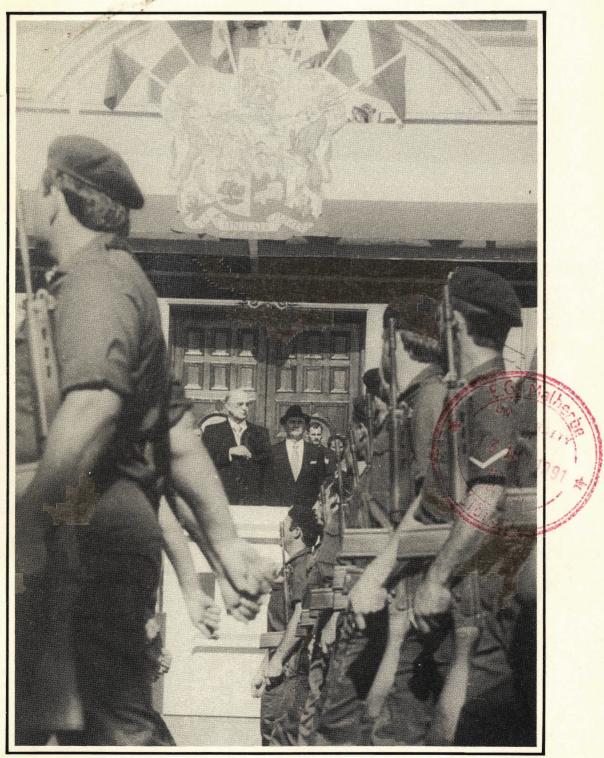
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When will he take his Marching Orders?

A JOURNAL OF LIBERAL AND RADICAL OPINION

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EDITORIALS

1. The Succession

The Nationalist Party has a long tradition of electing to the highest office the person most of the rest of us have regarded as the worst possible choice. Strijdom followed Malan, Verwoerd followed Strijdom, and Vorster followed Verwoerd.

When P. W. Botha became Prime Minister, with his long association with the military, it seemed that the same had happened again, but we were wrong. We know now that Connie Mulder would have been worse.

Mr Botha when he finally decides to do it, will leave behind him a South Africa very different from the one he inherited. Some of the changes have been good. The abolition of influx control was very important, as has been the growth of the trade unions. He had the courage to face up to Dr Treurnicht and his Conservatives and force them out of the Nationalist Party. His constitutional reform proposals have been a disaster in themselves, but they have produced some quite unintended consequences. The most significant of these has been the change in the mood of the country.

The tri-cameral system provided a focus point for black resistance which had not existed before. On that was built an opposition to apartheid so widespread and deepseated amongst black people that, however long it may take it to collapse, they are now convinced that apartheid is in its terminal stage. They have a confidence in this perception that would have been unthinkable ten years ago.

If the black mood has changed, so has the Afrikaner mood. The granite is disintegrating, and the old certainties are gone. Eugene Terreblanche may be on the rampage and the Conservatives may be the official opposition, but other Afrikaners are increasingly taking the lead in initiatives designed to help lay the foundations for a new, non-racial society.

All this leaves the Nationalist Party in a state of increasing confusion, since added to tenfold by the President's stubborn and arrogant refusal to retire gracefully and make way for Mr F. W. de Klerk. As for the rest of us, there is a tragic sense that a moment of opportunity may be slipping by. For Mr de Klerk, despite his conservative reputation, does not carry with him into any new office the albatross of a long association with the security people or the military which his two immediate predecessors brought with them. His first few public pronouncements as Leader of the Nationalist Party even suggest that he may have an unexpectedly open mind about the future. For the sake of all South Africa we need to know just how open his mind is soon. P. W. Botha is making it impossible for us to find out.

2. Graft

All shapes, colours and sizes they come in, our practitioners of graft. From Cabinet Ministers downwards, you find them everywhere. Their activities provide about the only growth sector, apart from the security business, that our economy can now boast of.

What is the Government going to do about them?

Mr P. W. Botha came to office assuring us that he was going to root out corruption. Ten years later it proliferates, the tri-cameral system providing a whole new field of rich pickings for anyone who hasn't been able to make them in or out of the homelands.

Is P.W.'s successor, whoever he may be, likely to try harder and do better than he did? Unless there is a fundamental change in policy we doubt it. Most of the grafters have made their money out of apartheid. Apartheid was expressly designed to keep the best pickings from our society in white hands. In order to make sure that they would stay there it was necessary to ensure that power remained in white hands. To that end anything was justified. From the day that the first step was taken to remove Coloured voters from the Common Roll our Government's actions have been governed by one simple rule — apartheid's ends are justified, no matter what the means. Small wonder that the corrupting influence of that philosophy of the end justifying the means should have seeped through into almost every level of our society.

Until apartheid goes and our actions are inspired by some higher motivation than it has provided we are unlikely to make any significant impact on the massive scale of the graft we live with now. And even then, the habits which have been formed in the last 40 years will take some watching if they are not to subvert the integrity of the society which comes after it.

3. The Democrats

It now seems virtually certain that a new political party, the Democratic Party, will be launched in April, bringing together the Progressive Federal Party, the National Democratic Movement, the Independent Party and prominent former Afrikaner Nationalists.

The new Party will be committed to work for a full non-racial democracy, it will attempt to establish a strong working relationship with extra-parliamentary organisations, and it will have a strong Afrikaner component at the leadership level.

It is the most hopeful thing to happen in white politics for years.

– by Creina Alcock —

A TRULY EXTRAORDINARY CHAP

I am a writer and a writer is at ease with words, so why can't I find any words at all about Elliot?

Ever since the message that told of his death, I have had this great silence of heart. He was . . . Elliot was . . . This man was. . . . I struggle to say something of my grief to those who never knew him, but the words peter out.

Years ago some Afrikaans political journalists were visiting for a weekend, on a tour of the unknown Natal, and we were talking politics when Elliot dropped in unexpectedly.

"Ah, here's one of them," said Neil, enjoying himself. "Meet a dangerous black politician."

"Oh," said Elliot beaming, "and who are you?" and in moments everyone was on dangerous ground. Or

what used to be dangerous ground in those days. The politics were straight and hard, argued without compromise — and yet the afternoon was full of laughter, as it always was when Elliot was around.

When Elliot left at last, the journalists were altered, transformed by laughter. "What a disarming man," they said.

To disarm is to make you put down your weapons. Elliot made people put down their weapons.

If I have struggled to find words for Elliot — so did that great writer Alan Paton.

"Elliot Mngadi dropped in for a visit," Alan wrote in a letter last year. ". . . What a truly extraordinary chap." The world is crowded, full of people, but when I heard Elliot had died it seemed an empty place.

This and the articles which follow are part of a series of "Policy Suggestions" for the future, presented to the Liberal Democratic Association, which Reality will publish, hoping they will generate discussion.

SUGGESTIONS FOR AN ECONOMIC POLICY FOR THE FUTURE

Presented to the Liberal Democratic Association by **Gavin Maasdorp**

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The LDA is concerned with propagating the values of western liberal democracy in South Africa. These values would include a Bill of Rights, the protection of minorities, an independent judiciary, freedom of political association and of the press, academic freedom, and universal adult suffrage. On these issues there probably would be little disagreement among members, but this unanimity is unlikely to obtain with respect to an economic system appropriate for a non-racial, post-apartheid South Africa.

ALTERNATIVE ECONOMIC SYSTEMS

In practice there are only two broad types of economic system in the modern world, namely, the market and centrally planned economies, both of which have a number of variants.

THE CENTRALLY PLANNED SYSTEM

The centrally planned system involves tight State control of the economy, including ownership of almost all enterprises. It is perhaps not surprising that it exists only in countries with a totalitarian political system, and as such it is the antithesis of liberalism.

Central planning as an economic system is now widely regarded as having fundamental flaws and, with few exceptions, countries which have adopted the system are embarking on reforms to systemic structures and economic policies. The Soviet Union is a case in point. According to one of the foremost authorities on Eastern Europe, the Soviet economy is characteristed by:

- (i) slow growth,
- (ii) technical backwardness,
- (iii) stagnating or near-stagnating levels of household consumption, and
- (iv) a worsening social environment of rising infant mortality rates, falling mean life expectancy and increased corruption.

This situation has prompted growing criticism within these countries of the performance of central planning — the pattern of industrialisation (with its reliance on heavy industry); the continued weakness of agriculture and the treatment of rural peasants; the quality of education, health services and housing; the recurring shortages of consumer goods, and so on. It is particularly interesting to note that some of the elements hitherto regarded as critical to a functioning socialist society have been re-examined.

First, the degree of "wage levelling", i.e. wage equality, is now regarded as a major cause of low productivity and inefficiency. Efforts are being made to differentiate wages according to performance, particularly so as to stimulate managers and those individuals with professional qualifications. Income inequality, incidentally, has been hidden in the statistics, party functionaries (nomenklatura) receiving many perks as well as preferential access to consumer goods and services.

Second, planning itself is being questioned. The data demands of central planning are tremendous and, for this reason, Soviet econometricians put great faith in computers. But even computers have failed to remedy the defects such as lack of co-ordination and inadequate data flows

Third, State ownership is under attack. The concept of social ownership is being reinterpreted and increased roles are being accorded to co-operatives, individual and family enterprises, and joint ventures with multinationals.

In short, it has been found that the State cannot do everything in the economy. Thus the non-State sector is being extended and in the State sector certain decisions are being decentralised to the enterprises themselves. However, this is not to say that leaders such as Mr Gorbachev are wishing to dilute the political supremacy of the Party. Interference from the Party has been one of the main factors in the failure of the Yugoslavian self-management system, and the ability of bureaucrats to sabotage reforms is one of the chief obstacles to reform in the centrally planned economies. The economics profession in Eastern Europe today concedes the superiority both of the market mechanism with regard to the allocation of resources and of a competitive private sector in ensuring efficiency, innovation and production. Thus a senior Soviet economist recently wrote that "until our economy is run by the laws of the market . . . all our efforts are doomed to failure or at least to half results".

