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Communal stove and concrete beds, compound, Johannesburg 1980

Pic by: Ben MacLennan

A JOURNAL OF LIBERAL AND RADICAL OPINION

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EDITORIALS

1. DR. O'BRIEN AND THE RED CROSS

At the University of Cape Town Dr. Conor Cruise O'Brien was hounded off the campus, in spite of his lifelong opposition to apartheid, because he does not support the academic boycott and says so. At the University of the Witwatersrand he was not allowed to speak at all.

At Geneva, contrary to the provisions of the constitution of the International Committee of the Red Cross, and in spite of the protests of the members of that Committee, Kenya led a vote of 159 to 25 expelling the South African representatives from the organisation's annual meeting.

While the 159 were still congratulating themselves on what they mistakenly considered a telling new blow they had struck to bring freedom to South Africa, the South African Government was reacting in exactly the way anyone who had bothered to study its past record must have known it would. It was expelling the South African representatives of the ICRC.

At that, a lot of fairly humble opponents of apartheid in South Africa began frantically to wonder how they would ever find the money or the organisation to continue to provide the food parcels the Red Cross had been giving to the poorest families of political prisoners or to pay for the 12 prison visits a year the ICRC had been offering to the families of all of them for the past few years.

In response to representations from the ICRC the Government has now withdrawn its expulsion orders. If it had not, the blow that ill-considered vote in Geneva would have dealt the morale and well-being of political prisoners in South Africa could have been quite devastating.

The O'Brien affair is different, but more serious in many respects, because the base from which it springs is local. The argument that because the Government has eliminated freedom of speech in many areas the universities should now inflict the same limitations on themselves, and start listening only to opinions with which they agree, is extremely dangerous.

What will have been the point of the long fight against the avalanche of intrusions on our freedom, which has been fought here for nearly forty years, if we now proceed ourselves to strangle what few liberties have survived in the few areas in which they have done so?

At the end of that road can easily lie a society as bad as the one we are trying to get rid of. □

2. THE INDABA

In this issue we carry an article discussing the Bill of Rights proposed by the Natal/KwaZulu Indaba, and as we go to press its constitutional proposals for the region are about to be announced. Of its 35 participating organisations it is reported that 24 have signed this document, two have refused to do so, and nine are still considering it. Such a level of support is a considerable achievement.

On the other hand the leader of the Nationalist Party in Natal has rejected the proposals, while his Minister of Constitutional Development has said he will wait to see exactly what they are before making up his mind. The far Right, in the form of the HNP and the Conservative Party, has condemned them out of hand, as has the Left, in the form of the United Democratic Front and the Azanian People's Organisation. All these groups declined invitations to the Indaba. The Right has rejected the proposals on the ground that they will lead to power-sharing with Blacks and to eventual Black majority rule. The Left says that regional solutions are inappropriate, only one embracing the whole of South Africa within the framework of a unitary state and based on the Freedom Charter will do.

On the face of it, and from what we know at the time of writing, the Indaba has come up with some good ideas and some which sound rather dubious. The important thing now is that there should be a thorough public debate about them.

One of the most persistent criticisms of the Indaba has been that all its business has been conducted in camera, with the delegates sworn to secrecy. The organisers have replied that this was the only way to prevent participants playing to their constituencies all the time, and the only way in which a consensus on anything can ever be reached. They say that their proposals will now be publicly tested, probably in a referendum. This is fair enough, provided those in favour and those against are able to organise their campaigns freely and without fear of victimisation throughout the whole region. This is obviously quite impossible as long as the State of Emergency continues.

The first thing the Indaba supporters must do, then, is campaign for an end to the State of Emergency. Thereafter conditions must be created which make possible an open campaign without intimidation. This will not be easy. Giving a fair hearing to your opponents is not a notable characteristic of a considerable number of supporters of both those who support the Indaba and those who don't. But if a situation can be established where a wide and open debate can be conducted, there will be no excuse for boycotts and, for the first time, we will be able to gauge what all the people of a significant segment of our country together think about a proposal for their political future.□

3. HORROR UPON HORROR

In Mamelodi, Pretoria, community leader Dr. Fabian Ribeiro and his wife are shot to death on the verandah of their home. In Mpophomeni, Natal, three trade unionists are publicly assaulted, abducted, and later found murdered in a burnt out car.

Will the murderers ever be found and brought to trial?

A few years ago the confident answer would have been that they almost certainly would.

Not any more.□

What Now?

Professor N.J.J. Olivier's comprehensive and detailed article in the September issue of **Reality** was headlined; The Abolition of Influx Control: What Now?

The "what now" is beginning to appear.

It is much too early to be able to provide any definitive overview of the new system but there are straws in the wind which can be described and which do indicate that, while there is a vast improvement in the situation of some people where the search for work is concerned, there is no real freedom of movement for black South Africans. One set of legislated controls has been removed but new administrative structures have been put into place which deny freedom, in any meaningful sense of the word, to the vast majority of people who do not have the money necessary to buy themselves into a secure and permanent place in the urban areas.

It may even be proved over the next few years that the new controls are more efficient and much more difficult to circumvent than the old ones. It is always more difficult to deal with wide discretionary powers in the hands of bureaucrats than it is to cope with legislated restrictions which can be challenged in the Courts, as was done in the Komani and Rikhoto cases.

That is not to say that the removal of the pass laws is not to be welcomed wholeheartedly but it is premature to be euphoric about freedom of movement when the law does not provide any positive protection of the rights of people to move freely around their own country.

It is, of course, an enormous relief to be able to tell people who come to the advice offices because they have lost their jobs that they can now apply for their U.I.F. benefits wherever they choose to do so and that they can actively seek for new work while drawing the benefits. They are no longer obliged to return to homeland or rural area to apply for U.I.F. and they need no permit to seek work or to work wherever they prefer to be - **PROVIDED that they are not Xhosa, Tswana or Venda speaking.**

All Xhosa, Venda and Tswana people in South Africa were stripped of their South African citizenship when the TBVC homelands took independence. It is estimated that there are now more than 9 million of these "new foreigners". Approximately 5,75 million of them reside within those four homelands. Of the rest the government expects no more than 1 751 400 to get their South African citizenship back through the provisions of the Restoration of South African Citizenship Act. (Minister of Home Affairs Second Reading speech 23rd June 1986) The rest, 7,25 million people, remain foreign and are now in a much worse position than they ever were before.

They are aliens in South Africa. In order to obtain work in South Africa they must be recruited through the Labour Bureau in the homeland, attest a contract there, and have a permit endorsed in their passport by an immigration officer giving them permission to enter and to be in South Africa for a specified period, for a specified employer, in a specified place. "Change of employer without prior official approval is not permitted" (Department of Home Affairs circular "Employment of Alien (Foreign) Black Labour" 17th July 1986) This is the same old system, imposed under different legislation, and much worse in the following respects:

1. Employers can now employ any person who is entitled to the new Identity Document without any red tape or permits of any kind. Those who are aliens and who are not regarded as being permanently resident must continue to carry passports as identification and may not be employed without permission. The work permits given are temporary and permission to renew them must be sought when they expire.

In addition employers must fill in a monthly return to the Department of Home Affairs listing every alien in their employ with a whole list of particulars of each one.

In these circumstances employers will inevitably give preference to workseekers with I.D.s and foreigners will be increasingly excluded from the job market.

Community workers in the Bophuthatswana area north of Pretoria are already reporting that Bophuthatswana workers who are resident in that homeland and who therefore are not entitled to a South African I.D. are being displaced from their jobs in the Roslyn industrial complex and are being replaced with workers who live in the townships outside Bophuthatswana and who can have I.D.s because they are South African citizens.

The old line between insiders and outsiders which was the line between those with Section 10 rights and those without has gone but a new line has been drawn between those who are South Africans and those who are not. Coloured Labour Preference in the Western Cape was withdrawn. It is now back again with some black people who are able to get I.D.s joining the insiders and the rest being excluded.

2. Temporary workpermits granted to aliens can be withdrawn at any time. From the Cape Town office of the Black Sash it is reported that women workers who have in the past been granted six month permits to work are now being refused renewal of these permits because, they are told, "Transkei wants its women to till the land".
3. There is now no way in which migrant workers from the TBVC homelands whose permission to be in South Africa is always "temporary" can win a right to permanent

residence. Under the old system they could acquire Section 10(l)(b) rights after 10 years continuous and lawful employment in the urban areas. Section 10 is now gone. All those who had not completed the 10 years before the 1st July 1986 are cut off for ever. They can work for ten, twenty, thirty years in South Africa as "foreign guest workers" without acquiring any rights of residence. In order to acquire permanent residence in South Africa an alien must be granted a Permanent Residence Permit. It is highly unlikely that these will be granted to many aliens from the TBVC homelands. The Aliens Act provides that such a permit shall not be issued unless "the applicant therefore does not and is not likely to pursue an occupation, in which, in the opinion of the Board, a sufficient number of persons is already engaged in the Union to meet the requirements of the inhabitants of the Union..."

That is one way of resolving South Africa's unemployment problem by excluding permanently those who have every right to a full and free share of the resources of this country.

4. Even those who did acquire Section 10(l)(b) rights in the past are finding that they are being refused the new Identity Document and restoration of their South African citizenship if their families are resident in the homeland. In order to obtain either of these things a person must be permanently resident in South Africa. The department of Home Affairs interprets this as meaning that a person must be resident with his family in South Africa. The application for an I.D. contains the following question: "If you are a citizen of the TBVC country state the date with effect from which you **and your family** reside permanently in South Africa". Many thousands of people have never been able to bring their families to town to be with them because they have been unable to find any accommodation.
5. The penalties for being an illegal alien or for employing an illegal alien are much more severe than the penalties provided for in the repealed Urban Areas Act. For employing an illegal alien a person can go to prison for two years or be fined R5000. These penalties, as they become more widely known, will remove all remaining chances of people from the TBVC homelands finding unregistered employment. The responsibility for enforcing the new system has been transferred to employers. One hopes that they will refuse to accept this.

