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SASH

The Black Sash magazine

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The Black Sash Die Swart Serp

Just as the last issue of Sash came off the press 16 young people were sentenced to five years in limbo without charge or trial or any judicial procedures whatsoever. We have voiced our condemnation of this and all other bannings on numerous occasions and in numerous places. This time we were only a few among many who protested.

The fact that the outcry against these bannings was of greater volume than has been the case in the last few years has led in turn to a sinister tone in Government statements and, indeed, in some of the statements of the official opposition.

According to these statements there is only one place where political opposition may rightfully be expressed and that is at the ballot box. It is implied that to work politically outside existing political parties or to propagandise between election campaigns is wrong and would be illegal were it not for the vast tolerance of our present rulers. There must be no extra-parliamentary action.

The astonishing thing is that so many members of the White public seem to go along with this.

We have a Parliament which represents 17,5 per cent of the Republic's citizens. The other 82,5 per cent has no representatives whatsoever in the central government.

This Government, acting through Parliament, has, over the past 25 years, removed the franchise from even the limited number of Blacks who had the vote. It has destroyed the rule of law with legislation which allows punishment without trial and indefinite detention without any appeal to the courts. It has eroded the powers of local authorities. It has refused trade union powers to 68 per cent of our economically active population. It has fractured our country into many so-called "nations" and denies the Black nations it has created enough land and resources to allow them to become economically and politically independent.

It plans to set up a permanent McCarthy-like commission to remove matters of fundamental public importance from open Parliamentary debate. It plans to completely alter the Criminal Procedure Act and writes off the objections of the professional associations of lawyers as "political action" and therefore not to be considered.

Through this year's Electoral Bill, delimitations and constituencies will again be manipulated to ensure that not even all the 17,5 per cent enfranchised people will be fairly represented.

In Parliament we have an official opposition which sometimes opposes and then, for obscure reasons, supports what it has opposed. Voting and decisions are controlled by a caucus system which does not allow independent thought or debate. Even the answers to Parliamentary questions are not what they used to be. Too often the only reply is that "it would not be in the public interest to disclose any facts."

In short we have a Parliament which is not answerable to the majority of the population and which often does not consider itself answerable even to the minority electorate. No wonder they want us to confine our activities to the ballot box.

With a political system like this we are expected to reduce our own political action to casting a vote every five years for a choice of parties which does not represent the wide spectrum of ideas and needs of our people. If extra-parliamentary action is to be denied us then we must ask this question.

Is South Africa any more democratic in confining the vote to a minority whose election candidate may belong to different parties than those countries (much criticised) where every adult citizen has a vote but the possible choice of candidates is confined to those representing one party? At least in the best of the one-party systems a good deal of grass-roots and extra-ordinary parliamentary activity is encouraged.

We have said it before and we will say it again. It is *not* a crime to want change; it is not a crime to work for change, either change of government or a radical change in political philosophy.

It is the duty and right of the citizens of any state to express themselves freely; to give voice to dissent; to protest; to evangelise; to gather support for their views; to work for change.

The Black Sash is committed to work for justice and morality in South Africa. When we have justice and morality here, what a change that will be.

The function of Black Power

DR. T. D. MOODIE

Dr. Moodie is a lecturer in Sociology at the University of Natal, Durban.

I am a White, English-speaking South African liberal. I was in the United States of America at the time when Black Power "broke" and was thus forced to come to terms with the "new" phenomenon. My immediate reaction was to condemn it as a subtle form of apartheid.

On the other hand, Black Power was clearly a potent force for change in the American situation. However ridiculous Afro haircuts and appeals to Black consciousness may appear to outsiders, nobody doubts that the situation of Blacks in America has changed radically, and that Blacks are getting ahead there in a manner which would have been impossible ten years ago. America is now a more integrated society — precisely, it seems, because of Black Power separatism.

How does a South African liberal react to this paradox? Is there more truth in the policy of separate development than we have hitherto been prepared to concede? After all, Verwoerd's policy could be summarised as "fairness to each and justice to all. It wishes to eliminate the danger of a clash between racial groups and make safety, happiness and co-existence possible for everybody. In short, separate development aims at harmony — harmony for Whites and Bantu, Coloureds and Indians."

If the liberal's goal is ultimately racial and cultural integration, may it not be that he must accept the racial and cultural pluralism of separate development policy as an interim step — whether it be the policy of Verwoerd or of Stokeley Carmichael?

This is the question I shall try to answer in this paper. First, though, we must be clear as to what we mean by the final goal of the liberal. "Integration" is a vague term with numerous meanings. Let us, then, accept as a minimal definition of integration that it includes equality of opportunity for all, regardless of colour, creed or culture.

Now, it is surely clear that in both South Africa and the United States even the minimal goal of integration has been unrealisable.

On the other hand, I think that one can argue that equality of opportunity has been the goal of public policy in both countries. However, the expressions of official policy are, of course, radically different in each.

In the United States integration is conceived to be an individual matter. The object of integrationist policy is to remove racial barriers to individual equality of opportunity. Once the barriers have been removed, it is up to individual Black Americans to get themselves ahead in the society.

In South Africa this policy of individual integration has been voiced by White minority parties like the Liberal Party and to some extent the Progressive Party, and was for decades the major goal of African political endeavour in the ANC.

However, the most influential form of integrationism in South Africa has emphasised the importance of cultural in addition to racial factors, thereby greatly complicating the problems of achieving equality of opportunity. Integration, in this view, can only be achieved by some variety of pluralism, rather than by simple assimilation of individuals. This pluralism is usually expressed in terms of the formula "that cultural groups must be free to develop along their own lines."

In South Africa the term "culture" has come to be defined in terms of "the spiritual values of a particular people" (*volksgees*). Each people (a group defined ethnically in terms of a common language and tradition) is held to have its own "culture" — special values and norms peculiar to itself.

Thus in South Africa we have Afrikaans culture, English culture, Indian culture, and Xhosa, Zulu, Sotho, Tswana and Venda cultures. There are those who even argue for the existence in South Africa of Coloured culture.

The notion of *Volkskultuur* was first clearly expressed in French-occupied Germany at the beginning of the nineteenth century by thinkers such as Fichte and Herder. The fact that it ultimately led to support for the insane nationalist chauvinism of Adolf Hitler ought not to obscure the fact that there is a serious sociological sense in which ethnic or volkish differences do exist especially where there are different languages.

In fact the phenomenon of ethnic or culture-groups is well-known in the United States, where immigration took place in ethnic waves. The ideal of "Americanisation" whereby the second generation (American-born) immigrants were to become true Americans, competing equally in the land of opportunity, has now been accepted as a parody of the real situation.