The debate in the centrally planned economies is not about **whether** they ought to reform but about **how** to reform. If this system, then, is no longer regarded as a desirable model, what of the market economy?

THE MARKET ECONOMY

The market economy has shown itself capable of coexisting with many different political systems ranging from authoritarian to the liberal-cum-social democracies of Western Europe, North America, Australasia and Japan. It is surely from these democracies that the LDA should draw its inspiration.

The mix of public and private ownership of resources in these countries varies, but in all of them the market mechanism plays a prominent role in price setting and resource allocation, while the State's main activities are to provide public goods and services (education, health, transport, etc.) on an equitable basis to all strata of society, and to formulate macro-economic policies conducive to

wealth creation and economic growth. In comparison with centrally planned economies, the market system has proved itself more efficient in terms of resource allocation as well as innovation, technology, productivity and the satisfaction of consumer demand. Some types of market economy, however, are characterised by high degrees of income and wealth inequality, and it is this perceived distributional weakness that renders the system open to allegations of exploitation and callousness. Yet in democracies the extent of inequality is not necessarily greater than in centrally planned economies; for example, one study found the most egalitarian countries to be Australia and New Zealand (market), and Hungary and Czechoslovakia (centrally planned).

LIBERALS IN SOUTH AFRICA

A policy for a liberal economic system in South Africa would have to consider the appropriate mix of public and private participation. Liberals will not be unanimous on this issue, and could perhaps be divided into two principal groups, namely, those who favour a libertarian economic system and those who would place greater emphasis on distributional aspects. This second group could find its model in the social market economy of West Germany (a system introduced by a conservative, not socialist, government but one which has received widespread support across the political spectrum in that country) or in the social-democratic paths of Sweden or Austria.

No country conforms to a "pure" libertarian model. Contrary to a widely-held South African view, for instance, the success of the East Asian "newly industrialised countries" is not due to their governments allowing the market mechanism virtually unfettered reign. In all these countries, government intervention was of crucial importance in stimulating economic growth, the important point being that this intervention was sensible and competent. The aim was to stimulate companies to become internationally competitive in the shortest possible time after an initial period of protection and lame ducks were not tolerated. A social democracy such as Sweden has followed a similar policy.

Proponents of the libertarian economic system in South Africa are perhaps best exemplified in the Free Market Foundation, with influential business and academic support. However, some economic libertarians could not be considered to be political liberals. This school argues for a **laissez faire-**type economic organisation with a minimum government intervention. Its supporters favour:

- deregulation,
- privatisation of local, provincial and central government functions wherever possible.
- drastic reductions in taxation.

The function of government is to manage the economy through macro-economic policy in such a way that it maximises investment, output and economic growth. This emphasis on growth and efficiency, they argue, will lead to an improvement in the economic welfare of all strata of society. In order to ensure that all individuals have access to certain minimum standards of, for example, food and education, it has been proposed that a voucher system be operated.⁵

Whilst elements of what the free-market liberals advance are consistent with the views of the second (pragmatic) group, this group is less doctrinaire than the former. This school is more explicitly concerned with economic justice, and in particular with rectifying the unequal life chances and standards of economic welfare which have accrued to the different race groups in the past. It would therefore favour a redistribution-with-growth approach, with strong and imaginative government intervention in favour of the least well-off groups in society. Both groups would have as a goal the attainment of a prosperous and affluent society, for it is in such a society that the conditions conducive to the freedoms which liberals espouse (and which were referred to in the opening paragraph of ths paper) are most likely to prevail.

THE ECONOMIC CHOICE FOR LIBERALS

Despite the theoretical arguments which may be advanced by libertarian economists, it is doubtful whether the type of free-enterprise system they advocate would be realistic in a post-apartheid South Africa. Any government, for the sake of its own survival if for no other reason, would be compelled to play an interventionist role in economic affairs in order to reduce the unjustifiable gap in the inter-racial economic welfare and wealth ownership as well as to upgrade the deplorable state of education, housing and other social services for the presently disadvantaged groups. This interventionist role would be greater than that envisaged by most free marketeers, and for political reasons it would be difficult for a government openly to follow a free-enterprise path. This does not mean to say that markets need not have a vital role in the economy, but it does mean that for the LDA more explicit attention should be devoted to distributional issues.

A necessary condition for the attainment of prosperity is a high rate of economic growth. In South Africa, however, there is an additional factor which lends even greater weight to the importance of economic growth in promoting redistribution. This is the demographic factor: the growth rate of the White population (the most affluent group) is stagnating and this means that, in any period of rapid economic growth, Whites will become decreasingly able to provide the skilled and highly paid tasks required. Thus, Black groups will be thrust into such positions, their vertical occupational mobility will be facilitated, and with it a more equitable inter-racial distribution of income would emerge. This trend has in fact operated since the late 1960s — the African share of personal income increased from approximately 20 per cent in 1970 to 25 per cent in 1975 and 29 per cent in 1980; the White share of total disposable income declined from 66,7 per cent in 1972 to 55,5 per cent in 1985; the poorest 40 per cent of the population increased their share of total income from 3,9 per cent in 1970 to 7,6 per cent in 1980; mean real earnings for Africans increased from R410 to R763 between 1971-1979 compared with a fall for Whites over this period; and African real per capita incomes rose from R64 in 1970 to R108 in 1980. More recent figures show that the personal disposable incomes of the three Black groups increased far more rapidly in real terms than did that of Whites between 1972-1985; in fact, in the 1980s White incomes have fallen. It should be noted that these trends occurred during a period of slow economic growth and that they would be accelerated if the growth rate were to be increased.

Both free-market and pragmatic liberals, therefore, should support policies which promote growth. Equally, both must find the presence of absolute poverty unacceptable. Although relative poverty must be tackled in the longer term, the present high levels of absolute poverty (based on some notion of a minimum subsistence level or similar measure) require immediate attention. However, the two groups would not see eye to eye on the policies to be adopted to achieve these goals.

LDA POLICY

The purpose of this section is to discuss some of the issues which are likely to be among the most controversial in future.

(i) State or Private Ownership

There is little doubt that the question of ownership of enterprises and land will be a major issue in post-apartheid South Africa. The Freedom Charter mentions the nationalisation of mines, banks and "monopoly" industry, but no specific commitment to such action is contained in the recently published guidelines of the ANC. Nevertheless, state control of the so-called "commanding heights of the economy" is often mentioned as a desirable goal in the literature, reference being made in particular to the largest half dozen conglomerates which are alleged to represent "monopoly capital". The veracity of such allegations requires careful consideration since many of the operations of these conglomerates occur in highly competitive industrial sectors, and the nature of and alternatives to nationalisation should be thoroughly investigated.

Nationalistion could be accomplished in various ways. ranging from minority shareholding by the State, to either majority shareholding or complete ownership but without taking managerial control, to total ownership and management. One alternative to nationalisation would be to enforce the provisions of the Maintenance and Promotion of Competition Act and break up such operations of the conglomerates as do, in fact, constitute monopolies. More important, the costs and benefits of State as opposed to private ownership require close examination. The main interest of the State in a liberal economic system should be to create a climate favourable for the efficient operation of enterprises, to ensure that enterprises are profitable and that they contribute to state coffers by way of corporate taxes. Judging by the record elsewhere, nationalisation need not necessarily have beneficial effects on government revenue, and it could have adverse effects on investor confidence, economic activity, and institutional as well as small investors.

(ii) Land

In some countries which appear most successfully to have followed a redistribution-with-growth policy, substantial land reform played an important role. This was the case with both Taiwan and South Korea. The question of land ownership is an emotional issue which will have to be addressed by pragmatic liberalism.

Statistics on land use are poor but it appears that about 60 per cent of the total area of the country is in the hands of private White owners. This state of affairs could be redressed in several ways.

First, White-owned farms where the owner is absent could be expropriated and redistributed, or the number of properties per individual owner could be restricted and the land thus released could be distributed.

Second, any farms offered for sale could be purchased by government and redistributed, or the government could in

any case follow a programme (perhaps low-key) of land purchase.

However, if redistribution is accompanied by falling levels of output, society will not gain. Agricultural output (especially food) must be maintained and expanded. This is an essential requirement for the future economic wellbeing of South Africa for reasons concerning the balance of payments. With shrinking ore reserves, gold mining cannot remain the prime earner of foreign exchange in the long term. At the same time, demographers project the population to grow to between 58-68 million by 2020, and any failure on the part of food supplies to feed this population would require imports. The combined effect on the balance of payments of declining gold exports and the necessity to import food would be severe. It is vital, therefore, that the land be farmed efficiently and productively. Many White farmers today are not making profits, and incomes vary immensely depending on activity, market prices and climate. The number of full-time farmers has fallen from 116 000 to 65 000 in the last 30 years, and 30 per cent of the farmers produce 80 per cent of gross agricultural output. In 1982 the average net income per farming unit was R40 300, but there was a range from R8 000 for karakul farmers in the north-western Cape to R104 000 for maize farmers in the western Transvaal. The possibility of redistributing land is clearly greater in intensive than in extensive farming areas.

An important point to consider is that the demand by Africans for land may well be in uban rather than rural areas, i.e., for residential, not agricultural, purposes. The majority of Africans will soon be urbanised and the proportion of landholders committed to farming, full-time, commercial farming could well be lower than one might expect. Thus the granting of freehold tenure in urban areas and the provision of normal mortgage bond financing would be key aspects of economic policy.

