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Dagga in Mid-Century South Africa: Impacts of Criminalization and Policing
1932-1960

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31 October 2019.
Abstract

Dagga in Mid-Century South Africa: Impacts of Criminalization and Policing

1932-1960

By

Phumla Innocent Nkosi

Supervised by Prof. Thembisa Waetjen

Under the Customs and Excise Duties Amendment Act No.35 of 1922, cannabis (‘dagga’) was nationally prohibited and criminalized in South Africa, and police began recording arrests and seizures amounts of the substance. My focus is on the mid-century period (specifically 1932-1960) to capture a picture of police statistics. This was a period, spanning colonial and apartheid period that saw significant change in policies affecting civic liberties more generally. Authorities of the South African state worked to control the possession, cultivation and use of dagga, against emerging illicit dagga economies. This produced the penalization of majority African users many of whom had a long history of dagga-smoking as part of their culture. This thesis is based upon annual data from police files from the National Archives of South Africa, specifically consisting of numbers of arrests and amounts of dagga seized by division and district. It investigates trends and considers possible explanations related to political and legal change and shifts in the nature of policing. My study offers a historical perspective, informing a South African perspective on worldwide and local debates about the legal status of cannabis, and recent steps taken by the Constitutional Court towards decriminalizing dagga in South Africa.
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Introduction

On 18 September 2018, the Constitutional Court of South Africa ruled that growing and cultivating cannabis (dagga) for personal use is a private matter that cannot (constitutionally speaking) be considered criminal, with a certain amount of consumption and cultivation that must be deemed permissible. Parliament has yet to specify how this will affect law. Currently, the cannabis ruling still prohibits the selling, buying and use outside of private space.1 The Constitutional Court concluded, essentially, that

An adult person may use or be in possession of cannabis in private for his or her personal consumption in private. The use, including smoking, of cannabis in public or in the presence of children or in the presence of non-consenting adult persons is not permitted. The use or possession of cannabis in private other than by an adult for his or her personal persons is not permitted. The cultivation of cannabis by an adult in a private place for his or her personal consumption in private is no longer a criminal offense.2

South Africa is not alone in changing its laws around cannabis. Recently many societies have made legal decisions towards decriminalizing the substance, with governments reconstructing legislation towards liberalizing laws.

Legal questions about cannabis have been ongoing in discussions worldwide for decades, with some countries decriminalizing possession and use of cannabis to different degrees. In Amsterdam for example, the government overturned the 1920’s cannabis prohibition from as early as 1976. Before 1970, cannabis was sold in the streets and markets of Amsterdam illegally, so the government decided to rather regulate those activities by concentrating the cannabis markets in controlled areas such as the coffee shops where they would be monitored.3 In 2013, Uruguay legalized cannabis production, distribution and use. Citizens in Uruguay can buy close to 40 grams of cannabis in pharmacies per month, they can grow it in

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their homes or consume it with others in cannabis clubs. Medicinal use of cannabis is legalized in a number of countries like Chile in 2015, Columbia and Argentina in 2016, then Mexico and Peru in 2017. Australia, Italy and Thailand selectively permit the sale of certain cannabis-derived pharmaceutical drugs, such as Sativex, Marinol or Epidolex. In Spain, some cannabis use is allowed but comes with an age restriction of persons above 18 years old.

The cannabis plant has long been useful as textile, fibre, hempseed oil, medicine and as an intoxicant. The compounds in cannabis that have bioactive effects are called tetrahydrocannabinol and cannabidiol, with different effects. Different scholars have diverging ideas about whether there are one or two species of cannabis, and which strains of the plant have been present in different parts of Africa in different periods. All agree that cannabis is a unique substance. It is not only the particular plant species that contributes to the potency of active chemical compound but also the manner and environment in which cannabis is cultivated, techniques which must be learned and shared socially.

Cannabis has social meanings that have varied by context. There is a long history of cannabis use as medicine. For example, records show that during the 10th century CE people in India used the plant for medicine and this practice spread to Arabic cultures. In societies today that depend upon herbs as medicine, there is the belief that the plant cures asthma and can be used to enhance sex. Some use cannabis for religious and spiritual purposes, such as the Rastafarian societies in South Africa and elsewhere. However while many acknowledge its health benefits, some medical doctors and psychiatrists have associated cannabis with mental illness.

In South Africa, Cannabis was prohibited from 1922, which meant that from having many meanings as mentioned above, officials sought to promote only one: a criminal intoxicating

5 Z. Atakan, “Cannabis, a Complex Plant: Different Compounds and Different Effects on Individuals”, Therapeutic Advances in Pharmacopsychology, 2, 6 (2012), 241-254.
10 Klantschnig, ‘Quasilegality’, 357.
dangerous drug. From 1925, when the League of Nations added cannabis to other listed ‘drugs’, South African government kept records of arrests and seizures not only of opium and cocaine but also cannabis.

National drug controls generally have supply-side and demand-side strategies. Prohibition is a supply side strategy but it can also have demand-side impacts. In most countries the target is on cultivators and traffickers to reduce supply. Richard Smith, claims that if the supply of drugs is reduced due to the enforcement of prohibitionist policies this will lead to a rise in price for the minimum supply of illegal drugs. It basically increases the illicit economies of dagga (black markets). This in return results in an increase of crime because drug users often turn to theft to fund their drug habit. The growing cannabis markets have dug deep into state funding because it required more resources to combat cannabis. Policing takes up most of law enforcement resources as more resources are distributed towards drug crimes rather than other crimes like homicides for example. According to Smith, this is why the United States’ war on drugs, for example, became costly and was more a liability than a success. Methods used in the United States to try and reduce demand of cannabis were through drug education and media reports demonstrating to the public the health and legal problems associated with drug use.

My study is focused on the policing of dagga, which was said to decrease supply. However, as I will show, strategies of policing dagga changed over the course of the twentieth century. South Africa’s history of cannabis criminalisation is interesting because it was complicated by botanical misconceptions, in that ‘dagga’ initially referred both to cannabis and to the indigenous plant known as leonotus (‘wild dagga’). Into the 1930s there was suspicion that police did not know the difference, but a report by botanists Watt and Breyer-Brandwijk indicated that they did indeed understand the distinction.

11 Chattopadhyaya, Channock, Mills, Waetjen.
This study seeks to understand the trends in the policing of dagga in South Africa (as officially reported) after the passing of the Medical, Dental and Pharmacy Act of 1928, which formalized anti-drug laws, and prior to 1961, when South Africa became a republic. This is a three decade period that witnessed a transition from colonial segregation by race to apartheid, with several laws passed related to drugs.

I am exploring the impacts of cannabis prohibition through a quantitative survey of police records. The police files found in the National Archives of South Africa (NASA), contain data showing where and when the arrests took place in terms of a geographical layout of districts and divisions (provinces). The data shows the number of persons arrested and the amount of dagga seized in pounds. It provides us with a geographical picture of policing of dagga in South Africa along with some of the hotspots where the policing occurred overtime. Learning about the laws enforced following the prohibition can tell us more about the geographies of the plant’s commodification, trade and regulation over time. I seek to reveal trends in drug politics and to shed light on the following questions:

- What were the effects of dagga prohibition in South Africa from the period 1932-1960?
- How did arrests and seizures of dagga compare by region and district, across these three decades, and why?
- What was the effect on policing/ reports of new legislation and the Inter-departmental Commission on Dagga Abuse that published its report in 1952?
- What can quantities of dagga seized and the geography of those seizures tell us about the shape of illicit traffic that arose against prohibition policies.

Even though cannabis was internationally prohibited in 1925, not all countries implemented law enforcement in the same way. My literature review will highlight some of the different approaches to prohibition from other parts of the world. The literature does not give immediate answers to the research questions above, but gives context to understand prohibition and criminalization. Many historians who wrote about the history of dagga in South Africa like Craig Paterson, Brian Du Toit and Martin Chanock have focused on the period before Union and during Union, or on the 1970s onward. There is a gap in the history of cannabis in the mid-century South Africa, which I address in this thesis. This gives me a great advantage to relate a story of the ‘missing middle’ that has been previously neglected.
This story, based on my findings, is interested in the shift from demand side to supply side strategies around 1950 or so, meaning a shift to a focus on cultivators of dagga rather than individuals possessing the substance for own use; the growth of specific ‘hotspots’ for arrests and seizure, namely Natal, Transvaal and the Witwatersrand police divisions; the drop in figures in the western cape.

In my discussion chapter I will argue that change across the century is explained by at least three factors; laws; commission; strategies of policing, based on commission recommendations… etc.

Drawing from police records, and documents related to the 1949-52 Commission on the Abuse of Dagga, my aim is to create a picture of the impacts of dagga criminalization in the middle twentieth century.

**Chapter Outline**

Chapter One, my literature review, will provide a background on the origins of early dagga (cannabis) regulations and its understandings in different parts of the world. It explains the history of prohibition of cannabis in South Africa and how it was implemented. By looking at historiographies of prohibition not only in South Africa but also in other parts of the world, provides a broader picture of the methods and policies implemented for regulating and prohibiting cannabis. While, as I will show in my literature review, historians have explored various aspects of drug histories and the effects of law in South Africa, there has been no published research that tracks measurable effects of cannabis prohibition on the population.

Chapter Two discusses the methodology of this study. This chapter will take us through some of the methods used for this thesis, and highlight some of the challenges experienced in the making of this research. It shows how the documents from the archives were used. It explains the steps taken to record the data from archival documents to a Microsoft Excel spreadsheet, and the process of transforming the data to statistics represented in different graphs with the help of the University of Johannesburg’s consulting statistician. Furthermore the chapter provides a discussion on some very important limitations of, and questions about, the data and research findings.

Chapter Three is a representation of the findings. It is an analysis of the data illustrated through different statistical graphs. These graphs mostly represent frequencies to show the bigger picture of policing, by providing information pertaining the amount of dagga seized
and number of persons arrested by year and district/division. The graphs enable us to see trends of the seizures and some of the hotspots of policing. It also allows us to make comparisons by regions.

Chapter Four is a discussion of the findings, and where I offer my own explanation for the data presented in Chapter Three. It focuses on three aspects: laws, a government commission and a shift in the policing of dagga in mid-century South Africa. This chapter will give more social and historical meaning to the data with the use of other archival sources and secondary literature that will enable us to further understand some of the reasons behind the increases and decreases of arrests and seizures.

In my conclusion, I reflect on possible directions for further research based on these findings.
Chapter One

Literature Review: Cannabis Law in a Wider Context

In the current moment of cannabis liberalization, it is important to reflect upon what the historical criminalization of dagga has meant in political and social terms. In order to fully understand the current statuses, debates and verdicts on cannabis decriminalization, we have to look back at how the international ban was established, and the impact it had in different societies and in South Africa. In this chapter, I review some of this history and literature that explores developments in cannabis law across time and space. I start off with a historical background of cannabis use, regulations and laws in South Africa. I then look more widely to see how other societies imposed regulations before international prohibition in 1925. Then I consider some of the social elements in the modern war on drugs, specifically related to cannabis, from the 1900's looking at cases of cannabis policing/laws that were racialized.

Cannabis history in South Africa: An overview

In the Southern African region, cannabis use has been customary among some African groups since at least the 1500s, brought through the Indian Ocean trade and adopted by local people.16 European settlers were unfamiliar with cannabis and this lack of knowledge affected colonial responses and politics.17 As Brian Du Toit, discusses in his article The History and Ethnographic Setting of Cannabis Sativa in Southern Africa, cannabis can be traced back to Asia from around 4200 to 1150 BCE, supplying fibre, oil and with the stems, leaves and flowers used for medicine.18 Chris Duval explains that cannabis was introduced to Eastern Africa probably from Southern Asia.19 He claims that a uniquely African contribution to cannabis culture s globally was the use of pipes for smoking this substance.

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19 Duvall, ‘Cannabis and Tobacco in Precolonial and Colonial Africa.’
From as early as the 1700s, in Khoi-San societies in South Africa, dagga was smoked to suppress hunger and to connect with the spirit world. People in African societies also smoked it to gain courage and strength when they were about to engage in dangerous activities, such as warfare. With the subjugation of indigenous people as farm workers in the Cape, the meanings of dagga changed. From this period, dagga was key in the trade between the Dutch and Khoi-San, along with other substances such as alcohol and tobacco. Dagga was part of early European settler economies of labour, transforming pre-colonial meanings. In exchange for labour, wages to indigenous people were often in a form of intoxicants, which had once played a very vital role in the precolonial trade networks.

Cannabis was not considered a problem until the early twentieth century. It was grown for medicinal uses and fiber. Into the twentieth century, African people in countries like Kenya and rural areas of South Africa like the Eastern Cape cultivated cannabis and sold it for a living. Thembisa Waetjen shows that, prior to Union in 1910, colonies in South Africa had different legal approaches to cannabis and these did not always sit easily with each other. The colony of Natal was influenced by its history of importing indentured Indian labour, a population of people with a deep cannabis culture. Records show that the early colonial attempts of officially regulating dagga in South Africa date to 1870 in the Natal Colony. The Natal Law no. 2 of 1870 popularly known as the ‘Coolie Law Consolidation’ was the first official law to regulate and prohibit dagga consumption in Southern Africa. It prohibited the smoking, bartering and sale of cannabis to any indentured Indian people in the colony. If Indian migrant workers were ever found in possession of dagga, penalties were imposed on them. The law was another form of controlling labour, because government was concerned about the reduction of labour production due to dagga effects.

This law, like many colonial laws, was racist because it targeted a certain group of people using a certain substance. Such racism would continue to be a pattern in South Africa, as in

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20 Duvall, ‘Cannabis and Tobacco’
23 Ibid, 63.
other parts of the world in this period, where cannabis laws became part of racially motivated political control. By contrast, in the briefly existing post-South African war Orange River colony, the 1903 Dagga Prohibition Ordinance prohibited dagga use and sale to everyone, but it affected African people more because they were the majority consumers of dagga. Unlike Indians and Africans, the British arrived in Africa with no cannabis culture embedded in them, they therefore saw cannabis consumption as a problematic intoxicant. Waetjen argues that the Cape Colony, and European-trained physicians and medical organisations were responsible for pushing for cannabis prohibition early in the twentieth century on grounds of health and control of agricultural workers, specifically workers classified as Native and Coloured.

Still, although the South African colonial state came to consider dagga a problem, Waetjen shows that, in fact, there were different attitudes to dagga by colonial officials in South Africa. Not all British officials agreed that dagga should be prohibited. For example, in a 1908 survey conducted by managers in different mines in the Transvaal, to determine whether the effects of dagga would or was affecting the productivity of labour. A majority of the officials pointed out that the effects did not cause any extreme harm to the mining business. They considered the level of intoxication to be minor and some even said that cannabis had some healing benefits for the miners.