Sections of the large Eastern and mid-Western cities can still today be characterised in ethnic terms. Ethnic divisions carried over into the churches. For example, until recently the Lutheran church in America was divided into Swedish Lutheran, German Lutheran, Lithuanian, Latvian and Estonian churches.

The Roman Catholics have remained one church, but there were clear distinctions made in practice on the parochial level between Italian, Irish, German and the various Eastern European types of Catholics. Even Judaism was divided on ethnic lines.

Such ethnic differences within the so-called melting-pot are sustained and entrenched by ethnic organisations such as the Knights of Columbus for the Italians and the Hibernian Order for the Irish as well as in ward politics in the cities and informal pressures within the police forces and public and parochial schools.

In fact, there is evidence to suggest that the continuation of such ethnic groups in America was crucial to the successful outcome of the policy of individual integration. For there is considerable political and economic power vested in continued ethnic ties (witness the rise of the Kennedys) and integration tends to take place only when individuals seeking entry into the established groups are able to operate from a secure economic and political power base.

Thus it seems that in addition to a formally open society, power base is essential if any individual is to acquire full acceptance. However formally open the social structure may be, class and ethnic prejudice will keep

a dominant elite firmly in power unless the underdogs themselves are able to counter with power.

Such countervailing power was provided by the informal structure of the ethnic group. Irish or Italian or Jewish consciousness meant that Irishmen, Italians or Jews that got ahead did so on the basis of support from ethnic consumers or voters and in their turn they employed persons from their own groups. Ethnic consciousness in America thus meant ethnic power.

It was the tragedy of Black Americans that they lost their ethnic communality, their African consciousness, long before the system was open to them to struggle for integration. Blacks came to America, not as voluntary immigrants who were able to settle together in the ethnic ghettos of the city, but rather as slaves on plantations scattered throughout the South.

Now, having streamed into the cities, they strive for integration, but according to the official ideology, as individuals, not as ethnic communities. Or not, at least, until the coming of Black Power.

Hence, the Black Power Consciousness movement in the United States and hence also its success.

Instead of urging Blacks, as individuals, to integrate into the White community, Black Power organises Blacks to demand equality of opportunity from Whites. Thus we conclude that an open society without association for power on the part of the underdog simply remains an example of oligarchal domination.

This is not to say that green power for the Irish was always a conscious reason for Irishmen sticking together in America, but rather to say that the fact that Irishmen stuck together in America was ultimately a crucial factor in Irishmen achieving integration. A conscious policy of "ethnic power" is unnecessary where there is still communality. And this despite the rhetoric, is what Black Power is trying to do in America.

In New York, the rapid rise of the Puerto Ricans (who are Spanish-speaking Blacks and who have maintained close ethnic solidarity) is one proof that the problems of Blacks in the USA are not simply a result of White racism.

On matters of policy South Africa is the opposite of the USA.

We have seen that in America the official policy of a society open to individual endeavour did not work without ethnic organisation. In South Africa on the other hand, the phenomena of ethnic groupings has been made the formal basis of policy. The policy of separate development has been formulated in terms of ethnic differences. Integration in South Africa, it is argued, must take place between cultural groups, not between individuals.

This theory of separate development was developed after the Boer War by Afrikaners in response to what they regarded as a long history of English oppression. An Afrikaner elite began to insist on mother-tongue education and bilingualism in all spheres of South African life. They attempted to establish autonomous ethnic banks and business corporations; they formed a powerful ethnic political party; they had their own Afrikaner holy days and they tried to persuade Afrikaners to use their leisure-hours in a properly Afrikaner way. Boy Scouts, Red Cross, AA, Rotary club and the Chambers of Commerce — all were given Afrikaans counterparts. Ethnic segregation was preached each year on October 10 and December 16. The universal theme was that salvation for Afrikanerdom lay in separation from the English.

Such was the formal theory. In practice, however, under cover of this theory of ethnic separation (which, of course achieved political power in 1948), integration between Englishman and Afrikaner was proceeding apace.

In the Second World War the majority of those who signed up were of Afrikaner origins. In the election victory of 1953 (let alone 1948), at least 20 per cent of Afrikaners voted United Party. A recent survey shows that the majority of Afrikaner students now favour dual medium education.

Thus, even as in the United States an official theory of individual integration was enabled to succeed by ethnic organisation, so in South Africa the official theory of ethnic pluralism for English and Afrikaans-speaking South Africans was backed by increasing individual integration.

The theory of separate development argued that salvation for Afrikanerdom lay in separation. Now they are arguing that a similar salvation must be imposed on other ethnic groups in South Africa. And here lies the rub.

What was voluntary for Afrikaners has become compulsory of Africans and Indians. Thus, while emphasising very important ethnic factors which were overlooked in the United States, the South African Government has closed what was never at the best of times a very open society.

The universities are a good example. The intention in founding the tribal colleges was, I believe, to establish ethnic universities for each of the Black cultural groups, even as Pretoria and the University of the Orange Free State and Stellenbosch and the Randse Afrikaanse Universiteit had been established for the Afrikaner.

And a very fine intention it was too. On the face of it the money spent on establishing Ngoye and Turfloop and Durban/Westville was money well spent — but why then proceed to close the Universities of Cape Town and the Witwatersrand and Rhodes and Fort Hare?

If the Indian University were as fine an institution as it might claim to be, then most Indians would choose to attend it, even as most Afrikaans-speaking students choose to go to the Afrikaans-language universities. But why ought odd individuals not be free to go to other universities — even as my sister attended Stellenbosch and my brother read architecture at Pretoria. The problem with the tribal colleges is not that they are *ethnic* universities as such, but they are ethnically *closed* universities.

In terms of the argument of this paper, then, South African Blacks don't need Black Power. The continued maintenance of Black African ethnic groups is the policy of the South African Government. What is needed is a continuation of the old liberal struggle for an open society, informal if not formal, so that integration may ultimately come about. Hence the continued importance of Black Sash. But that is also not the whole story.

I have argued that the United States and South Africa have formal policies of integration very different from each other. In the United States the policy is individual integration, in South Africa it is integration through cultural pluralism.

And yet I concluded in each case that in each country where the policy succeeded it was accompanied by informal practices very like the formal policy of its counterpart. Integration in the American melting-pot was

supported by substantial ethnic power bases even as English-Afrikaner rapprochement has been accompanied by a considerable measure of individual integration.

