it highlights various episodes illustrating how the Chinese tried to use their cultural identity to challenge and transcend the apartheid divide. In fact they were fated to an anomalous position which was neither white nor black. Needless to say this ambivalent position did not spare them the impact of racially discriminatory policy and structures.

It must be pointed out that the research for this article is based on material which only reveals the Chinese community’s official response to the various governing authorities and their respective legislation. Government archival records and newspaper reports are not reflective of private views or of the dissension which existed within the Chinese community itself. Moreover, the small South African Chinese community have purposely preferred to maintain a low profile. This was not necessarily because they had no political aspirations, but paradoxically rather because they believed that if they drew attention to their status “they might be dislodged from their precarious position on the periphery of white society and be established irrevocably as non-white”.⁵ What we are dealing with here is a cultural or racial minority’s public response to racial discrimination.

4. *Ibid.*, pp. 3-4.

5. *The Star*, 19 June 1980; *Sunday Times*, 26 October 1980; *Sunday Express*, 13 February 1983; *Beeld*, 9 July 1984.

From the genesis of colonial rule, the various authorities imposed a racial order on the societies they encountered so as to secure certain economic, social and political privileges for the white – as opposed to the black - populace.⁶ They identified and categorized the indigenous majorities and foreign minorities into a framework which legally instilled discrimination into every fibre of society. Perceptions of race therefore became synonymous with perceptions of privilege, and in the words of American historian Matthew Fry Jacobson, “Europeaness – that is to say, whiteness- was among the most important possessions one could lay claim to”.⁷ The Chinese in South Africa, like the Indians and blacks, were continually confronted with exclusion from the advantages legally secured for whites. The Chinese reaction to the execution of the legislation within the period 1885 to 1991 challenged its viability, allowing them often to capitalize on its weaknesses. Ironically, it was through emphasizing their Chinese race, sometimes together with other circumstantial factors, that they attempted to attain leverage on European privilege.

The miniscule number of free (as opposed to indentured) Chinese individuals who arrived in colonial South Africa from the mid-nineteenth century onwards, were to encounter discriminatory legislation both directly and indirectly. Much of the initial legislation which affected them was promulgated as a direct result of the importation of indentured labour – first the Indians for the Natal sugar plantations (1860) and later the indentured Chinese for the Witwatersrand gold mines (1904) – and the resulting fear of influx into the surrounding territories.⁸

The first legislation that affected the Chinese emanated from the *Zuid-Afrikaansche Republiek* (ZAR), which from its inception had instituted a colour bar in its *grondwet* (constitution) according to which there was to be no equality between coloured people and the white inhabitants.⁹ In line with this, Law 3 of 1885 ruled that “persons belonging to one of the native races of Asia” were denied the right to citizenship and were prohibited from being owners of fixed property. The latter clause was amended a year later granting Asians the right to own land, but only in “such streets, wards and locations as the government for purposes of

6. R. TAKAKI, *Strangers from a different shore*, (Little, Brown and Co., New York, 1989); D. CHIROT and A. REID (eds), *Essential outsiders*, (University of Washington Press, Seattle, 1997); C. INGLIS, G. SULLIVAN and C. WU (eds), *Asians in Australia*, (Institute of South East Asian Studies, Singapore, 1992).

7. M. F. JACOBSON, *Whiteness of a different color: European immigrants and the alchemy of race*, p. 8.

8. See K.L. HARRIS, “Gandhi, the Chinese and Passive Resistance” in J.M BROWN and M. PROZESKY (eds), *Gandhi and South Africa: principles and politics*, (University of Natal Press, Pietermaritzburg, 1996), pp. 72-3.

9. P. LEWSEN, “The Cape Liberal Tradition – Myth or Reality?”, *Race*, 13, 1971, p. 66.

sanitation shall assign to them to live in”.¹⁰ It also called for their registration with the “landdrost” (magistrate) and insisted that they carry a special pass with a stamp to the value of £25 (later reduced to £3), which had to be renewed annually.¹¹ Contravention of the law would result in a fine of between £10 and £100 or imprisonment of between 14 days and six months.¹² Similar legislation was introduced in the *Oranje Vrijstaat* (OFS) in 1891 regarding any “Arabier, Chinees, Koelie of andere Aziatische kleurlingen”. It stipulated that they were not allowed to settle or remain there for a period longer than two months without the permission of the State President.¹³ The OFS legislation remained on the statute books until 1986.¹⁴

Although it was estimated that towards the end of the nineteenth century there were not quite 1 000 Chinese living in the ZAR,¹⁵ the small community did not hesitate to react to the discriminatory legislation. A petition was sent to the British High Commissioner in Cape Town in 1894 protesting against their removal to locations.¹⁶ In 1897 another petition signed by 354 Chinese resident in Johannesburg and surrounding areas appealed to the ZAR authorities against being removed from regions where they had businesses. They declared themselves ‘loyal’ and ‘law abiding’ supporters of the state and requested that they should have the same free trade rights as those accorded to foreigners of all nationalities in China.¹⁷ Another memorandum signed by 283 Chinese resident in Johannesburg was sent to the ZAR government in 1898 requesting that they not be placed in an area with ‘other Asians’ and asked that they be allowed to stay where they had established viable businesses.¹⁸

Immediately after the South African War, with the British takeover of the Transvaal Colony, much of the ZAR legislation persisted and the Chinese therefore