There have already been two reported instances of "pass raids" being conducted in streets and homes in Sandton in the search for illegal aliens. It must be pointed out that aliens are not to be distinguished from South Africans simply by looking at them so the indignity and humiliation of being called upon to identify oneself by production of an I.D. will inevitably remain part of daily experience if the police are instructed to actively search out illegal aliens. This will severely infringe the new freedom of all black South Africans and will necessitate more of the same old pass inspections at places of employment and on the streets.

The lack of freedom of movement for that two thirds of the black population who have remained South African citizens and who are not subject to the Aliens Act has also begun to emerge.

They are now free to work where they choose but they are definitely not free to live where they choose. Because of the

Land Acts and the Group Areas Act the only place where a black person may lawfully reside with his family in an urban area outside the homelands is in a black township, in a house which has been approved by the local authority. The provision of land for new black townships and for the extension of existing ones is firmly in the hands of the central government and the draft Guide Plan for the Central Witwatersrand does not bode well for the government's intentions.

It seeks to freeze development in Johannesburg and its environs in favour of the development line running from Rustenburg through Pretoria to Middleburg, the significance of that line being that it is in close proximity to Bophuthatswana and Kwa Ndebele. We will have to wait and see where new land is to be provided for black townships but present indications do not give much cause for optimism. Central government continues to regard decentralisation and deconcentration as an alternative to rather than a supplement to the growth and development of the metropolitan centres.

At the moment all black urban townships are grossly overcrowded. Allocation of sites and houses is in the hands of the black local authorities who are faced with enormous waiting lists. In the absence of new land allocations the local authorities become the enforcers of influx control.

Mrs. X came to Johannesburg from Gazankulu with her children after hearing about freedom of movement. Her husband has been working in Johannesburg for years and lives in a hostel. She went to the mayor of Soweto to ask for one of the sites in a controlled squatting area he has laid out (on his own initiative and without benefit of the Council's consent). He refused to allocate a site telling her that the sites "are not for outsiders". Reports have also been received from a small town in the OFS that the black Council is refusing to allow displaced farm workers to move into the townships with their families. In other places the Community Services branch of the Department of Constitutional Development and Planning (the new face of the abolished Development Boards) is providing sites on the edges of existing townships. The process of infilling in existing townships is going ahead in some areas but it is not yet clear whether plans are being made to accommodate a new influx of families or whether housing is to be provided only for those on existing waiting lists.

People who can afford the expensive kind of houses being built by private sector developers or who have the money required to buy themselves to the top of waiting lists will be able to exercise freedom of choice as to where they will live within the confines of the Group Areas Act but the poor have no freedom to choose. They are dependent on when and where the government decides to provide land for site and service schemes and controlled squatting areas.

The Housing Regulations for black urban townships have not been repealed. Amongst other things these require that every person living in a township must be listed on a house or lodger's permit. Superintendents have wide discretion as to whether such a permit will or will not be granted.

They can no longer refuse to enumerate South African citizens because they do not have a permit to be in the urban area but they can refuse if, in their opinion, a house is overcrowded. Officials in the Department of Home Affairs in Johannesburg are requiring that people produce a house permit when they apply for an I.D. This is quite unlawful but it means that for the ordinary black person nothing has changed from the days when they had to produce proof of

lawful residence in the town in order to obtain a Reference Book. The problem is, of course, that there is no new and "different corps of public officials". The same officials are doing the same old jobs in the same old way. The only difference is that they do it in the name of Home Affairs or Constitutional Development and Planning instead of Co-operation and Development.

Those people who cannot obtain authorised accommodation and who build themselves unauthorised shelters lay themselves open to prosecution in terms of the Trespass Act (penalties up to two years imprisonment or a fine of two thousand Rand) and the Prevention of Illegal Squatting Act which provides, among other things, for the removal of persons to another place. They may be removed yet again from the place where they have been sent to at the discretion of the local magistrate.

Removals are continuing in spite of government promises. Oukasie, the black township at Brits, has been dis-established. The people are being moved to a new town 24 kms away on the edge of Bophuthatswana. The stories of Kabah at Uitenhage, KTC and Portland Cement in Cape Town are well known. Now three thousand families in Duncan Village have been told that they will have to move in the interests of "upgrading". The list could go on and on.

In the last days of the 1986 Parliamentary session the Borders of Particular States Extension Amendment Act was passed by all three Houses of the Parliament. This Act adds many communities on to the list of areas to be incorporated into the independent homelands of Ciskei, Bophuthatswana and Venda. Some of the people concerned are citizens of

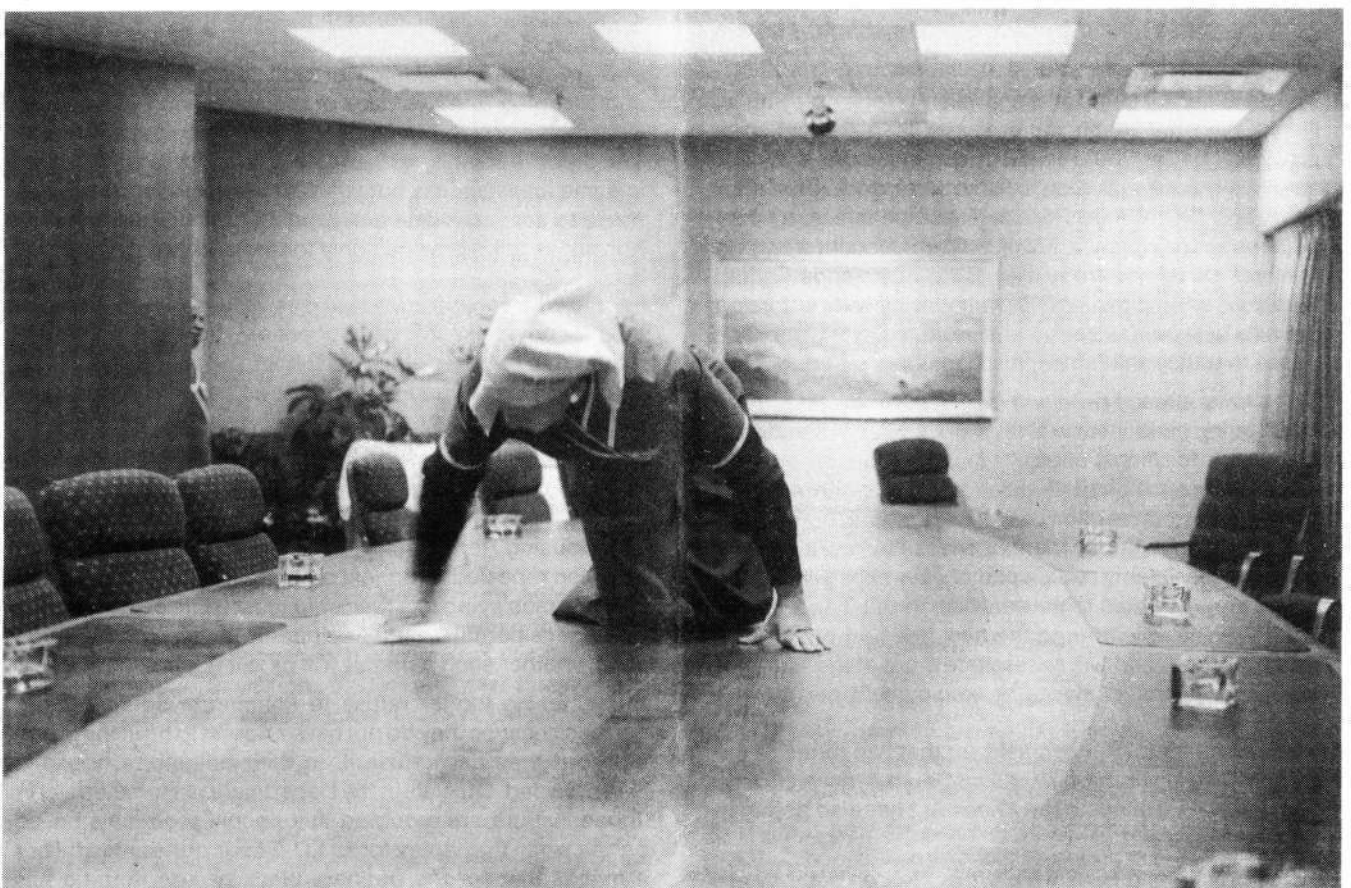
those homelands and will lose their right to have South African citizenship restored to them because they will no longer be permanently resident in South Africa. Others are still South African and will face the choice of living in a hostile "foreign" country or leaving their land to go to new resettlement areas established for them. The South African government claims this is not "forced removal".

We do wish that we were able to say that at last the South African government has done something wholeheartedly and without reservation to begin to undo the wrongs of the past.

In September 1985 when the State President announced that the pass laws were to be repealed I burst into tears in front of the television cameras. We believed it was true. We thought that maybe our advice offices would not be needed any more, or at least that they would not be needed to deal with the same kind of problems. We were not cynical. We did rejoice and welcome the announcement.

Now we sit with the same long queues, the same heart-breaking stories of divided families, homeless people, people who need their pass to be fixed up because they cannot find work without it. It is all new law, a completely different system, but the problems and anxieties, the divisions and despair are the same.

Now we too are cynical. It is not "easy to be cynical" as Professor Olivier claims. It is very difficult to have hopes dashed and to have to go on saying "We're sorry. There is nothing we can do to help you. The law does not allow you to work here". □



Office cleaner, Johannesburg 1984

Pic by: Leslie Lawson

NEW HOPE FROM NATAL : AN EXAMINATION OF THE KWA ZULU NATAL INDABA'S BILL OF RIGHTS

An agnostic might view religion as an ingenious edifice erected on an unproved supposition, logical within its own terms, but only valid if one can accept the basic premise; the existence of God. Some have been prompted to view the publication of the KwaZulu Natal Indaba's Bill of Rights¹ in a similarly sceptical light. The enshrinement of the principle of limited government in an institutional form, a lynchpin of this and related documents, does require a conviction that the current conflictual quagmire is capable of constitutional correction. It further necessitates an optimistic belief which transcends the uneven reception such instruments have received in comparable jurisdictions. Accordingly the architects of, and adherents to, this Bill of Rights rest their assumptions on the hope that, in the Natal KwaZulu region, at least, this particular feat of constitutional engineering will lay the foundation on which an extensive and devolved political superstructure can be both erected and flourish.