(iii) Equality

In addition to offering non-discriminatory access to education, health, other social services and employment, and attacking absolute poverty, a liberal economic policy should promote greater equality of wealth ownership and a substantial reduction of income differentials along racial lines

Greater equality of wealth ownership could be facilitated by promoting home ownership in the present townships. Continued economic growth would of itself reduce interracial income disparities since, as explained earlier, it would necessitate greater vertical mobility and hence higher-income positions for Blacks. The skilled-unskilled wage gap, however, would be difficult to bridge. Skilled wages might well be artificially high because of the scarcity rent enjoyed by Whites as a result of past discrimination in employment and attainment of skills, but even in a postapartheid economy the question of international mobility for certain skills would remain. On the unskilled market supply greatly exceeds demand; this is not surprising given the Third World demographic profile. Labour is the abundant factor of production and labour-intensive methods consequently are desirable. If the State sets unskilled wages above market-clearing levels, not only are firms encouraged to use capital-intensive techniques but international competitiveness might be reduced. However, if unskilled wages are left only to market forces, they may well be below poverty levels. The role of minimum-wage legislation would require careful consideration in the light of South Africa's position as a Third World-type economy.

(iv) Taxation

It is clear that greatly increased demands will need to be made on public revenue in order to remedy the effects of past policies in terms of which so many services have been supplied at widely different levels to the different race groups. At first glance, it would seem that this would require increased rates of taxation, especially among higherincome groups. Foreign borrowing could provide the wherewithal for capital projects but it will have to be repaid and these projects are not in the productive sectors of the economy. However, the situation is more complex than this, and studies recently undertaken for the World Bank have shown a close correlation between levels of taxation and economic growth. Generally, the lower the rates of taxation the faster the râtes of economic growth and the greater the amount of tax revenue accruing to government. This appears paradoxical, the explanation being that individuals are then able to increase both consumer spending (which increases sales and therefore employment) and savings (which provide investment funds for expansion programmes) while firms are left with increased funds to reinvest. Firms expand, new ones are established, more jobs are created and the tax base is widened, thus resulting in more, not less, tax revenue to government.

Now, South Africa is one of the most heavily taxed countries in the world, and there is a growing view in business circles (supported by libertarians) that these high rates are counter-productive and that expansion cannot occur without a lowering of tax rates. An econometric study submitted in evidence to the recent Margo Commission has revealed the benefits to be derived from lowering taxes. It might be argued that this would merely widen existing inequalities between rich and poor, but the poor would also have more disposable income to meet basic needs and get away from absolute poverty and, as pointed out earlier in this paper, the immediate concern should be with absolute rather than relative poverty. If these studies are correct, lowering of tax rates should not be inconsistent with the policy goals of pragmatic liberals.

One aspect of taxation, however, in which there is scope for raising the level is that of estate duty (or inheritance tax). South African levels are very much lower than those obtaining in, for example, the United States.

(v) Employment

The unemployment rate is high, and job creation will be a major challenge to any future government given the high rate of growth of the labour force. This is another reason for maximising the rate of economic growth and for removing factor-price distortions. However, it may well be that a nationwide public works programme might be required for a long period and not merely for the reduction of cyclical unemployment. Such a programme would have to be well planned and should not be a substitute for the encouragement of productive activities elsewhere in the economy. The jobs created should be temporary and the wages kept below returns to full-time employment, while care should be taken to keep the bureaucratic apparatus to a minimum.

(vi) Education

Primary education is now recognised by the World Bank and many prominent writers on the subject as the most important level insofar as its role in economic development

is concerned. A liberal education policy thus should make compulsory universal primary education its priority. This could impose an enormous burden on the exchequer, and it might well be that post-primary education could not be free. For the sake of economic efficiency and international competitiveness, high professional standards will have to be maintained in tertiary institutions, and technikons would have an enhanced role to play in providing "intermediate-type" training in the business sciences as well as in engineering and other technical fields. The emphasis in tertiary training should be on these skills as they are directly related to the sorts of jobs most upwardly mobile Blacks would fill in periods of rapid growth.

(vii) Health

Health care is another field in which enormous gaps in standards for the different race groups are found. Liberals should find it unacceptable that low-income households are unable to afford health care. Government hospitals should continue to treat the very poor for no fees, and an intensive effort should be made to train para-medical personnel to undertake simple curative as well as preventative tasks and to staff mobile clinics.

(viii) Deregulation

Deregulation is a major way in which government can intervene sensibly to stimulate economic activity. In South Africa this is a particularly important issue — many fields are grossly over-regulated and the abolition of controls in transport, housing, trading and industry should stimulate Black entrepreneurship. The small business and informal sectors would both benefit, with resultant boosts to Black employment and income-earning capacity.

(ix) Privatisation

Privatisation is a somewhat more difficult issue and cannot be discussed in any detail here. The historical duty of the state has been to ensure that basic infrastructure and hospital services are provided for disadvantaged individuals, groups or regions, and privatisation should not relieve it of this obligation. There are indeed certain functions carried out by various tiers of government which could be transferred to the private sector and which would not be inconsistent with pragmatic liberalism. Garbage collection is one such function, and the list could also include certain modes of transport (road and air) and telephones. In the case of road transport, for instance, equity considerations could be catered for by direct subsidies to private transporters operating on uneconomic "social" routes under contract to government (as occurs in Botswana). Escom has been mentioned as a candidate for privatisation but electricity is perhaps the most vital element required for the improvement of rural life and also presumably for life in informal urban settlements. It is probably best supplied on the same basis as a public good in an unequal society such as that of South Africa.

(x) Macro-economic Policy

Among the macro-economic policies which have been shown to have been successful in various countries, and which are today generally recognised as necessary in facilitating economic growth, are:

- realistic exchange rates
- positive real interest rates
- market prices
- direct as opposed to indirect subsidies.

A number of African countries, for example, have in recent years improved food output by increasing the prices paid to farmers and abolishing the artificially low prices of a cheap food policy. These policies should be encouraged by the LDA.

CONCLUSION

The precise nature of a post-apartheid economic system will continue to be a topic of energetic debate. At present

there seems to be some consensus that the economy will be mixed; this point has been made by the ANC in its recent guidelines, by Mr Slovo in an interview in 1986, and by Soviet spokesmen on Southern Africa. The precise details of the mixed economy, however, are by no means agreed upon, and it is the role of the LDA, as a liberal think-tank, to contribute as dispassionately as possible to the examination and clarification of the key issues, some of which have been mentioned in this paper.

bv	Dou	alas	Irvine	_
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CIVIL LIBERTIES

1. CIVIL LIBERTIES

Civil liberties are freedoms which are, or ought to be, protected by law.

To extend and defend civil liberties has been a major concern of liberals everywhere and also in South Africa.

2. CIVIL LIBERTIES AND HUMAN RIGHTS

Human rights are moral rights based on the respect for persons, their dignity, their freedom, their needs, their claims and their just entitlements.

Civil liberties are an important part of the broader range of human rights, which include the right to life, the right to property, the right to a fair trial, political rights, and rights to material and social security.

Civil liberties are concerned with certain specific **freedoms from** restrictions, constraints or interference which affect people's **abilities** to participate actively in social, economic and political life.

3. THE FREEDOM OF INDIVIDUALS, GROUPS AND OTHER BODIES

Liberals believe that freedom is necessary for the active development of human potentialities in the lives of individuals and societies — the freedom of persons acting individually or together on a voluntary basis.

Fundamentally persons should be free to manage their lives as they see fit. They must be accorded the respect due to adults, not treated as children or slaves.

Liberals therefore make an initial presumption in favour of liberty.

Any restrictions on the liberties of persons must be justified. The onus for justifying such interference rests with those who seek to limit freedom.

Liberals are not committed to extreme individualism, and recognise the need to reconcile liberty with other claims and values, such as the respect for human welfare.

Liberals therefore need not be dogmatic about state intervention in the political, social and economic spheres.

Liberals are, however, utterly opposed to any ideology or policy (right or left) which makes society or the state everything, and the individual nothing.

4. PROTECTION AGAINST THREATS TO FREEDOM

Civil liberties protect individuals, and groups or corporate bodies (such as churches, universities, or trade unions) against interference in the conduct of their affairs.

Civil liberties enshrined in law thus protect people by checking the actions of other individuals, groups, or the public authorities.

Civil liberties involve more than the rule of law, but the rule of law is fundamental to the preservation of civil liberties.

Liberalism has a well-justified suspicion of power — "all power tends to corrupt, and absolute power corrupts absolutely". The protection of civil liberties checks the scope of corrupt, oppressive, or arbitrary power.

5. MAJOR CIVIL LIBERTIES

- (i) Personal freedom and freedom of movement the right to come and go freely in one's own country is the most fundamental of the civil liberties.
- (ii) Freedom of religion and belief inseparable in practice from freedom of speech, the freedom to express one's beliefs.
- (iii) Freedom of expression freedom of speech, freedom of the press.
- (iv) Freedom of association freedom to live with, to marry, to work with, and form organisations with other people of one's choice.

None of these liberties constitutes an absolute right. It may be necessary to limit these rights and liberties in various ways and in certain circumstances. However, any limitation has to be justified, with reasons given, and the need for such limitations demonstrated.

6. CIVIL LIBERTIES AND POLITICAL FREEDOM

Civil liberties are an inescapable prerequisite if the freedom to vote, in free elections, is to be effective.

7. CIVIL LIBERTIES AND DEMOCRACY

An open democratic society must be based on the protection of civil liberties.

Civil liberties must be protected even against democratic majorities — because majorities too can be oppressive or tyrannical in relation to minorities. A majority, no matter how large, is after all not the whole of the "people".