Dagga practices originated from the rural homesteads, where most miners were from. Officials, along with African patriarchs, for example in Zululand, established their own recommendations and regulations on how to better control dagga consumption. They suggested that dagga consumption should be prohibited for juveniles and females: this was stated in a 1909 letter written by the Hlabisa Magistrate to the Zululand Native Affairs Commissioner. Christian converts among Africans in Natal pressured the colonial state to prohibit dagga, which they believed was a result of crime and unrespectable behaviour. However, some commissioners of the Native Affairs did not want the government to prohibit a cultural tradition, arguing that banning cannabis use would cause Africans to rebel. They recommended that cannabis should be tolerated as a traditional custom among ‘native’ men.

Until the early twentieth century, also, cannabis contributed income to European imperialists who took advantage of the market. Cannabis farming was popular commercially and it became part of the global economy of trade. When some settlers began protesting against cannabis claiming that as an intoxicant it was not good for society, it was then reconsidered. They made claims that intoxicated persons’ behavior was immoral and unacceptable. Intoxicated workers were no longer as productive as they should be. Claims were made that other users engaged in violent and criminal activities, including sexual violence and theft. They associated cannabis use with people from the lower class of life and alleged to have few morals. Therefore decisions and regulatory measures had to be taken to try and decrease cannabis use as a drug.

In Europe, at this time, anti-vice movements were established and were pressing for laws that would lead to prohibited cannabis use, possession and sale. In the early 1800s, cultivation of cannabis in India was encouraged by European imperial powers for fibre. In this period, cannabis as a commodity was commercialised and played a role in the imperial economy and trade. Colonial restrictions on drug consumption and sales, including cannabis, were made through taxation rather than banning or prohibiting the substance altogether. However, this began to change towards the turn of the twentieth century, when cannabis began to be controlled as an intoxicant. A turning point was in the 1890s when British officials and administrators showed further interest in understanding Indian hemp as a drug. They established the Indian Hemp Drugs Commission to conduct research on the hemp plant as a wild or cultivated plant in India. The aim was to find information on the properties of the plant and what the different parts of the plant produced. The commission had to look into the effects of Indian hemp, including the possibility of insanity. When found that the drug was indeed dangerous, the commission had to come up with methods of regulating and possibly prohibiting it. The commission was also tasked with establishing a system of taxing cannabis, with intentions to reduce demand but while gaining profit out of it. This commission is an example of early concerns and interest shown towards the effects of cannabis use by British officials.

31 Duval, ‘Cannabis and Tobacco’ 1-38.
From the late nineteenth to the early twentieth century, anti-vice movements became the drivers of prohibition of cannabis and other intoxicating substances. Temperance campaigners, often religious, were in agreement about posing restrictions for intoxicant substances. They believed that a cannabis economy would increase use and they wanted to regulate markets in other moral ways. They were against prostitution and immoderate consumption of drugs and alcohol, and other behaviours which they believed led to social disorder and individual degradation. Many rejected capitalism because they saw it as an unjust system that exploited the lower class while people in power benefitted. The activists assimilated themselves with progressivist aims, believing in improving the quality of life through secure and safe environments particularly in urban areas.\textsuperscript{35} For example, temperance activists pushed for the establishment of cleaner water systems in public spaces such as fountains and taps, hoping that this would quench the thirst for alcohol and give plenty options for water. Governments were compelled to offer sanitary services to the public. Their aim was to have healthier people through good sanitation, healthier foods and environment, reasoning that if this would be achieved there would be fewer causes for immoral activities. Progressive policy makers established counter-attractions to discourage activities that involved alcohol or drugs, for example establishing coffee shops next to bars, hoping that people would make better choices by getting coffee instead of alcohol. Some missionaries travelled around to advertise the effects of alcohol and what it did to the body. Anti-colonial activists such as Mohandas K Ghandi discouraged the use of intoxicants. These were some of the initial drives in Europe towards prohibition of opium and cannabis.\textsuperscript{36}

Cannabis would be internationally banned in 1925,\textsuperscript{37} perpetuated by international pressures to the League of Nations from around the world.\textsuperscript{38} As a ‘dangerous drug’, cannabis would be monitored at a national and international level, and illicit cultivation and use would be a target for law enforcement officials and police. The pressure for cannabis ban came from Italy, Egypt but also South Africa, the latter which stressed that cannabis should also be listed as one of the dangerous habit-forming drugs.\textsuperscript{39}

\textsuperscript{36} Ibid, 98.
\textsuperscript{37} Courtwright, \textit{Forces of Habit}, 153.
\textsuperscript{39} Mills, ‘Cannabis Britannica’.
From the International Opium Convention in 1912 held at The Hague, delegates from Italy requested that cannabis should be included in the same schedule as opium but that request was not taken seriously. 40 Twelve years later during the 1924 Conference of the League of Nations, the Union of South Africa was adamant on getting cannabis listed as one of the most habit forming drug. This argument drew in other British colonies administrators, especially ones that had a high population of Indian people in their colony. This was because they were the major suppliers and consumers of (Indian hemp/ Hashish) cannabis. 41

In South Africa, cannabis was prohibited in a Customs and Excise Act in 1922. Around this time there was uncertainty on the classification of the cannabis plant, widely known as ‘dagga’. Yet the name ‘dagga’ was long used to refer both to cannabis and to the indigenous plant, without psychoactive properties, known as leonotus (‘wild dagga’ or ‘klip dagga’).42 Because of the botanical (as well as other) misconceptions, we can say that in the early twentieth century colonial officials did not really understand what they were dealing with but still recommended that it be prohibited. By the later 1920s, dagga was classified officially as the “roots, bark, stalks, leaves, flowers, seedpods or seeds of Leonitus Leonurus or Leonitus Ovata, or wild dagga, red dagga or klip dagga”. 43 Cannabis was referred to in law as ‘Indian hemp’. The approval of cannabis as a habit-forming dangerous drug was based upon the Linnaean taxonomy homogenising the cannabis species into one. It stated that the resin was present in both the male and female specie of the plant, therefore cannabis in any form should be criminalized.44

Urgency for cannabis prohibition was perpetuated by the then prime minister of the Union of South Africa Jan Smuts. In his letter written by his secretary Van Tyen in 1923, Smuts made a very strong impact on the international prohibition of cannabis which as for the case of Egypt, also frequently goes unnoticed in history. The letter defined cannabis as a ‘dangerous drug’ using Leotenus. Through this definition they were able to draw attention to the dangers

40 Chattopadadhyaya, ‘Dagga and Prohibition’1.
41 Waetjen, Forthcoming.
of cannabis plant, resulting in the scheduling of cannabis as a habit-forming drug within a couple of years after the conference. Thereafter the Union of South Africa and, later, the Republic of South Africa adopted international protocols and strategies to police and manage cannabis use.45

How does South Africa’s experience compare with societies elsewhere? It seems there are some important similarities. Before the international prohibition of cannabis in 1925, attempts to control cannabis use in countries, for example Mexico and Egypt, through laws and other regulatory measures were already ongoing.

When Mexico was a Spanish colony in the sixteenth century, apothecaries were regulated for potentially harmful drugs through inspection. Pharmacist had to abide by strict rules and were not allowed to sell any poisonous medicine to people who had no prescriptions from physicians. Pharmacists who did not obey the law would receive a fine or death penalty. They were forbidden from selling any noxious drugs such as cocaine, opium and marijuana.46 Drugs in Mexico during this period were regulated under a pharmaceutical model similar to what was later adopted and recommended at The Hague International Opium Convention. Pharmacists in Mexico sold drugs, however there were regulatory laws and measures for that. Medicines containing the classified noxious drugs were to be sold to persons with prescriptions and only a certain dosage was permitted. For one to open a pharmacy or any pharmaceutical distribution store, special permission was required from the government of federal district.47 After independence in 1810 Mexico continued using colonial structures of drug control though some old harsh laws were banned. Mexico had cannabis control and regulations before cannabis became an international issue. But in 1920 the Department of public Sanitation declared a provision law that prohibited marijuana nationally.

In Egypt from as early as 1879, cannabis cultivation and importation was prohibited according to what was known as the Khedivial decree.48 According to Liat Kozma, it was the first country in the world to nationally prohibit the cultivation of cannabis. Kozma argues that Egypt’s role on influencing international cannabis prohibition is often overlooked and overshadowed by accounts that consider North America as a more important global actor in

45 Chattopadadhyaya, ‘Dagga and Prohibition’.
46 I. Campos, ‘Degeneration and the Origins of Mexico’s War on Drugs’, Mexican Studies, 26, 2 (2010), 382
the early war against drugs. As one will notice that in most historiographies written on drug prohibition, North America’s role on the war of drugs dominates. Kozma claims that in most historiographies, North America is portrayed as the leader of the events leading to the 1925 international prohibition. The role of Egypt has been generally neglected so as another African country influencing law, it is important to consider here. Before British intervention in 1880, local elites in Egypt had already taken measures against cannabis consumption and cultivation leading to its prohibition in 1879. Although the ban was followed by an increase of smuggling and illegal trafficking, prohibition on cannabis was still imposed. However before the Egypt government took matters in their own hands in 1870s, Egypt had earlier intervention to prohibit hashish from outside forces. During the Napoleonic wars in 1798 to 1801, France’s occupation of Egypt encouraged the temporary ban on hashish when concerns grew about the negative effects that hashish had on their army during the wars. Like the case in Mexico, Egypt imposed prohibition laws on cannabis before colonial period and yet most researches see regulation as a European imperialist intervention without a deeper or local history.

British knowledge of and ideas about cannabis was shaped by their experience in their colony in India. There, the British had required registration and regulation of licensed cannabis manufacturers and commercial dealers. When the British arrived in Egypt, they had a few recommendations on how to further develop already existing prohibition laws in Egypt. The British imperial government made recommendations using some of the cannabis laws implemented in India. Because the high number of locals using hashish even though it was banned, the British general of customs suggested that ‘regulation, registration, licensing of manufacturers, sellers and importers’ should be implemented just like in India. 49 This was a way of profiting from the cannabis market just like they did in India. Another law supporting the regulation was introduced allowing the importation of hashish but still banning local cultivation. This allowed the Egyptian government to make a profit through taxation of cannabis imports but still control the amount of hashish that individuals were permitted to consume. In the early twentieth century, debates the effects of cannabis, about whether it caused insanity or not, meant that the British had to come to terms with the loss of tax income and go along with the local decision to completely ban hashish in Egypt and not just regulate

it as the British had wished.\textsuperscript{50} After gaining independence from Britain, Egypt was able to have its’ delegates represent in the League of Nations conference in 1924 where they pushed for listing hashish as a ‘habit-forming drug’. Their main argument centred on insanity as a result of the effects of hashish consumption.

Similar to Egypt and Mexico, prior to 1925, South Africa too had local laws to control cannabis. However, unlike Egypt, in South Africa steps towards prohibitions were taken by a local European settler colonial government rather than an indigenous elite.

Above are two examples of how British administrators worked to control, regulate and prohibit cannabis use in its colonies (Egypt, India and South Africa), however in Australia it was a bit different. In the other colonies, British drug model policies were implemented, though in Australia this was the case too but with the exception of the medicinal use of cannabis. Cannabis and opium based medicines were accepted in Australia for the longest period than anywhere else in the world.\textsuperscript{51} During the early nineteenth and twentieth century in Australia cannabis based medicines were very popular for relieving migraines, menstrual pains, a cough and many other health benefits. Though cannabis for recreational purposes was prohibited in 1926, the laws were not punitive and around that cannabis cigarettes were easily sold with the belief that they were medicinal. By 1938 the use of cannabis as medicine has increased.\textsuperscript{52}

In the US in 1937 the Marijuana Tax Act was passed prohibiting cannabis consumptions in all the states, in South Africa there was the passing of the Weeds Act Criminalizing cannabis consumption and cultivation. In 1938 the United States was greatly concerned about what was going on in Australia and the US Bureau of Narcotics put a lot of pressure on government to outlaw cannabis. The US referred to cannabis use in Australia as a \textit{Reefer Madness} campaign saying that cannabis was a sex drug that made people insane. Indeed within that year the local government in Australia declared cannabis sativa and Indian hemp as noxious weed in New South Wale and later in Queensland. Australia from then adopted U.S model drug policies and forgone the British medical based model.\textsuperscript{53} Though listed as a noxious weed, medicinal use was legal until 1960 when it was completely outlawed under the

\textsuperscript{50} Kozma, ‘Cannabis Prohibition in Egypt’, 455.
\textsuperscript{52} Ibid, 31.
\textsuperscript{53} Ibid 31
Poisons Act. Before that cannabis based medicines were sold over the counter or by prescription. It is a shocking discovery that during this period when British administrators were introducing legislation to further prohibit cannabis in South Africa they were unbothered by cannabis consumption in Australia. Cannabis use in Africa for medicinal use was deeply rooted in the culture of African natives even before the arrival of British and Dutch control. But why were Africans restricted from medicinally using a plant that they have embedded in their culture for over hundreds of years while Australians were an exception? Earlier in 1894 after the Indian Hemp Royal Commission had conducted investigations, the commission declared that cannabis use in Australia was no harm as it was used moderately. From there on cannabis consumption and cultivation was practiced in Australia with the main benefit of medicinal use.

The policing strategies in Australia were similar to those of other countries that implemented policing as a strategy to reduce cannabis use. They poisoned the plant that grew wildly in forest areas or deserted land, they used propaganda to spread anti-cannabis information to scare the public and sometimes there were raids and patrolling using helicopters. One of the problems that police encountered was that they were sometimes misinformed about the drug they were searching for. They had difficulties identifying cannabis because they lacked information about its properties. From the 1960s onwards the cannabis market in Australia continued to grow in great numbers, therefore prohibition and policing did not reduce it.

While countries like Mexico, Egypt and South Africa had already taken action against cannabis before the beginning of the modern war on drugs in the 20th century in Nigeria, lawmakers responded to international events at a later stage. As Gernot Klantschnig explains, the colonial government there seemed unbothered and uninterested in cannabis and drugs in general until the 1920s. There were no documented accounts of cannabis use in Nigeria from the archives, colonial government or West African governments. Colonial government was only interested in regulating alcohol and kola nuts through laws and taxes. He writes: ‘The 1927 Nigerian Ordinance was a direct response to the 1925 Geneva Opium Convention and the 1935 ordinance is a result of the 1931 Geneva Convention.’ Yet, after the 1927 law

57 Ibid, 73.
was imposed, the amount of seizures reported were small and did not attract media attention. More rigorous policing happened in Nigeria only in the 1960s.