Where integration has failed in both countries — across the colour line — this has been, at least partly because the official policy was not accompanied by its informal counterpart. In America, Black Americans have never had a separate cultural identity from which to draw economic and political power — in South Africa Black South Africans have been adamantly refused any measure of individual integration. Hence the difference in tactics of those who advocate full integration in both countries — in America, Black Power; in South Africa, individual acceptance and equality.

What then, does one say about the Black consciousness movement which seems to be growing so fast in South Africa? Is it not simply playing into the hands of the Government? On the logic of what I have said so far, my answer to this question would have to be in the affirmative. However, social reality has a habit of not conforming to logic and that is the case here too.

The problem is that I have been assuming throughout that government practice in South Africa and the United States follows the official policy. In the United States it *does* seem to be the case that the Federal Government is intent upon guaranteeing an open society in North America.

Furthermore, one of the reasons that the movement for Black consciousness has been allowed to go as far as it has is that it corresponds so closely to South African Government ideology. But I fear that in practice the actions of the South African Government are very far from those professed by the policy. Even in terms of its own policy, the South African Government's professions of separate development must be declared to be fraudulent.

Afrikaners are fond of stating that there are but two alternatives in South African racial policy — assimilation and total separation.

They fail to mention a third possibility which reflects the reality of the South African situation as it is at present, that of White domination. In 1954, the Tomlinson Commission recommended that £60 million be spent on the industrial development of the "homelands" during the next ten years.

This would enable 50 000 additional Africans to find employment in the homelands each year or separate development was doomed. The Government rejected this recommendation in 1956, instead proposing a Bantu Investment Trust which was capitalised initially at £500 000. Between 1960 and 1966, according to the Minister of Bantu Administration, R1 000 000 had been invested by this Trust in establishing 35 industries in the Bantu areas.

These industries employed a total of 37 Whites and 945 Africans. Dr. Rhodie in 1969 calculated that with the inclusion of the border industries, approximately 2 000 additional work opportunities have been created annually since 1968.

Politically, the so-called governments of the homelands are now calling the Government's bluff, showing quite clearly that separate ethnic development in no way implies real power for Blacks.

It is the universities which seem to have been the spark of the present South African Black Power movement. A policy of genuine separate development would surely allow Black professors to sit on university senates — not to mention appointment of Black rectors. The fraudulence of the whole Government policy is most clearly seen by the most lively section of the Black community, the students in the tribal universities.

Thus, we conclude, Black Power would be ridiculous — simply an aping of overseas movements — if the Government's policy of separate development were genuine. Since the policy is clearly fallacious, the Black consciousness movement does have a reason for being in South Africa — to show up the deceit that is the policy of separate development. It calls the Government's bluff.

Black consciousness in South Africa serves less to integrate South African society than to offer a glimpse behind the window dressing of Government policy to the shoddy realities behind. As such Black Power does have a function in our society.

‘Necessity is the plea for every infringement of human freedom, it is the argument of tyrants.’

— WILLIAM PITT, 1783

The morality of disobedience

MR. A. DU TOIT

Mr. du Toit is a lecturer in Political Philosophy at the University of Stellenbosch. This talk was given to the All Branches meeting in Cape Town in February.

It is at once an honour and a privilege for me to have the opportunity to address members of the Black Sash on the topic of civil disobedience in South Africa. Though to the best of my knowledge the Black Sash has never even entertained the idea of engaging in a civil disobedience campaign it has, perhaps more than any other comparable organisation in South Africa, a proud and consistent record of public action and political protest for moral reasons. And this, as we shall see, is very close to the crucial problems and issues raised by civil disobedience.

BEFORE I begin to deal with my subject itself, I must first make three introductory comments concerning its nature, and my aims in dealing with it.

● In the first place I want to stress that this topic of "civil obedience and disobedience" is quite central to and typical of the discipline of political philosophy. It raises such fundamental questions as, for example, the nature and limits of citizenship; the relation of morality and politics, etc.

Obviously these are the kind of questions which political philosophers set out to answer. I must warn you that they rarely, if ever agree on the answers; and certainly I do not pretend to have any of the answers. But quite apart from coming up with the answers there is even a difficulty concerning the precise nature of the problem — and one that is more elusive than may be generally recognised.

Why should there be any peculiar difficulty concerning the nature of the problems of political philosophy? The answer, I believe, is to be found in their location at the intersection of three very different territories, that of politics, morality, and philosophy. Each of these have their problems, and often such problems are dealt with in a characteristic way to the exclusion of all other considerations.

Thus politics, as we all know, is the art of the possible. It is concerned with the practical issues of government, and it must deal with

them effectively and realistically. Certainly our political aims and policies may be influenced by moral ideas or the demands for theoretical consistency and clarity, but above all they must be practically feasible.

In morality, on the other hand, we are not primarily concerned with the facts of the matter, or even with the bounds of the possible, but with what should be the case. From the moral point of view we can quite rightly insist on the absoluteness of our norms or values, no matter how "impracticable" or "unrealistic" they might prove to implement, or how difficult it is for any given action or institution to measure up to these criteria.

Nevertheless, both politics and morality are eminently practical concerns, whereas philosophy tends to become completely abstract and "intellectual." It often does and indeed it may quite properly concern itself with purely abstract conceptual analysis or a priori reasoning seemingly without any immediate practical relevance whatever.

As long as we can keep these various problems and approaches apart there is little difficulty. Whether we are confronted by a purely political problem, or a strictly moral problem, or a characteristic philosophical problem, we know where we are and, at least in principle, we know how to set about dealing with that problem.

It is much more difficult when our terri-

tories overlap and our approaches conflict. This is the characteristic area of political philosophy. Its problems are located in the shadowy no man's land, the dangerous contested terrain where the political, moral and philosophical approaches converge and conflict.

Perhaps the political philosopher has no business to be there. Quite often the politician, the moralist and the pure philosopher will tell him to clear out and cease obstructing their lines of fire. Certainly it is much easier to retire to one or other of these unequivocal positions and see things from a purely political, moral or philosophical point of view. Nevertheless, whether we political philosophers can stick to our exposed positions or not, the problems remain there waiting to be dealt with, problems which are at once of a political nature, raise moral issues, and demand philosophical analysis and argumentation.

Such a problem, it will be seen, is the topic, "civil obedience and disobedience." That it is a political topic is clear and I would completely miss the issues at stake if I were to attempt in any way to evade or ignore or cover up the immediate political implications of even raising the topic of civil obedience and disobedience on this day and in this place.