THE RULE OF LAW AND BASIC FREEDOMS

The idea that lies at the centre of the institution known as the rule of law is a very simple one. It is the idea that governments, whether popularly elected or not, should be controlled by law when their actions may affect the basic liberties of their subjects. When the rule of law prevails in a society officials of government may not take away or restrict basic freedoms at will and without legal responsibility for their actions. The rule of law means that there will be clear legal rules that will specify in what circumstances a person's freedom may be curtailed and that there will be a legal remedy if government officials do not act in accordance with those rules.

A helpful way to explain precisely what the rule of law means is to contrast a society in which it is observed with its opposite — the lawless society. In a lawless society people may lose their liberties and even their lives simply because someone in authority has so determined. For example, a policeman acting under directions from higher authority, or of his own accord, may imprison a subject or kill him and remain (together with the superior who may have ordered the action) unaccountable for action he has taken. The unaccountability of the authorities also means that the victim of the action (or relatives in the case of death) have no remedy for what has been done. In a lawless society, therefore, officials may act virtually as they wish with no fear that they will be made to account for the harm they have caused. On the other hand, if the society in question is characterised by the rule of law, the actions in question (imprisonment or killing, for example) will only be justified if permitted by the law; and where they fall outside the law, the victim (or his relatives) will have legal remedies to secure release from unlawful imprisonment and damages for wrongful arrest or kiling. When the rule of law prevails, officials are held to account for what they do; where it does not, they may harm subjects without fear of punishment.

There are some societies in which at certain times the rule of law has suffered total extinction. The prime examples are Nazi Germany and Uganda under Idi Amin. These regimes were characterised by the rule of brute force, not of law. These extreme examples may be contrasted with societies like the United States of America, Canada, Australia, New Zealand and other countries in which there is substantial, if not complete, adherence to the rule of law. Many other societies lie somewhere between the examples just given since they have neither abolished the rule of law nor do they comply fully with it. Examples of the "in-between" cases are Israel and British rule in Northern Ireland. These are countries in which the legislature has decided, in the interests of security, that officials should be freed of legal controls in certain instances to enable them to deal with security threats. Though South Africa represents one of the intermediate cases, it stands far closer to the rule of brute force than do countries like Israel and Northern Ireland. South African security law, and especially the current emergency law, enables government officials and members of the security forces to take many forms of drastic action against citizens without any effective legal control over what they do. For example, under the emergency regulations, a member of the security forces is authorised to shoot and kill persons in dispersing gatherings or in securing compliance with orders **if he believes** that such action is necessary. In this instance the law does not control the behaviour of members of the security forces (by informing them of the precise conditions under which they may shoot to kill); it allows them to make their own rules for the use of deadly force. Another example of such freedom is the power of the Minister of Law and Order to ban meetings. This power may be exercised whenever the minister thinks fit and the courts have no effective jurisdiction to control his decisions.

These two examples taken from South African security law are instances of complete denial of rule of law requirements. Using these two examples, we can illustrate more clearly what it means to observe the rule of law in the exercise of power over citizens. If the rule of law did prevail in relation to the security force's right to kill, the relevant statute would specify objective criteria for the use of deadly force; for example, that such force may be used when the conduct of the person in question endangers the life of the policeman or someone else in the vicinity and when other means could not prevent the threatened harm. Under such a provision there would be clear criteria against which the authorities, the citizens and the courts could judge the legality of the policeman's conduct and remedies would be available if the criteria of the law were not met in a given case. Similarly, in relation to the banning of meetings, adherence to the rule of law implies that criteria be specified for the exercise of the power to ban - for example, that there is a well-grounded fear that disorder will break out if the meeting is held and the police reasonably believe that they will not be able to control the disorder. There would then be clear criteria against which a court could judge the validity of a banning order.

The examples just given now enable us to spell out exactly what it means to govern in accordance with the rule of law. In the first place, it does not mean that the authorities may not take action which will affect the lives or liberties of their subjects. Secondly, what it does imply is that the taking of such action will be limited and controlled according to criteria specified by the law in such a way that the authorities cannot act arbitrarily, spitefully or foolishly; or, as an American constitutional lawyer has said, the rule of law serves "to channel governmental interference with individual liberties within predictable and well-established constitutional principles". Thirdly, there must be some independent body (usually the courts) which can judge whether the official in question has acted properly and which can grant the appropriate remedy where the action is unlawful. It follows that a citizen's rights may be curtailed by officials in a rule-of-law society but that this takes place under the control of the law and with due regard to the requirements of procedural justice.

As indicated above, there are a great many societies in which the rule of law is only partially adhered to. This is particularly true of conflict societies — that is, societies characterised by serious social conflict. It is not surprising

that the rule of law has been slackened in countries where social conflct is endemic and such a slackening may have to be tolerated for the duration of the conflict. However, it is totally unacceptable that the rule of law should be abolished, on a permanent basis, even in those societies that are troubled by internal conflict. Where this has happened, as it has in South Africa, we can be confident that the objectives of the ruling party have little to do with

securing law and order and a great deal to do with maintaining power and suppressing dissent to official policies. The more-or-less permanent abolition of the rule of law means that those in power have substituted despotism for political freedom and that they have equated opposition with disorder. The degree of adherence to the rule of law is a reliable guide to the degree of freedom enjoyed in modern society.

by Michael Cowling —

LIBERALISM AND A BILL OF RIGHTS

- 1. Operating on the basic assumption that liberalism is premissed upon securing the greatest amount of freedom for individual members of society, it becomes vital to examine exactly how such freedom can be secured within the confines of social and political co-existence.
- 2. Within a social context liberalism is achieved by defining and establishing a number of fundamental civil liberties that balance the rights and duties of the various individual members of a given society.
- 3. Within a political context it is necessary to secure these fundamental rights and liberties in favour of the individual against the government of the day.
- 4. This is achieved by ensuring the greatest possible number of checks and balances on the exercise of governmental powers without undermining the ability of the government to operate effectively.
- 5. This has traditionally been achieved by separating power so that those institutions who wield it are able to act as checks upon each other.
- 6. This idea of separating power is one of the cornerstones of democracy and usually takes the form of dividing up power between he who makes the law (the legislature), he who carries out the law (the executive) and he who applies the law (the judiciary).
- 7. If one were to assume a situation where all these powers were concentrated in a single person such as, for example, an absolute monarch, it would not be possible to guarantee fundamental human rights and liberties. This is because, even if this particular monarch is genuinely committed, from a practical point-of-view, to the protection of the individual's human rights, there is nothing in theory to prevent him from changing his mind at a later stage. Thus, one cannot talk of human rights where the same person who makes the laws is responsible for carrying them out as well as applying them.
- 8. Thus, any constitution must aim towards some form of separation of these basic powers viz legislative, executive and judicial. It thus becomes necessary to examine how this is achieved in practice.
- 9. In this regard there are two basic constitutional models that fall to be examined viz those modelled along the lines of the UK Westminster system (incorporating the Rule of Law) and those modelled along European or US lines (incorporating a Bill of Rights).
- 10. These two models have, in a very general sense, the same broad objectives viz protecting fundamental rights and liberties of the individual by separating the three tradi-

- tional constitutional powers and the institutions that wield those powers. Each will be examined in turn, although it is conceded that the models will only be described in highly superficial and rudimentary terms.
- 11. The Rule of Law approach proceeds on the basis of three separate but interrelated principles viz (a) the predominance of law which incorporates the notion that all are subject to the law even the lawmakers and hence no person (or government official for that matter) may act outside the law. (b) The notion of equality before the law in the sense that the law should be applied in an equal and general manner. This presupposes that no-one is automatically exempted from the operation of the law including the government and government officials. (c) The third principle is concerned with the question of remedies and holds that fundamental human rights and liberties are most effectively protected by an impartial judicial body (i.e. judges and the courts) applying the ordinary law of the land.
- 12. Overall these three principles imply that the government is subject to the ordinary laws of the land and that the latter are clear and pre-announced. Further, the characteristic of generality of law and the fact that rules of law must be objectively and impartially applied by independent courts is seen as a means of excluding arbitrary power on the part of the government over the individual. This is because the Rule of Law demands that the government should treat its subjects in accordance with clearly-established pre-announced laws and not simply as it pleases.
- 13. How does this operate in practice? Each of the various arms of government will be dealt with in turn:
- (a) the executive in regard to the executive arm of government, the rule of law presupposes that government officials may exercise only those powers which have been conferred upon them by law. Thus they do not enjoy any inherent or automatic rights or privileges merely by reason of the position they occupy. As a result the courts are charged with carefully scrutinising government action and may set aside any act that is not lawfully authorised;
- (b) the judiciary judges must be seen as the vehicles by which the rule of law can be effected. They must enjoy independence of influence from the other two arms of government and must apply the law in an impartial and objective manner;

- (c) the legislature it is in relation to the legislative arm of government that problems concerning the practical operation of the rule of law arise. This is because the rule of law recognises that the legislature is supreme which means that it can enact any legislation it pleases. Thus, if the legislature in clear terms enacts oppressive legislation that deprives individuals of their fundamental rights and liberties, then the courts have no alternative but to apply that legislation. However, although there are no formal legal checks on the power of the legislature to enact any legislation it pleases, there does exist an important political constraint upon which the practical operation of the rule of law rests. This is the fact that a legislature in a democratic society is assumed to express the will of the majority of the people and hence any government that rides roughshod over the rights and freedoms of the individual will be voted out of power.
- 14. The above approach can be contrasted with a bill of rights. Although a bill of rights and the rule of law share the same goals (viz the placing of limitations on the exercise of governmental power in order to protect fundamental human rights and freedoms) they operate differently.
- 15. A bill of rights is nothing more than a formal document setting out fundamental human rights and freedoms. This does not differ markedly from the rule of law since the protection of such fundamental rights and freedoms is implied by the rule of law.
- 16. However, a bill of rights places greater emphasis on the question of remedies than does the rule of law.
- 17. This is achieved in the form of a real separation of powers between the legislature, the executive and judiciary with each of these arms enjoying supremacy in its own particular sphere.
- 18. What is of importance in regard to the protection of fundamental human rights and freedoms is that those rights are expressly guaranteed in a bill of rights. This means that the government cannot encroach upon or in any way interfere with these rights.
- 19. The most significant aspect in this regard is the fact that in terms of a bill of rights, the legislature does not enjoy the same degree of supremacy as it does under the rule of law.

