

DEVLIN IN SOUTHERN RHODESIA

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A CASUAL observer might be forgiven for supposing that Southern Rhodesians had taken very little interest in the Devlin Report. Sir Edgar Whitehead has made no comment upon it; neither has Sir Roy Welensky; nor has the Opposition; nor, even, has that talkative elder statesman, Lord Malvern. The Southern Rhodesian Assembly has not debated it; nor has the Federal Assembly. The public has maintained an almost equally complete silence. There have been a few letters to the Press; but not nearly as many as were provoked, for instance, by the cost of living controversy or by the need for level crossings on the railways. Yet this impression of indifference is a false one. Rhodesians feel very strongly about the Devlin Report—perhaps too strongly to trust themselves to talk about it.

This emerges from the editorial comment of the various newspapers. The right-wing *Citizen* was the most outspoken in its condemnation. It described the Report as "worthless rubbish" produced by "nosey parkers steeped in the tradition of a law which would rather free nine guilty men than convict an innocent one". The more restrained comment of other papers struck a similar line of criticism of the "precise distinctions" drawn by the "legalistic" and "donnish" Commissioners. "It would have been cold comfort", wrote the *Rhodesia Herald*, "for the relatives to inscribe on the tombstone: 'Here lies John Citizen, died March 1959, not the victim of a massacre plot but a loose plan'." The *Central African Examiner*, while intending "no criticism of the Commissioners", summed up the general reaction of the Southern Rhodesian Press: "Most people with any long experience of Africa who take the trouble to study the facts in the Report will, we believe, draw the conclusions so far as the murder plot is concerned, that Sir Robert and his Government drew, rather than those drawn by the Commissioners".

The attitude of the Southern Rhodesian Government to the Devlin Report has to be deduced less directly. The chief clue seems to be the publication of the Beadle Tribunal Report. The Beadle Tribunal was set up under the Preventive Detention Act to review the continued detention of some 100 Africans

after the end of the Southern Rhodesian emergency and to make recommendations on each case to the Government. They were not appointed to make a report; their proceedings were by law secret in order to protect Government informants; they were under no obligation to examine the general Southern Rhodesian situation. No report of any kind was anticipated—the most that was expected was a Government statement to a secret session of the Southern Rhodesian Assembly on any case where the Government had decided not to accept the recommendations of the Tribunal. Much to the general surprise, however, the Beadle Tribunal presented a report to the Government and that report was published. It was hard to escape the conclusion that the Beadle Report was intended to be a counter to the Devlin Report. And this impression strengthened when it was noted that the Beadle Report devoted some 6 of its 32 pages to an evaluation of Dr. Banda's reliability as a witness. Dr. Banda's evidence before the Tribunal was of very little significance to its work: this detailed appraisal seemed to have no meaning unless it was intended as a contrast with the Devlin Commission's attitude to Banda.

Although the Beadle Tribunal's findings differed from the findings of the Devlin Commission only on this point of Banda's reliability and although its report could not in any way be compared with the Devlin Report in length or depth or impartiality, it was generally hailed in Southern Rhodesia as in some sense an "answer" to the Devlin Commission. This came out very clearly in the debate on the Beadle Report in the Southern Rhodesian Assembly. Mr. Aitken-Cade, then Leader of the Opposition, congratulated the Tribunal for having "cut . . . (Dr. Banda) down to size", and continued: "Another point that emerges is the difference between an informed Tribunal, basing its opinion on local knowledge and on the local scene, and a Commission that does not have that advantage". Mr. Pichanick, the U.F.P. member for Highlands, made the contrast even more explicit: "When a previous report was published", he said, "the whole of the Press overseas and the local Press, and the broadcasting authorities and the television and everybody in fact, made tremendous fuss of this Report. Now what has happened as a result of the publication of this Report . . . (the Beadle Report) . . . simultaneously in this country and London? There has been no comment whatsoever that I have seen in the local Press coming from overseas papers. It is significant and

silence must mean something. It must mean that they are realizing that the findings of this Commission have brought out something that another commission could never find out. The reason is that the standing and reputation of this Commission is beyond question. It means this, that they understand the mentality of the African, but people who come from overseas, no matter how long they stay, can never really get to the back of their minds the mentality of the African". The clear suggestion is that one can accept either Devlin or Beadle, but not both, and that Beadle would have come to very different conclusions about Nyasaland than those reached by Devlin.