An absolute, and necessary, precondition for such a structure is that it arises as a result of negotiation – and is not superimposed by edict or merely approved in final, but unalterable, form through, for example, a referendum. The fact that this Bill of Rights did not descend from an Olympian height, nor (to sustain the initial metaphor) in tablet form from the Mount, is very important in terms of both its legitimacy and ultimate efficacy. The Indaba is composed of some 37 organisations and interest groups – and presumably the usual powerbroking, compromising and “horse trading” characteristic of such constitutional convocations, prefigured its final acceptance. A caveat to note, of course, is the significant absence at the Indaba of major political formations of the region and the country (the ANC and the UDF) and the obscurely marginal role of central government in its deliberations (the National Party chose to send only “observers”).

For many years there was little indigenous enthusiasm, outside of liberal enclaves, for a Bill of Rights. South Africa as a signatory of the United Nations Charter, squandered a golden opportunity when she declined to affirmatively acknowledge the Universal Declaration of Human Rights, which aside from its normative value would have created a suitable imperative for the reception of the procedural safeguards and substantive provisions characteristic of a Bill of Rights in South Africa. However, within the last few years a certain favourable response to this notion of constitutionalism has emerged. This has been ventilated by certain members of the judiciary, a wide range of academia, and, finally, the government, which has referred the question to the Law Commission for consideration. The “independent” homeland of Bophuthat-

swana and the “interim government” of Namibia have actually enacted Bills of Rights into their respective constitutions.

The corollary of the political and judicial establishment's embrace has been a certain mistrust by the broad Left of both the intention of the protagonists of a Bill of Rights and its effects on the course and character of the liberation struggle. These efforts have been generally characterized by the liberation school as being inimical to the immediate developmental and infrastructural imperatives necessary for meaningful freedom; and, secondly, as providing some form of indemnity for the wrongful and illegitimate acquisitiveness of the privileged, white class during the apartheid era, and before. By way of example, the explicit, or implicit, protection of private property in a Bill of Rights is usually advanced as proof of some sinister intent or “the hidden agenda” which, it is suggested by the school, informs such instruments.

A final, and complicating, feature of the background to the Indaba's proposal is its regional characteristic. While problems of scale and ultra-heterogeneity are obviated by the relatively small field of its implementation – i.e. only within the KwaZulu Natal regional unit, certain negative factors arise. The Indaba will be criticized for being the handmaiden of the Department of Constitutional Affairs and Development in proposing an explicitly localized solution to a problem which, properly addressed, needs attention at the national level. Secondly, much of the Indaba's Bill of Rights, notably those articles guaranteeing freedom of expression, association and, especially, the right of liberty, addresses itself to issues and activities of the State, which, even under an extensively devolved form of provincial and regional government, will forever remain the preserve and prerogative of central government itself. Indeed, the entire assumption underpinning the deliberations of the Indaba, is that Pretoria will be willing to divest itself of a considerable modicum of its power and authority to a unit such as KwaZulu Natal. Not only is this an articulated article of faith in this Bill of Rights, but is a sine qua non of the entire constitutional exercise being conducted by the Indaba.

Another noticeable feature of the Indaba document is that some eleven of its 15 articles may be attributed to the European Convention on Human Rights, a document informed by the particular jurisprudence and state practices of the developed industrial nations which are signatories to it. The advisability of incorporating such Eurocentric notions into southern Africa might also be questioned.

As Benjamin Disraeli noted "it is far easier to be critical than to be correct". Therefore, although the foregoing observations are a necessary caution on the fruits of the Indaba's labour, there is much to be said in its favour:-

Firstly, it is difficult to imagine how any form of majority participation in government (even on a regional level) can be reconciled with respect for individual and minority rights, except through the restriction on power evidenced in the Bill of Rights.

Secondly, the Bill of Rights corrects so many shortfalls in the law of civil liberties in South Africa that despite its limited applicability in this field (for example, it could only apply to the legislation and administrative acts of provincial and local government and its officials and not to the statutes and agents of central government) its very presence will be welcomed by all those who nurture a belief in human rights.

Thirdly, the KwaZulu Natal Bill of Rights contains both a restatement of rights already existing in the common law (see for example article 2, the right to life; article 7 (2), the right to compensation for expropriation; certain, though not all, of the procedural rights envisaged in article 4) and articulates a range of new rights (see, for example, article 7(1) the non-racial right to own property; article 12(1) freedom of assembly and association; article 4)8)(c) the right to legal aid; article 11 freedom of opinion and expression; article 8(4) the non-discriminatory right to public education; article 15 the entrenchment of the Bill of Rights itself, and the obligation of all the arms of regional and provincial government to observe its injunctions and prohibitions). Therefore, the effect of the Bill of Rights will be to simultaneously codify existing rights and to create new ones. Importantly, it will shroud both in greater protection than they would otherwise have possessed.

Fourthly, the degree of superintendence contained throughout the Bill of Rights is not foreign to our common law. In a speech published in the **SA Journal on Human Rights** vol 2, part 1, (March 1986) Mr Justice Leon observed:

"Despite the differences (between the Anglo-American paradigm of civilized values and the amalgam of the South African value system) it is interesting to note that the notion of a Bill of Rights is not really foreign to us. What will be enshrined in a Bill of Rights is in essence the basic principles and assumptions of our common law."

The Judge went on to draw a similarity between the 1st, 4th, 5th, 7th and the 13th Amendments of the American constitution (which comprise a section of the United States Bill of Rights) and judicial practice in South Africa. Although many of these assumptions have been rendered nugatory by successive South African statutes, it is noteworthy that each of them finds expression in the KwaZulu Natal Bill of Rights (namely, those articles dealing with the right to privacy, free speech and religion, property and the article detailing procedural safeguards for the criminally accused).

Fifthly, another judicial officer of the Natal Provincial Division (Mr Justice Didcott) in an address to a conference of law students at the University of Cape Town in April 1986 dealt with the contention that the constitutional imperatives contained within a Bill of Rights were of little significance in redressing the fundamental issues arising from the inequalities of the South African society. Noting

that a Bill of Rights can seldom be an instrument of attack, but operates best as a shield, the Judge indicated that the inability of a court of law to raise funds and levy a charge on the public purse, means that courts will always be limited in operating as the enforcement agents of public policy. However, as Judge Didcott observed, in a sense the function of a Bill of Rights is more fundamental:-

"A Bill of Rights (does not) lay down a political blueprint. . . . What a Bill of Rights does, however, is to guarantee the freedom of all to propagate policies which will provide health, education, welfare . . . and to choose political representatives to bring about those results."

Sixthly, the notion of regionalism contained within this Bill of Rights does not necessarily render it a crude tool of government thinking on conflict resolution. Indeed, even a limited application of this Bill of Rights in the KwaZulu Natal unit might render its positive reception in greater South Africa more probable. In this regard, it is interesting to note that various suggestions have been made about introducing a Bill of Rights in Northern Ireland, which since 1972 has been under the direct rule of Westminster. Proponents of a Bill of Rights for that region believe it would, to some extent, ameliorate the divisions of that highly fractured province which suffers from the reciprocal fear and mistrust by the communities of each other.

There are certain specific reservations which one notes about the KwaZulu Natal Bill of Rights. Article 14 allows derogation from the provisions of the Bill of Rights "in the interest of public safety . . .". Given the notorious misuse, by the instruments of State, of this concept, it is a moot point whether this provision might not be abused to the extent that the remaining articles of the Bill of Rights become meaningless. A similar provision is found in article 10(2) of the European Convention on Human Rights. However, that article is inapplicable to four fundamental freedoms contained in the Convention (including the prohibition against torture, and inhuman and degrading treatment). The absence of a similar qualification in the KwaZulu Natal Bill of Rights is regrettable.

The entire notion of importing new rights into this constitutional instrument is praiseworthy but also problematic. For example, the right to public education, a laudable concept in itself, has already been criticized by one commentator (Costa Divaris in (1986) (15) **Businessman's Law** at 246.) He suggests that this will open the floodgates for a multiplicity of demands which will need to be met in order to give meaning and content to this right. Many commentators suggest that any Bill of Rights which takes clear-cut decisions on issues on which there is public division and controversy risks becoming itself fragile and controversial.

Perhaps a better method of enforcing such rights is to supplement a broadly phrased Bill of Rights with ancillary legislation which will provide the machinery to enforce popular demands. That course of action naturally makes certain presuppositions about the legislature and denies its potentiality for capriciousness.

However, whatever course is adopted uncertainty will prevail. In the United States, both the rights of free speech and of due process of law have undergone fundamental changes depending on the occupants of the Supreme Court and the degree of national public opinion at the time

of the judiciary's adjudication. Between 1919 and 1972 the restriction on subversive speech has been so narrowed by the Supreme Court that the test imposed today bears no relationship to that enunciated by the Court 70 years ago. There are, accordingly, no guarantees of consistency, nor should there be; law adapts its **mores** to changing circumstances. What is important is that courts do not get burdened with implementing the minutiae of public policy; a danger perhaps inherent in the right to public education.