Cannabis was introduced in Nigeria later than other parts of Africa. It was only evident from the early twentieth century, used by seamen in the port and people that live in port cities. This was because of the supply of Indian hemp from shipments that crossed the ports to the United Kingdom, therefore a small sum of hemp remained in West Africa.\(^{58}\) The numbers started increasing in the 1950s. The government then established a Police Anti-Narcotics Squad in 1953 to police Nigeria’s cannabis trade and the main focus was on supply side strategies. In the 1960s after national independence, there was a rise in cannabis cultivation and consumption in Nigeria, especially in Lagos. This increase, shown in police records, attracted a lot of media attention. There were claims that cannabis was popular amongst criminals, however the media portrayed a more glamorous image, associated with modernity amongst the young in Lagos.\(^{59}\) They drew inspiration from American culture, and local musicians inspired by Americans made cannabis smoking as a ‘cool thing’.

In 1966 there was an Indian hemp decree introduced by the military regime as part of reformation. According to Klantschnig, this law was introduced because of pressure from international obligations on drug control. In Nigeria, unlike British doctors and pharmacists who played a huge role in drug control, medical professions in Nigeria did not influence early post-colonial policies on cannabis. The military government in the late 1966 classified the cannabis trade, cultivation and consumption as a national crisis and introduced the 1966 Indian hemp decree. What was even more alarming to government, however, was the use of cannabis by soldiers in the military, and this pushed government to instate harsh penalties, including death for cultivation and imports. But this was later amended in 1975 and punishments were reduced.\(^{60}\)

**Wars on Cannabis in the middle twentieth century**

The modern war on drugs began in the twentieth century and it was through the League of Nations platform where different countries came together for discussions on how to better control drugs. An organization called the International Narcotics Control Board was established for supervising drug prohibition globally. In 1948 the newly established United

\(^{58}\) Klantschnig, ‘Histories of Cannabis’, 71.

\(^{59}\) Ibid, 76.

\(^{60}\) Ibid.81.
Nations’ priorities in drug control, with a number of anti-drug treaties, a global system for drug prohibition was established. According to Harry Levine, the power and influence of drug prohibition globally has been effective in the past eighty years, with almost every government embracing drug prohibition, whether capitalist, communist, or fascist. ⁶¹

National drug prohibition in the United States began before the 1920s but in the 1920s it was then handled by the alcohol prohibition agents until prohibition ended in 1933, due to not getting enough support from other countries and the effects of the great depression in 1929. ⁶² After 1933, the focus was on national drug prohibition as the United States was getting more European support on prohibiting narcotics. The United States gained support and acceptance from two anti-drug conventions that had a goal of reducing use of narcotics and dangerous drugs.

The state of California had outlawed cannabis in 1913. But, in 1937 cannabis was nationally prohibited in the United States through the Marihuana Tax Act. National cannabis prohibition contributed to the intensity of police and military powers to investigate and make arrests for possession. In the United States, there were more police forces working undercover to conduct narcotics investigations than there were for investigating other criminal activities. ⁶³

Initial drug laws in the history of drug control have shown characteristics of racial discrimination. In the United States for example, marijuana prohibition in 1937 was encouraged by a concern marijuana use by youth of colour was assumed to result in violent behaviour. Similar to the South African government in the twentieth century, the United States government worried that youth of colour would corrupt white youth with this drug. This reveals that cannabis prohibition laws in countries like South Africa and America were rooted in racism. The prohibition was perpetuated by public hysteria directed towards the Mexicans. During the congressional hearings of the Marihuana Tax Act, the public expressed that the Mexicans were selling cannabis at white student schools and when intoxicated by just a small amount of marijuana their behaviour changed. One of the doctors from the American Medical Association doctor Woodward disagreed with these claims on grounds that there was

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⁶² Ibid, 169.
not sufficient evidence to support these claims.\textsuperscript{64} Though there was an increase of white people smoking marijuana over the century, drug arrests in general by the 1980s were still racialized in America. The outlaw of cannabis in California encouraged the rest of America to outlaw marijuana at a federal level.

White and Holman in their article, with the use of current data, show how these historical impacts of racializing marijuana prohibition are still prevalent in the current state of California. From 2000 to 2008 their findings show that people of colour, especially black citizens, faced discrimination. It is clear that white people dominated the total numbers of arrests within the entire population but yet the proportions of arrests for black people and Hispanics have been significantly higher. The data showed the average of marijuana arrests per 1,000 residents of blacks was 6.1, followed by Hispanics with an average of 1.8 and white residents at 1.6.\textsuperscript{65}

As mentioned above, in South Africa as well, cannabis laws were racially discriminatory towards people of colour. The moral panic in South Africa, mainly among white publics, around dagga grew in 1921, when crime activities were widely viewed as the result of dagga smoking.\textsuperscript{66} South Africa was a racially segregated state made up of laws that were oppressive towards people that were ‘non-European’. In response to national cannabis prohibition in 1921, as Martin Chanock notes: ‘In 1922 regulations were issued under the Customs and Excise Duties Act (no. 35 of 1922) which criminalised the possession and use of ‘habit forming drugs’ not only for dagga but cocaine, morphine, opium and others.’\textsuperscript{67}

\textit{Cannabis consumption and cultivation outside the law}

What happens in cases where particular drug use is not necessarily condemned by state legislation but is criticised by other institutions and societies within the country? What about in cases where drug use has ambiguous meaning, a threat to some in society, a spiritual enhancer to others, or a commodity for livelihoods, especially in poor countries? Kenya and

\textsuperscript{64} White & Holman, ‘Marijuana Prohibition’, 79.
\textsuperscript{65} Ibid, 85.
\textsuperscript{66} Chanock, \textit{The Making of South African Legal Culture}, 93.
\textsuperscript{67} Ibid, 94.
Ethiopia had laws, but in practice resorted to an alternative way of implementing regulation because of ambiguous meaning to society.

Even though cannabis use was restricted and banned all over Africa during the course of the twentieth century, it remained ubiquitous because of the benefits that many people attributed to it. For instance cultural, religious movements such as the Rastafarians are amongst people that incorporate cannabis use in their daily lifestyles. Ganja (cannabis) use by this movement began in the late 1930’s by Leonard Percival Howell (a Jamaican religious figure) when he established the Ethiopian Salvation society that is centred in Jamaica. It was from this period that the incorporation of this “holy herb” became a compulsory part of their rituals. The use of ganja by Rastafarians is within their religious rights which permits use at all Nyahbinghi holy sessions gatherings. The rights also restrict use for youth under the age of 18 unless under parental supervision.68 What about such groups of people that have their own institution that governs them on dagga consumption? Or a group where cannabis is deeply rooted in their culture and religion, does the law not pardon them? It was used as an incense to connect them with the spirit to communicate with Jah (God). They also claimed that their use of ganja is closely affiliated with biblical texts therefore it legitimizes the use. Rastafarian use of ganja include smoking, baking ganja cakes, making tea and using it for other medicinal purposes. The holy herb functions as a sacrament therefore its’ use remains very significant in Rastafarian societies all over Africa and the world.

The ambiguity of substances such as cannabis within law enforcement sometimes – for example in the countries mentioned above – created what Klantschnig and Carrier call ‘quasilegality’, which refers to ‘procedures and rules within an organization that are not supported directly by state law, but resemble them in form, while also referring to what elsewhere is termed “paralegal”.69 As soon as a substance is classified as a drug by the state, the law is most likely to close in on the substance and either monitor, regulate or prohibit it.70 With some substances, such as ‘nyaope’ in South Africa before 2014, quasilegality means that there is no law directly opposing its use, but there are people or institutions opposing its

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70 Carrier & Klantschnig, ‘Quasilegality’, 352.
use and for that reason, the law keeps a close eye on it and may eventually prohibit it. In the case of cannabis, quasilegality refers to an illegal substance that may yet be tolerated.

Cannabis in Africa was a cash crop before it was prohibited, and when prohibited more value was added to it because of the costs to cover risks of moving and cultivating an illegal substance. For example, in Nigeria, as the exports for crops like coffee and cocoa were declining in the 1950s, cannabis cultivation became what Klantschnig calls ‘a way of economic diversification’. During the agricultural crisis, multiple regions affected by drought and trade markets were open for outsiders who sold their crops cheaper, cannabis became what was known as a ‘compensation crop’ to farmers because it replaced the other crops. Cannabis was easy to grow even in poor soil conditions and it could easily grow hidden with other crops making it easier for farmers to resort to cultivating cannabis. In Kenya it was grown among sugar cane plantations, it required less fertilizers and less work.

It was not African countries alone that became dependant on cannabis farming for sustenance but also a post-colonial state like Brazil in South America resorted to cannabis for livelihood. Similar to Nigeria experienced political and economic instability.

In a case study about Sertao a rural area situated in the North East of Brazil, de Souza Mello Bicalho and Hoefie talk about the violence caused by capitalised irrigation and later the cannabis business. Although the violence from as early as the 1880s was about family honour, later in the mid-century the feuds were over land and cannabis farming. Sertao was a frontier area where the federal government had little interference and control over the local people until half the century. Sustenance was based on illegal irrigation and farming of crops such as beans, coffee and arboreal cotton. The local people in this region were the suppliers of the national market for fresh produce. From the 1930s onwards, there were political changes in Brazil resulting in modernization and industrialization in the South East of Brazil. This change brought a demand in manufactured products and an increase in agricultural produce throughout Brazil. The increase brought about competition and was a threat to peasants that were dependant on dry farming in Sertao. Like any other community, there were

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71 Ibid, 353.
74 Carried & Klantschnig, ‘Illicit livelihoods’, 179.
class differences in Sertao where other families had more resources and wealth than the others. When the government introduced legal irrigation farming, it was a disaster because it created more competition when people from other parts of Brazil migrated to the country side like Sertao to start farming businesses. This increased the competition and violence. In the 1980’s when there was an economic crisis in Brazil following the “world-wide post down cycle” as mentioned by de Souza et.al. This caused unemployment, also followed by the flooding of the irrigation enclave and droughts in some areas, the locals had no choice but to resort to dry farming. The only product that could be irrigated on dry land was arboreal cotton but by this period the value had dropped. Like many other rural areas that were dependent on agribusiness for a living, natural factors such as droughts and floods and the crashing of the stock price for fresh produce are most likely to be in the way of the business progressing. Because of the poor economy of such areas, an alternative way of survival had to be established and the closest solution to farming under any conditions was cannabis cultivation. Cannabis farming in Brazil became popular in the 1980s, making Brazil one of the largest suppliers of cannabis in the world. Sertao became infamous for having cannabis zones which became one of the dangerous for anyone to be in. Even police risked their lives when stepping into that zone. Because this cannabis informal economy along with cocaine became well established during a period where the country was going through a rough patch economically, de Souza Bicalho and Hoefie mention that the police were corrupt and some of them were involved in this economy. Violence and homicides increased as this business was growing. Policing an area like Sertao was not easy, as in Natal South Africa, the area was located in the country side where there was poor infrastructure regardless of modernisation mobility was not easy. Though in Sertao police would often try to monitor the area by helicopters but it was too dangerous because of the shootouts that occurred between the gangs and police.

A regional trade network developed not only from Nairobi but also from countries as far as Ethiopia showing that there was existing competition in the cannabis market. In countries like Lesotho, a decline in labour wages led to an increase in cannabis production. A lot of men from Lesotho in the mid twentieth century migrated to South Africa to work in mines. They would send money back home to their families, but in the 1990s when gold value depreciated the demand for labour decreased and therefore the Basotho had to resort to cannabis

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76 de Souza Mello Bicalho & Hoefie, ‘From Family Feud’.
77 Carrier & Klantschnig. ‘Illicit livelihoods’, 179.
cultivation for economic survival. Cannabis was a great source of foreign revenue in Lesotho and this was possible because it could grow in any region of the country but mostly in the mountainous regions. It was a good source of income in this poor country especially in rural areas were people were extremely poverty stricken made a living from cannabis trade. Cultivating cannabis was a diversification of agriculture in many African states faced with agricultural problems such as drought, overgrazing and poor soils. Cannabis was not only beneficial for farmers but also created employment for the youth.\textsuperscript{78}

Criminalization of dagga in Africa gradually opened doors to a growing illicit economy. Even though by the late twentieth century, in most African states, cannabis was illegal, it was already deeply embedded in the rural economies of many. Overall, drug law is hard to police in states where there is not enough resources for government and in countries like Lesotho where the government does not give much attention to cannabis because it is a source of income to many rural poor communities.\textsuperscript{79}

Carrier and Klantschnig mention the ambiguity of drugs on the development of Africa as a whole, especially in rural Africa where cash crops drugs such as khat and cannabis are both a threat to development and at the same time a form of poverty alleviation to poor communities.\textsuperscript{80} Drugs created opportunities for farmers and entrepreneurs but also not forgetting the dangers they are faced with since dealing with illegal crops. In a society where cannabis is illegal, drugs go hand in hand with corruption and crime, hence they reduce productivity.\textsuperscript{81}

An M.A dissertation by Paterson titled ‘Prohibition and Resistance: A Socio-Political Exploration of The Changing Dynamics of the Southern African Cannabis Trade, c. 1850 – the present’ focuses on the political dynamics around cannabis use in South Africa. We are given figures and statistics on the cannabis trade market in Southern Africa, taken from the Bureau for International Narcotics and Law Enforcement Affairs in International Narcotics Control Strategy Report of 2009.\textsuperscript{82} The figures might seem to be exaggerated, when one

\textsuperscript{78} Carrier & Klantschnig, ‘Quasilegality’180.
\textsuperscript{79} Ibid, 358.
\textsuperscript{80} Ibid, 175.
\textsuperscript{81} Ibid, 175.
looks at the large quantity of the cannabis traded with and the profit made from it. Writing in 2009, Paterson says that,

> From my own observations of the region, the cannabis trade seems to be much larger than South African authorities are willing to admit, although its exact size and value remains undeterminable. It seems unlikely that southern Africa is running a $15-billion per year industry, and just how it can be calculated that the region annually produces 180 thousand metric tons of cannabis is unknown.\(^{83}\)

The statement above basically points out at the fact that today, a lot of income is generated through these operations of a criminalised dagga trade. Prohibition and criminalization of cannabis in South Africa is an example of how authorities used power and the prohibition of dagga as a way of asserting social control during colonialism and apartheid. Paterson reflects on the Inter-departmental Committee on the abuse of Dagga report of 1952, an important development in within the period in question for this research. The report was an attempt to make recommendations on how to better police and control dagga in South Africa.\(^{84}\) (I will be returning to this commission report in chapter 4.)