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10. ZAR: Statute Laws of the Transvaal, 1839-1910, Law 3 of 1885; Statute Laws of the Transvaal, 1839-1910, Volksraad Resolution, Art. 1419, 12 August 1886.
 11. Ibid.
 12. ZAR, Laws of the Transvaal up to 1899, Law 3 of 1885, Coolies, Asians and other Asiatics, section c., (Waterlow and Sons, Ltd., London, 1898).
 13. Oranje-Vrijstaatse Repuliek (OVS): Wetboek van den Oranjevrijstaat, 1891, Oranjevrijstaatsche Nieuwsblad-Maatschappij, Bloemfontein, 1892, Hoofdstuk xxxiii.
 14. RSA: Statutes of the RSA, Act 53 of 1986, Matters concerning admission to and residence in the Republic Amendment Act.
 15. PUBLIC RECORD OFFICE (PRO): Colonial Office (CO) 291/75, no. 10687, Colonial Secretary Lyttelton in parliament, 24 March 1904; *Indian Opinion*, 31 August 1907.
 16. TRANSVAAL ARCHIVES DEPOT (TAD), Staats Sekretaris van die ZAR (SS) R7695/94, Gouvernment Kaapstad bericht dat hoogen Commissaris eene petitie ontvang van Chinese, 1894.
 17. TAD: SS 6216 R2473/97, Memorie van Chineezzen te Johannesburg, 1897.
 18. ZUID-AFRIKAANSCH REPUBLIEK (ZAR): Notulen van der Eerste Volksraad der ZAR, 1898, Artikel 1599, p. 1056.

reiterated their objections to the government authorities in Britain. In 1902 they opposed their inability to own fixed property and rejected their classification with “Arabs, coolies and other Asiatics ... that were not a ruling race”. They pointed out that they were a “peaceful law-abiding and industrious folk” who were a “necessary and desirable addition to the community”. Included in this petition was a document signed by numerous Europeans of the Transvaal who vindicated their plea.¹⁹ They also intimated that the restrictive legislation was “inconsistent and illegal” given the relations that existed between “His Britannic Majesty and the Emperor of China”.²⁰ Moreover, they claimed that

the practice in existence of removing the Chinese from the Native location because they are not kaffirs and then refusing them licence to trade elsewhere because they are coloured is inconsistent and inequitable.²¹

The Chinese disapproval of being categorized with ‘other Asians’, their claim to state loyalty and civil obedience, their reference to economic survival, their allusion to China’s sovereignty and racial superiority as well as their inference of white acceptance, was indicative of how they would respond to the successive race-based political infra-structures for almost a century. They would continue to oppose legislation, which categorized them with other “non-Europeans” and perpetually invoked their ‘Chineseness’ – their exclusive race – to contest their position. This obviously contrasted with the reaction of blacks, Indians and coloureds, who embarked on united mass action, boycotts and later more militant tactics to oppose racial discrimination.

The proposed introduction of indentured Chinese labour into the Transvaal Colony had a direct impact on legislation in the Cape Colony, as well as its free Chinese community. Despite the extraordinary stringent and restrictive nature of the act governing the importation of the Chinese indentured labourers for the Transvaal mines,²² Cape politicians used the fear of an influx of Chinese as a plank in their respective political platforms.²³ The Chinese question ultimately transformed into the Chinese Exclusion Act of 1904.²⁴ This act has been virtually ignored in South

19. PRO: CO 291/67 no. 20153/1903, Chinese grievances, Petition from Chinese community, December 1902.

20. *Ibid.*, 25 May 1903.

21. *Ibid.*

22. TC: Ordinances of the Transvaal, Labour Importation Ordinance, no. 17 of 1904.

23. See K. L. HARRIS, *A history of the Chinese in South Africa to 1912*, (D. Litt. et Phil., Unisa, 1998), Chapter 5.

24. CAPE OF GOOD HOPE (COGH): Statutes of the Colony of the Cape of Good Hope, Act 37 of 1904, The Chinese Exclusion Act.

African history, mainly because it does not accord with the black-white dichotomy of traditional historical analysis. Its significance goes beyond being a milestone in the history of the overseas Chinese experience in southern Africa. It has international comparative parallels in Australia (1855), New Zealand (1881), the United States (1882) and Canada (1885), but more importantly, it was one of the first racist pieces of legislation in the Cape Colony and reveals the not-so-liberal underside of Cape colonial politics.²⁵ It remained on the statute books for more than two decades after the indentured system had been terminated and the Chinese labourers repatriated back to China.²⁶

Unlike its American counterpart, the Cape Chinese Exclusion Act was not limited to labourers, but was made applicable to the “whole of the Chinese race”.²⁷ Its prohibition was absolute and only allowed entry to Chinese who could prove residence in the Cape Colony prior to 1904. Following the examples in America and Australia, a permit system was introduced which granted the Chinese already living in the Cape Colony a certificate of exemption, which had to be renewed annually. Contravention of the Act could lead to a fine, imprisonment or deportation to China or the country of origin. Moreover Chinese who were twice convicted for any transgression would be deported after expiration of the sentence passed.²⁸

Throughout the promulgation of the Chinese Exclusion Bill, there was not a single dissenting voice, let alone lobby, to object to the proposed treatment of the free Chinese. The fact of the matter was that unlike the indigenous Africans, the overseas Chinese were not protected by missionary societies nor did they capture the imagination of the philanthropic or humanitarian organizations in Britain. The Chinese Consul-General for the British colonies in South Africa, who would later intervene on their behalf, had also not yet been appointed. In contrast to the Transvaal Chinese, the Cape Chinese community was itself not prepared to react directly to the blatantly discriminatory regulations. This was probably due to the demographically dispersed nature of their settlement in the Cape, as opposed to the concentration of the Chinese in the Witwatersrand region. Moreover, whereas the Transvaal legislation affected other Asians, the Cape act specifically targeted the Chinese, and therefore they feared that overt action might lead to even further restrictions.