What is the explanation of this rejection by public and politician alike of the Devlin Report? Why has it become an article of Southern Rhodesian faith that there was a massacre plot in Nyasaland and that Banda was implicated in it? The general public, it would seem, believes in the massacre plot because it wants—because it needs—to believe in it. It has not, in most cases, read either the Devlin Report or the Nyasaland Government's White Papers. It believes not because of the overwhelming facts, but because a massacre plot seems more likely on the face of it than no massacre plot. The allegation that Congress was planning mass murder fits in with the stereotype of African behaviour that many Europeans have constructed for themselves. The attitude of these Europeans found an ugly expression in the *Sunday Mail's* leading article of August 23rd. The *Mail* asked why Africans in Natal had destroyed clinics, schools, dipping tanks and so on. "We believe", its editor wrote, "that the answer is to be found in the people themselves—the Bantu, not only in Natal, but throughout the sub-continent. For what has happened in Natal has had its parallel in Nyasaland, in Uganda, in the Congo. In all these places the mob, once excited, picks, almost as its number one objective for destruction, all those things which are for the benefit of the African. . . . Had drastic action not been taken in Nyasaland, missionaries would almost certainly have been slaughtered. . . . But looked at over a broad canvas it is impossible to avoid the conclusion that what the Bantu as a whole is seeking is not an opportunity to advance or to become civilized. Rather does he seem to have an atavistic longing to return to the days of Chaka and Lobengula; to the days of the knobkerrie and the shield, to the witch-doctor and the blood-letting".

"You are to be congratulated on your excellent leader last

Sunday", wrote one of the *Mail's* enthusiastic readers. "It expresses the thoughts of many people living in the Federation today". And it certainly does seem to reflect one of the fundamental beliefs of the Southern Rhodesian European. Rhodesia is not a fear-ridden country, but it is a country where the mere rumour of an African strike causes a panic rush to buy guns. It is a country where a Sunday paper divorce report can begin quite unselfconsciously: "A man left his young wife alone one night at their home in a remote part of Southern Rhodesia and as she sat in the bedroom reading, terrified of the dark and Natives . . ." To the Southern Rhodesian, African Nationalism means Mau-Mau. It is not for nothing that every new immigrant is at once advised to read Robert Ruark's *Something of Value* and then Nicholas Monserrat's *The Tribe that Lost Its Head*. This, the Southern Rhodesian European knows, is what the Africans are like. No matter how apparently civilized, they are always on the brink of a relapse into savagery. And so it is not in the least surprising that an elder of the Church of Scotland should have plotted massacre—it is, indeed, only to be expected.

Another reason for the public belief in the massacre plot is the feeling of solidarity with the Nyasaland settler population. To the average Rhodesian the Devlin Commission appeared as the very type of the "nosey parkers" from outside, the men who "don't understand our problems". The "men on the spot" believed in the massacre plot—therefore it must be true. And so, through fear and loyalty, the Southern Rhodesian European is committed to a belief in the massacre plot with all its implications—a belief which will distort his vision of events much as it distorted the vision of the District Commissioner at Nkata Bay, and very likely with similar tragic results. It is not, after all, a very hopeful sign that many Europeans are venturing into the multi-racial future "terrified of the dark and the Natives".

But what of the politicians? No doubt many of them share the fears and loyalties of their electorate; no doubt for them also, the belief in the savagery of the African serves at once as a justification of the past and a warning for the future. Yet this is not the main reason for the politicians' rejection of the Devlin Report. They reject it not so much because it dismisses the Nyasaland massacre plot allegations as because it threatens to undermine the case for the Southern Rhodesian emergency. Even to the right-wing politicians, the need to believe in the reality of the emergency is much more urgent than the need to

believe in the savagery of Africans in general. And for Sir Edgar Whitehead—whose chill clarity of view is not distorted by the fears and prejudices which dictate the reaction of many of his fellow Rhodesians—the need to believe in the emergency, or to have it believed in, is crucial.