Perhaps a compelling reason for a Bill of Rights in the Natal KwaZulu region is that its judiciary has generally shown itself to be amenable to interpreting legislation in a manner which favours the individual and limits the power of the State. Since this assumption, too, permeates the KwaZulu Natal Indaba's Bill of Rights, there appears to be an unmistakable, though inarticulate, unity of purpose between the drafters and proposed interpreters of the instrument. However, when litigants take a Natal based

decision on appeal to the Appellate Division in Bloemfontein, there are certain precedents which suggest the possibility of a result less favourable to civil liberties. The entire exercise depends on the attitude of government and their response is awaited. Should Government agree to the implementation of the Bill of Rights in the region then Natalians will, as a minimum, experience greater protection of their rights in their interaction with the Province and local government. Should the State go one step further, and invest the region with significant powers of government, then the Bill of Rights will play a very significant role; not just for the people of Natal, but in giving new hope to all South Africans. □

¹The KwaZulu Natal Bill of Rights contains 15 articles which protect various individual, cultural, religious, political, social and related rights. It is justiciable, on individual application, before the Supreme Court in Natal; its carapace covers ordinances and by-laws promulgated in the Province.

by Mervyn Frost

THE CHRISTIAN UNDERSTANDING OF POLITICS AND VIOLENCE IN SOUTH AFRICA

The Things That Make For Peace: A Report to the Catholic Bishops and the Church in Southern Africa
by The Theological Advisory Commission of the Southern African Catholic Bishops' Conference, Pretoria, 1985.

Contending Ideologies in South Africa edited by James Leatt, Theo Kneifel and Klaus Nurnberger, Cape Town, David Philip, 1986.

What are Christians called upon to do in the context of the present crisis in South Africa? Difficult questions face the Christian in every sphere of South African life. In the political sphere ought Christians to support the government as it is presently constituted or ought they to support "the struggle"? In the sphere of economics does being a Christian commit one to supporting capitalism, socialism or communism? Culturally does being a Christian commit one to being in favour of integration and against segregation? Ought Christians to reject military service? For many South African Christians these questions have become extremely pressing and awkward to answer.

Two church groups responded to the need for answers to these questions and commissioned studies which it was hoped would guide Christians through some of their present predicament. **The Things that Make for Peace** and **Con-**

temporary Ideologies in South Africa are the fruits of the commissions set up by the Catholic Bishops Conference, and, the South African Council of Churches, respectively.

The two books are quite different in their immediate aims, in the methods adopted to achieve those aims, and in the success achieved in pursuit of their objectives.

Contending Ideologies in South Africa is on the face of it a puzzling book for it is not easy to categorize. It starts out with a chapter on capitalism in South Africa which is descriptive and explanatory in a potted history kind of way. This historical section is introductory and is clearly not intended as a new input into the debate about South African history. The book proceeds with a consideration of the main "isms" in South African politics. These include, liberalism, Afrikaner nationalism, African nationalism, Black consciousness,

socialism (including Marxist, Marxist-Leninist, social democratic and Maoist versions of socialism). In these sections sometimes the focus is on describing the history of these movements in South Africa, and sometimes the focus shifts to a discussion of the origins of the political philosophies themselves.

In the sections describing liberalism in South Africa the authors rest with describing and do not really attempt to explain why liberalism formed into the kind of movement it did and why it formed at a given time and not some other time. For example no attempt is made to explain why liberalism was influential in black politics and why it at a point ceased to be so.

In the sections discussing the different political ideologies a superficial account of each ideology is given, but none of the sections on ideology can be seen as making a significant contribution to the debates in political philosophy about liberalism, nationalism, black consciousness and so on. In each case what we are given is a summary of the intellectual position underlying each -ism. The book then proceeds with a fast overview of the very complex debate about the nature of ideology. Finally, there is a section on the theological position concerning the role of the Christian in the present polity. Two approaches are identified. The one approach is called "the word of God" approach and the other is the black theology view. These positions are radically opposed to one another. The positions are presented and the reader is then left to make up his/her mind.

This book is not a specialist work. It does not contain an argument towards a specific conclusion. It is not a serious work of history, it is not a work in the history of ideas, it is not first order political philosophy, nor political sociology, nor theology, and finally it is not a work in political science.

What then is the aim of the book? At the end of the 1970s as the political climate in South Africa deteriorated the SACC commissioned a study of "conflicting ideologies in South Africa and the possible theological responses". The commission was "to report its findings in a way which would inform church leaders and concerned lay people". The aim of the book must then be seen to be that of informing church leaders and a lay audience about ideologies in South Africa. It must be seen as providing answers to the harassed parson or worried parishioner faced with the question "What is Black Consciousness about?" or "What is democratic socialism?" and so on.

For those readers who want to know something about Black Consciousness, social democracy (and the like) this book will be very useful. It will tell them something about what Black Consciousness supporters stand for and something about the arguments which they use in defence of their positions. But it does not go deep enough into the arguments to enable us to determine whether the various "isms" are at the end of the day rationally defensible or not.

Contending Ideologies in South Africa is a book biased towards the socialist perspective. One whole section of part one is entitled "Ideological critiques of South African capitalism". Two of the five parts of the book are devoted to socialist/marxist themes and only three and a bit pages are devoted to "A Critique of Marxism-Leninism". The criticisms raised in this section seem on the face of it very damning and seem to provide good reason for a return to liberal principles. The authors remain as far as one can tell secure in their socialist faith.

At the end of a section on the Marxism of Marx the authors pose some critical questions some of which will strike the lay reader as surprising if not plain amusing. Amongst the stranger ones are these: How social can man become? Is there hope for the victim? Is there hope for the dead? Is death normal? Is death not the deepest alienation?

Suddenly towards the end of the book there is a chapter entitled "Anarchism". It is not at all clear why it is included in the book at all. Anarchism is an interesting enough topic in itself, but it is not one of the main line ideologies which inspire action in South Africa. There is no plethora of anarchists in this country nor is there a tradition of anarchism.

The following chapter is entitled "On Ideology". Here the authors outline some of the important and interesting debates about ideology in social science. The debate has raised many interesting methodological and philosophical points, but it is not at all clear why this chapter was included in this book which for the most part is concerned with ideology taken in a straightforward sense as meaning "political creed". The readers of this book are not going to be (nor need they be) majorly concerned with such questions as "Are ideologies false consciousness?" "Are all our beliefs ideological?" "Can we study ideology in a value neutral way?" and so on.

In the last chapter the authors outline two very different views of the relationship between theology and ideology. According to the first which they call the "word of God theology" a main principle involved in being a Christian is that it requires the Christian to accept, in accordance with the word of God, those who are different. This mutual acceptance results in what is referred to as "an impossible community". The members of this community are called upon to admit their sinfulness to one another. Out of the understanding of others the possibility of a wider community grows.

What are the implications of this model of the theology/-ideology link for political action? What are Christians called upon to do? The answers are not spelled out in this book, but there do seem to be some implicit political injunctions. The first is "understand the position of your enemy". This requires communication with him and insight into his ways. The second is "communicate your awareness of your own sins to your enemy". What is odd about these injunctions is that they involve responding to a political predicament in a non-political way. If politics is about power then Christians are called upon to renounce power type responses in favour of a radically different kind of response. In short the command is "about adopting the loving way instead of the powerful way".

The abovementioned response is an intriguing one which has fascinated Christians since the early days of the church. It has inspired Christians to adopt the loving way in the face of the most imposing political empires. It promises to transform society by changing the people within it. Unfortunately the authors pay very little attention to the details of what would be involved in South African Christians following this way. The second model which the authors consider relating theology to ideology is majorly political in the traditional sense where "politics" means "power". This view is called "a theology of liberation". According to the authors this view does not start with a commitment to the bible, or to a dogma. It begins with a commitment to the poor and an understanding of the socio-economic power structures. It sets out to rectify the present injustices. The test of the right course of political action is whether it is to the benefit of the poor. Jesus is portrayed as the Messiah of the poor.

Once again this is an intriguing position, but the authors do not discuss what precisely liberation theology instructs Christians to do in the context of present day South Africa. Capitalists, socialists, communists, and anarchists all profess to have a concern for the poor. Liberals make the case that all (including the poor) will be well served by a representative democracy conjoined with a free market economy. Socialists argue that the poor will be best served in a democracy combined with specific systems of common ownership and so on. The crucial question (which is not tackled) is not "On whose side are you?" but "What political/economic/social institutions will best serve the common interest?"

The majority of the poor in South Africa are black and many blacks (a majority perhaps) believe that their best interests will be served by some or other form of socialism in South Africa. Around this belief they are mobilizing themselves in pursuit of political power. However, whether or not socialist institutions and policies will serve their best interests or not is a moot point. It may turn out that their belief in socialism is merely an ideology; a set of false beliefs. This book does not help us settle this question one way or another.

The Things That Make for Peace is a much more focused and rigorously argued book than **Contending Ideologies in South Africa**. It is a short lucid book which all South African Christians (Catholic or not) will find useful in helping them think about the religious, moral and political problems facing them in this turbulent country especially with regard to the issue of violence. It is focused directly on the question: Under what conditions may Christians justifiably resort to violence? The question is taken in its widest sense to include violence in support of the side of the state, on the one hand, and violence in support of the forces opposing the state, on the other. In seeking answers to these questions the book also considers the theological justification for non-violent action.

With regard to non-violence the authors make the important point that there is an ambiguity in the concept. It may be taken as referring to a particular means of pursuing just ends, yet it may also be taken as referring to a policy of doing nothing at all. In some situations doing nothing may be an unjustifiable approach from a theological and moral point of view; being passive may not be the peace loving or Christian thing to do.

The book starts usefully with a section entitled "Some Clarifications Regarding Terminology" in which definitions are given of power, authority, force and violence. Unfortunately having started with a satisfactory definition of violence as "what injures, maims or kills a person" they straightaway accept a dubious and pernicious extension of the term. They extend the meaning to cover all things which "jeopardize people's potential for growth". Here they have in mind such things as droughts and that class of phenomena which they call "structural violence". It does not seem very useful to call a drought a case of violence. Similarly it does not seem particularly useful to call laws which frustrate my growth potential "violent".