This is because if the legislature enacts any legislation that encroaches upon, violates, interferes with or undermines any of the rights specified in the bill of rights, the courts enjoy the power to strike down that legislation and hence set it aside to the extent that it violates such rights.

- 21. This is known as the testing right and has the effect of charging the judiciary, at the end of the day, with the protection of the fundamental rights and freedoms of the individual.
- 22. Thus a bill of rights actually complements the rule of law by providing definite remedies at the instance of the courts in order to ensure that the standards implicit in the idea of the rule of law are maintained.
- 23. But a bill of rights goes further than the rule of law. In the case of the latter, the legislature is free to enact any legislation it pleases and, if fundamental human rights and liberties are violated in clear and unambiguous terms by such legislation, the courts are bound to give effect to it. In contrast, in the case of a bill of rights, the legislature is free to enact any legislation it pleases subject to the very im-

- portant limitation that it may not transgress, violate or undermine any of the rights and liberties set out in the bill of rights. In this sphere the courts are supreme.
- 24. Turning to South Africa we see that the situation in this country constitutes a classic example of the limitations of the rule of law. The South African constitution is essentially of a Westminster character and hence relies on the supremacy of the legislature along with the rule of law for the protection of fundamental human rights and liberties.
- 25. What are the limitations of the rule of law? This question should be answered by attempting to ascertain why the rule of law has failed to protect fundamental human rights and freedoms in South Africa. In this respect one should compare the human rights record of South Africa with that of the United Kingdom (where the Westminster system originated and developed). It is interesting to note that South Africa rates on the lowest end of the scale of human rights protection whereas the United Kingdom occupies the upper limits. And yet both countries rely on the rule of law as a means of protecting fundamental human rights and freedoms.
- 26. There are two fundamental differences between SA and the UK in this respect. The first is that the UK is a relatively homogeneous society which tends to reduce the need for extra checks and balances that would be required in order to deal effectively with the type of tensions that are likely to arise in a heterogeneous society such as South Africa. The second major difference is that the United Kingdom is a full democracy based on universal adult suffrage whereas South Africa can at best be described as a partial democracy.
- 27. This means in practical terms that there are no restraints on the legislature (which relies exclusively on the support of the minority white group) from passsing legislation that discriminates against and undermines the basic rights and freedoms of the black majority. Thus, far from placing restraints on the legislature in regard to the general protection of human rights and freedoms, the legislature must ensure the entrenchment of white privilege and hegemony at the expense of and to the detriment of the rest of the South African community.
- 28. So this vital political element (which provides a basis for the practical operation of the rule of law in the UK) is missing in South Africa. Translated into harsh political realities it means that there is a direct correlation between the measure of privilege conferred by the government on its white constituency and the extent of the latter's support for the government. Unfortunately such conferral of privilege is usually achieved at the expense of and by violating the rights of the unenfranchised groups. This of course, is the underlying basis of and vehicle for the entire order of apartheid legislation that has been superimposed on the South African legal system. Thus, it can be concluded that the absence of this political constraint means that the rule of law can never operate effectively in the present South African constitutional system.
- 29. But many people in South Africa oppose the introduction of a bill of rights on the grounds that such an instrument will serve the function of preserving existing white privilege now that majority rule is being anticipated in the future.
- 30. However understandable this argument might be in emotional terms (especially from the viewpoint of unenfranchised people who all along have borne the brunt of legislative supremacy of an all-white legislature) it lacks

- any legal, constitutional or political foundation. Justice and democracy should not be tempered by feelings of revenge. Tyranny of the majority by a minority should not be replaced by tyranny of minority groups by the majority.
- 31. On the contrary, the fundamental tenets of liberalism demand the protection of basic rights and liberties of the individual and this is best achieved by a real separation of powers in terms of which the judiciary is ultimately charged with such protection. To argue that (when majority rule finally comes to this country) politicians (in the form of the legislature) should enjoy exclusive powers to decide the content of legislation is to take a very narrow view of democracy. Politics is about power and politicians must necessarily pander to particular constituencies and interest groups. In the context of the heterogeneous nature of the South African society there are bound to be conflicts between these various groups and there is every likelihood of fundamental rights and liberties being trampled in the ongoing struggle notwithstanding majority rule.
- 32. For this reason the function of protecting human rights and liberties should be removed from the political arena and vested in the judiciary by way of an entrenched bill of rights. It is submitted that this is the only means by which the standards and ideas behind the rule of law can be effectively put into practise.
- 33. A final issue that has to be considered is the question of what rights should be protected by a bill of rights. In the first place there are a number of rights that are so fundamental as to demand automatic inclusion in a bill of rights. Thus, rights such as the right to liberty, privacy and freedom of speech serve as examples. Since no right is absolute the extent and limits of each of these rights must be defined and counterbalanced by the various conflicting interests and demands that arise out of the fact of coexistence within a society. However, it is not the intention of this paper to spell out a detailed list of the various rights that should be contained in a bill of rights. However, there are two controversial areas which require attention.
- 34. The first concerns the question of protection of property rights. This is important in two particular respects. Firstly, a guarantee of the absolute right of ownership presupposes a capitalist type of economy. However, this is not an essential quality of a bill of rights and thus there is no reason why a bill of rights could not exist in a socialist (or more socialistically-inclined) economic system. This could be achieved by not entrenching the right of ownership of property or imposing certain conditions on the operation of the right — such as that it be subject to the public benefit. The other aspect concerning the question of property rights relates to the issue of entrenching existing privileges and inequalities. The South African situation provides a clear example of this type of problem where it can be argued that any attempt to protect property rights in a bill of rights would provide an obstacle to any attempt to bring about a more just distribution of property and wealth in the country. Thus the white group that has for so long enjoyed the benefits of privilege would continue to retain that privilege and the wealth resultant therefrom if existing property rights were to be entrenched and protected.

- 35. As a result of both of the above problems it can be argued that any bill of rights for South Africa should be neutral in respect of property and thus should not contain any provisions concerning property rights or should limit such rights by imposing appropriate qualifications and conditions.
- 36. The final aspect concerns the issue of equality. Whereas it cannot be denied that equal treatment and equality under the law is a fundamental right, a number of problems arise when attempting to define and delimit a right of this nature. This is particularly so in the case of a heterogeneous society such as South Africa.
- 37. In the traditional western liberal sense equality is seen in terms of absence of discrimination and equality of opportunity. The latter means that gross inequalities might exist in regard to wealth and access to education and employment so long as the purely theoretical concept of equality of opportunity was present. Thus the question of reverse discrimination falls to be considered in order to allow equality of opportunity.
- 38. Although this has been referred to as affirmative action it nonetheless constitutes a form of discrimination and hence offends against the principle of equality. However the fact that certain under-privileged groups required additional protection and privileges in order to compensate for past injustices is deemed to be justifiable.
- 39. The recognition of a fundamental right to equality in a general sense could have the effect of perpetrating inequalities in a community, such as South Africa, consisting of a wide range of diverse cultural, racial and ethnic groupings. In this sense it could well be necessary for any right to equality to take account of various group rights in order to ensure equality of treatment. The problem with this issue is that it is possible to perceive it as another form of apartheid. But it remains a fundamental issue that needs to be addressed when analysing how a bill of rights and the right to equality will operate within the South African context.
- 40. So, for example, if it were to be enacted in South Africa that there be only one official language, then, although this superficially complies with the requirement of equal treatment, it will nonetheless discriminate against all those whose mother tongue is not that official language. On the other hand, it can be argued that equality of treatment should demand that the language of each separate language group should be declared an official language.
- 41. In much the same way different laws would have to apply to various groups in order to take account of different religious and cultural traditions and practices. Thus, although the emphasis of human rights protection in a bill of rights will focus on the individual, equality of treatment in culturally and ethnically diverse societies will necessitate some form of protection of groups. The situation is extremely complex and the precise parameters of the right to equality within this context need to be given careful and detailed consideration in regard to the implementation of a bill of rights. However, it must be borne in mind that the existence of or association with particular groups must be voluntary.

THE STORY OF AN AFRICAN *FEMME*

DAPHNE ROOKE: MITTEE Intro lan Glenn Chameleon Press 1987

Chameleon Press is to be congratulated on its handsome re-issue of Daphne Rooke's Mittee, first published to international acclaim and South Áfrican indifference in 1951. Ian Glenn's introduction argues eloquently for the novel's continued interest and power and by means of some pointed contrasts (with, for example, "the gloomy grey adolescent rural agonisings of a Schreiner" and "the pastoral versions [of South Africa] dominant in the Cape Karroo school . . . ") offers a sense of Rooke's place in South African literature. Mittee should be in both public and academic libraries. It tells a terrific story and by striking a number of South Africa's mythic chords, and engaging its author at a profound psychological level, it gets a creditable grip on social reality. In the end, it comes out of history into myth, but that's fair enough. One of the intriguing questions raised by Dr Glenn's account of Rooke as a South African writer is the relationships of gender, class and exile.