25. For a detailed discussion of this see K. L. HARRIS, A history of the Chinese in South Africa to 1912, Chapter 5, and forthcoming article.

26. U of SA: *Statutes of the Union of South Africa*, Act 19 of 1933, Immigration Amendment Act.

27. COGH: Debates in the House of Assembly, March – May 1904.

28. COGH: *Statutes of the Cape of Good Hope, 1902-1906*, Act 37 of 1904, The Chinese Exclusion Act, sections 3, 18, 19 and 34.

Low key written appeals were made by local individuals, such as the address to the British Secretary for Colonies and the Chinese Legation in London by members of the East London Chinese community. Their objections were not against the Act *per se*, but rather certain of its conditions. For example, they declared offensive the requirement that they be stripped naked in order to discover ‘marks of identification’ for the Certificate of Exemption.²⁹ In 1908 when the Chinese were given a very brief audience at the Select Committee on Asiatic Grievances,³⁰ they complained that the Act “singled the Chinese out among all other aliens”,³¹ but this objection had no consequence. With the arrival of the Chinese consul-general in South Africa in late 1905, the grievances concerning the Act were channelled diplomatically to the authorities, but still without much effect. The Cape government argued that in view of the forthcoming union in the country they were not in a position to make changes to the Chinese situation. After Union, however, the new 1913 immigration legislation incorporated all the salient features of the various provincial measures, and the Chinese Exclusion Act remained intact.³² The ‘restrictive efficiency’ of the Exclusion Act was apparent from the dramatic decline of the number of Chinese in the Cape Colony: within a decade and a half their numbers had halved,³³ and together with other discriminatory legislation introduced after Union, their immigration was legislatively terminated for close on three-quarters of a century.³⁴

While the Chinese in the Cape Colony appeared to endure the racially discriminating legislation introduced by the British at the turn of the twentieth century, this was not the case among the Chinese in the Transvaal. As indicated above, the post-war British administration perpetuated the anti-Asian legislation. They not only re-enacted certain ZAR laws, but also established a separate Asiatic Department to administer Asian affairs, continued to create residential locations for Asians, required detailed re-registration of all Asians and instructed the Receiver

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29. CAPE ARCHIVES DEPOT (CAD) Government House (GH) 23/84, 2: General despatches – Protest by Chinese residents of East London against certain regulations contained in Chinese exclusion Act, 1904.
 30. The eight day “Select Committee on Asiatic Grievances” accorded 22 days to the Indians, 2 a day to the Chinese and the remaining 5 to the Europeans.
 31. COGH: Votes and Proceedings of Parliament, Appendix, vol. II, “Report on the Select Committee on Asiatic Grievances”, September 1908, pp. xiii, 42.
 32. UNION OF SOUTH AFRICA (U of SA): Statutes of the Union of South Africa, Act 22 of 1913, Immigrants Regulation.
 33. U of SA: Union of South Africa Year Book, 1910-17, p. 192.
 34. REPUBLIC OF SOUTH AFRICA (RSA): Statutes of the Republic of South Africa, Act 53 of 1986, Matters concerning admission to and residence in the Republic Amendment.

of Revenue not to issue new trading licences to Asians unless evidence of pre-war trading was submitted.³⁵ This profusion of legislation met with separate but similar reaction from both the Indian and Chinese communities in the form of intermittent petitions and deputations to the government authorities.³⁶ However, when the British colonial authorities introduced the “Black Act” in 1906,³⁷ which demanded the compulsory registration of all Asians over the age of eight, a detailed certificate of identification, as well as finger and thumb impressions, an unprecedented, episode in the history of the Chinese in South Africa was ushered in.

The subsequent world renowned *satyagraha*, or passive resistance movement, is exclusively associated with Mahatma Gandhi and the Indian community. It is not sufficiently known that the Chinese participated in the movement, not merely as accomplices,³⁸ but also independently and on their own terms. Although they supported Gandhi’s sentiments, they took their own initiatives, had their own leaders and organized separate deputations and meetings.³⁹ In their reaction, the Chinese again emphasized their sovereign status and revealed an attitude of racial superiority, objecting to being classified together with the Indians or equated with other races. In petitions to the government they protested against the “new and grave disabilities which the legislation imposed on them” and claimed that the ordinance

differentiat[ed] between the subjects of the Chinese Empire and other Nationalities much to the detriment and humiliation of the former... [and that] ... the system of Registration ...inflict[ed] a degrading stigma on the subjects of a civilised nation, practically reducing them to the status of kaffirs.⁴⁰

The combined effect of the efforts of the Chinese and Indians led to a temporary stalling of the implementation of the ordinance by the British government, but as soon as the Transvaal was granted self government under the *Het Volk* party in 1907, the “Black Act” was reintroduced and this time finally ratified as the Asiatic