In order to demonstrate the implausibility of thinking of violence in this way consider the following: Any form of property law whether it enforces private property or communal property or whatever form of property may be seen by some group as jeopardizing their growth potential. Would the aggrieved group be justified in referring to that system of property as an example of "structural violence"? If we accept this usage "violent" comes to mean much the same as "unjust". There is good reason to stick to a narrower definition

of violence. The narrower definition is preferable because it commands a consensus across ideologies. Communists, socialists, capitalists, anarchists, etc., are likely to agree upon a minimalist definition of violence as that which "maims or kills a person". When discussing the justifiability of opposing violence of resorting to violence it is largely this kind of violence which we all have in mind.

A serious consequence of making "violence" synonymous with "unjust" is that a violent reaction is much more likely against something which is called "violent" than it is against something referred to as "unjust". If I call something which injures me "violent" there appears to be a *prima facie* case for resorting to counter violence as a remedy. Whereas against injustice there is no immediate presumption that counter violence would be justified. There is a well known and nuanced range of justified actions against injustice. These range from protest to war. The debate about justified responses to violence is much cruder altogether.

The crux of the Christian response to violence resides in the so-called "just war" tradition. Chapter Four gives a concise history of the evolution of just war theory including the contributions of Augustine, Thomas Aquinas, and Francisco de Vitoria. Some of the main tenets of the developed tradition are:

- War is only just if undertaken in a just cause.
- War is only just if declared by a legitimate authority.
- War must only be undertaken as a last resort when all else has failed.
- War is only justified where it has a reasonable chance of success.
- There must be due proportion between the amount of violence incurred in a war and the benefits which it accomplishes.
- In conducting a war immunity must be given to non-combatants, the rights of prisoners of war must be respected and so on.

The authors of **The Things That Make for Peace** argue that the Christian's response to violence in South Africa may best be situated within the context of the just war tradition and they make a sharp distinction between it and those traditions which extol violence as an ideal such as the ideologies of National Socialism and Marxism-Leninism. This section of the book ought to be compulsory reading for all South Africans. For we are caught in a spiral of violence in which all participants claim to be fighting for a just cause and yet few articulate the principles underlying their actions. This section of the book asks all the right questions which those who claim to be fighting for justice must answer. The book gives no dogmatic answers to the questions posed.

Are South Africans today called upon to fight a just war? The authors point out that there are two over simple answers given to this question today. On the one hand there are those who argue that South Africans are called upon to fight a just war against external aggression and internal subversion. On the other hand are those liberation movements who argue that a just war must be fought against an unjust and oppressive government. In the light of just war theory a key question to put to both sides here is: Have all the alternatives to violence really been exhausted? In a telling sentence the authors point out, "Both the RSA government . . . and the liberation movements with help from their allies can lead the society towards total breakdown . . ." (p.116). The just war theory

forces the conclusion "There can be no just war, if all that is accomplished is the destruction of the society one is purporting to save".

What about the possibilities of a just war in Southern Africa at large? Here the theory asks a set of pertinent questions based on the set of principles outlined above: Is the war being contemplated by a legitimate authority? (A good test of legitimacy is whether the authority has been tested against the consent of the governed recently.) Is the war in a just cause? (Apartheid is unjust, but a war that would exacerbate the evils of the present situation would be unjust.) Once again the question must be asked: Have all other means been exhausted? It would seem that the liberation movements have a better record of trying to exhaust alternative methods than does the South African government. The authors pose the question whether the avenues of negotiation have been exhausted. The answer must surely be negative both for the South African government and the liberation movements.

In answer to the question "Have those who are resorting to violence in the name of justice a reasonable chance of success?" the authors point out that both from the point of view of the government and the liberation movements there is no easy answer. On the face of it liberation movements have little hope of success against the SADF. Yet conversely the SADF have little hope of maintaining a just order by the use of force alone. Its chances of succeeding through violence are thus equally slim.

The proportionality question is difficult for both sides too. The proportionality principle demands that the goal must be achievable for a proportionate cost. Although the measurement of such costs is difficult it must be considered by those contemplating participating in a just war.

In the conduct of the war are the rules of a just war being applied? Indiscriminate terror by either side badly infringes the rules of a just war. Are serious attempts being made to protect non-combatants? Again the record of all parties in the present violence is poor.

The book also has an interesting section on the vexed question of military service and conscientious objection. The authors argue that there are two acceptable ways open to Christians. They may get involved in a just war (provided that it is just) or they may bear witness to the mercy of God by renouncing violence altogether as a means of securing peace. There is room for both of these callings within the Christian church.

The way in which the authors apply the criteria of the just war tradition to questions pertaining to the use of violence in South Africa today is very useful. However, I would argue that the just war tradition is most easily applicable to the relationships between states and it encounters serious difficulties when applied to violence within states. The problem is that the unconventional violence of the guerilla, freedom fighter and urban terrorist is in important ways quite unlike the violence which takes place between states. First, it is often not clear who the authority is who instigates the violence. Second, it is often not clear whether the nebulous authority is legitimate or not. Third, the form the violence takes is not the conventional battle. This raises questions about how to measure proportionality in this type of war. Fourth, the aims of this kind of violence are often quite vague and this raises questions about the justifiability of the violent effort. Fifth, in this kind of war the distinction between combatants and non-combatants is very unclear and makes it almost impossible to apply the just war rules about how war should be conducted.

For all the reasons mentioned above I think that the just war tradition needs to be expanded in important ways before it can provide clear guidance about modern unconventional forms of war. I have attempted elsewhere to expand the theory to cope with the abovementioned problems, but cannot go into the details of the theory here.¹ Nevertheless, **The Things that Make For Peace** is an important book which asks the right questions.□

¹ Mervyn Frost *Towards a Normative Theory of International Relations* Cambridge University Press, 1986.

Among our contributors:

SHEENA DUNCAN - Former National President of the Black Sash and Director of Black Sash Advice Offices, Johannesburg.

MERVYN FROST - Professor of Political Science, University of Natal, Durban.

COLIN GARDNER - Professor of English, University of Natal, Pietermaritzburg.

RALPH LAWRENCE - Lecturer in Political Studies, University of Natal, Pietermaritzburg.

TONY LEON - Lecturer in Constitutional Law, University of the Witwatersrand; Attorney of the Supreme Court.

WENDY LEEB - Computer Operator, University of Natal, Pietermaritzburg, Psychology Graduate, involved in the continuing Research among the Mpophomeni Community.

JOHN RADFORD - Lecturer in Organisational and Social Psychology, University of Natal, Pietermaritzburg.



7:15 p.m., pulling out of Pretoria on 7 p.m. Marabastad - Waterval Bus

Pic by: David Goldblatt

IMAGES OF POVERTY

South Africa: the Cordoned Heart. Essays by twenty South African photographers. Edited by Omar Badsha. The Gallery Press, Cape Town.

Reviewed by Colin Gardner

This is the book of the travelling photographic exhibition which has grown as an accompaniment to the great Second Carnegie Enquiry into Poverty and Development in Southern Africa.

The photographs are superb: not because they are arty and self-regarding but because they are skillful, dramatic and yet modest - modest in the sense that they are wholly in the service of the reality that they portray and probe.

That reality is the painful, ever-present, infinitely varied world of South African poverty - the world which, in one degree or another, the vast majority of South Africans inhabit.

Here are presented, for our contemplation (photos invite contemplation in a way that films don't), the crumbling walls, the litter-filled streets, the old clothes, the crowded rooms, the squatter dwellings made out of almost anything, the barren so-called homelands. But what stands out in all the photographs are the people: dignified, interesting, alive, people who are as important (of course) as any people in the world. We see them suffering in many situations, grieving, meditating, waiting, planning, praying; but we also see them going about their daily work, talking, enjoying a moment of religious ecstasy, protesting, proclaiming.

Since the Carnegie Conference in April 1984 some of the poor of South Africa have begun to assert themselves in a new way, to affirm their total unwillingness to continue to acquiesce in the status quo. **The Cordoned Heart** presents vivid and moving images of a part of what lies behind the turmoil of our country.

Every photograph in the book makes a strong impact. Three images struck me especially forcibly.

The first appears in a series of photographs, taken by David Goldblatt, on the long-distance commuter buses which carry workers from KwaNdebele into Pretoria and out again. The first bus leaves Waterval at 2.30 a.m. The photographs show the passengers trying to get some sleep on the miserably uncomfortable upright seats. They are like scenes of torture; in a way they **are** scenes of torture. The commuters are made to writhe by the poisonous Verwoerdian blueprint for South Africa.

The next is a picture of a large oval-shaped boardroom table, presumably in a high-rise building in Johannesburg. (The photographer is Lesley Lawson.) Everything is there: the big ashtrays, the plush seats, the pot plants, the picture on the wall, the discreet lighting. The surprise is that on the table, kneeling, is an African woman, polishing like fury. Presumably it is early in the morning. How many of those who sit down at boardroom tables realise that the bright surfaces in front of them were polished in this way by anonymous but very real women?

The third image is in the photographs, produced by Ben MacLennan, of Johannesburg compounds. Of many disturbing sights, the most appalling is that of the small pigeonhole-like, Rainbow Chicken-like concrete beds in which the men sleep, almost as if their bodies were being arranged and processed in a mortuary. It is all too symbolic: to live in a hostel of that sort is to endure a kind of death.□

EXPLAINING THE PRESENT: EXPLORING THE FUTURE

Heribert Adam and Kogila Moodley, **South Africa without apartheid: dismantling racial domination**, Cape Town, Maskew Miller Longman, 1986, Pp. xviii + 315. R22,95.

Heribert Adams' **Modernizing Racial Domination** made a tremendous impact when it appeared in 1971. At the time I was an undergraduate on the Durban campus and we fledgling political scientists pored over the book under the tutelage of the late, and much lamented, Dr Rick Turner. Here at long last, we thought, was an innovative, rigorous examination of South African society that offered us relief from the arid, hopelessly outmoded texts that we had been saddled with until then. So we should not forget Heribert Adam's importance as a pioneer of contemporary scholarship on South African affairs. Nowadays, of course, he is widely known as one of the most shrewd and best-informed observers of apartheid rule. **South Africa without Apartheid** is his latest offering, written in collaboration with his wife, Kogila Moodley, a Natalian by birth and a sociologist at the University of British Columbia.

