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# The 1944 Pension Laws Amendment Bill: old-age security policy in South Africa in historical perspective, ca. 1920 – 1960

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**Abstract**

*This paper summarizes the first results of ongoing research into the origins and social and economic consequences of the 1944 Pension Laws Amendment Bill, which broadened the South African state pension system to include the African population for the first time. Preliminary analysis suggests that the emergence of modern social provision for the white elderly (1928) and the African elderly (1944) is due to somewhat different causes, albeit in both cases the introduction being associated with capitalist industrialization. The Social Pension Legislation in the 1930s and 1940s took up the poor relief notion of deservingness. Similarly, benefit levels mirrored, among other things, the anxiety of political actors about the danger of driving out family help by introducing public schemes. Although the state pensions for Africans were totally inadequate, they quite early on became decisive for the economic survival of many households. It appears that they were mainly spent on food and clothing. Surprisingly, de facto old-age pensions for Africans increased significantly in the 1950s. In contrast to the state's view of welfare, older Africans felt entitled to a social pension. Finally, it is argued that the linking of the old-age pension to chronological age did not lead to the emergence of an old age as a chronologically defined stage of life because pre-industrial life-course models organized around the notion of "building the umzi" (homestead) were still very much alive, at least in many rural areas during the 1940s and 1950s. Considering the empirical, theoretical and policy relevance of the South African pension scheme and the paucity of knowledge about its timing and inner workings, further (historical) research is called for.*

South Africa is one of two sub-Saharan African countries with a comprehensive national pension programme. (The other country is Namibia.) Although the South African state pension system has received widespread attention during the last years (e.g. Ardington & Lund, 1995; Lund, 1993), so far little is known about the historical origins and social and economic consequences of this scheme. This applies particularly to the 1944 Pension Laws Amendment Bill which brought older Africans under the 1928 state-launched pension programme for the first time. A lack of research in this area is all the more surprising, since the South African pension system even predated the well-known social insurance-based old-age pension schemes in Equatorial Guinea (1947) and Burundi (1956) (Mouton, 1975: 4-8) as well as Nigeria's provident fund system (1961) (Williamson & Pampel, 1991). Thus, although the 1944 pension law contained discriminatory clauses to the disadvantage of older Africans, it marked a milestone in the development of public old-age security policy, in South Africa as well as in Africa at large.

As part of a more extensive research project on transformations of old age in African communities in the Eastern and Western Cape, the author recently conducted preliminary research into the origins of the 1944 Pension Laws Amendment Bill and its effects on old age in Africa. This paper summarizes the first results of this ongoing research.[1]

## Sources of data

The research is based on three sources of data. Since the fields of social welfare and old-age provision in South Africa have been largely neglected by social historians (cf. Duncan, 1993), the first, and main, source consists of archival material. As the pension scheme for Africans was administered by the so-called Native Affairs' Department, the main collections which feature in this article are the files of the Native Affairs' Department, housed in the National Archives in Pretoria (NAP), and the files of the Chief Magistrate of the Transkei, housed in the National Archives in Cape Town (CA).[2] Unfortunately, the unpublished 1949 survey on the African pension system, commissioned by the then Native Affairs' Department, could not be located in any of the collections, although an extensive search brought scattered documents to light which proved to be highly relevant.[3]

Second, transcripts of in-depth interviews and focus groups comprising in total 50 isiXhosa-speaking Africans aged 60 years and above provided oral data. Although these interviews were principally conducted to elucidate the practice of pension sharing, attitudes, migration patterns and the social domain of today's elderly, they threw further light on the consequences of the 1944 pension law.

The third source consists of published sources. These comprise, first, local ethnographic literature on Cape Nguni cultures and, second, some relevant government publications.