Its moral nature is equally evident and I would utterly fail in even grasping the problem if I were simply to take up some political stance in favour of or against civil obedience or disobedience.

That it raises philosophical questions is perhaps not so immediately evident, but then it is precisely my task to demonstrate that philosophical analyses and arguments may contribute constructively towards our understanding of, and dealing with the practical political and moral problem.

● I can now be much briefer in my second preliminary comment, namely, that it is not my purpose while dealing with this topic in any way to advocate or initiate a civil disobedience action or campaign. Neither for that matter, can it be my aim actively to condemn or discourage such actions or campaigns. I am not here to take up a political stand for or against it at all. My aim must be to understand and analyse the problems of civil obedience and disobedience in such a way that both the political implications and the moral issues are given their proper due.

● My third and last introductory comment is to stress the exploratory and preliminary na-

ture of my talk. I have not come to give you an exposition or my final conclusions on this subject. I cannot say the last word, indeed, I doubt whether anybody can at present say the last word on the topic of civil obedience and disobedience in South Africa — but perhaps I can say a first word which starts a serious, responsible and necessary discussion.

For I believe that there are signs that we seem to be entering a new and problematic situation of utmost moral and political concern to all the various citizens of South Africa. Its precise nature and implications is not yet fully discernible, and perhaps I am wrong in the significance I am inclined to attribute to certain recent events. In this respect, therefore, I cannot claim to give more than some experimental soundings of the situation. Nevertheless I do believe that we can also draw on the experience and the reflections of others.

I must point out that my aims are limited and that there are a number of major issues with which I do not even attempt to deal. Thus I will *not* deal with the problem of the possible *justification* of civil disobedience, an issue which so far has been perhaps the major concern of political philosophers in this field.

I will *not*, except in passing, concern myself with the major problems concerning violence or *non-violence*, which have come to be so closely connected with the problem of civil disobedience. Finally, I do not wish to enter into the discussions concerning the merits or demerits of *democratic politics* or *revolutionary actions* except in so far as they are connected with civil obedience and disobedience. These are major issues in their own right and should be dealt with as such.

YOU MAY perhaps have noticed that in recent months the South African Press has reported a number of individual and apparently quite unrelated cases of civil disobedience. The most publicised case was perhaps that of Father Cosmas Desmond who in 1972 repeatedly and openly attended church services, participated in the mass and even preached to the assembled congregation in defiance of the requirements of his banning order.

According to newspaper reports he was on some occasions accompanied by other banned persons as well. Perhaps the most remarkable aspect of the Desmond case was that the authorities did not instigate any steps against

him, whereas the requirements if similar banning orders had in the past often been stringently enforced.

In fact, the Minister, as a result of Father Desmond's actions, has changed the provisions of his banning order so that he may now attend church services.

Another widely publicised case of civil disobedience occurred at the Albert Luthuli Memorial Service in July 1972 where, according to newspaper reports, Mr. Sonny Leon, the Leader of the Labour Party, played a tape re-

'An act of civil disobedience is an act in violation of a law (or a specific group of laws) which is undertaken for moral reasons.'

recording of Luthuli's banned speech on accepting the Nobel Peace Prize. Again, to the best of my knowledge, no official steps have so far been taken against Mr. Leon.

These are two relatively minor and also quite straightforward cases of individual civil disobedience. I do not know how many other similar cases there may be though I do know of some. However, I do think that we should see them and other similar instances in the context of a number of other events in the recent past which in one way or another are directly or indirectly related to the problem of civil disobedience.

These events are of various kinds. Thus in connection with the inauguration of the Kwa-Zulu Legislative Assembly at the beginning of 1972 its members swore an oath of loyalty to the South African President, but refused to swear its allegiance to the Government and its laws. I take this event as of crucial significance to our topic and I regard both the fact of the allegiance that was sworn and the allegiance that was refused, and particularly the simultaneous combination of both, as equally significant. Here to, to the best of my knowledge, the authorities have not retaliated in any way.

A much more familiar case, though one that strictly speaking involved no disobedience, was the very widely publicised fast in 1971 in Cape Town of Father Bernard Wrankmore arising out of the death while in police custody under the Terrorism Act of the Imam Haroun. Rather similar though less publi-

cised actions have been undertaken by the Rev. David Russell in connection with the plight of the inhabitants of resettlement camps like Sada and Dimbaza. And recently we have had the "pilgrimage of confession" from Grahamstown to Cape Town to draw public attention to the plight of migrant labourers.

Another familiar category is that of conscientious objection to military service. Particularly the official treatment of the Jehovah's Witnesses in this regard has been a matter of public controversy for a number of years now. As we shall see, conscientious objection is usually differentiated from civil disobedience, though in this case the Government's tendency to refuse to give a recognised exempted status to conscientious objectors somewhat blurs this distinction.

The various student protests, demonstrations, petitions and boycotts in June 1972 were of a much more widespread nature, in some cases amounting to organised campaigns. There were some significant differences. Whether or not they were always acting within the law students at Cape Town and Wits could at least lay claim to a legal and democratic *right* to protest. So far as I know the issue of civil disobedience did not even arise at that time.

Now, of course, since the recent Nusas conference in Grahamstown the issue has been raised, though in a somewhat confused manner, with Nusas's public announcement that

'An act of civil disobedience is a violation of a law, but it is not, or not merely, a crime.'

they will defy any Government actions intended to curtail them. The position of the Black campuses in May and June 1972 is very different and to my mind, no doubt largely due to ignorance, much less clear. On the whole, however, the confrontations seemed to have concerned merely the university authorities.

I could continue to list other related instances of various kinds like the bus boycott following the Gelvandale riots in Port Elizabeth, the strike by Ovambo migrant workers in January 1972; the current spate of illegal strikes in Natal; the attempt by Mewa Ramgobin to petition for the inclusion of "political prisoners" in the amnesty granted on the occa-

sion of the Republic Festival, or the public announcement at the last meeting of the Suid-Afrikaanse Akademie by a prominent Afrikaans professor of literature that he will continue to keep banned books on his shelves regardless of the consequences, but it is not my purpose to compile a complete catalogue of any kind.

I merely want to indicate that in a variety of different ways the issues of civil obedience and disobedience are increasingly being pressed upon us. I must stress that I do not think at all that we are on the verge of some new campaign of massive civil disobedience. Indeed, in terms of the provisions of our security laws it is hardly possible to see how such a campaign could even begin to get off the ground.

On the other hand, I cannot but think that there are important reasons why these issues of civil obedience and disobedience should once again be merging as matters of public concern at the recent time, and that we should very carefully reflect on their precise origins, nature and implications.