The story of Mittee, set in the north-eastern Transvaal in the last decade of the nineteenth century, rests on elemental bases: structurally it is an old-fashioned triangle (two women, one man); thematically it rests on the right to the land. Mittee, the heroine, is white, the magistrate's niece, engaged to Paul du Plessis; Selina, the narrator, is "coloured", Mittee's maid (confidante-friend), in love with and seduced by Paul before his marriage. Selina miscarries Paul's child, as a result of being beaten by Jansie, the man whom Paul has intended her to marry, but not before Paul himself eventually kills both Jansie and Herry (Selina's English father) to hide his secret. After their marriage, Paul and Mittee trek from Plessisburg (Pietersburg, to which Rooke's grandfather, Siegfried Maré, was the first ZAR civil service appointee) into the Wolkberg. whither drought drives Selina and her husband Fanie, in the employ of Paul's elder brother Frikkie. Social, sexual, and psychological tensions mount against the background of the formation of the ZAR state, the closing of the northern (ivory) frontier and the impending war of 1899-1902. Mittee loses her child by Paul, and falls in love with an English mission doctor, Basil Castledene. In the high colonial Gothic climax, Selina and Fanie contrive both the escape of Mittee and Basil and the death of Paul.

Mittee ends, as its narrative begins, with Selina and Fanie one of the fantasies of South African myth, in the **locus amoenus** of pastoral retreat:

We are happy in one hut on a mountaintop for here we call no man Baas and Fanie hunts with a rifle like a white man . . . We have cattle and chickens and a dog.

But the romance is tempered by commercial necessity:

When he needs cartridges he goes to the trader in the valley, who, Outlander and robber that he is, will deal with him in secret.

Thus in its opening paragraph **Mittee** proclaims the hypocrisy of **apartheid**.

lan Glenn is right to see in Selina a real imaginative achievement. She is a lively, observant narrator, and there is no hint of condescension in Rooke's portrayal. Selina's parents are "Herry" the English pedlar who gets drunk and preaches every Christmas, and a "half Shangaan, a woman almost black". Selina observes Mittee singing "Only a pensy blossom . . ." and distinguishes between Castledene's and her own pronunciation of his name, Basil/Besil. Her narrative is frank about sexuality, politics, economics and emotions.

Rooke conveys an authentic sense of the social and historical context. The details of colonial literary and material culture (Owida, the Bible, English poetry, silks from the shops in Pretoria); political events like the visit of Oom Paul to the Wolkberg; the coming of the railway; the class distinctions among whites. One of the interesting things about this reprint of **Mittee** is that Rooke's imaginative reconstruction is confirmed by both recent historiography and, in some cases, reminiscence. See, for example, the essays by Roger Wagner and Stanley Trapido in Marks and Atmore's **Economy and Society in Pre-Industrial South Africa** (London, 1980) and **Between Woodbush and Wolkberg: Googoo Thompson's Story** (Haenertsburg, 1987.

A CONVERSATION WITH A PILGRIM

PILGRIMAGE TO DIAS CROSS: a Narrative Poem by Guy Butler David Philip 1987

Pilgrimage to Dias Cross

A NARRATIVE POEM BY Guy Butler



WITH WOODCUTS AND ENGRAVING BY
Cecil Skotnes

Guy Butler is an important South African poet. His importance lies partly in the fact that he has seldom been content with merely personal themes (not that the personal is necessarily of minor significance in poetry); he has constantly tried to explore the implications — the significance, the tensions, the agony but also the occasional partial joy — of being a particular type of South African, living and writing at a peculiarly problematic period in this country's complex history.

As the years have passed and the situation in the country has evolved, Butler's poetry has changed. It has lost none of its seriousness, vividness and fluency, but it has become, some of it, more urgent and more political. Pilgrimage to Dias Cross is a longish poem (in sixteen sections) set in motion by anxious meditation on some aspects of that event which was last year the subject of a rather half-hearted celebration. The poet is distressed that certain people and certain attitudes of mind are driving towards even greater turmoil the land that (for better or worse) was first officially touched by European people when Dias planted his stone cross at Kwaai Hoek in 1488. The first brief section of the poem is worth quoting in full:

Lightning flickers in sheets across our frontiers; raucous atmospherics laugh at the lies in our news.

I switch off, angry, ashamed. I think it better to roam where breakers totter and crumble late in the afternoon.

There I can howl like a dog, or falling to my knees invoke the wrath of God on racial idolatries.

How many must die each day, choked like Laocoön, lassooed by this devious dream, whose coils roll on, and on?

Cry! What shall I cry? Shall I call up the restless dead to purge our days of the nightmare these politicos have made?

How can an ageing man with glimmerings of belief get rid of his futile fury, his embitterment of grief? Hoping against all hope, raging against my rage, I take a deep breath, and laugh. I shall go on pilgrimage.

One is struck by the authenticity of the emotion and by the characteristic white South African's feeling of impotence; these impressions are reinforced by the echoes of Isaiah's tragic prophecy. Who are the politicos? Are they simply the representatives of the ruling power, or are they all those who have taken a political lead? The suggestion of a pilgrimage is deliberately surprising and perhaps even shocking. The thought is rich with literary and historical associations, however: Chaucer introduced the word and the idea, also with a partly disturbing and partly humorous effect, early on in his Prologue to the Canterbury Tales. But the notion of a pilgrimage doesn't really need either history or literature to justify it: it is a journey which is physical but also mental and spiritual, a collecting together and development of thoughts and intuitions, a directed voyage which will give an impetus to living and to action.

The "ageing speaker" (whom it is difficult not to associate with the poet himself) brings together not only thoughts but

people, or rather the ghosts of people — certain significant South Africans who have lived or died within a few kilometres of the Dias cross (Butler has always been concerned about history, particularly the history of the eastern Cape); Boesak the Khoikhoi chief, Jeremiah Goldswain the 1820 settler, Karel Landman the Trek leader, Nongqause the Xhosa woman prophet, and James Butler the poet's grandfather. The narrator summons these figures or shades, representative and symbolic of some of the country's unhappy and warring groups, in a painful attempt to open up the possibility of discussion, analysis, reconciliation. The issues of the past — for example,

In jerky shade they ease (using white mimosa thorns for spikes) the fluid from each other's blistered feet. Two hundred miles. A trial. Prison. A year before some beggarly redress. (p. 22) —

are interwoven with the issues of the present —

In hiding from the Special Branch a great-grandson prophesies a new Makandla, Nelson Mandela.

After ninety days' detention a girl in faded denims shouts again, "Bread and justice for the blacks!" (p. 23)

The ghosts, having briefly told their stories and meditated on the past and the present, move on with the narrator towards a midnight encounter. It is a dark and testing scene, one which challenges individuals and seems to drain them of their distinctive (and often alienating) histories:

On the highest coastal hill in a gap in the shaken trees, we pause. There is no moon. Still as the dead we stare.

Then we plunge through slipping sands, passing between dim gleaming dunes, under a sky thick with the noise of the sea.

In no-man's-land no man is himself, histories are lost.

Voices — whose voices? — heard, guessed at, anonymous. (p. 37)

This is near the heart of the dream-like pilgrimage. As the climactic moment approaches, divisive pasts are burned and purged away:

In the moment of spiritual need, in the elemental cold, feed the flame with the flotsam of history. Splintered oarblade; rotten quiver; Smashed musket-stock; wormy wagon-spoke; leg of a spindleback chair — all serve as fuel as well as driftwood brought down from inland in summer's turmoil of waters. (p. 41)

The high point of the experience is evoked powerfully:

Midnight.

The blanket of silent air and stars cannot console or still the restless surfaces. On the eastern horizon a paling of some stars, and then,

bit by bit, the moon: a white half-wafer, mysterious in its incompleteness mysteriously suspended over the simmering chalice of the sea.

And there, beside his pillar of stone the swarthy discoverer stands. (p. 42)

At this moment suggestive of holy communion, it is Dias whom they meet. He speaks, telling his story, of hope, of frustration, of doubt. Then — encompassing the reader in their musings — they all consider the present and the future. What can individuals do (the narrator asks), those who want a numane and harmonious society, on a shore where human sounds are silenced by the sea, in a situation where human wills seem silenced by history? Section 13, which I quote in full, represents in several ways the core of the poem's human and social exploration:

We know the sounds of the air and the roar of the sea obliterate instinctive cries, reasoning voices, prayers, curses, songs. Over sea, sky, land, the elements raise their arcane cries which none can understand. Among such acts and cries we speak and act. Sometimes a word outwits the cosmic noise, sometimes by cunning or love an action will flash into freedom, feeling find form in song. In the service of gods or systems we forge our chains of command,

we forge our chains of command, we submit and are bound by them.

They turn into scaling ladders: we climb them, victors, and fall through the rotten rungs.

All bloods and tongues have rules for promotion, demotion, elevations and losses of status.

Systems decay and die.
Where the Medes and the Persians?
Where the house of Aviz?

New patterns emerge. In anger, duty, need, we give ourselves to the weaving

and are woven into the web. There is no escaping this. Is this all there is for us?

What single uniform is fit enough for a man? Can one garment gown a girl?

How long can we rest happy in society's reach-me-downs, a party's off-the-pegs?

No culture is large enough to contain the fullness of being of those who comprise it. History's noise seems endless, like the sea's.

We are the traffic on its surface, the life that sweats and labours, the singing voices on the shore.

The writing is alert and challenging. It also questions, and considers problems, that are familiar to many people. The

poet's sense that individuality should somehow seek scope, that people should not be content to be subsumed entirely in a particular party or cause, is reasonable, urgent, humane. His anxiety is the valid anxiety of the liberal.