## The emergence of modern social old-age provision

In the early 20th century capitalist penetration of the agricultural sector and growing dependence on wage labour resulted

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in widespread deprivation of economic livelihood among a significant number of whites (previously referred to as the poor-white problem). As a result, an increasing proportion of older whites became economically dependent and were an economic burden on their families who had to take care of them. The First Commission on Old-Age Pensions and National Insurance conceded in 1927 that impoverishment and low incomes could cause many white families to collapse under the burden of providing support and care for their elderly members. This problem was aggravated by the low priority of older workers in the labour force. Besides these economic and social developments there were important political factors which accounted for the 1928 introduction of the non-contributory and means-tested pension scheme for the white and coloured populations. Most importantly, the pension system was another building block in the endeavour of the then government to co-opt the white labour movement and to reintegrate poor whites into the state and, thus, to buttress its power base.

However, from the very start the state pension system was conceptualized rather as an incentive to induce people to care for dependent relatives than as a fully-fledged social programme that would guarantee economic security for the elderly. The state was quite anxious not to drive out family help by introducing the old-age pension programme. In 1927, the First Commission on Old-Age Pensions and National Insurance reported:

> *In the case of a parent living with one of his children, who himself may be necessitous, it [the pension] will go far towards meeting the additional expense incurred for food and accommodation and will materially assist in the recognition of the aged parents as a welcome and paying guest rather than as a burden on limited resources.* (Union of South Africa, 1927: para 76.)

In terms of the 1928 Social Pension Act, income and other assets of applicants' children were, therefore, taken into account for the purposes of the means test.[4] But there was another very basic similarity between the newly-established pension scheme and the former poor relief system. Following the first amendment bill in 1931, the right to pension money was explicitly linked to the deservingness of pensioners. Hence, in determining whether an individual should be granted a pension, the ability and opportunities of applicants to support themselves or to contribute towards their support by their own exertions was, henceforth, to be taken into consideration. This clause proved to be of utmost importance in the state's efforts to cut down on the number of African pensioners in the early 1950s.

Soon after the implementation of the 1928 state pension scheme, groups ranging from African organizations to parliamentary commissions pressured the government to extend the state pension system to the African population. The Interdepartmental Committee on Poor Relief, among others, stated in the 1930s:

> *The spirit of family and clan responsibilities which is ingrained in tribal custom has hitherto minimized appeals for provincial or national aid for Natives living under the tribal system, save in times of general distress, but it is evident that the ability if not the willingness of the kraal to maintain its helpless members is decreasing and that provision for these will have to be made on an increasing scale by the community in general. The number of detribalized Natives living in and around large centres is increasing, and for these some enlarged provision will undoubtedly also have to be made.* (Union of South Africa, 1937: para 88.)

Historical evidence shows, in fact, that the situation of many older Africans had become acute in the 1930s and 1940s, especially in urban locations. Widespread impoverishment, very low wages, a housing shortage and employment practices were taking their toll. The situation was aggravated by the expulsion of elderly African farm-workers who sought shelter in urban locations. What was principally lacking in this period was an understanding of the situation and needs of the urban African elderly. Often the location regulations were particularly strict and prevented the care of African elderly by their children. As a councillor of Graaff-Reinet's Location Advisory Board stated in 1938:

> *Ordinarily, Native parents, when advanced in age or physically unfit to work, are supported by their children. It is nothing less than heart-breaking to say the authorities emphatically refuse admittance into the Location of such parents. The Council's argument is that, if young people, residing here, are sincere in their obligations they may just as well send the money to their parents. It is an impossibility to do this out of the meagre wages earned by natives with the very high cost of living and other obligations one cannot afford to keep two chimneys smoking.* (Archives of the University of Cape Town, BC 579, B 11.27: Location Advisory Board Graaff-Reinet to NAC, n.d., ca. 1938.)

In administrative circles the assumption held sway that dependent Africans should be cared for in their rural places of origin. But although traditional sources of social security were still effective in most rural areas, progressive underdevelopment of the reserve economies, landlessness, increasing social stratification and growing dependence on wage labour made an ever-increasing part of the rural African population susceptible to fluctuations in the economy and in need of more formal social-security programmes. In the early 1940s the issue of old-age pensions – and beside that, of old-age homes – had become prominent in many reserves. As an African councillor moved in the United Transkeian Territories General Council 1943:

> *The living conditions of the people have changed a great deal in recent years. To-day there are Natives who live under conditions of extreme poverty. The Natives are dependent to a large extent on agriculture and livestock. There are many people who are so poor that they do not own a single head of stock. ... The Government has shown in the past that it is sympathetic towards people who are impoverished. The Government has given relief in the past to blind people who needed assistance. ... All I am asking now is that the Native people should also be given old age pensions.* (UTTGC, 1943: 137.)