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35. *Indian Opinion*, 4 June 1903; J.M. Brown, *Gandhi: prisoner of hope*, (Yale University Press, New Haven and London, 1989), pp. 33, 45; M. SWAN, *Gandhi: The South African Experience*, (Ravan Press, Johannesburg, 1985), pp. 103, 117.
36. K.L. HARRIS, “Gandhi, the Chinese and Passive Resistance” in J.M BROWN and M. PROZESKY (eds), *Gandhi and South Africa: principles and politics*, pp. 76-7.
37. TRANSVAAL COLONY, (TC) *Transvaal Government Gazette*, 52, July – December, Ordinance 29 of 1906, Asiatic Law Amendment.
38. M. SWAN, *Gandhi: the South African experience*, p. 137.
39. For a detailed discussion of this see K.L. HARRIS, “Gandhi, the Chinese and Passive Resistance” in J.M BROWN and M. PROZESKY (eds), *Gandhi and South Africa: principles and politics*, and “A history of the Chinese in South Africa to 1912”, chapter 6.
40. TAD: Secretary of the Governor of the Transvaal (GOV) 202 gen 1005/06 , Petition of Chinese residents in Transvaal, 1906; PRO: CO 291/103, 39670, Asiatic Law Amendment Ordinance, 1906.

Law Amendment Act.⁴¹ During this next phase of opposition the Chinese and Indians supported each other's actions, with the Chinese endorsing Gandhi's call for passive resistance. The Chinese commitment and determination was admired by Gandhi and on occasion it was believed that there were more Chinese in jail than Indians.⁴² However, even during this phase of cooperative resistance, the Chinese persisted in differentiating between themselves and other races. In their petitions they claimed the legislation had failed to recognise China as an "ancient civilization" and objected to the placing of "Chinese subjects on the same level as British subjects coming from India". They also declared that the finger print requirement of the legislation reduced them to "a level lower than that of the natives of South Africa and other coloured people",⁴³ while letters of protest from Chinese individuals also revealed similar sentiments of racial superiority.⁴⁴ Eventually a compromise as regards the registration process was reached between government and the jailed leaders of both the Indian and Chinese community. However this was short-lived as the *Het Volk* government reneged on the agreement and so passive resistance ensued again. Finally, in 1912, another settlement was reached with the Union government and passive resistance ended. The Union Immigration Act of 1913 was enacted to consolidate and amend the laws relating to prohibited immigrants, and finally repealed Act 2 of 1907.⁴⁵ This overt political activity by the Chinese was unprecedented and remained a singular phenomenon, which was never again repeated in the history of the community in South Africa.

After the founding of the Union in 1910, the ethnically defined legislation of the four colonies had terminated Chinese immigration to such an extent that their numbers were miniscule, being completely reliant on natural increase. That the Chinese as such were no longer a factor or target of legislation, was evident from the subsequent acts all of which referred specifically to Indians. These developments did not mean that the Chinese were no longer subjected to racist legislation. They continued to be implicated fairly more generally in the

41. TC: Statutes of the Transvaal, Act 2 of 1907, Asiatic Law Amendment Act; *Indian Opinion*, 27 May 1911; *Collected works of Mahatma Gandhi*, Publications Division, Government of India, Ahmedabad, 1961, vol. xi, p.49.

42. *Indian Opinion*, 27 April, 18 May, 30 November 1907; *Collected Works*, vol. vii, pp. 40, 283-4; vol. x, p. 391.

43. PRO: CO 291/122, 40668, Asiatic Law Amendment Act, 18 November 1907; *Indian Opinion*, 26 October 1907.

44. CENTRAL ARCHIVES DEPOT (SAD): Department of Asiatic Affairs (IND) 306, E5958, Sam Why; IND 90, B 2022, Martin Easton.

45. U of SA: Statutes of the Union of South Africa, Act 22 of 1913, Immigrants Regulation.

discriminatory policies of the segregationist and apartheid years, being included with other 'non-Europeans' in broad racial categories for the purposes of specific legislation. As had been the case in the pre-Union period, they usually did not as a rule publicly identify with other oppressed groups so as to avoid similar repressive treatment. They continued to voice objections diplomatically through petitions and deputations, as well as through the Chinese consular office, against classification with other races. In particular they persisted in alluding to China, their cultural heritage, racial superiority and civic obedience as justification for separate treatment and possible 'white privilege'.

In the twentieth century their status and position was also sometimes affected by certain pragmatic considerations, which impacted on the ruling minority's political-economy. For example, the decision to repeal the Chinese Exclusion Act in 1933 was precipitated by expedient considerations. In an effort to find trading partners outside the British Empire, the government reached an agreement with China in 1931 promising:

Temporary annually renewable entry permits to *bona fide* tourists, students, wholesale merchants or buyers of South African produce and their families.⁴⁶

The object of this arrangement was to further the Union's export trade to China, and thus the subsequent token removal of the Cape legislation under the security of the existing 1913 immigration legislation.

By the middle of the twentieth century, the Chinese were already second and third generation 'South Africans'. However, they had no vote or constitutional rights and therefore continued to remain in a precarious position on the periphery of South African society. In 1948, with the National Party assumption of power, the hitherto assumed 'non-European' status of the Chinese was finally entrenched in apartheid legislation. Apartheid, which aimed at separate development of ethnic groups in all spheres of life, required the classification of the entire population into distinct racial categories. The Population Registration Act of 1950 was the mechanism which would put an end to the more fluid system where people could 'pass' from one group into a more privileged one along class lines.⁴⁷

46. SAD: Governor General (GG) 919 15/1427 Chinese: General immigration, 12.10.1933; *Cape Times*, 18 December 1980.

47. M. HORRELL, *Legislation and race relations*, (South African Institute of Race Relations, Johannesburg, 1963), p. 11.