Paterson pointed to consumption and livelihoods outside of the law. Related to the latter, in a case study of cannabis growers in the Eastern Cape Pondoland, Thembele Kepe stressed the social impacts of dagga especially on rural communities cultivating this plant.\(^{85}\) The case study illustrates how the criminalization of dagga has a great impact on the livelihoods of people living in rural areas. Like Klantschnig and Carrier, he emphases the contribution of dagga production towards creating stable livelihoods to poor rural residents. When we look at the cannabis markets in rural areas, we will see that many poor people are dependent on the production of dagga. These markets have created a sense of black independence and entrepreneurship in the rural areas where the community cultivates dagga for business purposes to reduce poverty.

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\(^{84}\) Ibid, 55.

For household growers this was risky because of random visits from police around the area. Sometimes attending to other matters, they could spot dagga that was cultivated in the garden. Because of its illegal nature, cannabis growers cannot report any thefts to officials because they will be in trouble too. Should there be any form of theft, they stand a chance of losing part of their production and make less profit because they are not protected by the law.86

However, policing and the law often fails. Kepe says that most of the growers and many of the traders in the Pondoland are elderly people who do not draw a lot of attention to police. For that reason, they successfully grow dagga with less chances of getting caught. Writers like Kepe consider the complex effects of legalizing cannabis on livelihoods of rural dwellers, one being the possible decline of the value and profit of cannabis.87 Growers don’t make a lot of profit: they remain stuck in small value markets in rural areas and miss out on opportunities to make more profit. It is the scarcity of cannabis in the cities and towns, and the risk of being prosecuted, that makes cannabis more valuable to traders.88

Policing as way of controlling cannabis.

When cannabis legislation was in place, police were assigned with enforcing that the law is adhered to and respected by the public. Unfortunately the laws did not prevent the public from consuming cannabis and neither did the police because the rates of users continued to rise though arrests were made. This will be shown in the statistics presented in chapter 3. There are a number of reasons why the policing of cannabis around the world was and is not a quite a successful solution to combat, regulate and monitor cannabis. This includes corruption of police, lack of enough resources and the increasing number of people resorting to cannabis farming as an alternative.

In South Africa the government was in a constant battle with reducing cannabis consumption and cultivation throughout the twentieth century. After prohibition in 1922 and 1928, the police were at work to catch the culprits. Police received training to enable them to identify

86 Kepe, ‘Cannabis sativa and rural livelihoods in South Africa’, 611.
87 Ibid, 605.
88 Ibid, 612.
cannabis that was grown and they introduced sniffer dogs to assist in searching. From Paterson’s dissertation we find that during this period police were more focused on monitoring urban spaces rather than rural areas. This is the case for other parts of the world like in Brazil and Kenya where police patrol urban areas and would avoid the countryside and slums because the roads are not easily accessible. Ironically the rural areas were the areas of cultivation but because these were the Bantustans such as Transkei and Orange Colony that were administered by African leaders that tolerated moderate cannabis consumption, the government showed little concern in policing these areas. Successful dagga arrests often occurred by coincidence when police were called on duty for other crimes in most cases they would also find dagga on the scene. We can assume that to government this was more proof that dagga was an association of crime and violent behaviour hence that was the reason why when police attended to other crimes they would find dagga.

Random police raids occurred in cities and in the townships where police would confiscate dagga and make arrests. But as the trade market grew over the years, by mid-century government had to take further steps to reduce dagga and by so doing the 1949 commission was established. In the 1952 Inter-departmental Report of the Abuse of Dagga which will be mentioned in detail in chapter 4, on the policing side, the commission recommended that police should be given more power to seize dagga, the focus of policing should be shifted more on rural areas because these were the actual suppliers. In the findings chapter, the graphs show that there was an increase of dagga seizures especially in the late fifties and sixties, this was caused by this shift from policing urban areas to townships. The problem with this was that, every time the police came with a new strategy, cultivators always found ways to be a step ahead of police and prevent or reduce their risks of getting caught. In Pondoland the Eastern Cape, one of the largest dagga growing areas, Thembele Kepe mentions police difficulties of policing the area for dagga because of the landscape. As mentioned in the 1952 report of dagga and in Kepe’s dissertation, areas of cultivation are often rural areas that are not easily accessible to outsiders such as police. This became a challenge for police to reach the areas, and when they managed to get there, growers disguise dagga with other crops making it hard for police to spot the dagga. And because it is

89 Paterson, ‘Prohibition and Resistance’.
90 de Souza Mello Bicalho & Hoefie, ‘From Family Feud’,343-360.
91 Paterson, ‘Prohibition and Resistance’,
sometimes grown on deserted land or in forests police make no arrests but they at least managed to burn and spray the dagga.\textsuperscript{92}

Another problem was the corruption of police officials, in South Africa bribery between “criminals” and police is very common and this gets in the way of justice being done. Just like anywhere in the world, corruption between police officials and drug dealers in my opinion is the core of the failure of successfully policing. As mentioned earlier, in Brazil the cannabis business became more of a success with the alliances between the dealers and police and also because of the fear that police had for gangs.\textsuperscript{93} In Pondoland Eastern Cape, dagga growers established relationships with police by paying a bribe in order to get away with growing cannabis.\textsuperscript{94} This practice occurred even at the former Bantustans where police formed alliances with the traditional authorities (chiefs) which gave them an advantage to cover up for community members that were growing cannabis.

Sometimes police were overpowered or defeated by dealers especially when attempting to make an arrest. Ashley Morris in her thesis, she documents an infamous case of resistance by dealers who fought with police refusing to get arrested. This occurred in 1956 at Ngoba Valley in the Upper Tugela in Natal where multiple African men were convicted of murdering five police officers during a dagga raid in this area.\textsuperscript{95} One of the points I get from Morris’ case study was that the murders of these police officers were not just an act of resisting arrest over dagga but, it was an overall reaction to the socio-economic inequalities that existed in the apartheid state. Rural communities like Tugela were so dependent on dagga for livelihood, this was like their bread and butter. Therefore the arrests and disposing of cultivated dagga in this area was not appreciated by the community because of the socio-economic role that dagga plays. To come across such a case where dealers murdered so many policemen indicates the strong impact that cannabis dealing had on the lives of those 23 men for them to take such a risk.

\textit{CONCLUSION}

\textsuperscript{92}Kepe, ‘Cannabis sativa and rural livelihoods’, 613.
\textsuperscript{93}de Souza Mello Bicalho, & Hoefie, ‘From Family Feud”.
\textsuperscript{94}Kepe, ‘Cannabis sativa and rural livelihoods’, 613.
Criminalization of dagga resulted in the persecutions of dagga possession, dealing and cultivation. In this regard it is important for us to look into the nature of the arrests and policing in South Africa. What seems to stand out from the available research is the kind of relationships formed between law officials and ‘criminals’. In South Africa’s colonial and apartheid contexts, this mainly affected people of colour.

The illicit drug markets are risky in nature, and traders and dealers in this market are constantly at risk of getting caught and facing arrests. When the law is ‘on their side’ their operations go ‘smoothly’ and this can best be achieved through forming alliances with police officers. These relationships are often built on a give-and-take basis, where favours are exchanged and bribery is involved. These relationship complicate official reports by police and, thus, complicate the findings of this thesis. The nature of dagga policing in South Africa will be discussed further in Chapter Four as part of the discussion.
Chapter Two

Research Methodology

I am exploring some elements in the shape of mid-century cannabis law enforcement through use of quantitative police records. In this chapter, I discuss my research methods, which were quantitative. I used police files that came from the National Archives of South Africa (NASA) in Pretoria. The data provides us with a picture of dagga policing in South Africa, including some of the hotspots where the policing occurred over time. We can also infer, through a ratio of arrests to pounds seized, of the growth of cannabis traffic in contrast to individual possession/use. Learning about law enforcement following prohibition in the 1920s can tell us more about the geographies of the plant’s commodification, trade and regulation strategies over time.

For my research, I created a database of almost two thousand entries from annual statistics found in the NASA records of the South African Police (SAP) VOLUME 216 36/ 112/31 file. The files from this collection bring together documentary reports from around South Africa. Police operated in divisions, which correlated with provinces or sub provinces, and further divided by magisterial or police districts. By 1960 there were nine divisions: Western Cape, Eastern Cape, Transkei, Transvaal, Witwatersrand, Kimberly, Orange Free State, Natal and South West Africa. The number of districts reporting for each division were inconsistent over time in my three decade period of focus, from a minimum of only two districts per division to a maximum of twelve districts in divisions like in the Eastern Cape by 1960. We cannot assume that “no report” from a district meant that there were no arrests, but where possible I ensured that totals for all districts reporting were equal to the division reports. This makes me fairly certain that the data captured by division reflected all the district data reaching the office where records were tallied.

The record for each division offers a figure for numbers of arrests and amount of dagga seized in a given year. The amount of seized dagga is recorded in pounds. Therefore, the variables that I used within this study were: Year, District name, District number, Police Division, Division Number, Number of arrests and Amount (in pounds) of dagga seized.

Examining change in frequencies of arrests and dagga seized by year and in a given location allows us to see change over time and variability over geographical space. We can analyze
trends of dagga criminalization between 1932 (the year the records begin in this particular file) and 1960 (when they end).

One of the important processes in this research was capturing the archival data in a Microsoft 2013 Excel Spreadsheet. Below in figure 2.1 and figure 2.2 are examples of an archival document and a screenshot of data captured on Excel. Richard Devy, UJ statistical consultant used SPSS to process the data.

Figure 2.1: Author Photo: A police record from 1948, police division, number of persons arrested and amount of dagga seized.
Figure 2.2: Screenshot of one part of the spreadsheet of data from the year 1948.

Taking data from the photographs to capturing it on Excel was challenging. It required intensive concentration and energy to avoid mistakes and duplicates of data. Some of the data was manipulated by rounding off ounces to pounds, so I could get a whole number of the amount of dagga seized to make it easier to work with. I deleted ounces recorded that were less than eight and ounces that were greater than eight and rounded up to one pound. Figure 2.3 below, provides an example. During 1942, the amount of dagga seized in Calvinia was 100lb. 9oz. and because the ounces were greater than 8, I recorded it as a whole figure of 101lb. In the case of Oudtshoorn, the figure was 19lbs. 3 ½ oz., I recorded it as a figure of 19 lbs.
Some reports had data consisting of district numbers only or just district names without district numbers. I used previous reports with full information to fill in the missing information on the others. Some reports were duplicates from the same periods. For instance, there were two reports in 1950, one which showed all information broken down per district and another report for the same year with division only and no breakdown. In such cases I captured the one with a breakdown of districts, after calculating to ensure totals per division matched.

After capturing data on Excel, my spreadsheet had 1398 rows of data entered. The next task was to formulate questions based on this set of data, questions which could be answered by the data set. The questions I declared to pursue were:

- What is the overall trend in frequencies of arrests between 1932 and 1960?

- What is the overall trend in pounds of dagga seized between 1932 and 1960?
• How were these figures distributed across South Africa geographically in different periods?

• Which region shows the largest number of arrests and the largest amount of dagga seized across the decades?

• Which region consistently shows the lowest number of arrests and lowest amount of dagga seized?

• Can we determine whether the amount of dagga seized was for personal or commercial use by determining the amount of dagga seized divided by the numbers of arrests?

• What trends emerge based on the number of arrests and pounds of dagga in a sample of districts?

After a lot of time spent on capturing the data numerically on Excel, and generating some questions, it was time to see a statistician to get help with making sense of the data and converting it into statistics that would reveal patterns more clearly through graphs and pie charts. Across the road of the University of Johannesburg is a statistician assigned by the university to help students with such tasks. Richard Devey helped me following my data capturing on Excel. He looked at a copy of the data and we had a discussion. The set of questions helped me to discuss what types of statistical methods would be used. We decided on sums for the country as a whole, and for divisions and distributions. Following up, after some broad statistics were created, we decided to look at districts in two divisions: Transvaal and Natal, because these showed high levels of arrests and seizures and we wanted to see what districts in these divisions were reported as most important.

However, first of all, Richard pointed out that some police divisions from the data did not have division numbers like the district numbers. It was very important for me to establish codes for each division. I then had to insert an extra column for the division codes and create numbers that would be distinctive to each police division. For example the Western Cape division code that I formulated is 10 while the division code for Eastern Cape is 20. Figure 2.4 shows an example of what I did.
Figure 2.4 with the added column showing the division codes that were formulated.

As will become clear, the trends show upward growth in the numbers of arrests and the quantity of dagga seized.

However, the number of records per year also increased. From the findings and the representation of data in a form of graphs, there is a graph (Fig 2.5) showing the number of records over the period. This refers to the number of district reports compiled at the South African Police head office, and from that graph we see there is an increase in the number of records (data reported from a single district) over 30 years. One can imagine that the number of records increased because of a better system of record keeping developing over time, but it could also be that there was an increase in the number of dagga cases to report on over the years.

We cannot automatically assume that fewer records in the earlier period indicates fewer dagga arrests and dagga seizures. We can speculate that a growth in police activity over the years is likely to be responsible in some part for the growth of better record keeping processes. But it is also the case that, for reasons not related to numbers of arrests and seizures, that record keeping may have become better over time. It is possible that some records may have gone missing, either in transit, or at one or the other official office and that improvements here are responsible for more records in later years. We know, also, that the policing of a drug cannot reveal a true picture of use and cultivation, especially because we know from other studies that policing is subject to corruption and collusion with lucrative traffic and this might affect records at different times in the century. Thus, we cannot view
this data as straight forward, but must acknowledge its limitations, which I will speak more about below.

My interest here is also in how the criminality of dagga was managed by police overtime and it seems possible that the growth in the number of records is likely to be a measure of an increase in the attention given to dagga as a criminalized substance. My understanding is that a growth in records and a growth in data indicates that governmental interest in dagga grew over the century. As we will see in Chapter Four, this is consistent with law-making and governmental inquiries into the matter, as the century progressed.

**Figure 2.5: Number of records per year**

In processing the data related to sums of dagga confiscated in South Africa by year, there was one very high spike that was very concerning and it became an outlier of the whole data. It is the year 1955 showing a very large amount of dagga seized for that year in the Transvaal division. When looking at it on a microscopic level, this large amount of dagga was seized in the Nelspruit district and this became a starting point for research on this particular year and possibly region. Overall the Transvaal for that year had a total amount of 2,515,564 lbs. of dagga seized while other divisions were at a low. This called for more research and another visit to the archives to confirm this discovery.