## The 1944 Pension Laws Amendment Bill

### *Origins*

As industrialization and urbanization speeded up through the late 1930s and the 1940s, economic and social insecurities deepened. Although these mounting social-welfare problems put pressure on the government to create social programmes in favour of Africans, the response was, as a rule, somewhat lukewarm. Leaving fiscal constraints out, this mirrored mainly the ideological indeterminacy of the Smuts Government (1939-1948) and the contradictory character of political pressures brought on it by large parts of the white electorate on the one hand and by white liberals and African organizations on the other hand. Put shortly, the government aimed at defusing the political pressure for social and health provision for Africans by adopting the language of social planning. The early 1940s were, therefore, an era of councils and commissions whose convening helped the government to give the impression that it was following a policy of social reform, without nailing its colours to the mast.

Although most of these commissions' recommendations were eventually rejected in favour of a very narrow notion of the "welfare state," the government accepted, finally, the need for the provision of old-age pensions for Africans. Notwithstanding that the 1944 Pensions Laws Amendment Bill fell short of the original propositions of the Social Security Committee, its passing meant that in regard to Africans, state welfare was mostly welfare for the old. Of the two million pounds allocated for social welfare – including African school-feeding – in the fiscal year 1946/47, over 50% went to African old-age pensions alone.

As a detailed discussion of the plausible explanations for the extension of social pensions to Africans is beyond the scope of this paper, it must suffice to say that, first, the emergence of old-age provision was associated with capitalist industrialization as it produced new economic and social insecurities and created, thus, the very basis for the issue of pensions for Africans to emerge. Second, it helped to alleviate the social reproduction crisis in the reserve economies, that was jeopardizing the migrant labour system. Third, paternalistic and liberal understandings of moral obligations between the state and the African population offered the Smuts Government rationales for its scheme. This all the more as in the wake of the release of the Beveridge report (1942), old-age provision had gained further (inter-)national credibility. Fourth, the decision to broaden the state pension system to include the African population was mediated by the momentum of the 1928 established pension programme itself. Fifth, the link between welfare spending for the African elderly and state-legitimizing objectives is weak, if there is any.

### *Development of benefits*

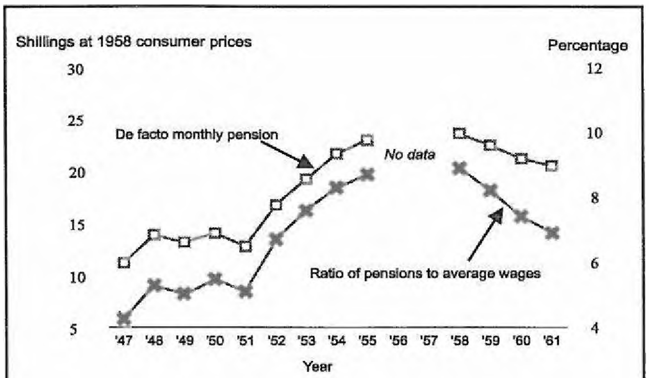
In terms of the Act, age-qualified Africans[5] could receive *up to* £12, £9 or £6 per annum, depending on whether they lived in a city, a town or in a rural area. African applicants were subject to means tests of £18, £13.10s and £9 per annum, respectively. The number of African old-age pensioners increased within a few years, from 104 000 in the mid-1940s to 207 000 in the early 1950s, when a temporary high was reached. Nevertheless, the development fell significantly short of the 1947 Native Affairs' Department estimation of eligible Africans of 367 000. Besides administrative problems involved in the delivery of social pensions, this was mainly due to efforts of the 1948 elected National Party government to cut back African social-welfare expenditure to a minimum. Almost immediately after its surprise victory the new government put pressure on native commissioners and resident magistrates who operated on behalf of the pension commissioners, and who were vested with almost autocratic powers in this regard, to interpret the eligibility requirements as narrowly as possible. Thus, it is not surprising that in the 1950s some informal figures were circulated of how many people should be permitted to draw a social pension. The magistrate of the Transkeian Mqanduli District, for example, considered a percentage of over 3% as excessive.