The 1950 racial classification made allowances for only three categories – ‘a white group’, ‘a native group’ and a more inclusive ‘coloured group’. The ‘coloured group’ was defined as comprising people who were not members of the ‘white group or native group’.⁴⁸ No separate group existed for Asians, let alone the Chinese. By a proclamation in 1959 the ‘coloured group’ was divided into “Cape coloured, Cape Malay, Griqua, Indian, Chinese and other Asiatic and other Coloured”.⁴⁹ The Chinese acceded to this resolution, which was to remain intact until the repeal of the Act three decades later. In a sense, the apartheid government’s acknowledgment of the Chinese as a separate group accorded with the community’s desire not to be classified with Indians or other Asians and to differentiate themselves from the other ‘non-European’ groups. To a certain extent, they could use it to negotiate some alleviation from the many discriminatory restrictions.

Yet even though the legislation had been promulgated as hermetically sealed, there were still Chinese who were able to pass as ‘white’ and this resulted directly in one of the numerous amendments to the Act. In 1962 David Song, a Chinese resident in Durban, applied for reclassification in order not to be removed from the predominantly white area in which he ran a business. He won his case against the Race Classification Board on the grounds that he associated with whites. According to the Act a white person was defined as “a person who in appearance obviously is, *or*

[my emphasis] who is generally accepted as a white person”. Act 61 of 1962 immediately rectified this loophole in the legislation, so that both ‘acceptance’ *and* ‘appearance’ became the criteria in the classification process.⁵⁰

The Group Areas Act, also introduced in 1950, and intimately linked to the Population Registration Act, was presented as the “major measure towards the realisation of one of the main elements of the policy of apartheid” – separate development. It provided for the establishment of group areas, in order to control the acquisition of immovable property, and the occupation of land and premises.⁵¹ It was also the one apartheid law under which the Chinese were the most inconsistently treated.⁵²

48. U of SA: Statutes of the Union, Act 30 of 1950, Population Registration.

49. U of SA: Statutes of the Union, Proclamation 46 of 1959.

50. RSA: Statutes of the Republic of South Africa, Act 61 of 1962, Population Registration Amendment; *The Star*, 8 March 1962; *Sunday Times*, 11 March 1962; *Rand Daily Mail*, 18 May 1962.

51. U of SA: Statutes of the Union, Act 41 of 1950, Group Areas.

52. For a detailed analysis of the Chinese and the Group Areas Act, see K.L HARRIS, “Accepting the Group but not the Area”, *South African Historical Journal*, 40, 1999.

With the proclamation of the draft legislation, the Chinese had initially requested that they be treated as Europeans for the purpose of living areas.⁵³ This was probably the result of the government decision regarding the Japanese, who in terms of the Act, were treated as ‘white’. The government’s justification for the differentiation between the Chinese and Japanese was that the latter were ‘aliens’ who would never obtain political rights and, with the exception of five families, were all temporary visitors. The Chinese, they argued, had settled on a more permanent basis.⁵⁴

The Chinese subsequently agreed to be treated as a separate group for purposes of the Act, partly because they did not want to be grouped with other ‘non-European’ groups. However, as the practical implications of the Act became more apparent, particularly the impact removal and segregation would have on their businesses,⁵⁵ they set up interviews and sent memorandums to the government requesting that they not be assigned to separate areas. They focused on their culture and insinuated that they were closer to the ‘whites’ than any ‘non-white group’. For example, one representation in 1967 claimed they were

not backward or underdeveloped people: they [came] from the oldest civilization and one of the highest cultures in the world. They [were] accepted as equals by the majority of the upper European classes in this country and [were] treated on an equal social footing by all Europeans who came into regular contact with them. By reason of their negligible numbers, and advanced culture, they constituted no threat whatsoever to white civilization in South Africa.⁵⁶

They pointed out that the group was too small to be a viable economic entity, particularly as a large percentage of Chinese were dependent on trade with other groups for their livelihood.⁵⁷ At the same time, they claimed that as a “whole the Chinese [were] relatively well off” and were therefore not a social burden on the

53. SAD: Secretary for Planning (BEP) 575 G18/54 Raadpleging en koördinerings met ander instansies: Sjinese organisasies, 5 April 1954.

54. SAD: Minister of Environmental Planning and Energy, (MOE) 124 MB 13/3/5 Sjinese: Die Wet op Groepsgebiede 1966 – Beleid tov Sjinese 28 Augustus 1967; Beleid Sjinese in RSA, 1970.

55. For a discussion of the advantage the Chinese had in doing business in various trading zones see L. HUMAN, K.Y. FOK and N. CHORN, “Marginality and competitive advantage: The implications of the opening up of CBDs for Chinese business”, *South African Journal of Business Management*, 13, 3, 1987.

56. SAD: Minister of Environmental Planning and Energy, (MOE) 124 MB 13/3/5 Sjinese: Die Wet op Groepsgebiede 1966 – Beleid tov Sjinese 28 Augustus 1967; Beleid Sjinese in RSA, 1970.