South Africa without Apartheid is a sophisticated attempt to take the country's pulse. The prognosis, they say, is quite hopeful. Commentaries on South African politics have passed through three distinct stages in the last decade. First, we endured the prophecies of doom, the 'one minute to midnight' scenarios. Then, secondly, we had a plethora of constitutional blueprints. Constitutional draftsmanship has not yet waned, far from it, but now the emphasis has shifted to futurology. What will the post-apartheid society look like, assuming that we will ever get there? The Adams' book is in keeping with this latest genre. They seek the South Africa of tomorrow in the South Africa of today and yesterday.

Sensibly, then, they begin by trying to make sense of what has happened in South Africa in the early 1980s. What social trends are discernible? What social forces are at work? What is the configuration of the trade union movement? And they also go on to describe the various political parties and movements in 'white' and 'black' politics. The rationale for doing so is simple and compelling. In order to ascertain whether apartheid rule can be overcome, and how, and what will replace it, they argue, one has to be realistic. That means undertaking an honest appraisal of the conditions prevailing in South Africa. Their 'snap-shot' of South Africa is effectively dated 1984, although they have made sporadic efforts to include later developments in the text. That's always a hazard for authors. Events unfold so rapidly in South African politics that a book is virtually outdated even

before it leaves the press. Still, the Adams have gone to such lengths to obtain information and make so many pertinent and incisive comments that any reader will find their account informative.

I do, however, have some reservations. The authors have aimed to present what they call a 'think-piece', designed to provoke discussion among South African policymakers and public alike. Consequently, they state, they have eschewed social science jargon wherever possible. Well, I beg to disagree. Obscure, unhelpful phrases are littered throughout. Try this one: 'the Lebanization of South Africa'. What nonsense. (Perhaps social science publications should be forced to carry a health warning: **DANGER** - reading this book may impair your literacy.) The Adams also have an unfortunate passion for taxonomy. Categories abound, and the argument proceeds by jumping from one pigeonhole to the next. Categories, I admit, can serve a useful explanatory purpose, but, equally, they can be positively misleading. For instance, the United Democratic Front is relegated to the chapter dealing with 'black' politics. The only other category used is 'white' politics. Strictly speaking, the UDF belongs to neither. And there are many other anomalies too. For various reasons, then, readers may find the early going rather tough and unyielding. Persevere, if you can, for the last section is highly topical at the moment.

The final chapter looks ahead to a possible post-apartheid society. Politics, as is often said, is the art of compromise. If all the interested parties sat down to consider how South Africa should be governed, what political order would they agree on? The majority, apparently, would opt for a dispensation that bears striking similarity to the proposals that emanated recently from the KwaNatal Indaba. But whereas the Indaba, of course, is concerned solely with regional government and administration for Natal and KwaZulu, **South Africa without Apartheid** concentrates on national issues. Nevertheless, the parallels are intriguing. In the Adams' view, the post-apartheid society must be a democratic one, in which the franchise is universal and individual rights are given precedence over group rights. A federal system of government would be preferable. Legislative powers could be divided between two central assemblies. Individuals on a common voters' roll would select representatives for a lower house. The outcome would be determined by a system of proportional

representation. By contrast, an upper house would give recognition to cultural groups formed on a voluntary basis. Those who do not identify themselves with any specific group could be accommodated, by having a non-group group, presumably 'other South Africans'. An appropriately South African solution, don't you think?

Federalism in South Africa would satisfy neither the diehard segregationists nor the unitarians. But their very different proposals are equally utopian. Federalism offers an immediate, practical way out of South Africa's political conundrum. For a start, a federal arrangement gives political expression to South Africa's cultural and regional diversity without making this the only criterion for deciding political representation. 'Cultural councils' could oversee the protection of language, education and religious practice for specific groups or regions. Will this federal system work? There are two main shortcomings. The Adams' type of constitutional engineering is geared towards rigging the governmental structures so that certain outcomes are much more likely than others. In their scheme, individual rights and group or regional preferences are both incorporated in the composition of the central legislative assemblies. But to put it crudely, would not 'black' majority rule be the upshot? To allay this fear a bit more tinkering is required. By introducing proportional representation the minorities are given more weight. The one shortcoming, then, is that federalism devised in this way can be seen as the last throw of the dice by 'white' South Africans to preserve their privileged political position. It's the 'white' man's answer to unfettered majority rule.

Moreover, there is the suspicion, too, that federalism will confer legitimacy on the homelands, particularly the TVBC bloc, by making them federal units. Perhaps, most importantly, though, many believe that federalism divides, while a unitary state unites. The call is 'one South Africa, one nation'. The segregationist plans which have afflicted South Africa for so long need to be countered by drawing people together and forging a common society under a common government. These are the very real political objections to federalism which constitutional draftsmen often ignore. To their credit, the Adams do recognise such pitfalls, but they fail to tell the reader how federalism can circumvent them.

The second major shortcoming of the Adams' federalism is that by concentrating on expedient considerations they ignore the conflict of principles of representation that result. Equal voting among individuals is ensured when participation is based on a universal franchise and a common voters' roll. This is one principle of representation. Voting for groups or regions introduces a further principle of representation. Here individual votes have a differential weighting. If, for instance, corporate entities are given parity, then the statistical value of individual votes will depend on the number of voters in the group or region to which a person is affiliated. There is equal voting among groups, but not among individuals. Thirdly, in principle, when the voter enters the polling booth is he casting a vote to determine which individual will represent his constituency in a legislative body? Or is he voting primarily for a political party because what is most important is who forms the next government? If one

chooses the former, as they do in the United Kingdom, then one cannot have a system of proportional representation because the principle underlying it is entirely different. Proportional representation is a means of calculating party strength; who exactly represents whom in each constituency is a comparatively minor matter.

In **South Africa without Apartheid** the authors are so preoccupied with trying to capture the so-called middle ground of South African society in their constitutional engineering that they happily overlook the inconsistencies in principles of representation that are at the very heart of their scheme. What bothers me is not so much the inconsistencies themselves, since countries have been known to live with them, but the failure to address such issues at all. In this they are in good company - virtually all the literature on South Africa ignores them. Blame the political scientists. I do. And I'm one too. These issues may be boring to some, technical to many, but they are significant and should become part of public debate. We ignore them at our peril.

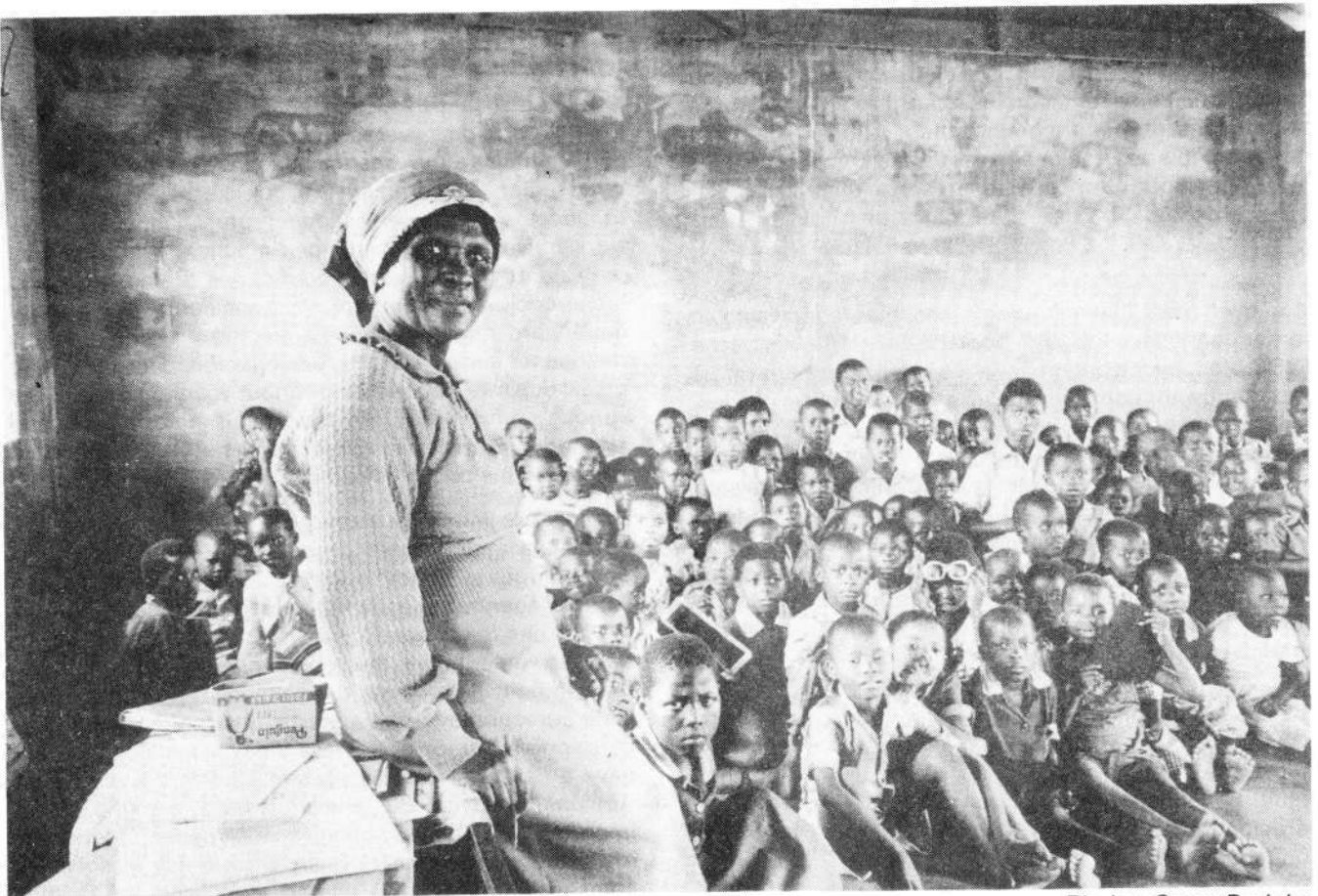
Apart from federalism being seen as the optimum mechanism for sharing political power, it can be argued that it is the most desirable form of governmental administration in the South African context. Heribert and Kogila Adam take this view. Federalism allows groups and regions autonomy over their own affairs. Decision-making and administration become decentralised as a result. What regional government will look like they do not say. At the local level, they envisage a representative assembly with active political party participation. Wards will be large, cutting across the boundaries of the prevailing racial enclaves. A number of councillors will represent each ward and they will be elected according to the method of proportional representation. The idea is to break down racial barriers without sowing panic in the various communities. As the Adams note, dismantling apartheid involves changing people's attitudes as well as reshaping the country's political institutions.