However, in the mid-1950s the feasibility of reducing social pension expenditure by administrative measures was nearly exhausted, particularly in urban areas. As the magistrate of George put it:

> *... I may add that several attempts have been made to cut down the number of pensioners, but a careful investigation has proved that all the pensioners, at present in receipt of pensions, are absolutely down and out and are living below the breadline even after they are in receipt of the pension grants. They all qualify for pension grants in terms of [the Pension Laws Amendment Bill].* (NAP NTS: 8320 (Ref. A86/346): Secretary for Justice an SNA, 1 October 1956.)

By giving *all* old-age pensioners a bonus of five shillings a month from 1 April 1951, the government accepted – at least implicitly – the widespread impoverishment of African pensioners. Partly as a result of this hike, the nominal monthly *de facto* old-age pension paid to African pensioners increased from just under ten shillings in 1948 to almost 21 shillings in 1955. In *real terms*, this equalled a pay rise of 59%. Thus the African old-age pensions escaped, at least partly, the fundamental policy thrust of the newly-elected National Party government to reduce expenditure on African welfare services, despite increasing racial differentials. Figure 1 shows the development of old-age benefits in real terms between 1947 and 1961.[6] To clarify the relative value of pensions, Figure 1 also depicts the ratio of *de facto* pensions to average earnings of Africans employed in private manufacturing and construction industries, both at current 1958 prices. It is interesting to note that in the 1950s old-age pensions increased not only in absolute but also in relative terms.[7]

**Figure 1**
De facto monthly old-age pensions for Africans, 1947-1961 (at 1958 consumer prices)




Sources: *Statistical Year Book*, 1964. National Archives in Pretoria, K20: Vol. 103, part 16: 37. Grant, 1960. Steenkamp, 1962.

## Some early implications of old-age provision for Africans

### *African conceptualizations of social pensions*

Documents show clearly that African elderly persons felt entitled to a pension, partly as compensation for life-course exploitation and increasing social insecurities, and, particularly in the case of men, as compensation for taxes paid over many years. Put shortly, this sense of entitlement had its roots in the cultural concept of the moral life course and in traditional understanding of the relationship between political power and reciprocity. The notion of the moral life course refers to the socially-constructed and culturally-founded expectation – then commonly held – that virtuous people should be able to "sit back" when they have reached a certain age (see also Cattell, 1990). Traditionally the social logic of reciprocity implied the moral obligation of political leaders to provide a certain material security against need. Thus, the feeling of moral entitlement to pension money appears to have been intimately linked to the claim of the white state to political supremacy. And, inasmuch as the policy of the white state had contributed to undermining the material basis of intergenerational transfers, elderly Africans felt particularly adamant that it was the moral duty of the government to support them. It is not surprising, therefore, that state accusations that non-qualified Africans tried to obtain pension money by devious means were a matter of complete indifference to applicants.

> *Natives in this district appear to regard the granting of a pension as a right, whereas the Department considers the payment of pensions as a social benefit scheme to assist these people who are destitute. It is understandable that where Natives regard the pensions as an incentive to 'sit', they will do their utmost to convince the authorizing Officer that they are entitled to a pension. They study the replies in connection with the most general historical events and always give suitable answers [to prove their age].* (NAP, TES: 2902 (11/222): Inspector of Native Pensions, Whittlesea, 9 October 1954.)

### *Economic significance*

Although old-age pensions only amounted to a fraction of average wages (see Figure 1), one finds that quite early on social grants constituted a significant income for many households. Especially for rural households, pension money soon became an all-important source of cash income. In Keiskammahoek District in today's Eastern Cape, for example, the monthly *de facto* pension of almost ten shillings in the late 1940s compared, obviously, quite favourably with an average weekly per capita cash income of under two shillings (Houghton & Walton, 1952: 101-105).