That visit to the NASA archives was different from the earlier visit because this time there was something more specific that I was looking for and this was information concerning the outlier in question. I went through the following boxes in NASA in Pretoria: SAB SAP 534
Inside these boxes were files, some which were drug related and some not relevant to this study. What was useful for this investigation was information that appeared to confirm the 2,515,564 lbs. of dagga seized in Transvaal during the year 1955. A limitation from this information was that it did not specify the exact area in Transvaal which this amount was seized but we assumed it is Nelspruit since the report found earlier showed that. But it was clear that officers at that time accepted this enormous figure, and I saw it copied more than once without any apparent inquiry. I also did a word search in the Rand Daily Mail newspaper for 1955 and into 1956 to see if there were reports of a large seizure. The only thing I found reported in that paper were one or two smaller seizures reporting five to twelve bags of dagga found in cars, nothing that could account for the millions of pounds reported by police.

One problem was that the outlier was such a digression from the trends that the spike made the other data in my graphs invisible. After some time of thinking and deliberating the 1955 outlier, it was suggested that the outlier be removed from data in the second set of graphs in order to show more variations more clearly. This led to the next appointment with the statistician to help present the graphs without the outlier. In Chapter Three, I show a set of statistics both with and without the 1955 Nelspruit outlier included so that the trends for other years are visible. With the outlier removed, the other data was looking much clearer than it was before. For instance in the two graphs below Figure 2.6 and figure 2.7 shows just how much of a difference the subtraction of the outlier makes on the graphs.
Figure 2.6 shows the sum of amount of dagga seized by year with the 1955 outlier for Nelspruit included.

Figure 2.7 shows the sum of amount of dagga seized without the 1955 outlier case for Nelspruit in the Transvaal division.
Limitations of data

This thesis is a historical study that is based on quantitative methods of research. Quantitative methods allow room comparisons between organizations, people or in this case regions based on figures that were collected and recorded. However just like any other research method this approach has its disadvantages. For example, it does not provide us with deep understandings of human experience. The numbers alone do not provide us with the actual perceptions or information of the people behind the figures. Figures alone do not tell a complete story, there needs to be other voices and evidence to tell a fuller story and that is where other historical research can help provide meaning to statistics.

In the discipline of history, quantitative methods are very helpful in proving statistical evidence or surveys which in turn can be interpreted into a good story supported by other documents. In a study by Erickson and Van Der Maas on drug prohibition as deterrence for use, for example, a survey was conducted to understand the effectiveness of deterrence in Canada and the United States. A questionnaire asked questions to individuals about their awareness of the penalties for cannabis possession. Using this approach helped them to measure the percentage of the population that understood their own countries’ drug laws and to determine the level at which drug laws were effective. They were not able to answer more complex social questions leading to individual knowledge but the findings indicate trends. In my study, I identify some clear trends and use secondary sources to provide some possible historical explanations for them.

There is also the question about validity. Because the data was captured by humans, that on its own leaves room for human errors that might affect the validity of the data. We must also bear in mind the period at which this data was captured and by whom. These were mostly officials who could have had motives to manipulate the data. For instance officials in different districts could have made up or exaggerated the number of arrests in order to gain good reputation, or to prove the point that they did their work or that policing in their district was indeed effective. These were the thoughts I had when I saw the 1955 outlier: how does one explain this massive amount of dagga seized in a year? Could this be an example of an error of recording, an accident of mistakenly writing too many numbers in the column? Or

96 L. T. Chooy, ‘The Strengths and Weaknesses of Research Methodology: Comparison and Complimentary between Qualitative and Quantitative Approaches.’ (Faculty of Arts and Social Science, University of Malaya, Malaysia). (2014), 101&102.
was it an exaggerated amount by Nelspruit officers interested in showing themselves to be effective? Or was this really the amount that was seized? This is something that requires other forms of research.

Apart from these issues, there are limited questions that I can ask this data. For example the data on ‘numbers of arrests’ does not have answers about the type of people that were arrested in terms of race, age and gender. It does not describe the nature of the arrests, like where exactly were the offenders arrested and for what offense (for example, possession, selling, and cultivation). One would need to use other sources to be able to find out more and every district and division would present different challenges.

Furthermore, when the primary sources says ‘Number of persons arrested’, we are not sure whether it refers to the number of arrests regardless of whether there are repeated arrests of the same persons. Because the records don’t clarify, I speak about numbers as ‘numbers of single person arrested’, even if there may indeed be people arrested more than once. It is also important to note that arrests are not the same as convictions.

Working with such data leaves a whole lot of room for questions that cannot be answered by the data. It leaves room for more research. But it does form a foundation for further investigation for where my findings cannot come with answers. In the next chapter, I present the findings of my research and discuss the trends and patterns that they reveal.
Chapter Three

Findings: Analysis of Police data from 1932-1960

In this chapter I report on the findings and interpret them based on police files on dagga cases from the period 1932 to 1960. The findings are represented through a series of graphs and pie charts, generated in SPSS for me by statistician Richard Devey. I present a descriptive picture of changes in national cases across the three decades and also division data which allows for comparisons of how arrest and seizures were distributed across space. For two divisions, there is a picture of breakdown by districts, across the time period.

It is firstly important to note that the growth in dagga arrests and seizures of dagga cannot be explained simply by a growth in population (Figure 3.1). Census data will help contextualize the police figures that are the focus of this study. Generally we might be tempted to think that as the population increases, more dagga markets are established and the more demand increases. But when you take a closer look at census figures below, you will see that the growth in population and the increasing values on the variables do not grow in the same rate. The population shows much more gradual growth. In 1936 there was a total population of just over nine and a half million; by 1960 it was a total of almost sixteen million, meaning that the numbers did not quite double. Yet, in these same years, the numbers of reported arrests went from 7,841 to 16,004 and pounds of dagga seized increased from 47,388 to 1,567,967 (as will be shown in Figures 3.2 and 3.3).

Figure 3.1 Mid-century Census data on South African population by race, 1921-1960.  

<table>
<thead>
<tr>
<th>Year</th>
<th>Africans</th>
<th>Indians/ Asians</th>
<th>Coloreds</th>
<th>Europeans</th>
<th>Total</th>
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<td>4,697,813</td>
<td>165,731</td>
<td>545,548</td>
<td>1,519,488</td>
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<tr>
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<td>219,691</td>
<td>769,661</td>
<td>2,003,857</td>
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<td>7,831,915</td>
<td>285,260</td>
<td>928,484</td>
<td>2,372,690</td>
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<tr>
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<td>8,560,083</td>
<td>366,664</td>
<td>1,103,016</td>
<td>2,641,689</td>
<td>12,671,452</td>
</tr>
<tr>
<td>1960</td>
<td>10,921,922</td>
<td>477,932</td>
<td>1,510,143</td>
<td>3,078,050</td>
<td>15,988,047</td>
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</tbody>
</table>

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The National Picture

In figure 3.2 we see sums of number of arrests per year between 1932 and 1960. Across this span of time, numbers of arrests rose relatively steadily from 5,762 arrests recorded in 1932, peaking in 1955 at 23,289 arrests in 1955 and slightly tapering to sit 16,004 in 1960. The year 1933 is the lowest with 597 arrests as with dagga seized, but this is a case that likely reflects the small number of records seen in Figure 2.5 in the previous chapter. Most notable is a visible rise in arrests from 1948, which pushed the numbers above 15,000 for the first time. It raises the question of whether consumption and cultivation increased or whether law enforcement was prioritized after this year.

Figure 3.2: Sum of number of arrests by year
In Figure 3.3, the amount indicated by this spike is 2,757,962 lbs. The vast majority of this cannabis, in fact 2,446,316 of it, came from one district in the Transvaal – Nelspruit. As indicated, I did my best to research other sources that could verify that this did not reflect clerical error. The fact that the figure was replicated in later documents indicates that it was not questioned at the time, but it has been beyond my scope to find out – either from Police records or newspapers – possible reasons for this high figure or whether (as is likely) it reflected an agricultural raid on cultivators or apprehensions of dagga coming from across the border. We see that the next largest quantity, in 1960, stands at 1,567,967. Prior to 1952, there is no year in which there is more than 500,000 lbs. seized, and most years totaled well under 200,000 lbs. unsurprisingly, our lowest year is 1933 with 1454 lbs. confiscated.

The presence of the 1955 outlier makes it difficult to appreciate the more gradual national rise in pounds of seized cannabis. Fig 3.4 shows the same information as 3.3 but with the 1955 case (district of Nelspruit) removed. Comparing this graph with that in Figure 3.2, there is an upward trend in both arrests and seizures across the decades, but it seems that until 1948, arrests began to produce seizures of greater amounts of dagga per arrest on average. This suggests a shift not only in extent of policing but also strategy, perhaps a focus less on arrests for possession and small-time dealing and more for large scale dealing or cultivation.
The data on the arrests did not include information about the nature of dagga crime allegedly committed, whether possession or dealing. In order to gain a better understanding of the trends in the nature of dagga crimes for which arrests took place, my supervisor and I reasoned that a ratio of sum of amount seized to sum of arrests could provide some indication of this. This is an imperfect measure, since, in any given district, there might be many arrests for small amounts each combined with a single arrest accounting for most of the dagga recorded. Yet, as a rough indicator over time, the ratio provides a sense of change. In Figure 3.5 below, we see a dramatic shift, again in the late 1940s and early 1950s. We can infer that until this period, the amount of dagga seized per arrest (on average) was smaller than in later years. This shows either the growth of an illicit cannabis economy or a shift in policing that began to target larger scale cannabis cultivators. Until 1951, there was less than 20lbs per arrest, with most year less even than 10lbs per arrest. In 1955, the ratio shows an amount of close to 120lbs per arrest, confirming that large scale dagga raids were a trend from 1950 and later on in the decade. Citing Ashley Morris, the term dagga raid can be explained as ‘the systematic uprooting and destroying of dagga plants by authorities.’

Figure 3.5: Sum of amount seized (lbs.) / sum arrested per year with outlier.

The below Figure 3.6 allows us to see this ratio trend in more detail, without the distraction of the 1955 spike. It shows a small but distinctive spike and then decrease from 1939 (as I will indicate later one, a possible response to legal pressure) and the rise already discussed, from 1950.
Figure 3.6: Sum of amount of dagga seized / sum of number arrested by year excluding outlier.

In general, as confirmed in figure 3.7 there is strong relationship evident between sum of amount confiscated and number of arrests, at 0.601. Because the number of records per year increases over time, it confirms a key question about whether the number of confiscations/seizures and arrests increase because of increased activity by growers and police, or because these increases were more due to improved record of events over the same period. Even though both factors are contributing, it is clear that record keeping does not account for the sums in these graphs.
Figure 3.7: Correlation variables = number of records sum, amount dagga seized lbs. amount, number of arrests divided by number of arrests by year.

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<tr>
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<td><strong>sum_Number_arrests</strong></td>
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<td>N</td>
<td>29</td>
<td>29</td>
<td>29</td>
</tr>
</tbody>
</table>

**Distribution of proportions seized and of arrests per division**

With the national picture in mind, the question of distribution must be considered. What was the geography of arrests and dagga seizures and how did these distributions change? Figures 3.8 and 3.9 show the proportion, by police division, in the first and last decades of my period,
respectively. Fig 3.8 indicates that in the 1930s, the largest proportion of arrests took place in four divisions: Western Cape (20, 4%), Natal (27%), Transvaal (17, 2%) and the Witwatersrand (20, 4%). The other divisions, totaled together, make up only about 15%.

**Figure 3.8: Proportions of arrests by division for 1932-1938.**

These four divisions retain the highest proportion of arrests in the 1950s (see Figure 3.9). What we see, however, is a decreased proportion of the arrests in the Western Cape, now at just under 15%. We see growth in the proportion of dagga arrests in the Witwatersrand at 26, 3% and a slight growth in the Transvaal and a slight drop in Natal as a proportion of total arrests.
The figures 3.10 shows a distribution of seizures for 1932 to 1938 by divisions. In this period Transvaal and Witwatersrand had the largest proportions of dagga seized, the Transvaal with 32.3% and Witwatersrand with 26.5%. The Western Cape, though with the second highest numbers of arrests recorded in the 1930s is shown in this chart to account for less than 10% of the dagga seized. Could this mean that there was high police activity for dagga arrests in the Western Cape but for small amounts of dagga suggesting possession rather than dealing? The smallest figures were for Kimberly (1.5%) and the Free State (4.5%).

When we compare the geographical distribution of amount of dagga seized in the two decades, 1930s and 1950s, we can get a more dramatic sense of a change. Figure 3.10 indicates that between 1932 and 1938 the largest confiscations came from the Transvaal (32.3% or about one third) and Natal (26.5%). The next greatest proportion came from the Transkei. When we consider that only 2% of arrests were made in the Transkei in this same period (Fig 3.9) it is clear that these were large seizures with fewer people involved, and therefore unlikely to be charges of possession. The likelihood that these were raids on the agricultural fields of cannabis cultivators is heightened by what we know from Thembele Kepe and others who wrote about dagga livelihoods in the Eastern Cape, and indicates a long
term history. In the case of the Western Cape, by contrast, the proportion of arrests (20.4%) outweighed the proportion of dagga seized (9.7%) suggesting policing that targeted people with smaller amounts of cannabis in their possession.

Figure 3.10: Proportion of lbs. seized by division for 1932-1938.
Figure 3.11: Proportions of lbs. seized for 1954-1960.

What Figure 3.11 indicates is a big change in the geographical distribution of the total amount of dagga seized over time. In the 1950s, a full 96% of dagga seized came from two divisions only: Natal (with more than half, or 58.3%) and the Transvaal (37.6%). While the arrests remain more diversely distributed (Fig 3.9), notably in the Western Cape and the Witwatersrand, the vast amount of dagga seized by police is now coming from two provinces.

Figures 3.12 and 3.13 show a picture of the amount of dagga seized in pounds in different provinces in South Africa by year, with and without the outlier of 1955.
Figure 3.12: Sum of amount seized (lbs.) by year per division with outlier.