57. SAD: Groeps Gebiede Raad (GGR) 69 26/Z, Informal discussion held at Pretoria, 15 October 1952; 155 81/3/6 Rasseaangeleentehede; Behuising: Sjinese: Consul-General Liu - J.J. Marais 18 May 1959; *Die Transvaler*, 18 March 1955; *Rand Daily Mail*, 12 September 1958; *The Star*, 4 August 1960.

state.⁵⁸ This was in contrast to the sizeable Indian population, which included not only a middle class, but also a relatively large working class. Finally, they contended that the creation of a separate Chinese group area would be counter to the good relations that existed between South Africa's Chinese and white communities.⁵⁹

In a more overtly racist fashion, they objected to proposed areas, which were adjacent to areas designated for occupation by 'Coloureds', 'Bantu', and 'other Asiatics'.⁶⁰ They were at pains to distance themselves from the other oppressed groups and the concomitant repressive treatment, and at times seemed to pragmatically pander to the government policies. In an informal discussion held with the Board in 1952, the Chairman of the Chinese Association stated that they were

constantly approached by the Indians, Coloureds and Natives to join them in their fight against the Government in their defiance campaign and [they had] turned them down every time.

While the Chinese Consul-General added that:

We have instruction from our Government not to join the Indian community in their resistance campaign or any other effort against the Government. If anything our attitude was more or less the same as that of the Europeans.⁶¹

In a similar vein, they indicated their opposition to communism:

The [Chinese] community in this country is more strongly anti-Communist than any of the other population groups, for they are aware of the tragedy of Communism and what it really means. The highest authorities in South Africa have paid tribute to the excellent record of the Chinese community here for their refusal to participate in Communist or any other left-wing activities.⁶²

This strategy was not lost on the South African government. It often expressed its appreciation for the Chinese attitude and accepted the differentiation between the Chinese and other groups. This was apparent in such statements as the government's acknowledgement that the Chinese had "a very high standard of living" and that they were a "very law-abiding and eminent community". The

58. SAD: MOE 124 MB13/3/5 Sjiniese: 1970: Die Wet op Groepsgebiede 1966: Beleid tov Sjiniese 28 August 1967.

59. SAD: BEP 333 G7/302/14 Instelling van Groepsgebiede Kaapstad: Sjiniese Gebied 1955-1963: Representations submitted by the Chinese Association, Cape Town; MOE 124 MB13/3/5 Sjiniese: 1970: Die Wet op Groepsgebiede 1966: Beleid tov Sjiniese 28 August 1967.

60. Ibid.

61. SAD: GGR 69 26/Z, Informal discussion held at Pretoria, 15 October 1952.

62. SAD: MOE 124 MB13/3/5 Sjiniese: Central Chinese Association: Memorandum - Confidential, 15 March 1967.

government also accepted that the Chinese could not and did not “wish to be assimilated” with the “non- Europeans”.⁶³

In 1969 the cabinet decided that no further effort should be made to proclaim group areas for Chinese as no district justified the proclamation of a specific area.⁶⁴ Therefore the government conceded the Chinese request that they “should be a separate group, but not allocated a definite area”.⁶⁵ Instead, the Chinese were subjected to a permit system, allowing them to remain in an area after obtaining permission from the Department of Community Development, as well as a “no objection” from the immediate neighbours.⁶⁶

Although the Chinese appeared to be satisfied with this arrangement, which they had themselves suggested,⁶⁷ it nevertheless remained a humiliating and unsettling provision. In addition to the resulting destitution and displacement experienced by numerous Chinese who had previously been removed to accommodate the proclamation of exclusive areas for other ‘groups’, white neighbours denied some Chinese residential permits. The residential burden was finally lifted with the passing of Act 101 in 1984 in terms of which the provisions of the Act ceased to apply to the Chinese community.⁶⁸ This meant that the Chinese now had the right to live and trade in white areas without permits.⁶⁹ The Chinese became the first ‘non-white’ group to straddle one of the major divides of the apartheid system. In terms of the Group Areas Act, the Chinese were thus classified as ‘white’.⁷⁰ The negative impact of the pre-1984 Group Areas Act was however evident in the mass

63. SAD: GGR 152, 81/1/7, Rasseaangeleenthede vertoë in sake toepassing en uitwerking van wet op Groepsgebiede: Japanese groep, 1962; GGR 158, 81/4/6, Sjinese: Groepsgebiede en handel, 1959.

64. SAD: MOE 124 MB13/3/5 Sjinese: 1970: Minister van Beplanning - Minister 20 April 1970.

65. SAD: GGR 69 26/2 Informal discussion held at Pretoria, 15 October 1952; SAD: MOE 124 MB13/3/5 Sjinese 1970; BEP 333 G7/302/14 Instelling van 'n Groepsgebied Kaapstad: Sjinese gebied, 1955-1963; BEP 139 G7/137/18 Aansoek om 'n groepsgebied in distrik Pretoria vir Sjinese, 1962-1969; *Rand Daily Mail*, 12 September 1958.

66. SAD: Private Secretary of the Deputy Minister of Planning (ABE) 8 ADJ 13/5, Skeiding tussen rasse-groepe: Sjinese: Sek. van Beplanning - Adj. Minister, 28 May 1969.

67. SAD: MOE 124 MB 13/3/5 Sjinese: 1970: Dr N. Yenson, Confidential Memorandum, 15 March 1967.

68. RSA: Statutes of Republic of South Africa, Act 101 of 1984, Group Areas Amendment; *Rand Daily Mail*, 23 June 1984.

69. *Evening Post*, 24 August 1984; *Die Burger*, 23 June 1984; *Rand Daily Mail*, 23 June 1984.