As a rule pensions provided household income rather than individual income. As a magistrate put it in 1949: "In many cases whole families exist on the pensions." Although there is some evidence that grandchildren were left to be reared by the grandparents, further research has to be awaited to determine the effect of the pension scheme in this regard.[8] Officials recognized that pension sharing confirmed traditional notions of morality and kinship obligations. However, many never tired of complaining that the practice encouraged idleness and undermined young men's willingness to work. Even though some magistrates claimed that the state grants weakened the kinship-based support system, there is scarcely any evidence that pensions did, in fact, have this effect.

Given the fact that most African (pensioner) households were at the bottom end of the economic ladder, the pension money was mainly used for food and clothing and for other essentials. A trading store survey in Keiskammahoek District in 1949 showed that "on average 10 % [of the pension] was spent on coffee and sugar with 90 % spent on maize and maize products." Similarly, the Resident Magistrate of Libode District informed his superior:

> *As stated ... the money is used to buy food and clothing, and as far as I could ascertain is not wasted on luxuries or non-essentials. A lot of dissatisfaction will be caused if any of the 'pensions' had to be taken away and nothing given in return.* (CA, 1/LBE: 6/22 (No. 2/17/7): RM Libode to CMT, 22 January 1949.)

But, of course, those belonging to wealthier households tended to spend (part of the) pension money on other items too – that is, on "useless articles" from the point of view of magistrates. In general, the pension money appears to have had some positive effects on the physical well-being of pensioners. Referring to the District Surgeon, the Resident Magistrate of Mount Frere, for example, was quite adamant that "the recipients of the various social benefits had undoubtedly improved in health." This, of course, applied particularly to older Africans who had no relatives able or willing to assist them as the social grants helped them to ward off hunger and starvation. Again and again, magistrates conceded that if social benefits had not been granted, state relief measures would have been necessary. However, particularly in urban areas the pension money was often found to be totally inadequate and too low to have any health effects.

> *The amount of pension paid to natives in urban areas is not sufficient to meet the minimum nutritional requirements of the recipients. With the cost of living gaining higher peaks every month, the beneficiaries are compelled to accept mealie meal as their staple and only diet, which diet is not conducive to physical and social well-being. Most of them are finding it difficult to maintain even a reasonable state of good health. All the beneficiaries are either aged or physically incapacitated thereby being incapable of accepting any form of employment for reward and thus supplementing their grants. They are not in a position to purchase even the barest clothing and bedding requirements and the majority of them are in dire straits during winter.* (NAP, NTS: 8311: Native Commissioner Bethulie, 14 May 1949.)

Regarding the social significance of the pensions, documents show that social grants helped pensioners to become more independent and respected. In the words of a Transkeian magistrate, the grants made the beneficiaries "feel more independent and contented; and consequently such person benefits ... mentally from the award made. ... The grantee is treated with considerably more respect and given a superior standing in the family circle." This held particularly good for widows who constituted the majority of old-age pensioners. This preponderance of women mirrored less their demographic predominance than their disadvantage in relation to access to economic resources.

> *It is the 'widow' who almost invariably has nothing. ... In the first place, none can be stock owners, this is contrary to custom and practice. They may be entitled to what we call 'maintenance' from the late husband's kraal, but this amounts to no more than the right to continue cultivating the lands given to her during his lifetime. ... and the crops reaped if any are negligible. ... Other income is definitely NIL (orig.).* (NAP, NTS: 8320 (Ref. A86/346): Native Commissioner Louis Trichardt, 8 November 1949.)

Consequently, in many areas old-age pensions were thus regarded as a widow's pension, irrespective of age.