Even all this will prove inadequate unless radical shifts in policy are implemented urgently in the post-apartheid South Africa. Economic redistribution is high on the authors' agenda: revenue will have to be allocated fairly to regions and to economic sectors, employees may have to be given some stake in their companies, the tax system will have to be overhauled and employment practices in the state bureaucracy require drastic revision. They mention these points cursorily. However, maybe just doing so will have a catalytic effect on future studies, for we South Africans need to do a lot of hard thinking. Most importantly, we need to obtain a much better understanding of how governments really work today in societies comparable to our own. It's no use describing polities solely in terms of constitutions. Federalism may look attractive on paper, but what are the potential disadvantages in practice? Would not a unitary order prove to be the most equitable and efficient mode of government in a post-apartheid society? It might. We don't know enough now. The Adams' book pays no attention to governmental institutions at all. However, in order to avoid the danger of generating false expectations about what is possible in a future South Africa we have to learn how the state operates here and in other similar Third World societies, like Brazil and India. Only then will we have an indication

of what policies are practicable and how they should be administered. The question is not only whether democracy is, in fact, feasible in South Africa, but what kind of democracy can succeed here.

Herbert and Kogila Adam are optimistic about apartheid being replaced by a multiracial society. They believe that apartheid's demise can be negotiated. The majority will settle for social democracy in a federal state. Realistically, one will have to be content with second-best solutions. But they will not appear miraculously. We have to seek

every opportunity now to ensure that apartheid is dismantled as peacefully as can be managed. I share the spirit of their endeavour, even though I am sceptical about their conclusions. But I'm sure the authors would not mind. Their aim is to engage the reader in debate. They certainly captured my attention; I hope many readers will share my experience. It takes a bold author to guide us through the minefield of South African politics. Herbert and Kogila Adam have done so with admirable fortitude and integrity.□



Teacher with class of eighty pupils, Amouti 1982

Pic by: Omar Badsha

RESEARCH IN THE BLACK TOWNSHIP OF MPOPHOMENI: IS THERE HOPE?

Howick is a small Natal midlands town, famous for its waterfall. It is unprepossessing, consisting of a straggling business area, an average white residential area, and a small industrial section. Its major employer is the BTR factory, Sarmcol. The whites who live in Howick enjoy the affluence of typical suburban lifestyles. It is relatively peaceful and has a rural air.

Mpophomeni, meaning the waterfall, is the black township which serves Howick. It is situated 15 kms outside of Howick, overlooking Midmar dam, along the Bulwer road. It consists of approximately 1604 houses, and is administered by Kwa Zulu. The estimates of population vary, but it seems there are between 10 000 and 11 000 people in the township itself. In late August and early September we conducted a survey in Mpophomeni. Our main objective was to look at the psychological effects of unemployment on the individual, the family, and the community. We were interested in examining the perceptions of the residents about their situation, and about their future.

Mpophomeni was chosen for a number of reasons. It is isolated, both geographically and in terms of its labour market. The residents had conducted a successful bus boycott in 1984, and they had been participants in the 1985 Sarmcol strike and subsequent dismissal. This strike had involved approximately 350 men from Mpophomeni, and their dismissal meant that 21,8% of households in the township were affected. It was reasonable to assume that unemployment in the area was as high as the rest of Natal, and that the Sarmcol dismissal would have an exacerbating effect. Furthermore, because of its isolation and the lack of job opportunities in the area, this effect would be intensified.

Communities and community organisations regard many University researchers with a certain amount of scepticism. The reasons for this are:

1. It is felt that often the researcher decides what the problem is before the investigation. The research thus assumes a Western 'white' frame of reference, and the researcher operates within this perspective.
2. The consequence of this is that information collected from community members is analysed in terms of this frame of reference and becomes divorced from the real problems in the community.
3. Very often, the community being researched has only one contact with the research; when the data is being collected. They are not informed of the results.
4. The research is then interpreted within the 'white' perspective, and published in specialised journals. It is read by other academics and catalogued in libraries. Consequently the people whom the research was meant to benefit in some way never hear what the outcome of the research was.

Bearing this in mind, the philosophy behind the survey was a dual one. We intended to do an empirical study which would provide quantifiable results, but we were also interested in the people. We believe that social research carries with it the responsibility to use the results in a constructive manner, and that the people who provide the data are entitled to feedback. We were also hopeful that the research would define the needs of the people themselves, perhaps providing a guide for those involved in attempting to help solve the problems of impoverishment and unemployment. Our intent, then, was to explore the experience of the people themselves as fully as possible, as well as obtaining as much 'hard' data as we could.

Before proceeding with the research we met with various organisations within the township in order to explain our intentions and introduce ourselves. We went into the township on several occasions to familiarise ourselves with the layout and to obtain a general impression of the conditions. The township is accessible from the main Bulwer Road only, on a road which is tarred for about 500 metres. It is not large, as townships go, and is built in blocks. The houses are small; four or five roomed, built of brick or concrete blocks, and asbestos roofed. The roads are dusty in the dry weather, and turn to quagmires in the rain. The dominant impression is one of dreariness. Everything is a monotoned yellowish-brown, intensified by the barrenness of the surrounding veld.

Dust rises in clouds and covers everything, causing one of our field workers to wonder why the entire population weren't all suffering from a lung disease. The roads are corrugated and pitted, but surprisingly litter free. The houses are almost all fenced, and many of them have touches of bright paint. Amidst the desolation is a glimmer of spirit which causes people to plant flowers in the dust. Many of the gardens are neat, and people were often busy planting and hoeing. Some women had painted white stones to mark their two metre pathways, and a few had pots of geraniums at their doors. The predominant flowers were aloes, surviving the arid conditions and adding an air of purpose and strength. These things would be ordinary, except that the general condition of the township is one of dire poverty and hopelessness.

In the centre of the township there is some open ground, which adjoins the business centre. This centre consists of a supermarket, a bottle store, a butchery and a dry-cleaning agency. These businesses are all privately owned, but are inadequate for the size of the area. Next to this centre is the shell of the original beer hall which was burnt down in 1985. It has not been rebuilt, but two ships' containers from which beer is sold have been substituted. It is the epicentre of activity on weekends and is surrounded by debris. Small children struggle back from it carrying containers of beer, and teenagers reel back home

when their money runs out. Many inhabitants are concerned about its existence, and deplore its consequences.

There are no recreation areas. The eight schools have no sports fields, the township has no entertainment. The only two organised recreational facilities available are the beerhall or shebeens and the churches. Not many of the houses have electricity, and few people have television sets. Those who do report that the reception is bad. Apart from the grind of daily living there is literally nothing else to do. Children play in the streets, youths hang around the shopping centre and clusters of people meet on street corners to talk.

The people are poorly dressed, but unfailingly friendly and courteous. They are often engaged in back-breaking tasks, but are willing to stop and answer any queries. The children are curious, sometimes shy, and watchful. The youths are more suspicious, less friendly, and seem to question your reasons for being there. We went into the township on a number of occasions, including a late Saturday afternoon and an evening. Apart from one encounter with a group of drunk youths which was unpleasant, we felt safe and welcome.

Once we had established our credentials with the community, we assembled a team of six Zulu-speaking field workers, and met with them to discuss the research objectives, to explain our need for verbatim reports and to clarify the questionnaire. This had been structured after reading about twenty other questionnaires tapping unemployment and community problems, and was scrutinised by a number of senior social scientists. We embedded a psychological instrument within the questionnaire in order to assess and compare the levels of stress of employed and unemployed in working class populations. The questionnaires were structured in such a way that checks could be made on the accuracy of the information, but many of the questions were open-ended to allow respondents to express personal and subjective opinions about their lives and experiences in the community.

The questionnaire was administered to 126 households. Although we preferred to interview the head, we stipulated that the respondent must be an adult. The houses were chosen by using a computer generated random number selection, based on the numbering of the houses. Demographic data was collected about each person in the household, but only the respondents' opinions were recorded. The interviewing was done by the field workers, but the researchers were involved with supervision and transportation, and were available at all times during the ten days of the project. Only one respondent refused to answer the questionnaire.

The results were analysed using the Statistical Package for the Social Sciences, on the Sperry computer at the University of Natal. Without this facility it would have been almost impossible to analyse the wealth of data yielded by the survey. This data is not only abundant in terms of quantity, but is rich in human interest. It is hoped that much of it can be used as a basis for the foundation of self-help and other projects, and for ongoing research into the experiences of township communities.

The survey represents 7,9% ($126/1604 \times 100$) of the households in Mpophomeni. This makes it a very good sample when measured by normal sociological research standards. It is therefore valid to presume that the findings can be generalised to the whole community, and taken as representative. It is our intention to refer to 'hard' data, and then to discuss it in the light of the experiences as expressed by the respondents.

The general standard of living in Mpophomeni is low, both when compared to similar studies in other townships (Padayachee, 1985) and with the Minimum Living Level (MLL) income calculated by the Bureau for Market Research (BMR) at the University of South Africa. In 1985 Padayachee found that 11,9% of households in Umlazi and Lamontville earned less than R400 per month, whereas 69% of the households in Mpophomeni fell below this figure. The MLL, which is controversial in that it is argued to be particularly conservative in its estimation of human needs, calculated in March, 1986 that an African family of six in the Pietermaritzburg area needs R385,65 to survive. On the basis of this calculation, 69% of the families in Mpophomeni are living in poverty. 19,8% of the households in Mpophomeni have an income of less than R100,00 per month, and are dependent on handouts in order to survive.