We have, of course, twice before experienced major campaigns of civil disobedience in South Africa. But there were also major differences between both campaigns, and between either of them and our present position.

The first real mass movement in the long history of civil disobedience took place here in South Africa almost 60 years ago with Gandhi's successful but limited campaigns against Smuts. But non-violent resistance as understood and practised by Gandhi and his satyagrahis involved a very specific set of moral, philosophical and tactical doctrines. These were still very influential particularly in the early stages of the passive resistance and defiance campaigns staged by the Congress movement during the fifties.

On the whole, however, I think it can fairly be said that the Gandhian philosophy and techniques were now definitely subservient to the political aims of resistance, and eventually they all but disappeared in the wake of the increasing trend towards more militant and violent strategies of resistance during the early sixties.

On both counts the resistance movement was, however, effectively blocked by the overwhelming force of coercive power and the security measures of the Government.

The Congress movement was driven underground, if not completely dispersed, and so

we arrive in the seventies: without the positive philosophy of Gandhi, and without even the vestiges of a publicly organised resistance movement.

Our problems now would seem to bear much more specifically on the basic issues of civil obedience and disobedience as such, rather than on the nature or power of non-violence or on the strategies of resistance. Perhaps

‘All parades, assemblies, marches, picket lines and other public demonstrations that abide by the law . . . however vehement or unusual . . . are not civil disobedience . . . It is a serious mistake to class all public demonstrations of protest as civil disobedience.’

the time has come to take a hard and close look at the phenomenon of civil disobedience, its nature, implications and consequences.

THE ISSUE of civil disobedience has featured very large on the American scene in the past decade and more, not only in the Civil Rights Movement led by Dr. Martin Luther King, but also in the student movement and the anti-Vietnam War movement.

Quite understandably American political philosophers have increasingly concerned themselves with the problem of civil disobedience. Much of the debate has been concerned with the possible justification of civil disobedience but that will not be my concern. I will attempt to draw on the American discussions for an understanding of the meaning and implications of civil disobedience.

Obviously we must be clear on what is to count as civil disobedience, and what not, before we can even begin to consider its justifiability or otherwise. For that reason I will also not be mainly concerned with the various controversies about whether it is essential to civil disobedience to be non-violent, to be public, to have exhausted all constitutional alternatives, etc., in so far as these controversies tend to become mixed up with the issue of justifiability.

It is perhaps best to begin with the “minimal definition” of civil disobedience proposed by Robert T. Hall: “An act of civil disobedience is an act in violation of a law (or a

specific group of laws) which is undertaken for moral reasons”.

Only one essential qualification is missing from this definition, namely that the violation of the law must also be an act of protest, it must be aimed against some requirement, authority or practice that it considers to be immoral or unjust. Otherwise, for example, someone driving in excess of the speed limits to get a patient as quickly as possible to the hospital would qualify for civil disobedience. He may indeed be violating the traffic laws and for moral reasons to boot, but he is not doing so in protest; and only in the latter case could it qualify as civil disobedience.

This minimal definition is concise enough: an act of civil disobedience is a violation of the law, for conscientious reasons, and in protest. Yet it can go a long way towards clarifying its meaning, differentiating it from related phenomena and outlining the problematic issues.

In the first place this definition makes it unambiguously clear that civil disobedience is and always must be illegal. It may be “po-

‘A kind of conscientious violation of the law which yet seeks to maintain the values that law observance promotes.’

sitive” — the doing of something the law forbids; or it may be “negative” — the refusing to do something the law commands, but whether it consists in commission or omission it is legally wrong, and as such entails legal penalties. “It is always the sort of thing that can send one to jail” (Hugo Bedau).

The only exception to this is in the case of what has been termed “provisional civil disobedience” where the violated law itself may be set aside, and the violation thus prove to be vindicated as it were after the event by, for example, the Supreme Court in terms of the Constitution.

To begin with, however, it is equally regarded as illegal and thus open to legal punishment.

The insistence on the essentially illegal nature of civil disobedience serves as a major differentiation from some related phenomena with which it is often confused. Thus, in a constitutional democracy it must be sharply

distinguished from all forms of legal and rightful protests, political opposition and ordinary dissent.

‘One who breaks an unjust law must do so openly, lovingly and with a willingness to accept the penalty.’

In the words of Carl Cohen “all parades, assemblies, marches, picket lines, and other public demonstrations that abide by the law however vehement or unusual are not civil disobedience. It is a serious mistake to class all public demonstrations of protest as civil disobedience”.

If in the course of some demonstration a municipal by-law or traffic regulation is violated it cannot be considered as civil disobedience unless done deliberately and in protest.

In terms of this understanding of civil disobedience it would thus follow that the student gatherings and demonstrations in Cape Town on the steps of the Cathedral and of the Jameson Hall last June, whether technically within the law or not, were not intended as civil disobedience but as rightful protests.

Certainly they were not deliberately laying themselves open to legal penalties. It is of course a different matter altogether in a non-democratic state which does not recognise the right to protest — in terms of our minimal definition it would then seem that under such circumstances all conscientious protest would amount to illegal civil disobedience.

A similar position obtains with regard to conscientious objection. In many countries this has come to be a recognised procedure to lay claim to an exempted status from the requirements of the law, particularly concerning military conscription. If granted, the conscientious objector attains a legally recognised status within the law. His position is thus radically different from the civil disobedient whose act of protest, however conscientious, is essentially illegal.

Again the position is different in a country that does not wish to recognise conscientious objectors as a separate category. However, it remains at least possible for it still to do so whereas in the case of ordinary civil disobedience it is a major problem whether a state can ever be expected to deliberately recognise or tolerate it.

A "legal right to civil disobedience" would seem to amount to a contradiction in terms, and yet there may well be good reasons for somehow recognising that it is not just illegal, but also conscientious.

In the second place, then, our minimal definition of civil disobedience makes it clear that although it is illegal it should not be equated with crime or law evasion. An act of civil disobedience is a violation of a law, but it is not, or not merely, a crime. How can this be?

For a start we should note that this must be a moral or political distinction; in a technical sense all violations of criminal laws are of course criminal violations. From a moral and also from a political point of view, however, we cannot consider all violations of the law on a par as all equally criminal.

There is a basic difference between an act violating a law with the purpose, for example, of gaining some private benefit at the expense of others and an illegal act motivated by moral and conscientious reasons. The former is in a moral sense as well a crime, and normally the criminal would hope to get away with his illegal gains if the crime is not to be self-defeating.