Figure 3.12 confirms the Transvaal and Natal as the largest contributor of seized dagga, reflecting the same rise in amounts from 1950. Shown without the outlier (Fig 3.13), we have a clearer view of what happens in earlier years.
From 1932 up to the 1940's there are lower amounts of dagga seized in the different provinces. In 1957 we notice a rise in Natal with an amount of 10,736 lbs., the highest it has been. The year 1956 was also a notable year in Natal, this time with the raid well publicized due to its lethal consequences. Some of the other provinces show a very low rate over the years and whenever there is an increase it seems to be small. For instance Western Cape is at a low amount of 2,551 lbs. in 1945 and it increases to only 3,976 lbs. in 1955. We can see that the Transvaal accounted for much of the dagga seized in 1939, 1940 and 1941.

If we compare divisions by arrests (Fig 3.14), there is clearly change in each geographical region. Here we see that the Transkei is consistently low in arrests and that the Witwatersrand is consistently high. There are spikes in arrest numbers in the late 1930s and early 1940s, as well as in the middle 1940s, and again in 1948 and 1955, most notably for Natal, Transvaal and Witwatersrand. In the Western Cape, arrests fall between the late 1930s and 1946 but then begin to rise, peaking in 1955.
Figure 3.14: Number of arrests per year by division.

Figure 3.15 shows proportion of lbs. of dagga confiscated per division in the year the records in my study begins and the year it ends, with the average across all years. In 1932 Eastern Cape and Transkei accounted for a significant percentage of confiscated dagga. By 1960 Natal and Transvaal are predominant divisions where dagga is confiscated. Does this have to do with “true figures” as opposed to more accurate recording of events? I think this graph will help us make a comparison between all the 9 divisions over the years.
The case of Transvaal and Natal as hotspots of dagga seizures

Figures 3.16 and 3.17 are a graph showing an overall sum of dagga seized in the Transvaal province from the years 1932 to 1960. The graph starts from a low value of 2112 lbs. in 1932 followed by none at all in 1933 but then generally we can notice how low it has been with a gradual increase towards the 1940s, then it decreases and increases again in the 50s. The years 1952, 1953 and 1955 stand out as we can see the spikes increasing. The year 1955 shows the highest amount at 2,515,564 lbs. then it drops again over the last 5 years to 472,713 lbs. in 1960. Maybe one year of a raid affects what is grown the following year.
Thus far, we have seen on the graphs that the general trend of seizures shows a dramatic increase from the 1950s upwards. One of the largest seizures was in the Transvaal. Figure 3.18 shows a breakdown of the Transvaal division by district to further illustrate the
geographical areas of dagga confiscated. Though the graph excludes the 1955 Nelspruit figure as the outlier, it shows that seizures in the Transvaal region increased from 1951 to 1953 at its peak. Most notably in Middelburg and Nelspruit. Though the 1955 figure of over two million pounds in Nelspruit was removed, it still remains one of the largest area of dagga seized in Transvaal for other years. We see that Middelburg also accounts for a large amount of the dagga seized in the Transvaal division. It is interesting to see that Pietersburg rose in 1939 and 1959, but further research would need to explain these small spikes.

Figure 3.18: Amounts within year of pounds seized in Transvaal by districts, outlier excluded.

Another means of comparing by district is to look at them in relation to the sum of amounts seized in the Transvaal by year (Figure 3.18a)
Figure 3.18a: Pounds seized per year by district (sum within year)

The below (Figure 3.18b) graph is a different representation of the data in figure 3.18 or 3.18a. It shows the amount of pounds seized as a percentage of the total seized within year. Although these graphs do not include years when no dagga seizures were reported and with the Nelspruit report of 1955 missing, we get a confirming picture showing that Nelspruit and Middelburg are hotspots, and that Pietersburg had a brief hotspot period in the late 1930s and early 1940s.
What about arrests in the Transvaal? Figures 3.19, 3.19a and 3.19b allows us to compare Transvaal police districts in terms of arrests across the years, from different views.

100 This graph shows that there was an error in data entry in that there are two Middelburg entries which in reality should be combined into one category. If the green area is combined with the yellow, we can confirm Middelburg as a significant hotspot for dagga seizures. This is also true for data on arrests, see below.
Figure 3.19: Numbers of arrests in Transvaal Districts (Amounts within a year)

Here, Middelburg, both in green and yellow (see footnote 2), clearly accounts for most of the arrests consistently. Pietersburg represents a fair number of arrests and Nelspruit appears to
show arrests from the mid-1940s only. Figure 3.19b shows arrests by district as a percentage of the total across the three decades.

**Figure 3.19b: arrests by district as a percentage of the total within the year**

Natal was another hotspot for dagga seizures. There is a noticeable trend formed in this graph, going from a low amount in 1932 to a gradual growth along the 30s and 40s that is under 200,000 lbs. with a few rising and dropping spikes. Then there is a very significant growth from the 1950’s to 1960 increasing to a high of more than 1,000,000 pounds. The spike that really stands out from the others is the one of 1960 at 1,073,685 lbs., making it the highest in Natal for this period. Generally from the 1950’s we see the amounts increasing.
Could this 1950s increase be caused by an increase in the number of arrests which could also suggest that the police were getting more active? And in what districts were arrests and seizures taking place? Natal is known as an area good for dagga cultivation, with large numbers of people living on communal (‘tribal’) land, so is this increase of amount of dagga seized influenced by the shift of police focus from the city to the rural areas?

Figures 3.21, 3.21a and 3.21b gives us different perspectives of a number of select districts according to the amount of pounds seized in Natal, so we can see a picture of what is going in within the province.¹⁰¹

¹⁰¹ Included for analysis are districts Pietermaritzburg, Durban, Dundee, Eshowe, and Vryheid. Excluded for analysis are districts: Ixopo (data for 1934-1946 only, although there were some records for Ixopo accidentally coded with Port Shepstone; Port Shepstone (data for 1947-1954 only); and Ladysmith, Greytown, and three other unnumbered districts for which there is data for 1956-1960 only.
Figure 3.21: Trends in amounts of dagga seized in weight by selected districts

Figure 3.21a: Trends in amount seized in Natal summed by year
Figure 3.21b: Dagga siezed by Natal districts as a percentage of yearly total

We can examine the data related to seizures in relation to the data related to arrests:

Figure 3.22: Number of persons arrested in Natal by Districts
Figure 3.22a: Trends in numbers of arrests in Natal summed by year

Figure 3.22b: Numbers of arrests by Natal districts as a percentage of yearly total
There are some interesting points to make in relation to the six graphs above. Vryheid has relatively high proportion of amount seized but relatively low number of arrests. In contrast Durban has relatively low amount of dagga seized but relatively a high number of arrests. Could this suggest that the early trends of dagga seizures were more for personal use than cultivation and dealing? Because Durban shows high number of arrests in this division, in 1956 when the arrests decreased for Durban, the arrests for the whole of Natal dropped, especially for the Vryheid and Dundee districts.

**Remaining districts: Dagga seizure data**

The last graphs to show are other divisions and here we look at a picture of the sums of dagga seized in cases that were not hotspots.

Some of the areas that showed the lowest amount of dagga seized include the Western Cape (See Fig 3.23) and Kimberly division (Fig 3.24). What is really interesting about the Western Cape is that early records in 1932 it shows the highest number of arrests nationally and thereafter it decreases and maintains stagnant growth over time. Figure 3.23 shows the largest amount seized was in 1954 with only 5,556 lbs. seized, within the national trend where the 1950s showed an increase in seizures. The graph demonstrates that there had been a decrease of dagga seized after 1932, then an increase from 1934 to 1935. But it decreases again in 1936. From 1947 the numbers increase up to its peak in 1954 but after that it drops dramatically.

**Figure 3.23: Western Cape lbs. of dagga seized by year**
We should note that in each of these graphs the scale is very different, and the Y axis shows different amounts. The graph for Kimberly in figure 3.24 shows us low amount of dagga seized when comparing it to other areas. The highest amount seized was in 1945 and was only 2,759 pounds. The amount of seized continued to drop thereafter up to 1960, in contrast to elsewhere in the country.

**Figure 3.24: Amount of dagga seized in Kimberly District from 1932- 1960**

What about the Eastern Cape? In most literatures, along with some primary sources the Eastern Cape is portrayed as one of the largest dagga cultivating areas in South Africa. But in these statistics the Eastern Cape did not show high amounts of seized dagga, we can say that though it was a dagga cultivation area, police were not very active in this area or did not succeed in seizures. Some of the reasons to explain this will be discussed in Chapter Four. The below graph in figure 3.25 shows that in the 1930s to 1940s there were low amounts of dagga seized in the Eastern Cape. It was in 1953 and 1955 where there was a rise of pounds seized but it drops thereafter.
Just like Eastern Cape, the Transkei division was also known as one of the areas of cultivation though the graph in Figure 3.26 shows the least amount of pounds seized. The 1930s indicate that there was police activity in the area, there were seizures though the pounds seized were never over 8,000. In 1949 there was an increase with 9,871 pounds but drops after 1949. Then the highest amount seized was in 1955 with 16,992 pounds seized but then decreases after 1955. One notable trend here is the spikes in the middle 1930s and middle 1940s.

Figure 3.26: Amount of pounds seized in Transkei from 1932 to 1960.
In the Free State province in Figure 3.27 the graph indicates that in the 1930s there were not much seizures until 1939. One notable seizures began to increase in 1943 with over 15,000 pounds seized. The highest amount of dagga seized was in 1955 with 39,583 pounds of dagga seized. Followed by 1955 with 34,933 pounds seized. After 1955 the amount of pounds seized continued to drop and by 1960 only 3,632 pounds were seized.

**Figure 3.27: Amount of pounds seized in Free State division from 1932 to 1960.**

From the secondary literature, we know that the Witwatersrand was an area for migrant laborers coming to the mines with a culture of consuming dagga. The graph below (Figure 3.28) shows us that from the 1930s to 1960s there were dagga seizures. The changes in the amount of seizures are not too dramatic. One of the highest seizures was in 1948 with 9,429 pounds seized. At its peak was 11,873 pounds in 1960. Though majority of migrant workers in this area consumed dagga, the graph indicates that police did not seize a lot of dagga. This could suggest that the seizures were for personal use and small time dealing, however there could be other reasons for this and will be revealed in the discussion chapter.
Figure 3.28: Amount of dagga seized in the Witwatersrand division from 1932 to 1960.

Conclusion

The data in this chapter shows trends on dagga policing throughout three decades from 1932 to 1960. From the 1950s onwards there is a significant increase in the number of arrests and pounds seized nationally. How can this be explained? There are a number of possible reasons for the changes in the pounds seized and number of arrests. First the legislation on dagga might have had an impact on the demand and supply side and on policing. These were the series of Acts prohibiting dagga and introducing penalties for dagga possession. Secondly it could be the 1952 report from the Committee on the Abuse of Dagga, it issued out some recommendations for better strategies to policing dagga. Thirdly the change of government in 1948, the transition from colonial to apartheid government brought changes on laws and policing. Though these are hypotheses that can be used as an attempt to make meaning of the data, they are worth a look and will be discussed in more detail in chapter four.
Chapter 4

Discussion: Possible factors for the change in seizures and arrests from 1932 to 1960

This chapter discusses the findings from Chapter Three. Here I propose some possible historical reasons for some of the trends seen in the police data I have described. I have identified three factors I think are important. First, I look at a timeline of laws that may have had an impact on policing in South Africa during the period. Second, I consider changes during the 1948 transition from colonial rule to apartheid rule, when the new government established the Inter-departmental Committee on Dagga Abuse in 1949 to further look into dagga abuse and suggested better ways of reducing consumption and cultivation. A report from the committee with findings was published in 1952. Some of the committee’s findings and suggestions will be discussed in this chapter. Thirdly I will look at the nature of policing and how that may have affected how dagga laws were enforced and how police dealt with dagga in different spaces in South Africa.

Furthermore, I will describe some of the trends and hotspots of arrests discovered from the data set, specifically in the Transvaal and Natal provinces. This will let us in on some of the areas where most of the policing occurred, where most of the dagga was cultivated and some areas where the commercial markets for dagga were established. In this case the sum of dagga seized in a division or district will be a clue to hypothesize whether or not an area was cultivating dagga and selling, or if it was just for personal use. Large quantities of dagga seized suggest dealing and/ or cultivation while small quantities may mean personal use.

Timeline of dagga laws and Acts in South Africa

The first notable influence on police trends, I argue, is lawmaking. The law governing cannabis, as noted in Chapter One, was in 1922. In 1922, a national law to prohibit dagga was passed in South Africa.

Section 10 of the Customs and Excise Duties Amendment Act No.35 of 1922 was as follow:

(I) The Governor-General by proclamation in the Gazette may-

(a) regulate and restrict the importation, exportation, transshipment, conveyance, transmission, keeping, sale, supply or use of the following habit-forming matters drugs, namely: opium, morphine, cocaine, dagga, Indian hemp, diamorphine, eegonine, coca
leaves, or any preparation, salt, derivative or mixture thereof, and any other substance declared by proclamation to be a habit-forming drug;

(b) specify the classes of persons by whom and the conditions under which alone any such drug may be imported, exported, kept, used, sold, or supplied;

(c) specify the purposes for which alone any such drug may be kept, sold, supplied, prescribed, ordered or used; and

(d) require the keeping of registers in respect of all dealings in such drugs and may prescribe the form and the manner of keeping of such registers and the particular— to be entered therein.\(^{102}\)

Under this Act dagga was prohibited (except for certain licensed people) nationally, and persons who did not comply with this law would be found guilty and liable to a fine not exceeding 100 pounds or face imprisonment up to six months. In other instances the offender would be given an option of a fine or be charged with both the fine and imprisonment.\(^{103}\)

Under this Act police along with other members of divisions that were authorized were given permission to search, enter any premises and make arrests to any persons that were suspected of breaking the law. Only people that had special permits were allowed to cultivate but for exportation reasons for fiber use.

This Act was then followed by the 1925 international ban of cannabis by the international League of Nations in which South Africa played a role in influencing the League of Nations to put dagga in the list of habit-forming drugs. The South African government moved the Customs legislation to a Medical, Dental and Pharmacy Act no. 13 of 1928, with the same provisions. It is also important to make note that this Act was amended over 14 times over the twentieth century where the last amendment was in 1973. It states, as Section 69:

*No person shall smoke or use, or shall import, manufacture, sell or supply, or possess for purposes of sale or supply to any other person, any pipe, receptacle or appliance for smoking opium, Indian hemp or dagga or intsangu, or save and except in circumstances contemplated in sections sixty-two, sixty four and sixty five, be in possession of, or consume, or use, any habit-forming drug or any plant or portion thereof from which such drug can be derived, extracted, produced or manufactured; and no person shall keep, or*

\(^{102}\) The Union of South Africa Government Gazette Extraordinary, 22 July 1922, iv.