70. *Natal Mercury*, 9 May 1959; *Cape Times*, 31 May 1985; *Citizen*, 2 May 1989.

emigration of Chinese-born South Africans. In the twenty years before 1984 as many as 60% of all Chinese graduates emigrated to Canada, Australia and Britain.⁷¹

This result was also unique in an international context. Unlike the American Chinese in New York and San Francisco, the South African Chinese were probably the only overseas Chinese community in the world to consciously oppose the development of what would be the equivalent of 'Chinatowns'. This was because of the discriminatory implications such areas would have within the context of apartheid South Africa. For example, white areas would be better situated and have more superior infrastructures than 'non-white areas'. Therefore, the resistance to Chinatowns by the South African Chinese was in reality a resistance to apartheid.

Another cornerstone of the apartheid system which had an immediate effect on the South African Chinese community, was the legislation which was formulated to enforce separation among the racial groups in all public places, in the use of amenities, and on a social level. In 1953, the National Party enacted its "Separate Amenities Bill" in an attempt to consolidate former restrictions, and thereby enforce separation.⁷² Although the Chinese were inclined to have their own cultural societies and sports clubs, there were numerous other facilities which their small numbers could not accommodate or afford. Increasingly the small Chinese community shared the same public facilities as whites. They went to restaurants, theatres, hotels, clubs, race-courses, cinemas, public lavatories and hospitals used by whites, and they travelled on the same buses, trains and aeroplanes. This was either dependent on the tolerance of the proprietors and their white clients, or permission granted through permits.⁷³ Permits were also required for Chinese attending white state schools, technical colleges and universities.⁷⁴ They were, however, usually issued as a matter of course.

The Chinese accepted the *status quo*, and tried to avoid situations that could lead to problems. However, racial harassment still persisted and was the cause of much humiliation and anxiety. For example in 1971, the University of Port Elizabeth banned Chinese students from Rhodes University (who had permits to be there) from attending the social functions after the annual sports inter-varsity contest. In other words, the Chinese students could participate in the activities on the sports

71. *Die Transvaler*, 2 December 1980; *Sunday Express*, 13 February 1983.

Eastern Province Herald, 25 June 1984; *Die Vaderland*, 1 July 1981.

72. U of SA: Statutes of the Union of South Africa, Act 49 of 1953, Reservation of Separate Amenities

73. SAD: MOE 124 MB13/3/5 Sjiniese 1970: Die Wet op Groepsgebiede, 1966; *The Natal Mercury*, 19 March 1980; *Citizen*, 30 October 1980.

74. *Evening Post*, 18 March 1980; *The Argus*, 19 March 1980; *Sunday Express*, 1 October 1982.



Newspaper cartoons (from *Beeld* and *Sunday Times*) reacting to the Chinese restaurant predicament in Boksburg. (Sources: *Beeld* 1 May 1989 and *Sunday Times*, -30 April 1989)



fields, but not in the social clubs afterwards.⁷⁵ Another example occurred in 1989 in the conservative town of Boksburg, where a Chinese woman who owned a Chinese restaurant was granted permission to do business on condition that only whites were admitted and that no Chinese frequented her restaurant.⁷⁶

The equivocal application of this petty apartheid legislation in respect of the Chinese was apparent from the outset and seemed to perplex government authorities as much as the Chinese. Apartheid officials were aware that double standards were being applied; according to the law the Chinese were “non-white”, but in society they were treated as “white”.⁷⁷ Confidentially these officials accepted that the Chinese had a more “highly developed civilisation than any of the other non-white groups in the Republic”, and that was why they were treated differently.⁷⁸ The apartheid government went as far as explaining that it was not willing to re-classify the Chinese as officially ‘white’, because of the reaction that would emanate from the other ‘non-European’ communities to such privilege.⁷⁹

As already mentioned, from 1969 concessions began to be made by the white government towards the Chinese. These were also partly the result of economic factors and revealed expediency reminiscent of the action taken in 1931. International pressure on South Africa and the Republic of China (ROC) in the 1970s, drew the two ‘pariah states’ closer together, especially economically.⁸⁰ With increased contact at commercial and diplomatic levels, the apartheid government was obliged to reconsider the position of the Chinese.⁸¹ As a result prospective Chinese immigrant applications received more favourable consideration.⁸² This was later partly reflected in legislation introduced in 1986 which “repealed certain laws regulating the admission of Asians to certain parts of

75. SAB: MNO 67 28/3 1a: E.J. Marais (Rector) UPE - Min. of National Education, 1 May 1971; *Sunday Times*, 25 April 1971.

76. *Pretoria News*, 28 April 1989; *Sunday Times*, 30 April 1989; *Beeld*, 1 May 1989.

77. SAD: MNO 67 28/3 1a: Ministry of the Interior; Kabinetsmemorandum oor die status van die Sjinese in die Republiek: 2 April 1971; *The Star*, 19 February 1986.

78. SAD: MOE 124 MB13/3/5 Sjinese 1970: Sek. van Gemeenskapsbou: 10 April 1967.

79. Ibid.

80. *Sunday Tribune*, 27 August 1978; *Rand Daily Mail*, 20 October 1980.

81. *Evening Post*, 6 February 1978; *The Argus*, 14 April 1978; *The Star*, 28 July 1978; *Sunday Tribune*, 27 August 1978; *Die Burger*, 18 March 1980.