On the other hand, the man forced by conscience to an illegal act of civil disobedience is not out for personal gain but knowingly incurs the penalties of the law, and often that of public wrath and abuse as well. I must emphasise that to say that an act of civil disobedience is conscientious is not to say that it is justifiable or right; the moral reasons for which someone may be acting are often quite subjective, arbitrary, foolish or inappropriate.

It would be foolhardy to say that in every conflict of conscience and the law, conscientious violations of the law cannot simply be classed in the same category as ordinary crime.

In this connection we must also make a further distinction between purely moral disobedience and civil disobedience proper. It is possible to conceive of a direct conflict between the requirements of a law and someone's purely personal moral standards: he violates the law because he cannot comply in good conscience. He does not wish to change or eliminate the law as such; he does not want others with perhaps different moral principles to violate it like wise; his conscientious violation of the law is basically a private act and it is quite incidental to it whether either the authorities or other people come to know of it.

He simply has to do what to him personally is morally right, and damn the consequences —

certainly strategic and tactical considerations can play no role in his conscientious decision.

Usually, however, the conscientious violation is of a different nature. In violating the law for moral reasons, I may be implying that it is not merely wrong for me to comply with it, but for others as well. I am thus not merely contrasting the demands of the law with my private conscience, but I am rather appealing to some shared morality. If I have a moral obligation to disobey, so have you and so have all of us — that is, all of us who share these moral reasons.

It is characteristic of civil disobedience, as distinct from purely moral disobedience, that its conscientious nature is not to be merely privately judged but that its ends are "formulated with a view to making them morally legitimate to onlookers and to the public" says Christian Bay. While it may thus be hypothetically possible to say that the criminal is acting in "moral" disobedience in accordance with some perverted morality his crime cannot be an act of civil disobedience.

The same difference between the peculiar illegal nature of civil disobedience and ordinary crime appears if we reflect on the essential element of protest contained in our minimal definition. In an act of civil disobedience I am not merely violating the stipulations of the law, I am contesting its very authority. Directly or indirectly my disobedience of the law is aimed at getting it changed or repealed.

It is thus of the essence of my violation that it should be brought home to the authorities and the public at large, otherwise it fails as a protest. Thus it is possible that I may in ignorance of it contravene a law, and this would then constitute a crime, but an act of civil disobedience cannot consist in an ignorant violation of, or a mere non-compliance with, the law. It must be openly insisted on as a conscious and deliberate violation, because the disobedience is an essential and not merely accidental element of it.

In the case of a crime it is natural to hide both the act and the agent from the public view, and if it perhaps takes place in public, like a bank robbery, the criminal will seek to evade the enforcement of the law — except in an abnormal case where the crime is a mere means towards attaining the punishment as an end.

An act of civil disobedience, on the other hand, must in a certain sense always be public. "What seems to be essential is that the

violator makes no attempt to hide from the authorities or the community that it is *he* who is committing the act, or the nature of the act he is committing; indeed, he must deliberately seek to make these known. When one attempts to hide such facts, we quite naturally regard the act as an attempt to evade the law" (and not to protest it), says F. R. Berger.

'The civil disobedient does, while the revolutionary does not, accept the legitimacy of the established authorities.'

In the case of a crime the accused may plead innocent, and seek some legal defence, even a purely technical one, or plead guilty and submit to the penalties. In the case of civil disobedience the defendant must plead guilty (except in the special case of "provisional civil disobedience") and he may personally submit to the penalties, but he cannot offer a legal defence in terms of the violated law because he is precisely protesting the authority of that law. His violation of the law is technically a crime but basically an act of political defiance.

At this point we come in the third place to the crucial distinction between civil disobedience and such other political categories as opposition, rebellion or revolution. In terms of our minimal definition civil disobedience is differentiated from all legal forms of political opposition by being illegal, but it is also contrasted to revolution and anarchism as being a selective rather than a general violation of the law.

It is understood as a violation of and a protest against specific law or laws, not against all law or the state as such. Unlike the revolutionary who lays a total claim to primacy, and aims at a complete transformation of the political order, civil disobedience may be described as "the acting out of a partial claim against the state" and it is thus characterised by the pursuit of limited public ends by way of carefully chosen and limited means.

There is here a basic paradox in the relation between civil disobedience and the law. It violates the law (a specific law) and yet in another sense it submits to the law (the legal order). Civil disobedience may thus be described as a kind of conscientious violation of the law which yet seeks to maintain the values that law observance promotes.

Characteristically it may thus take the form of deliberately violating the law and then submitting to arrest without resistance. This is made very clear in Dr. Martin Luther King's "Letter from Birmingham Jail": "One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for the law."

However, though it is important to establish and maintain this general differentiation between the basic aims of civil disobedience and revolution, it is not always possible to distinguish them clearly in any given case.

'In a variety of different ways the issues of civil obedience and disobedience are increasingly being pressed upon us.'

There are at least two sets of complicating factors. First, we are usually not confronted with a whole revolution or a complete campaign of civil disobedience all at once, but with an on-going series of events. A revolution may eventually culminate in a popular uprising or a direct attempt to overthrow the government, but this is usually preceded by an extensive prior campaign in which selective violations of the law may well have played a part.

In the case of a specific violation of a law, it may thus prove very difficult to say whether it is a revolutionary act or an act of limited civil disobedience. In fact, it may well be both at the same time. Thus, for example, Gandhi's limited campaign of civil disobedience against the Salt Acts in 1930-1 was also part of his long-range revolutionary objective to end British rule in India. On the other hand, this does not mean that every selective violation of the law is also a revolutionary act. It depends on the overall political objectives of the violator — and we may note that in terms of these objectives the civil disobedient, unlike the revolutionary, is required to keep careful control over the consequences of his pursuit by limited means of limited ends.

It should also be emphasised that a crucial part is played by the nature of the response by the authorities. The government may choose

to regard any challenge to its constituted authority, however selective, as implicitly revolutionary, and deal with it accordingly or it may accept it as being a merely partial claim to primacy, and somehow learn to live with it even if it cannot be just tolerated. The distinction between civil disobedience and revolutionary intent is to a certain extent dependent on its mutual observance.