And yet I think the poetry is circumscribed in its awareness - in a way that "liberalism" in some of its manifestations perhaps often is. The poet seems to see the individual's place in the universe in intensely pessimistic terms. One can sympathise with his sense that the sea is a hostile force; but is that the whole truth of the sea? The sea's roar may "obliterate instinctive cries/reasoning voices, prayers, curses, songs," but it has its own music too (as indeed certain passages in this poem, suggest); and it's worth remembering that T. S. Eliot, in The Dry Salvages, having acknowledged the timeless slow ferocity of the sea, was yet able to feel its rhythms as consonant with prayer, and to speak of

the sound of the sea bell's Perpetual angelus.

And then history, and causes: is the poet, who would probably have no metaphysical problem about submission to God, right to assume that submission to a cause, or to some powerful historical force, is partly or largely a defeat, a degradation? Why should God and political or other causes be thought of as necessarily opposed to one another?

In anger, duty, need, we give ourselves to the weaving and are woven into the web. There is no escaping this. Is this all there is for us?

No, certainly it should not be all that there is for us. But why is there an assumption that being "woven into the web" is inevitably to be entrapped? After all, people who pursue causes, especially when they are noble causes, work closely and vitally with their fellows. In this respect religious and socio-political causes have a great deal in common and indeed often overlap. And why should one assume as the poetry seems to — that a person is only authentically himself or herself when the self functions largely in isolation from others? Why shouldn't one be able at times to move with history — to become, then, a part of its "noise"?

The poem, facing what are felt to be the dilemmas and the constraints summed up in section 13, moves on (not inappropriately for a pilgrimage — narrative) into prayer into a variety of prayers and hymns derived from several different South African traditions. There is then a last brief glimpse of the Dias figure, who throws out a challenge to the narrator and his ghosts (and to us):

You!

You are nowhere near your farthest east, still have to double your Cape of Storms. Speak! Hope for hearers! Act! And pray for friends. (p. 51)

The poem concludes tentatively but partly joyfully:

I raise my voice and sing with them rejoicing, for once at one with all in the fragile constitution of a verse. (p. 53)

There is much in all this that is moving. But I find that I have to extend my criticism a little. The poet is unable to get beyond the notion that the individual, for all his or her imaginative grasp of historical conflicts and personalities, can only act as an individual; and so the poem ends rather thinly. "Pray": yes, certainly. But "Act!": how act? No coherent mode of acting is recommended. Little more than compassionate and prayerful spectatorship seems to be suggested. History, like the sea, is a noise; so there is no historical current upon which one can wholly or even partly ride. But human society is constantly being transformed by historical currents — though obviously some currents are far more creative than others, and all currents have to be ridden warily. These currents are of course made and moulded and sustained by human beings, but they also have inevitabilities of their own. If one spurns them, one is in danger of cutting oneself off from the very dynamics of human and social development.

It might perhaps be asked: am I rejecting prayer (in all the various meanings that that word may have)? No: I am saying that prayer needs to try to create a context in which positive and hopeful action is possible.

I offer my criticisms of this striking poem firmly but not (I hope) without humility. A poet who boldly confronts sociopolitical issues must expect to be taken up in partly sociopolitical terms. No doubt some readers of Reality will prefer Guy Butler's conclusion to my own.

The text of the poem is accompanied by fine, memorable woodcuts and engravings by Cecil Skotnes.

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GOD IN SOUTH AFRICA: THE CHALLENGE OF THE GOSPEL,

ALBERT NOLAN David Philip. C.T. 1988

Albert Nolan says in his preface that his book could be described as evangelisation rather than as theology. As theology it has certain weaknesses; as evangelisation it is magnificent. The blurb says the book is clear, simple, straightforward, prophetic and thoroughly South African. This is true; what I regard as some theological weaknesses are perhaps the shadow side of these qualities. Let us begin with just two of them, in order to end with the very considerable virtues or strengths of the book.

The weakness that shadows straightforward simplicity is oversimplification, and there are several instances of this. Take power, for instance. Albert, thinking of the battle cry **Amandla awethu**, says power is a good thing, and criticises Lord Acton's famous dictim, "All power corrupts, absolute power corrupts absolutely" as being "not true". This is oversimplification, and misses the point of what Lord Acton said — misses, that is to say, the very necessary warning contained in it. It is also to be unjust to Lord Acton: what he more precisely said, or wrote, was "All power **tends** to corrupt, and absolute power **tends** to corrupt absolutely". This most certainly is true. The very system Albert is struggling against illustrates the truth of it; and it disturbs me rather to see opponents of the system brushing it aside.

Then, "The Bible says . . ." This is a frequent refrain in the book. Now it is legitimate to get a simple message out of the Bible, the message of the gospel, of God being on the side of the poor and oppressed, for example, which Albert does with great effect in his work of evangelisation. But he knows as well as I do that if we change his expression to "The Bible sings . . ." (more African, don't you think?), the Bible does **not** sing in unison with one voice, like plainchant, but in extremely complex harmonies, which contain dynamically, like all great music, many temporary discords, which are only resolved as the song or symphony proceeds, and finally comes to its conclusion.

When he comes to these discords, things the Bible says which don't immediately harmonise with the central message he reads from the Bible, Albert tends either to ignore or dismiss them, instead of trying to resolve them into a final enrichment of the message. I think what he says about sin and suffering (taken together) is to some extent oversimplified in this way; but here I will only discuss his treatment of the apocalyptic eschatology to be found in the Bible. "The salvation preached by Jesus," he says, "was clearly not apocalyptic" (p. 131). But is this so clear? The very opposite was clear as daylight to another Albert, Schweitzer, at the turn of the century, who overthrew the "ethical Jesus" of 19th century liberal theologians by pointing out how very apocalyptic Jesus' message was.

Of course, there have been great developments in biblical criticism since Schweitzer wrote; but while they have



indeed greatly modified **his** over-simplified position, I think it would be unwise to assume that they have simply demolished it. In almost totally jettisoning the apocalyptic streak in the gospel of Jesus which Albert Schweitzer highlighted, isn't Albert Nolan in danger of returning to another version of the 19th century's liberal ethical Jesus?

In any case, I suggest he doesn't pay enough attention to what I would call the practical, here-and-now evangelical value and force of apocalyptic and associated ideas, especially of the idea of and hope in the resurrection of the dead. Because that is the central Christian doctrine (and good news) with which apocalyptic, end-of-the-world eschatology is necessarily connected. It was that, among other things, that inspired the Maccabees in their struggle - not so very different in its aims from the struggle in South Africa today. Albert and the theological "lobby" he represents have, in my opinion, succumbed far too easily to the hackneyed sneer of "pie in the sky when you die". Instead of submitting it to some stringent analysis and tossing it back at the sneerers with nobs on, they just curl up under it, and say "We mustn't talk about the next life or the end of the world, or the resurrection, or anything like that; it's pie in the sky, escapism".

But my point is, it need'nt be escapism. It wasn't for the Maccabees, it wasn't for Jesus or the first Christians — or subsequent Christians (for all its faults, anything less

escapist than mediaeval Christianity is hard to imagine) — why should it be so for us? And anyway, Albert mentions the enormous, and proper, importance of funerals in the struggle. Important for the survivors, of course, those conducting the funerals; but not also for the subjects of them in their coffins? **Hamba kahle**, he quotes; where to? Those committed to the struggle are not afraid to die, he says, all those young people, those boys and girls. Why not? isn't the hope of resurrection a good, Christian, gospel answer? Albert writes at length, and well, about salvation from sin and its structures, and oppression, and suffering; but very little, if at all, about salvation from death.

Another weakness, perhaps the shadow side of clarity, but clearly related to oversimplification, is collaboration in the debasement of language — and this is potentially even more serious. As George Orwell said, and illustrated in 1984, this is often done deliberately by what in this book of Albert's is called "the system" — the establishment. Orwell calls it "newspeak", and in the 40 years since he wrote the book there have been no more seasoned and cynical practitioners of newspeak than the South African government and its agencies — precisely "the system".

So it is depressing to find the staunch opponents of the system unthinkingly aiding and abetting it in thus debasing language, in thus rubbishing good, worthy, valuable words (like "liberal" and "moderate", the two I will glance at here), and giving a false value to bad, unworthy words (like "extremism", not to mention "violence"). Let's start with "liberal", a lovely word, connected of course with liberation and liberality, thus a word connoting freedom and generosity. First it is sneered and jeered at by the reactionaries of the system as "sickly, sentimental liberalism". Then the anti-system revolutionaries heap upon it an opposite contempt. Result — generosity and genuine freedom cease to be values uphed with any conviction in either wing of this polarised society.

Albert, it is true, doesn't attack "liberal" directly — it's hardly there any more to be attacked. But liberalism has fallen between the two stools of opposite extremisms, and extremism is something Albert does appear to be consciously promoting by rejecting the word "moderate". Whereas "liberal" has been vilified almost out of existence by both extremes, "moderate" has been cynically hijacked by the system for application to its more harmless critics like M. G. Buthelezi, and perhaps the Labour Party and the PFP. And what galls me is that this hijacking is condoned, indeed backed up, by committed opponents of the system like Albert.

It's naive, it's both politically and theologically inept, to let the Buthelezi's and Inkatha's of this world get away with the label "moderate"; it yields them a very big propaganda victory, and it forfeits valuable support from friends outside bystanders like me, listening in to this conversation, as Albert puts it in his preface — who are innocently unfamiliar with the squalid intricacies of South African newspeak. People like Walter Wink, whom Albert rather unfairly, if gently, criticises for calling his book Jesus' Third Way, because this fails to take into account one of the boobytraps of this newspeak. Instead of yielding the system the use of the word "moderate" without a fight - and it's a good word, I repeat, like "modest" and "simple", and 'sober" and "reasonable" and "gentle" — why not roundly deny the right of the system and its demi-critics to appropriate it to themselves? Why not claim it for the struggle?