### *Cultural aspects*

Although old-age pensions were linked to chronological age, the statutory requirements of deservingness and material neediness excluded many age-qualified Africans from the pension law's domain. Analysis of available statistics shows that in 1951 roughly 52% of all age-qualified Africans received an old-age pension. Partly because of this the introduction of social pensions did not lead to the emergence of old age as a distinct life phase with a clear chronological boundary straight away. Oral evidence and contemporary ethnographic studies tend to confirm this. Particularly in rural areas, pre-colonial age and gender models organized around the notion of "building the umzi" (homestead) continued to be effective. This continuing commitment to rural practice was rooted, of course, in the availability of land sufficient for rural proprietorship. Increasing proletarianization in the *homelands* in the 1960s and 1970s with its changes in the organization of work gradually brought, therefore, more chronologically based conceptions of old age to the fore. But even then, the organization of work, coupled with economic insecurities in urban areas and the under-developed labour market, prevented the emergence of retirement as a distinct and chronologically defined life phase, structurally set apart from active life. However, attaining pension age tended gradually to herald the exit from the *formal* labour market. Thus, chronological old-age boundaries, finally, set up biographical orientations and structured the life course, even of rural Africans.

## Conclusion

As historical research on welfare issues in South Africa has been neglected to a large extent, further studies have to be awaited until we can hope to explain the timing and impact of the initial programmes of old-age provision in South Africa, especially with regard to the African elderly. Reaching for this is all the more important, as South Africa implemented the first modern old-age security policy in sub-Saharan Africa. Preliminary analysis suggests that the 1944 broadening of the South African pension scheme to include Africans cannot be accounted for by national integration objectives – allegedly one of the most important factors influencing old-age security policy in other African countries. Besides being, at least potentially, an important test case for comparative (historical) studies, further knowledge of the emergence and inner workings of the South African pension system could help us to develop a more comprehensive political economy of old age as well. This applies particularly to the critical notion of structured dependency which refers to the role of the state to produce dependency in elderly people, especially through pensions and other welfare payments. And, regarding the alleged policy relevance of old-age pensions in South Africa as poverty-alleviating mechanisms, it seems odd that there have so far been no historical studies on the effects of social grants on family and household structures. As has been argued above, the historical evidence that is available is, unfortunately, rather inconclusive in this regard. In conclusion, (historical) analysis of the South African pension system offers a fruitful field of research, carrying both profound theoretical significance and policy relevance.

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## Notes

1. A more detailed research report is currently in review (Sagner, n.d.).
2. As full reference of all used archival sources is beyond the scope of this research brief, the interested reader is referred to the above-mentioned research report (see Note 1).
3. Some replies by magistrates to the Native Affairs' Department questionnaire may also be found in Myburgh's doctoral thesis (Myburgh, 1959: 213-278).
4. Although this clause was dropped in the 1944 Pension Laws Amendment Bill, magistrates continued to look into the financial circumstances of the children of African applicants in the 1950s.
5. Since the 1937 Amendment Bill, social pensions legislation contained differential age qualifications for men (65 years and older) and women (60 years and older). This provision was retained in the 1944 Amendment Bill.
6. To avoid misunderstanding it is emphasized that the figure's column descriptions ("years") do not refer to calendar years but to fiscal years. Thus, for example, "1951" refers to the fiscal year 1950-51, ending 30 June 1951.
7. This development might reflect the growing number of urbanized pensioners. Principally, further research is needed before we can hope to understand the policy of the Nationalist Government towards African old-age provision in the 1950s. Probably, it is no accident that the granting of the five shilling bonus coincided with the decision to implement the system of tribal authorities. And presumably, the economic potential of social grants to alleviate the social reproduction crisis in the reserve economies was not lost on the new government either.
8. Thus a magistrate reported in the late 1940s that "grandchildren are bundled on the shoulders of the old ... to share the benefits of state funds." But leaving grandchildren with grandparents to be reared by them was nothing new. For example, in 1935 the *Cape Times* carried the following report: "The abnormal number of children who have remained at N'dabeni [the first African township in Cape Town] till the last is due to the fact that many parents have deserted and left their children in the care of grandparents and other old people who have been mercifully allowed to live at N'dabeni...." (*Cape Times*, 1935.)

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