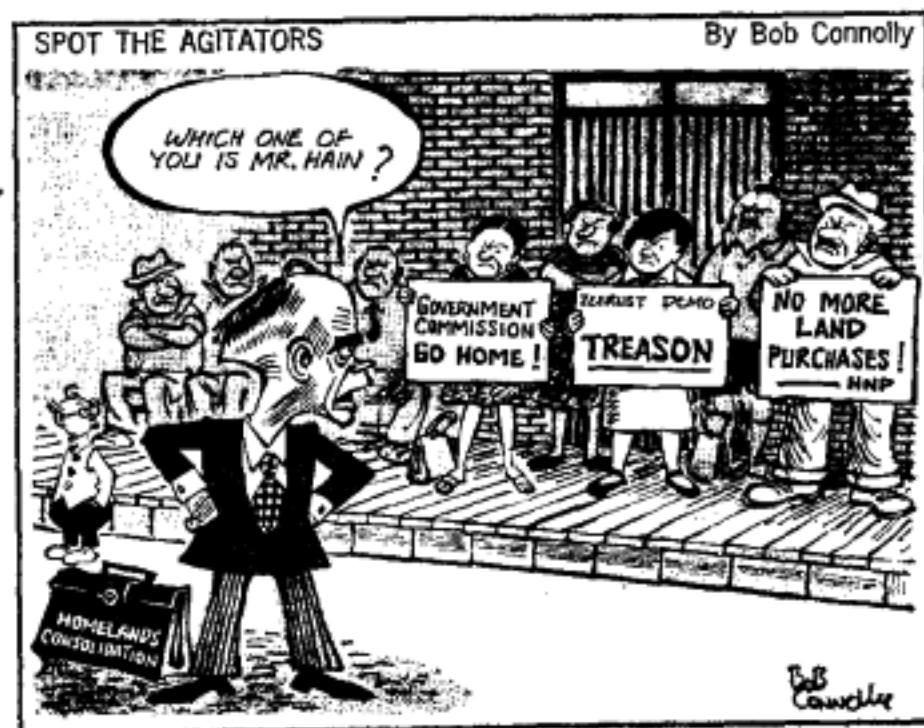
The second way in which the distinction between civil disobedience and revolution may be complicated is connected with the problematic relation between the established government of the day and the state. We have said that even in violating a specific law the civil disobedient remains bound to the general legal order of society. But what precisely is this general order? Is it the system of laws issued by the government of the day? Sometimes the

distinction between civil disobedience and revolution is indeed made in these terms.

Thus Carl Cohen writes that "the civil disobedient does, while the revolutionary does not, accept the general legitimacy of the established authorities."

On the other hand, we may wish to distinguish between our recognition of the legitimacy of the government of the day and our obligation to the state; we may wish to contest the authority of a comprehensive set of laws for the sake of what we regard as the proper legal order of society.

Under these circumstances it becomes extremely difficult if not impossible to distinguish the implications of our fundamental civil obligation to obey not the government but the state from that of the aims of a revolution.



LOVE CAN CONQUER

DR. ANTHONY BARKER

Dr. Barker, superintendent of the Charles Johnson Memorial Hospital, Nqutu, delivered his talk to students at the Federal Seminary, Alice, in March.

When the enthusiastic young man, recorded in the gospel, offered to join Jesus among his disciples, he received the daunting reply: "Foxes have earths, birds in the sky have nests, but the Son of Man has nowhere to call his own." For him, who we see increasingly as a liberator, there was no central point of comfort or security which he could call "home."

This gives him added authority — not that he needs much — as we learn from him in the pain of our modern society. For many of our people are thus deprived of home and family and are forced into a similar, though this time compulsory, restlessness.

For them, also, driven by economic forces and Government edicts, there is no place they can call their own. No matter what cosy words we use (and "homeland" sounds much more attractive than the older "reserve"), the fact remains that a homeland is a place where no man can live for longer than a few months together without the necessity of getting out of it. Survival on the homelands is, at present, impossible for the majority of their inhabitants.

Seeing the great courage with which Black men face adversity, the cheerfulness of the poor and unexpectant, White people are disposed to comfort themselves that Blacks don't feel the anguish of separation so much as the Whites. They used to say much the same of the fox's attitude to being chased by huntsmen and hounds — that the fox enjoyed it, the brisk run over the fields, the crisp, frosty autumn air etc.

I have even heard it said that Black mothers don't feel the death of their babies so intensely as White women, for, after all, they are so used to it. These arrogant and cruel assumptions were, in the case of migratory labour, made against the White background of a narrow concept of family common among my people. For us, in our origins, family was father, mother and the children, with, perhaps, an occasional visit to grandpa, or from dim, foreign aunts. This was my English home, glorified into my castle; my inalienable right as a man, my impregnable stronghold.

How limited this came to appear when first I met the wider, more generous concepts of family among the Zulu people! Ignorant I was when I first saw this, and only too ignorant I have remained, but I have come a little to understand, I think. Here was a sort of super-family, a network of relationships of immense subtlety, having a dictionary full of ties to cover the mosaic of relationship. It boiled down to a man's having many mothers and many fathers, and a kinship of siblings greater than any I have known.

Home was an idea rich in sentiment: 'iKhaya' a yearning on the lips of the dying, a continued longing for all who must be away from it. The often tumbled-down reality of its buildings affirmed that for our neighbours home was no attachment to a given house, but a spiritual and tender association of people and cattle and ceremonies and securities, all respectfully tied to the former generations, to its living and its dead inhabitants.

Thus, far from being a little thing my people did, to lever the workman off the block of his family, and separate him for months together from this more generous association, it became obvious that it was a very grievous assault indeed, creating the structure of migratory labour.

The apparent good humour of the worker owes more to determination and fortitude than to any supposed joke at the centre of the system. It is not, after all, funny to be deprived of your woman, or cheated of your children. Yet White men have counted it such. His determination, at whatever cost, that the Black man should work in his factories or down his mines has made the White man insensitive to all this pain and eager to believe in the Black man's good humoured content with the bread and circuses with which he was rewarded.

I'm no very profound historian, but see, within the household of KwaZulu, where I have been personally tolerated for almost three decades now, the central attack being always upon the family and the home. The

last 100 years — which has been the century of the White man — has shown this from the determined burning of the King's great place during the English War of 1879 — the war of Isandlwana and Rorke's Drift — to the imposition of the poll tax on the Zulus by the settler government of Natal in 1905.

Two motivations were apparent in this levy: to flush the people out of their homes into the mines and rudimentary industries of the country, and to incite the Zulus to the use of force, the better to teach them, once and for all, a much-needed lesson.

The reaction of the Zulus was violent, and violently dealt with. From the Mpanza valley came the chieftain Bambatha who sought to win royal assent from Dinuzulu for his resistance. It didn't work, of course. There was vacillation, uncertainty and treachery to bring the rebellion down, and they all played their part in that sad episode. The final bombardment of Bambatha's men in the Mome Gorge, 16 hours of pounding from field guns on the trapped warriors, is a memory yet: "the bones are white at Nkandla", they say.