Moderation is not true of the Bible, says Albert (p. 199). Well, that is a sweeping generalisation. I'm willing to bet it has its place somewhere in the Wisdom of literature. It's an Aristotelian, not a gospel value, he continues, and proves it by remarking that love is not meant to be moderate. Oversimplification again, and rather dangerous binary, either/or thinking. I'm sure Albert rejects that "either Marxist or Christian" mode of thinking that seems to hold Cardinal Ratzinger's Congregation in its grip. Why then "either Aristotle or the gospel"? And if love is not to be moderated (there can't be too much love), love and its altera ego wisdom surely have the task of moderating other drives. emotions, impulses and appetites — anger, for example, which Albert very rightly says has its proper place in the struggle, or the use of power (to say nothing of pleasure). Anger and power, like pleasure, are in their place good. But there can most certainly be too much anger and power and pleasure — and even if Jesus, or the Bible, doesn't actualy say so (after all, he wasn't and isn't the ethical Jesus of the 19th century), I would be extremely (not just moderately) surprised to learn that he actually denied it.

But, as Albert says, the book is not primarily theology, but evangelisation. And what splendid evangelisation it is! It really does call the active or passive supporters of the system to repentance, to **metanoia**; it really does, most convincingly, promise forgiveness, i.e. salvation from guilt, to all and any who do repent, and thus renounce the system, and all its works, and all its pomps.

It presents the struggle in a way that will certainly open the eyes of those who know it not, whether because they have been within the system or because, like me, they are outsiders, looking on. For all that we mustn't use the word "non-violent", or the expression "third way", or the word "moderate" (newspeak), Albert shows us that the struggle, in the intensity of the commitment of those involved, is more a matter of singing and dancing and expressing one's human worth, and one's solidarity with fellow strugglers and sufferers, than of violent bombings and necklacings (these he unequivocally rejects as untrue to the genuine spirit of the struggle — just like Archbishop Tutu). Thus it is, in fact, a moderate third way between the opposing extremes of out-and-out violence.

What Albert says about God being present in the thick of the struggle, about God being crucified by the system with those who suffer extremely (**not** moderately — there is certainly nothing moderate about the system's brutality) is powerful and moving. But it is the message, the prophecy, of hope that he reads in the signs of the South African times, which really makes the true greatness of this book. It is a great book; for all its weaknesses, it is a great Christian book, a challenge indeed to the Church and its members in South Africa, and it's the light of joyful, and thoroughly intelligent, hope shining out of it that makes it so.

As an outsider, a bystander from the older, more world-weary, more sceptical tradition of Europe, I'm a little worried that Albert has left his flanks and rear open and rather defenceless against the inroads of disappointment or disillusionment to come — to come precisely with victory and success. But no doubt he would fairly reply that evangelisation, and contextual theology, is concerned with the situation **now.** Let other readers of other signs of other times produce an appropriate interpretation, an appropriate tone of the gospel for the future. This is not a book for the future — well it may be, of course, but that is not its intention; it is a book for **now.**

Re-Emergency

RICHARD RIVE EMERGENCY David Philip. C.T. 1988

Emergency is Richard Rive's first novel. It was banned after its publication by Faber and Faber in 1963, presumably because its approach and its subject matter, a hard look at one man's experience of the three days leading up to the 1960 declaration of a State of Emergency, were considered too dangerous for the Nationalist government to tolerate in the immediate aftermath of the anti-Pass Laws campaign, the Sharpeville massacre and the nation-wide bannings and arrests. The decision to re-issue this novel twenty-four years later, as the fifth State of Emergency grinds on. is clearly right on the publisher's part. But its republication's being allowed does not necessarily mean that greater tolerance of opposition is being exercised; it may just mean that after forty years of rule, the government is simply more confident of its power to resist opposition which takes fictional form.

Its immediate banning on first publication means that for most South African readers, *Emergency* will be a new novel. The actions cover three days, 28-30 March 1960, from Sharpeville Day to the declaration of the State of Emergency, and it traces the process by which Andrew Dreyer decides to commit himself to the cause of liberation inside the country. He is a young "coloured" schoolteacher in Cape Town who, as a marked man when the emergency is declared, is faced with a choice between exile via "Basutoland" or staying and certain arrest. He chooses to stay.

... I shall remain here. ... I shall fight with all the others whenever and wherever I can identify myself with them. If there is another march on Cape Town I shall be in it. I want to live my own life. I have reached the stage where I am prepared to ignore any legislation that denies me the right to go where I please, to love the girl I love and to think the things I think. (248)

Within its historical context, Rive's fiction sets out to construct the nature of that choice, particularly to show from the "coloured" point of view what such a statement of common cause, of identity, means.

"COLOURED" PEOPLE'S OPTIONS

The point of view on which the novel concentrates necessitates the setting out of the socio-political options for "coloured" people in Cape Town that were already functioning in 1948 and into which the Nationalist government's programme of legislation designed to establish racial separation and white domination was received. In order to map out these options, Rive presents District Six purely as a slum, as a place of miserable poverty that everyone wanted to escape. This is an emphasis which, twenty years after the demolition of the area and the destruction of its community, could strike contemporary

readers as surprising. Subsequently, Rive himself has, in "Buckingham Palace" District Six (1986), joined in the more celebratory view of the District as a rough but warm hearted and vibrant community which was destroyed by white greed. This current view is one which has properly emerged in order to give force to the protest against wanton destruction; the earlier view of it as a mean and ugly environment is probably quite as true, but would have had no place in the case that Rive is creating in Emergency. The change in Rive's treatment of District Six is a clear example of a basic feature of perception: we see things selectively. It also demonstrates a truth about writing: the writer's selection is largely guided by the purpose with which he or she is writing.

Rive's starting point is that escape from poverty and degradation is the prime necessity in his protagonist's life. To turn this into narrative, he depicts the established forms of escape in the "coloured" community and then suggests that a worthwhile alternative lies in commitment to the larger cause of justice for all. Accordingly, Andrew Dreyer's family have, since their father's death, been reduced to living in a few squalid rooms in the sleaziest part of the District. From there, those of his brothers and sisters who are sufficiently fair, play white. His eldest brother drinks in white bars and picks up white prostitutes. Others become "respectable coloured" and live sedate lives of would-be invisibility in places like Walmer Estate or Grassy Park. Of course, as the laws of apartheid begin to bite, their confidence in their choice crumbles and Rive gives a brief sketch of just how viciously a bewildered man can turn his suffering into an attack on his wife because of the shade of her skin. Neither of the established forms of escape offer Dreyer much: he is too dark to play white and too perceptive to settle for respectability. Instead, he is fired by dreams of personal equality, dreams which Rive has him try to live out by giving him a white girlfriend, Ruth. What the decision to include a Ruth also suggests is Rive's knowledge that much as his characters might want to understand social conflict in terms of class (and this in the early sixties), in apartheid South Africa there is no ignoring the simplifying overlay of race.

Within this context, the novel sets up a debate about the ways in which legalised oppression should be resisted and conducts it through the somewhat pompous speechifying of Drever and his friends. Abe is shown as the most intellectual: a rigorous thinker but one who is often unable to see his way to actions that will satisfy his theoretical position. He is, for example, shown as fiercely critical of the PAC-organised campaign against the Pass Laws because he sees the way it is conducted as perpetuating the racial awareness against which they are protesting. Dreyer, by virtue of his slum childhood, is a less confident analyst, and is conversely more dependent on knowing himself through other people. It is he who loves a white girl and it is he who says of the march on the Caledon Square Police Station led by Philip Kgosana, that being there made him feel "part of it all . . . I was the crowd milling outside the police station. I felt for the first time in my life that I was Africa." (236)

DREYER'S CHOICE

Within these structures for debate, the novel is thoughtful and usually clear-sighted in the way that it charts the course by which Andrew Dreyer is led to opt for a sense of belonging and to rejoice, even if briefly, in the feeling that "They might gaol our bodies, but they can never break our spirits".(236) Rive backs his protagonist's choice although its immediate outcome is presented as very uncomfortable: still bathed in the glow of belonging that the march has created, Dreyer goes to Langa to distribute pamphlets urging workers to stay at home, only to find the "is actions precipitate a clash between police and workers in which ordinary people are probably and needlessly killed.

Since this first novel, Rive has not undertaken another work organised on the narrative principles required for length. The rest of his output in the sixties was short stories (almost all banned at the time, but subsequently some of these stories have been included by David Philip in Advance, Retreat); in the seventies he wrote a play and an anecdotal autobiography, Writing Black; the recent longer work, "Buckingham Palace", is essentially a series of

related short stories that are held in a unifying frame. Although some of *Emergency* is perfunctory — such as Ruth, the white girl whose inclusion is well motivated thematically, but whose treatment by protagonist and author alike reeks of irritation and afterthought — it is generally so effectively structured, that one wonders why the longer form has not attracted Rive again. It may prove to be sufficient to say that he is temperamentally suited to short fictional forms; certainly in Emergency itself his characteristic power of genial but biting irony is given its fullest rein in self-contained episodes such as the one in which the fair-skinned Abe tries in vain to be served by a hostile railways clerk at the ticket-office window set aside for "Non-Europeans Only". On the other hand, what may one day be clear is that Rive has not been able, since the destruction of the community from which he himself came, and since the deliberate fragmentation of life which is apartheid, to find for any individual life that he wishes to depict, the kind of rich and richly known context that he needs to draw on for its lengthy treatment. One wonders whether his first novel will ever be followed by a second.



Picture by Mike Matthewman