Now, the Devlin Report does not at first sight appear to damage the Southern Rhodesian Government's case. Its findings for Nyasaland are much the same as Sir Edgar's assertions about Southern Rhodesia, assertions now upheld by the General Report of the Beadle Tribunal. But the instinct of the politicians is right—the Devlin Report and the Beadle Report are incompatible. They are so for two reasons—one of matter, the other of method.

In the first instance, the very identity of the findings of Devlin in Nyasaland and Beadle in Southern Rhodesia is suspicious. No one disputes, after all, that the crisis was very much more acute in Nyasaland; that the Nyasaland Congress was very much more efficiently organized and enjoyed very much wider public support; that its leadership was more desperate and its membership more militant. It is hard to believe that the danger in both countries was much the same. The Southern Rhodesian answer to this is that Mr. Justice Beadle would have found a much more serious situation in Nyasaland than Mr. Justice Devlin found. An equally good answer—and one that is likely to find more favour outside Rhodesia—is that Mr. Justice Devlin would have found a much less serious situation in Southern Rhodesia than Mr. Justice Beadle found.

Both answers depend, of course, upon a consciousness of the difference of approach in the two Reports. The Southern Rhodesian says that Mr. Justice Devlin and his colleagues were ignorant of local conditions and of the Bantu mind, while Mr. Justice Beadle and his colleagues understood both. Elsewhere people are likely to say that the Devlin Commission showed an astonishing degree of detachment while showing also an understanding of the peculiarities of the African situation, while the Beadle Tribunal, in all honesty, were prisoners of their assumptions. A few illustrations of these differences are needed to make this point clear.

The Devlin Commission notes as a fact that in Nyasaland "a District Commissioner cannot afford to be jeered at or insulted in public; if that is tolerated, it would lead to a loss of authority which would be fatal. Many unofficial Europeans consider that

the same thing applies to them." The Devlin Commission is saying that in a colonial situation it is natural for Europeans to take "disrespect" as seriously, almost, as actual breaches of the law or violence. But the Commission is perfectly clear in its own mind that there is a very important distinction between "disrespect" and criminal action. The Beadle Tribunal, with its solemn listing of Congress statements designed to "Ridicule and Undermine the Authority of (a) Native Commissioners, (b) Land Development Officers, (c) Chiefs, (d) Police, (e) African Members of Parliament", has allowed that distinction to become blurred. Similarly, the Devlin Commission realizes that it is likely that loose talk about beating and killing will be taken as the equivalent of a planned intention to beat and kill in a tense colonial situation, but it preserves its own keen sense of the distinction. This, again, the Beadle Tribunal failed to do.

There are many other such differences of approach. The Devlin Commission so distrusted the evidence of informers that it chose to base its findings on the other evidence available and to test the evidence of informers against it. The Beadle Tribunal, on the other hand, based its findings explicitly on the evidence of informers, and remarked that the other evidence available, though not in itself indicating planned violence or subversion, fell into this pattern in the light of the secret evidence of the informers. The Devlin Commission examined the reasons for the tension between Congress and Government and the general background to the emergency: the Beadle Tribunal, although its Report deals with the general issue of the guilt of Congress as a whole, deliberately refused to ask or to answer these general questions. In short, it is hard to imagine two investigations more differently conducted, or two Reports in which the conclusions drawn from a certain type of evidence were more disparate.

To proclaim belief in the Devlin Commission's findings, then, and to express admiration for its approach is tantamount in Southern Rhodesia to expressing grave reservations about the reality of the Southern Rhodesian emergency. Yet this emergency is the foundation of all Sir Edgar Whitehead's policy—both the frankly "undemocratic" emergency legislation and the "liberal" measures which balance it. It is also the foundation of the Opposition's very different deductions about the policy needed in the future. Finally it is the foundation of the ordinary Rhodesian's approach to African politics.