\(^{103}\) Ibid, iv.
assist, or be concerned in the keeping of, or frequent, any premises of place for smoking opium, Indian hemp or dagga or intsangu, or for the surreptitious consumption, injection or administration in any manner whatsoever of any habit-forming drug.  

The next development was a national agricultural noxious Weeds Act no. 42 of 1937. Nowhere in this Act does the word dagga or cannabis appear. Yet, secondary literature claims that this law was one of the laws controlling cannabis. This law was more directed at land owners. The Act stipulates that landowners should eradicate any noxious weeds listed by the Governor General, and even that if they suspected the growing of such plants on their land they were required to report to police. This Act also allowed police to have access to any land or farm which they had suspected to be growing dagga. The first three sections of the Weeds Act no. 42 of 1937 are as follows:

1. The Governor-General may by proclamation in the weeds. Gazette declare any plant to be a weed for the purposes of this Act, either throughout the Union or in one or more areas therein, and may repeal or amend any such proclamation.

2. Every occupier or, where there is no occupier, every owner of land shall eradicate any weed growing on such land. Any officer may by notice in writing require the occupier, or where there is no occupier, the owner of land upon which any weed is growing to eradicate such weed within a period specified in the notice, and if the occupier or owner to whom such notice has been given fails to eradicate such weed within that period or within such further period as the Minister may allow, he shall be guilty of an offence.

3. (1) The Minister may take such steps as he deems necessary presence of weeds. In order to obtain information as to the presence of any weed on any land and as to the area on which such weed is growing. (2) Any officer may enter upon any land and do thereon any act which he considers necessary for the purpose of obtaining such information as is referred to in sub-section (1). (3) The person in occupation of such land shall render such officer such assistance as such officer may reasonably require of him for the said purpose…

In 1945, there was an amendment to the Native Urban Areas Consolidation Act, which essentially monitored African mobility in designated white and urban spaces. Under the new

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104 The Union of South Africa Government Gazette Extraordinary. 22 May 1928, xxv.
106 The Union of South Africa Government Gazette Extraordinary. 26 May 1937, cx.
Section 29, police were allowed additional search rights over those they apprehended. This law appears to have had some significance in the policing of intoxicant substances and indicates that the target of these laws was highly racialized, specifically directed at black people. These series of laws had an impact on police activity acting on what the laws were prohibiting. This perpetuated police to act effectively and we see this in the changes of the trends of arrests and seizures corresponding with the laws.

A more general summary of the relevance of law will follow later in the chapter but there are few points to make here. From 1948 a new government under the National Party began to consider more effective ways of controlling dagga, which I will address in the next subsection. But looking back at Figures 3.2, 3.3, 3.4 and others, we can see that there are small escalations in arrests and seizures just after 1937, specifically in 1939. Also, figures begin to rise in the years after 1945. However, the effect seems too small to be conclusive without further research. In the 1950s, there is a much more obvious increase of seizures following the 1949 Inter-departmental committee investigation and its report in 1952. This report had recommendations on better policing of dagga and after it was published, there were significant rises in seizures especially in the years 1955 to 1957.

**The Inter-Departmental Commission on Cannabis Abuse of 1949-52.**

Another influence on dagga policing came after 1948, when a new political party took over the government of South Africa. This was the beginning of apartheid politics, which reinstated and made more rigorous a set of oppressive, racist laws, with police to back them up. This coincided with government pursuing new ways to better police dagga and decrease dagga consumption and cultivation.

On the 04th of November 1949 the government established the Inter-departmental Committee on the Abuse of Dagga. This commission was said to be a follow up to the Cape Colored Commission of 1937, which had indicated that the government was not doing enough to control dagga use. In a report, the Cape Colored Commission expressed their concerns about dagga use in Union more especially in the Cape amongst Colored members of the community. The commission recommended that the government appoint another committee in 1949 to make further investigations and better recommendations for eradication, sales and

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consumptions of dagga in accordance with the Medical', Dental Aid Pharmacy Act (No. 13 of 1928). 108

Another stated reason for the establishment of this commission was the claim of an increase in numbers of dagga offences by 50 per cent between the years 1947 to 1949. 109 According to the data calculated in my study, this indeed was the case because in 1947 it shows that there were 10,985 arrests and in 1949 there were 16,370 arrests. The pressure was also caused by three existing international obligations that the Union was signatory to, namely: the International Opium Convention in 1912, the 1925 Geneva Opium Convention and the 1935 Geneva Opium Convention. Because the Union was signatory to these three international conventions on drugs, it had a bigger responsibility to fight drug trafficking particularly controlling dagga. The tasks of the committee included looking into cultivation and trafficking of dagga, observe who the users were according to their racial groups and looking at the effectiveness of the laws that were in place. Lastly they had to suggest any changes or recommendations going forward on better ways to control the drug.

The Inter-departmental committee was appointed by the minister of Social Welfare. The report with feedback and recommendations was published in 1952. The committee was made up of delegates from various departments, namely the department of social welfare, department of justice, department of health, department of Native affairs and the South African Police. I think having delegates from different departments enabled the committee to tackle the dagga problem from different angles and perspectives. The report issued in 1952 reveals some interesting findings about dagga consumers in South Africa within this period. The table issued below provides us with the 1948 figures for dagga convictions by race and areas.

109 Ibid, 1.
The following table analyses the convictions during 1948 in respect of race and sex.

<table>
<thead>
<tr>
<th>Area</th>
<th>European</th>
<th>Native</th>
<th>Asian</th>
<th>Coloured</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>15</td>
<td></td>
<td>530</td>
<td>60</td>
<td>3</td>
</tr>
<tr>
<td>Western Cape</td>
<td>35</td>
<td></td>
<td>243</td>
<td>44</td>
<td>6</td>
</tr>
<tr>
<td>Kimberley</td>
<td>2</td>
<td></td>
<td>221</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>Transkei</td>
<td>35</td>
<td></td>
<td>3,046</td>
<td>250</td>
<td>181</td>
</tr>
<tr>
<td>Natal (excluding Witwatersrand)</td>
<td>23</td>
<td>2</td>
<td>1,895</td>
<td>98</td>
<td>3</td>
</tr>
<tr>
<td>Witwatersrand</td>
<td>63</td>
<td>1</td>
<td>3,331</td>
<td>90</td>
<td>8</td>
</tr>
<tr>
<td>Orange Free State</td>
<td>8</td>
<td>1</td>
<td>595</td>
<td>61</td>
<td>2</td>
</tr>
</tbody>
</table>

The table shows that the highest number of persons convicted for dagga in 1948 were black ‘Native’ people with a total of 10,676 convicted nationally, 10,044 males and 632 females. The largest number of the convictions for the country was in the Witwatersrand police district, where 3,896 persons were convicted out of a total of 14,016 or about 28 per cent. This was followed by Natal, with 3,639 or 26 per cent and then the Western Cape, with 15 per cent.

While in the first two categories the majority convicted are African, in the Western Cape convictions were most common for men classified as Colored. If we calculate prevalence rates from these figures and the population numbers cited in Figure 3.1, we can see that Colored and African people had higher rates of conviction. One African person (1.36) in every 1000 Africans was convicted of a dagga offense in 1948. Three Colored people (3.18) out of every 1000 Colored people were convicted of a dagga offense that year. In the case of Indians/Asians, the figure was 0.71 per thousand. White people had the lowest prevalence for convictions of dagga offense, with 0.07 per 1000 people classified as European. This indicates that certain populations were targeted by the cannabis prohibition laws and policing.

High numbers of convictions of African men in the Witwatersrand is accounted for by the fact that it was made up of male migrant mine workers from rural areas, who practiced the culture of dagga smoking. Most of the dagga smoked in urban spaces for example in Witwatersrand mines came from rural areas such as Natal. Also for Natal it shows a number of 181 male ‘Asiatics’ convicted. In the Western Cape, the Colored people show the highest convictions with 1,741 males and 58 females. The ‘Europeans’ (white people) had

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convictions of 181 males and 4 females convicted. Amongst the users of dagga, findings in the report in collaboration with secondary literature confirms that most users were youth and young men from the age of as early as 7 years old to over 30 years old, with majority of users at ages between 20-30 years. It says that generally users were from the lower ranks of life basically lower class. According to Zuberi in ‘Population Statistic’, the population of South Africa in 1946 was 11,418,349 and in 1951 was 12,671,452.\textsuperscript{112} If we take the figure of 12,000,000 as a convenient estimate of the population in 1948, a total of 14,000 dagga convictions represents 1.68%.

According to the report, areas that supplied dagga in the Union were the native reserves. Because of poor infrastructure and communications in these areas, it was almost out of reach for police to patrol. The reserves were in remote areas where most of the dagga was cultivated particularly on land where no individual had official claim of ownership. Though owned by chiefs, these were neglected farms or just a piece of land that was not used for other purposes.\textsuperscript{113} However in other areas dagga was grown on farms and homesteads that were owned by certain individuals. Owners had to disguise dagga with other agricultural plants such as maize and always be on the lookout for police. The best suited area for cultivating dagga with minimum chances of getting caught was on neglected land where there was no formal individual ownership. Should police spot dagga on that particular land it would not be traced back to anyone and no one in particular would be held responsible.

The report claims that the largest amount of dagga seized was found in the Eastern and Northern Transvaal. To be more specific it was districts like Nelspruit and Piet Retief.\textsuperscript{114} Then in the Eastern and North Eastern Free-State, Bethlehem was the central area of cultivation, in Natal it was in the Zululand along the Tugela River and Transkei in Lusikisiki. Related to the areas mentioned in the report, figure 3.3 has shown a large amount of pounds seized in Nelspruit during the year 1955 and Natal in 1960. However areas like the Free State and Transkei in the findings of this study have shown the least amount of pounds seized, was because cultivators in those areas disguised dagga very well? Or were these areas out of the reach of police because of poor infrastructure resulting in less police activity? Overall the report pointed out that dagga grew best in tropical environment where there is a high rainfall ideal for the growth of dagga and also in coastal areas. But also Transkei is in a dry region

\textsuperscript{114} Ibid, 13.
but yet the report claims that it was one of the largest dagga growing areas. However in other sources it is indicated that dagga is likely to grow on dry regions too but does not produce the best quality. Before the criminalization of dagga in South Africa, the report claims that the Western Cape was the biggest supplier of dagga up until legislation that is when the numbers started dropping. This is shown in the findings because from 1932 the Western Cape division does not show large amounts of pounds seized it is rather one of the lowest. For Southern Africa the largest supplier of dagga was Swaziland which supplied one of the best quality of dagga and was trafficked to South Africa. Lesotho also supplied the Union with dagga but the quality was poor and for that the demand was not high.

The Inter-departmental report reveals that police activity for other crimes often led them to discover offences in relation to dagga, which helps to explain the increase on dagga arrests. This established a relationship between other criminal offences with dagga offences, because when the number of prosecutions for other crimes increased, so did the number of dagga prosecutions according to the report. When suspects for other crimes were searched for evidence, there was likely a chance of also discovering dagga on them and would be held liable for dagga offences too and this increased dagga convictions. For example, related to the 1945 Amendment Urban Consolidation Act Section 29 as mentioned earlier allowed for loiterers to be searched and sometimes out of those random searches dagga was confiscated.

Some of the recommendations from the committee in their 1952 Report include better policing. There were several strategies proposed. This involved the remuneration of informants by police: because of the secrecy of cultivators and dealers, the police needed informants to reveal information that they could not retrieve just from their own policing. It was recommended that if informants were paid better they would be encouraged to provide much needed information for police to use. Better rewards would attract informants with useful and in depth information for police. Another accepted tactic was to combat dagga trafficking by train more rigorously. From an informant, the committee had found that large amounts of dagga were transported on trains but the arrests here had, to date, been few. This effort was to be stepped up from 1952. Railway authorities were advised by the committee to introduce suitable measures to be able to trace and discover more dagga transported by trains.

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117 Ibid, 8.
118 Ibid, 36.
The committee acknowledged that it was impossible to ‘totally’ suppress dagga, but believed that it could be reduced. It was recommended that police activity towards dagga should be directed towards growers (supply side) and traffickers but not losing attention on consumers (demand side) too, because the aim was also to reduce demand. As a strategy to reduce drugs, historiographies on drugs show that most governments around the world targeted the supply side in hopes of decreasing demand. If this recommendation of stressing more on traffickers and growers was followed or implemented, then this could explain the large amounts of dagga seized by police two years after the report was published. This is from 1954 to 1960 where figures 3.3 and 3.4 indicate a dramatic increase of pounds seized suggesting that it was confiscated from cultivators.

The changing nature of policing

Police generally are enforcers of the law in a state. They practice criminal laws and enforce state laws on the population at large and therefore are considered to be important members of the state. According to Martin Chanock, the position of having policing as a ‘continuous and effective occupation’ in South Africa was encouraged by the War’s Officer advise to Lord Kitchener during the South African war in the late nineteenth century. After conquering the Boers, from that event onward the ‘new’ South African Police service was established. This police force was needed effectively to patrol the Cape Colony and the Transvaal to enforce British rule on resisting populations such as the Boer rebellion, criminal gangs in Johannesburg, White criminals and black population in rural areas. One of the functions of police included regulating and enforcing law on resisting populations. They were more concerned about liquor licenses, identity passes, control of trade of commodities (gold and diamond), masters & servants’ laws, hut and poll taxes in Natal. For strong operations the government brought in outside help for further establishments of the police force. With this new police force, there were a lot of incompetence in the early years of Union. There were a lot of complaints about policemen not being skilled for the job, because many of them were only familiar with militarized style of ‘security’. They were clueless about typical police work and most were illiterate. They could not write reports in the required languages, this could be linked back to why there was not much available police reports on dagga before 1932. Police did not know the law and how to apply it. There was also a concern about police

120 Ibid, 46.
who took up positions in their home districts because they tended to be lenient on friends and family. Some police were merely volunteers from white communities with no experience at all but were very eager to protect their community.

Because of major population changes, the nature of policing in the early 20th century up to mid-century changed and this was because of the emergence of gangs in urban areas. When Africans in the reserves lost their land to commercialization and to the introduction of poll tax and hut taxes. The young generation was forced into the labor markets in urban areas for a source of income. In Durban a gang called Amalaita made its’ mark in the streets through its’ violent behavior and resistance towards laws enforced by government. These were young men pushed by their parents to seek employment in urban spaces where white people were alarmed by their presence. The push especially for young men was lobola money and maintaining their fathers’ homestead through remittances. It became a cultural responsibility for these young men to migrate to urban spaces and work as domestic servants so that they could be seen as responsible men back in their villages. The Union was faced with a challenge of controlling these young migrant domestic workers occupying white people’s urban areas. The youth gangs made it difficult for policing in general because of their unruly, ill-disciplined and violent behavior. This was because of the lack of the presence of their elders to instill discipline and morals. The transition from rural to urban spaces forced these young men to form their own organization to govern them and create their own urban cultures and traditions. But with the harsh environment and underpayment they resorted to a criminal sub-culture. Because of this, one of the biggest responsibilities for police was surveilling these urban spaces for any mischief caused by these gangs.