In answer to the question: What do you and your family usually eat? most people survived on phutu (hard porridge), bread and cabbage. One woman answered "We have nothing - just now I'm going to neighbours to ask for mealie meal - we are really suffering". Her household income was zero, and she herself had TB, whilst attempting to look after a mentally disturbed adult son. Families who had meat were exceptional, and families who had sugar or milk with their tea or porridge invariably would mention the fact proudly.

The degree of poverty being experienced can only be understood when the reality of daily living is explored. A loaf of bread a day each for a family of six would cost R100,80 in a 30-day month. If a litre of milk per day for the whole family were added it would bring the cost up to R127,00 per month. Nutritionally, this diet would be totally inadequate and would fail to maintain health. Another way of looking at it is that each person in a household of six earning R399,00 per month has R66,00. This sum must cover food, clothing, fuel, rent, transport and, maybe, school. A loaf of bread and a litre of milk a day would account for R43,80, leaving R22,20 for all other needs.

This level of poverty is reflected in many of the responses on the questionnaires. Most people see starvation and hunger as the major problems in the township, followed by crime and violence.

Again and again, people speak out their distress about this situation:

"My children are starving."

"Please help me with how I can earn money to maintain the family."

"In all ways (we) have been affected, and will suffer for the rest of our days."

"I worry about what the next meal for the family will be."

"We are starving, like dogs."

The poverty in the area, coupled with the high unemployment levels (35%), has led to an increase in crime and

violence. Several of the houses have been gutted and the people are concerned that new outbreaks of violence may occur. Crime is increasing, and many residents expressed a fear that this may become unmanageable. The average person in Mpophomeni feels unsafe, and sees this as a very real problem. There is a concern about the increase in drinking, and an unhappiness about the number of shebeens which have come into being. Not only do these shebeens contribute to the crime and violence, but they take money away from families who are desperately in need.

"People are starving. Our sons drink all the time."

The survey showed that these hardships are not alleviated by informal businesses. Very few of the people had any sort of income from informal activity; only two families had an income from hawking, and one woman ran a shebeen. Several other people supplemented their income by buying beer and re-selling it, but earned a negligible amount doing so. People who live in Mpophomeni, but who were not part of the survey, say that there are at least twelve shebeens in the township. This question of shebeens is an interesting one. They are often one of the few informal activities, but generate many problems. However they also provide the chief recreational activity for people and form the core of the social life of the men. (Moller, Schlemmer, Kuzwayo and Mbanda, 1978). While many people abhor them, an equal number rejoice in their presence!

The poverty and hardship of their lives has caused many of the people, particularly women, to see life as outside of their control. They express little hope, and feel that conditions can only deteriorate. In response to the question: What do you think can be done to remedy the situation? they felt that either the government or the whites should solve the problem. "I always think it is whites who will remedy the situation", "I don't know. It's the government that can do something about the situation." "No - the government has to bring about these changes - most people are unemployed and can't do much for themselves." This feeling of helplessness is a reflection of peoples' experience, and could be described as chronic depression. It is a constant theme in the open ended questions, and it was a chilling aspect of the research. "Everybody is unhappy. Perhaps the end of the world is nigh. I don't know - but I have no hope."

These perceptions are not universal. There is a strong community spirit in the township, particularly among those who belong to some form of organisation. This spirit has been fostered during the past eighteen months by the hope that the strikers have for a satisfactory settlement to their dispute with Sarmcol. Essentially, Mpophomeni people see themselves as a united community and believe that things can be changed. However, they are aware that they lack the resources necessary to implement these changes and are attempting to find means of remedying this. The township has little infrastructure and no formal social welfare programmes, but the members of the community who can do so help fulfil some of these functions. Those who are employed are sympathetic to those unemployed, and their concerns is often expressed materially. Those who have share with those who do not. "I have to share my income with the unemployed because I sympathise with them."

There is a great deal of concern about unemployment. People are aware that there are no job opportunities, and although a few disapproved of the strikers, the majority expressed strong solidarity. "If Sarmcol workers can go to work it will be better for everybody. We all support them." Sarmcol is the major employer in the area and the average striker in Mpophomeni had been employed for fifteen years. People felt that after all these years of service the company had repudiated the workers and shown little concern for them as human beings. This has added to the insecurity about employment. People feel that even when employment is offered there are no guarantees that it will be adequate for their needs. These perceptions are accurate. Wages in the area are low, particularly for domestic workers. Women are working a nine-hour day, five-day week for between R50 and R60 a month. Added to this is their travelling time as most workers are employed in Howick which is 15 kms away.

The psychological effects of unemployment are marked. Using a psychological instrument, the General Health Questionnaire (GHQ), (Goldberg, 1972) which was normed in Britain and the United States, we found that stress levels for all respondents were higher than those reported in the literature. This was compounded in the unemployed, who showed signs of far greater psychological distress than the employed. The practical meaning of these findings is that those unemployed are at high risk for non-psychotic psychological illness, and would be exhibiting signs of depression, anxiety and inability to cope. "It is very painful because the problems get worse from one day to the next."

This personal psychological distress extends into the family and eventually, into the community. Families are under severe pressure, and there have been reports of two divorces as a direct result of unemployment. Homes are overcrowded, recreation is unavailable and the lack of money is a constant source of anxiety. "I feel very down-hearted; as the man, my family is dependent on me. It was with tears and worry that I thought what I must say when my children came to me for food." Children are growing up without the necessities of life, in overcrowded and uncongenial surroundings, whilst parents struggle to survive.

"Unemployment breeds poverty and unrest within the community itself." In general the effect of unemployment on the community was perceived to be very negative. Feelings of despondency and helplessness in the face of this poverty accounted for 73,1% of the sample. The degree to which the family is able to cope with job loss will depend on the resources of the social network of the community to assist the family. With massive job loss in a community that has limited resources to begin with, the consequences are very serious. Almost 27% of the respondents reported an increase in crime and violence within the community. These can be seen as symptoms of a community in crisis.

One of the reasons for the survey was to find out from the people what they really want. Respondents' needs were relatively simple. Most people wanted taps, decent toilets and tarred roads. When these basic needs are fulfilled people want more businesses in the area, recreation facilities, creches and training schools. Many felt that the one clinic in Mpophomeni was inadequate for the size of

the community and that a hospital was becoming essential. Bearing in mind that the nearest doctor is 15 km away and that Edendale Hospital is about 50 kms away this need would seem to be very reasonable. Over-riding all these needs was the desire, expressed by 80% of the responder that jobs be created.

The need for work is overwhelming. People constantly reiterated that they wanted factories to be built and jobs to be created. They are willing and able to work but are frustrated by the lack of opportunities. "All I can say is I'm desperate for work. I hate staying at home, being out of work." Self esteem is at a low ebb, and men feel that they have lost the respect of their families. There is constant worrying about their inability to meet their commitments, and this problem will worsen with the loss of UIF payments which finished in November. 64% felt that unemployment had affected them or their families directly, and 40% saw the future as bleak.

Despite this, when people were asked if they would be willing to help, 53% said that they would, and 41% felt that the community itself could be effective in bringing about change. The community has experience of self-help in the Sarmcol Workers Co-Operative (SAWCO). This was founded by the strikers and is involved in a number of projects. It has a workshop in Howick West at which T-shirts are printed and buttons made. There is also an agricultural project which is engaged in growing vegetables for the community a news-gathering team and a bulk-buying project. SAWCO is run on democratic principles and is the first worker initiated co-operative in South Africa. Profits are used to buy food parcels for the strikers and their families but the ultimate objective is to involve the whole community. The community at Mpopophomeni is surprisingly positive about their ability to improve their circumstances, despite their recognition of the obstacles in their way. Their responses are creative and responsible: "Organisations to enlighten women"; "There are members of the community who would help bring changes about - they can donate money perhaps"; "By uniting"; "If only we can come together and join hands"; "It (the community) can also put a hand but we also need help from KwaZulu Government."

The average house-holder in the township is very ordinary. He is working class, a family man with the usual aspirations. He wants a decent job with a living wage, a house with a toilet that doesn't overflow on his back door step, a tap in that house and reasonable access to his home. He wants shopping facilities, recreational areas for his family, and a

decent education and future for his children. "... so many children are left alone, and therefore more creches need to be built, while parents go out to work." His wife wants many of the same things, but in addition she would like to learn sewing and have more time for her own interests. Both would like to train for something better, a carpenter wants to be a cabinet maker, a teacher wants a BA and an illiterate woman wants to learn to read.

The survey itself has already been of use to the community. The results were used in the MAWU/BTR Sarmcol Industrial Court case, and are being studied by several community organisations. Our hopes are best expressed by two of the respondents: "I hope this survey will bring about the necessary changes in this place. People must be treated and recognised as human beings." and "People work like pigs here. You are doing well by doing this survey to fix the whites who claim on paper to be doing a lot of good things for the blacks but actually do nothing. You are doing well by pricking them in the backside."

The community itself is a paradox. It is made up of ordinary individuals who are struggling to survive. Their lives are full of hardship and pain, and yet they have managed to struggle against the system several times. These people are battered but not beaten. In the midst of violence and conflict, neighbour shares with neighbour, and the more privileged feel a responsibility for those suffering. Against incredible odds parents struggle to bring up their children with values and use their scant energy to try and ensure their future.

There is a surprising lack of bitterness and anger. There is a strong feeling that despite the problems something can be worked out, and a new tomorrow can emerge. People have hope, in the midst of their despair, and a faith which is childlike and strong. Every day they rise to a grim reality, and yet they carry on because they believe in themselves. This will to overcome is the backbone of Mpopophomeni, and possibly, of our whole society. The question is - will we succeed? □

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