82. *The Star* 13 March 1980, 24 October 1980; *Rand Daily Mail*, 20 October 1980; *Die Transvaler*, 2 Desember 1980.

the Republic".⁸³ Moreover, in 1976 official diplomatic relations were established between the two countries,⁸⁴ and by 1979 the ROC rated as South Africa's fifth largest trading partner.⁸⁵

In 1979 a commission was appointed to look into the political rights and position of the Chinese.⁸⁴ In its interim report, it proposed the establishment of a new President's Council of 60 nominated members appointed from the "white, coloured, Indian and Chinese population groups". This consultative body was to advise the government. Africans were excluded from representation on the President's Council.⁸⁵ This resulted in unprecedented media focus on the political status of the Chinese, who since 1912 had nurtured a rather cautious and inconspicuous political profile.⁸⁶ They did not want to become a political issue, claiming that despite their ambiguous legal position, they "preferred to remain invisible".⁸⁷ The various Chinese associations eventually decided that the majority opposed participation in the Council, and they therefore asked to be 'excused the honour'.⁸⁸ This heightened the political profile of the Chinese by weakening the representivity of the President's Council.

Despite developments, which granted the South African Chinese a slightly altered legal and political status in the apartheid state, they still had to negotiate the permit system and unofficial exemption. They were often more inconvenienced by the insecurity relating to the bureaucracy of the laws, because being dependent on the privilege of government decree, permits, concessions, white forbearance and the official blind-eye, they were in a constant state of limbo. They lived at the behest of others, not confined to an ethnic residential area or specific amenities, but without being acknowledged as fully 'white'. This interstitial identity where they were neither 'black' nor 'white' imposed a separate 'neitherness' which labelled them as different.

In the post-apartheid period, the legacy of discriminatory legislation has been statutorily addressed, while efforts are being made to remove the concomitant

83. RSA: Statutes of the RSA, Act 53 of 1986, Matters concerning admission to and residence in the Republic Amendment.

84. G.S. LIN, "The relations between the Republic of China and the Republic of South Africa, 1948-1998", (D. Phil, University of Pretoria, 2001).

85. *Rand Daily Mail*, 20 October 1980; *Die Transvaler*, 2 December 1980.

86. *Die Burger*, 18 March 1980; *Beeld*, 19 March 1980.

87. *Weekend Post*, 10 May 1980; *Rapport*, 18 June 1980.

88. *Die Oosterlig*, 25 May 1980; *Weekend Post*, 10 May 1980; *Daily News*, 20 June 1980.

89. *Financial Mail*, 10 July 1981; *Star*, 19 June 1980.

90. *Financial Mail*, 17 October 1980.

racism from South African society. The Group Areas Act and the Population Registration Act were finally repealed in 1991,⁹¹ and legislation to redress the inequalities of the past are being promulgated. However, the Chinese do not appear to have escaped their invidious position in the black-white dichotomy. For example, the Employment Equity Act, introduced to rectify inequalities and unfair discrimination in the work place makes specific preferential allowances for categories of people termed previously disadvantaged individuals (PDIs). This includes black peoples of South Africa, the disabled and women. Here 'black people' are defined as "Africans, coloureds and Indians".⁹² The Chinese are again excluded and are therefore again being discriminated against. Reminiscent of the responses to white minority government, the Chinese now react in to the black majority government in a similar vein:

It seems that our government has forgotten the Chinese who suffered the same discrimination as the previously disadvantaged of this country! During apartheid, we were not white enough, and now, not black enough...⁹³

The experiences of the Chinese in South Africa reflect the difficulty of finding a social space in a society ruled by either a white minority or black majority. The Chinese therefore have to live as invisibly as possible in order not to attract political attention. They live a separate existence in the ill-defined economic and social spaces which colonial, segregationist, apartheid and post-apartheid South Africa leave open to them.

Opsomming

'Blankheid', 'swartheid', 'nogheid' – Die Suid-Afrikaanse Chinese 1885 –1991: 'n gevallestudie in identiteitspolitiek

Die Chinese in Suid-Afrika is een van die land se kleinste etniese minderheids-groepe, tog het hulle relatief onbeduidende getalle hulle nie sedert die begin van die Europese heerskappy van die diskriminerende impak van die opkomende strukture van segregasie en apartheid gevrywaar nie. Hulle kleur en kulturele erfenis het aan hulle 'n onsekere, inkonsekwente en dubbelsinnige wetlike status aan die periferie van die blank-swart- samelewing verskaf. Hierdie artikel volg die geskiedenis van die Chinese se wetlike status as 'n gevallestudie in identiteitspolitiek van die oorsprong van segregasiebeleid teen die middel van die negentiende eeu tot met die afskaffing van die

91. RSA: *Government Gazette*, Act 114 of 1991, Population Registration Repeal Act.

92. RSA: *Government Gazette*, Act 55 of 1998, Employment Equity Act.

93. ANON., "Neither fish nor fowl! Victims of the Employment Equity Act", *Transvaal Chinese Association*, February / March 2001, p. 1.

Bevolkingsregistrasiewet 'n eeu later. Hoewel hulle nie die menslike lyding en vernedering van kleurwetgewing vrygespring het nie, was die Chinese in 'n sekere sin die eerste herkenbare minderheidsgroep wat die apartheidsskeiding oorbrug het en uiteindelik 'n teenstrydige posisie bereik het wat nóg blank nóg swart was. Hierdie dubbelsinnigheid is kenmerkend van die Chinese se ontmoeting met strukturele diskriminasie in Suid-Afrika