In a book by Gary Kynoch about gangsters in Johannesburg from the 1940’s up to the 1990’s, there’s information on the relationship and collaborations formed between police and criminal gangs. Even though one of the functions of policing was patrolling and keeping a very close eye on the developing criminal gangs in urban spaces, relationships of cooperation and corruption between police and gangs were established. These relationships developed because of the following reasons. Firstly it was because of lack of police resources from

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122 Hausse, ‘The Cows of Nongoloza’, …
government to police black townships. Therefore government had to rely on these gangs because they were very familiar with the outer skirts of Johannesburg and the people there than the police. Secondly it was for political reasons, where most of these migrant gangs were against liberal political movements that suppressed their operations. These liberal political resisting movements were a common enemy and problematic for both the gangs and white government. Thirdly gangs did ‘dirty jobs’ for police, for instance they were sent to do illegal activities like assassinating their enemies or doing jobs that they as police could not pursue. These alliances were a combination of justice and corruption at times. Because gangs did a few favors for the police, in return they got away with a couple of injustice activities because of their relationships with police.

These migrants did not all succeed in mine work, that’s when they joined gangs as means of survival outside the mines. They had to resort to other criminal activities in order to make money for survival and some of it included prostitution where men were pimps, illegal selling of alcohol and dagga. In an interview conducted by Kynoch, a woman confessed to importing dagga from Lesotho where she came from and found a way to smuggle it back into South Africa. After, she would then bring it to the man that she lived with in a shack. Like with other sources, this hints that most of the supply of dagga found in the city was from rural areas and homelands where these migrant workers were from. Though there was security at the borders, smugglers found ways of getting the dagga through. This man then sold it in the Johannesburg mining compounds that were guarded by police and security but he was able to deal there. By bribing the guard with 50 Rands, the man was able to sell his dagga there. The dagga was packaged in small match boxes and was sold at 2 Rands per box.124

Police records may be a really good start to look into the extent of policing dagga around South Africa, but what do we make of these statistics when we contemplate the nature of policing, including documented extensive cooperative and corrupt relations between police and cannabis cultivators and dealers? We can assume that arrests and seizures are not a transparent indication of the capacities of police, but that these figures are complicated by agreements and compromises established in different period and in different places. It is possible that the records captured could have been manipulated in a variety of ways, overlooking certain kinds of offenses or offenders and arresting others for police to yet achieve good reviews on a job well done. Either way by taking bribes, police established an

124. Kynoch, We are fighting the world, 58.
illicit economy of dagga dealing and due to this behavior the statistics that we see on the records could be questioned.

Kynoch indicates that sometimes police statistics are not as accurate as one may see. Because they are humans we may expect that errors can sometimes be made. In his book Kynoch shows a table with records of inter-gang battles that police made official note of. These were fights amongst the members of the Marashea (‘Russians’) gang in Johannesburg which was at some point divided between the Matsieng and Masupha from 1953 to 1957.¹²⁵ They fought over territory and ruling in a township called Newclare. The table has information of the dates of the fights from 1953 to 1957, the number of police that were on duty during the fights, the number of Russians (Marashea) that were involved during the fights, the number of people that died, people that were wounded and arrested. According to Kynoch these police figures on the presented table were roughly estimates and exaggerated by police. The police recorded what they wanted to record and did not include all the battles that the Marasheas were involved in. Some of the figures on the table did not add up, there were errors made on the figures. So basically from this we can draw the conclusion that police figures were not always accurate because of the reasons mentioned above, therefore this can have a negative impact on how we evaluate police data.

From the findings shown in Chapter Three we have seen that there is a significant increase in the seizure amounts and arrests in the 1950s. We also know that in 1952 a report was issued with recommendations and suggestions to better police dagga. One of the major recommendations was that police should shift their attention from the demand side to supply side. This meant that police ought to target dagga cultivators especially in the rural where it was being grown. One way of looking at the impact of this recommendation is to think of how this change of focus affected the established relationships between police and land owners in the rural areas. Because the main focus was now on targeting dagga cultivation, the existing relationships between police and growers, which had allowed growers to continue growing dagga, were in jeopardy. Under the ‘spotlight’ we could say that police were practically expected to deliver results of seizures in rural areas. The increase of the seizures particularly in regions like the Transvaal and Natal suggest that police maybe were no longer on the payroll of cultivators. On the other hand during this same period seizures, and arrests,

¹²⁵ Kynoch, ‘We are fighting the world’, 107.
in certain urban areas had decreased. Coinciding with the relationships that developed between police and criminal gangs in urban areas during this period, we could think that there might have been a shift of police collaboration from cultivators in rural areas to urban dealers. The police were no longer so focused on arrests for possession and dealing in urban spaces, also because of their alliances with gangs they were lenient, but were now focused on raiding dagga farms.

**Decades of changing dagga policing trends**

Archival data shows a timeline from 1932 to 1963 as mentioned previously, however the Acts and laws for criminalizing dagga were in existence prior to 1932. In this section, the period will be divided into three decades, from 1932 to 1940 (though it is not a full ten years period), 1941 to 1950, and 1951 to 1960, considering policing of laws that were effective from 1922. The important variables that we are going to look at include the number of cases recorded, amount of dagga seized in pounds and the number of persons arrested.

From 1932 to 1940, figure 2.5 shows an increase in the number of cases recorded with a few decreases in between, like in the year 1937, but the overall general trend shows that the number of cases recorded have increased. The amount of dagga seized shows an increase too. As shown in figure 3.3, between 1932 and 1940 the amount of dagga seized increased by about 400%. The number of arrests shown in figure 3.2 indicates the figures doubled between 1932 and 1940. Could the 1937 Weeds Act to eradicate growth of noxious weeds like dagga have had an impact on these changes? However the figures decrease shortly after 1940 and only increase again from 1948 up to the 50s.

In between the decade 1941 to 1950 there was a shift from colonial rule to apartheid rule in 1948. This change had an impact on law making where general laws changed and some laws were modified. There was a continuation from already existing laws set by previous government. In 1948 there were a lot of changes that came with this new government but mainly it was the intensity of segregation laws in urban areas. Apartheid laws emphasized oppression towards people of color.

The system favored white people while black people suffered most of the consequences in terms of legal controls. Policing got more rigorous during apartheid and was more directed on protecting white people from the growing black population in urban areas and civil unrest.
Policing also included surveillance on dagga offenders. As mentioned before, migrant laborers brought the culture of dagga smoking to the urban spaces where they worked. The dagga supply was from their homelands in rural areas. The dagga problem during this period was a priority for the new government seeing that a year later after it came into power, the 1949 Inter-departmental Committee was established specifically for recommending and regulating dagga use in South Africa.

During this decade, figure 3.3 shows an amount of over 70,000 pounds of dagga seized in 1941, and by 1943 there was over 99,000 pounds seized. Then there is a slight decrease again in 1944, and further decreases in 1946 to 1947. Ironically the amount of dagga seized began to increase in 1948 and as explained earlier this was during the first year of apartheid government. It further increases in 1949 and 1950. Could the increase be caused by the rigorous policing of apartheid government, suggesting that the police were doing a better job at confiscating dagga? By looking at the number of people arrested during this period we might get answers to the above statement.

From our findings, the sum of arrests from 1948 to 1956 show a constant dramatic increase with 15,766 persons arrested in 1948 and 22,324 persons arrested by 1956. More people were getting arrested for dagga offences as soon as the apartheid government was in office. This could be because of a number of reasons, one could be because of the regular police raids [entering people’s premises unannounced or by surprise] that took place in urban townships like in Soweto Johannesburg where police went house-to-house to search for people without passes and where also on the lookout for other offences.\(^{126}\) In these raids a number of people were arrested even though most were only arrested for not having their passes. But we could assume that in those raids some people who were in possession of dagga made part of the statistics. The patrolling of police occurred especially in white suburbs where police were protecting white people from crime and from the “danger” of black people. One could also imagine that some of the black people who worked as helpers or did odd jobs in the suburbs were likely to be searched by policemen and users who were in possession of dagga would be arrested. Basically we could say the numbers of dagga arrests were increasing because of rigorous apartheid laws.

Also in rural areas in the 1950s there were many incidences of dagga raids. Ashley Morris’ in his honours thesis has written about a 1956 (22 February) publicized police dagga raid that

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resulted in the killings of police officers. According to reports this was the biggest dagga raid in South Africa at the time. Reports claim that police uncovered the largest amount [the amount of pounds seized is not mentioned in this thesis and the research I have conducted does not give us that figure either] of cultivated dagga in Kwa-Zulu Natal Ngoba upper Tugela, in Bergville district. Although this area was known for cultivating dagga, the data presented in this study does not indicate the Bergville district or large amount of pounds in Natal during 1956.\footnote{A. Morris, ‘Weeding out the Nature of the Ngoba Dagga Raid Killings of 1956’. (Unpublished Honours thesis, University of KwaZulu-Natal, Durban. 2011), 1.} This shows that further study on this case is required.

Also after 1952 the rise could have been an outcome of some of the recommendations made by the Inter-departmental committee on how to better police dagga. The committee suggested that police should focus more on cultivators because that was where large amounts of dagga could be found. In figures 3.3 and 3.16 in 1955 the graphs indicate that over two million pounds of dagga was seized in Transvaal. While figures 3.3, 3.20 and 3.21 in Natal 1956 shows over 600,000 pounds seized. This year (1956) as well was a time where Natal had the biggest raid that was well publicized because of its’ lethal consequences.\footnote{Ibid, 1-3.} By 1960 Natal seizures were over a million pounds this means that from the 1950s the seizures continued to grow. These large amounts of dagga seized and the areas where they were seized suggest that these were seized from cultivators.
Conclusion

The findings presented in this thesis matters today because they give context to current debates on liberal cannabis laws and decriminalization. The aim was to understand the nature of policing dagga in mid-century South Africa from 1932 to 1960 as a result of prohibition and criminalization. I wanted to present the bigger picture of policing geographically and chronologically. Through the research process, the discovery of police files on dagga cases with interesting statistics of arrests and seizures became one way of measuring policing of dagga. The biggest finding here is that strategies of dagga policing moving from urban ‘demand-side’ activities focused on arrests of individuals for possession and dealing to supply-side tactics focused in the rural areas of cultivation, beginning in about 1950.

Apart from police files, there were other factors that were worth looking into such as dagga legislation, commissions and the nature of policing. Starting off with a review of the literature on the origins of cannabis prohibition in different parts of the world enabled us to see where regulations and methods for dagga control influenced the 1925 international prohibition. There is a gap in studies of dagga control in the middle twentieth century period which my thesis address. Methods used for this research were presented in Chapter Two. The chapter took us through some of the ways that the data was collected and how it was transformed into statistics presented in graphs. The limitations of the data were flagged in this chapter so that we understand that working with such data has its disadvantages. Chapter Three presented the findings, represented in graphs and charts. In that chapter comparisons by divisions and districts, as well as a national picture, were presented. With the use of the findings, the discussion chapter explained some of the possible reasons behind the changes seen in the dagga seizures and arrests over time. It was meant to give meaning to the findings by drawing more information from other primary sources and secondary literature. In particular, I was able to explore different laws regarding dagga; a commission dedicated to investigating dagga use and cultivation and how policing operated. We saw that there were collaborations and relationships between people active in the illicit economy and people in law enforcement.

One of the effects of dagga prohibition in mid-century South Africa was substantial policing. Government made it a priority that the dagga problem was dealt with by police through arrests and seizures. Records show an increasing general trend on arrests and seizures in mid-century. This shows that government did not succeed with suppressing dagga consumption and cultivation, despite the 1922 law. In the early 1930s seizures occurred in regions like the
Western Cape and Witwatersrand. But from the 1950s there was a shift of focus to regions like Transvaal and Natal where millions of pounds were seized in rural districts. These hotspots were good areas for dagga cultivation and the quantities seized in these regions indicates that from the 1950s police targeted dagga growing areas. This shift was likely caused by the 1952 Inter-departmental Committee on the Abuse of Dagga’s recommendations that police should focus more on cultivators.

After the year where my study ends, 1960, the government continued to propose further measures to suppress drugs in general. Another commission report with dagga findings was published in 1970. This was the Report of the Committee of Inquiry into the Abuse of Drugs. This report shows that even after the 1960s there was a continued increase in seizures and arrests. For example the report shows that from 1966 to 1969 over 2 million pounds of dagga was seized each year, similar to the case in 1955 (the Nelspruit outlier) where over 2 million pounds were seized in one areas. Although from time to time the government established new initiatives to suppress dagga, arrests and seizures continued to rise. This indicates that the attempted solution to the dagga problem was not working. Instead introducing more legislation and measures to combat dagga encouraged the development of a black market. Historians like Klantschnig have shown in his study that the illicit economies were growing after criminalizing laws were introduced. People especially in rural areas were highly dependent on dagga cultivation for a living and they were not about to lose profit because of the fear of getting arrested. The laws basically contributed to the increasing illicit markets.

When we look at the legislation on dagga today, we will notice that the government is taking steps towards decriminalization. Prohibition has not reduced dagga use and it is time to consider different solutions. The 2017 Cape high court ruling and the ruling of the Constitutional court in 2018 were about the issues of anti-racism and human rights. Because of the groups of people whose cultures and religions involve cannabis consumption, government was pushed to accommodate them in this instance by at least permitting private consumption. For government to reconsider dagga consumption it is liberating for such groups because it shows a move away from the punitive past.

This study has covered mid-century policing of dagga in South Africa, filling a gap that studies of dagga in South Africa have missed. We have literature on dagga from a period earlier than my study, and on the period after my study. Because of that, this study will
contribute to the ‘missing middle’ that most historians did not cover. It provides information on trends of policing dagga during 1932 to 1960 by divisions and districts.

This study leaves room for further research as it raises new possibilities for new questions. For example, what other factors contributed to trends in policing? How can we account for some of the rises and falls in policing in particular areas? Can a more detailed study of a single district reveal the very local factors involved, such as histories of relationships between police and cultivators? There are many more questions to be asked.
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