And after the guns were silent the patterns of life as we know them today were pretty well laid down. True, the 1936 lands acts provided for more land eventually to be accorded to the Black people, some of which, even today, is still unreleased, but the overall pattern of White ownership of land and resources has been entrenched now for more than 60 years.

We know how things have gone. We know that even now, land is the prime need of our people if they are to survive, let alone enter the limited liberties of homeland government. The provision or withholding of land is the test that homeland leaders have applied to the sincerity of central government. We cannot say that the test has yet been passed.

"If you want to love White men," says our isazi, Bishop Zulu, "you should not talk to them about land". But we cannot see our problem as separated from this issue, and I therefore risk your scorn for having had the presumption, as a White man, to raise the subject at all.

Again I become parochial. I could, perhaps, give you a great sweeping view of homeland life but this would be less accurate and probably less convincing than my talking about my home, my part of KwaZulu, the Nqutu District. It is by no means unique—I only wish it were and its sad story can doubt-

less be surpassed by many sad stories of your own experience.

We have at Nqutu some 700 square miles of country, beautiful, eroded and heavily damaged by the years of its occupation. It is hilly country, with many rocks and cliffs rendering it unproductive, even without remembering the overcrowding which is an increasing feature of its habitation. In 1945, when I went there, there were just 32 000 people in Nqutu, living the more or less traditional life of their forbears which time had not yet totally effaced. Fifteen years later the number had risen to 46 000, and we began to get worried, for plainly our land could not bear this level of tillage.

By 1970 the number was 80 000 and this is our problem now, that no one can live in our homeland, by no means, or under no system of improvement in agriculture than could be thought out.

Population density reveals this clearly enough. Over our whole area this works out at around 100 per square mile. If you take the arable bit, that is, not counting the rocks, it is around 500 per square mile, and this in an area of the country where it takes, to keep the ordinary White farmer in that state of living to which he is accustomed, 1 000 hectares or so.

What has caused this frightening situation? To some extent it is our own fault at the hospital, for we have been signally successful in our maternity work and in holding in life these little ones. It is now, after many years of effort, as safe for our Zulu women to have their babies as it has been for many years for the White women. This is a great achievement and productive of much happiness and trust. But of course it does make matters worse.

There was a time, not so long ago, when about one-third of all babies born alive died before the age of walking. This was true in Nqutu, and it was true over the greater part of the land where Black people lived and died in accordance with the prescribed patterns. Today this is wholly different everywhere, but especially, we think, at Nqutu, because, like other areas where hospitals have operated for many years, it has been possible for a few to do so much.

Natural increase therefore accounts for some of the advance in over-population, but it does not tell the full story. We are a host area for resettlement, with our Mondlo among

the first of such rural townships to be established. We did not hear much of Mondlo, when compared with the birth pangs of Lime Hills, and this may be in part my fault. Like many of these settlements nothing was said to herald their coming, and even as the District Surgeon I was not informed of the arrival of some 3 000 dwellers in loaned tents that became part of my cure in 1963.

Again, we were inexperienced in what was involved and more complacent than we are today in the acceptance of Governmental acts. So I, and others like me, were caught unawares by these movements to Mondlo, where today there are almost 8 000 souls and a promise of many times that number to come if the apartheid dream is to be fully implemented.

Natural increase, Mondlo, do these wholly account for the huge growth in our population? There is another factor, and that is the clearance of squatter-labour on Natal farms which at long last is coming to pass. The old systems prevailed in Natal for a long time. Squatters had their homes and limited grazing in return for six months' labour on the farmer's land, his family in the farmer's kitchen.

This has rightly been outlawed today, but ironically it has made our lot and the lot of the country-dwellers more difficult still. Told to "go back to the homelands" these ill equipped and poor people have often had to do what deal they can with local chiefs (some of whom have exploited the squatters) to get a foot in the reserves. There have been established in our district two unofficial settlements in this way, at Vulamehlo (though the people do not call it that) near Nqutu village and on the old gold-mining farms near Non-dweni, 16 km to the east of Nqutu.

As unofficial settlements the people have no security, the Government no obligation to provide services. Rural slum conditions, with competition for water and gardens leading to unseemliness which is only to be expected. Beside the men and women who find some foothold in these unofficial settlements there are others who just infiltrate, with relatives perhaps, who already have land in the neighbourhood.

So here we have a depressingly familiar story, one well known to you as I should suppose, and one which can be retold over many parts of our land. If we could forget for one moment the human problem (and I hope we

never can do this, for else we are lost indeed) we see this as an equation which can never balance, a sum that will never come out.

To hope that somehow, in good time, this will work itself out is but to fool ourselves. All we could do, all the patching-up imaginable, could never make Nqutu district viable in terms of an older concept to which we have been hereto committed.

And if not possible at Nqutu, are we to expect it will work in other places as well? Can we look to the restoration of our former ways, and the expectations of older days? I do not think so and I do not think anyone thinks so. So what do our people do? What can they do?

They must offer the only gift they have to the gods of the counting-house: they must sell their labour, the strength of their backs and the skill of their hands. With the best will in the world there are too few border industries, too few homeland occupations to utilise this great black gift. Nor, starting from where we are at Nqutu — which is right at the bottom — do I foresee the creation of work opportunities in anything but the smallest degree in time to receive the burgeoning population which is yearly added to our number. We are wholly innocent of border industries, and the only homeland industry we have is the hospital itself. At least we are the employers of 450 people and that makes of us a significant social and economic factor in a pitifully poor environment. So, to survive, our folk must go outside, beyond our boundaries, and join the great mass — Francis Wilson says every second worker you meet — of migratory labourers.

We know something of the conditions of these men and women as they work in the cities and on the farms of our land, and if we don't know already we can gain all the facts from Doctor Wilson's masterly collation of knowledge. We know how many are to live in hostels and how few to live with their wives and children. We know the appalling harvest of loneliness, despair and degradation which stem from the system. We know the hypocrisy of a society that preaches the sanctity of the home (unlike those villainous communists) and then denies men and women the chance to found anything of the kind. We know the humbug of Christian marriage destroyed by law from a parliament that begins its business by invoking the assistance of the God of love.

Useless to excuse ourselves: to say that migratory labour exists in France and Germany and America. It does, and nobody is proud of it, anywhere. But where it exists outside our country it is one form of employment among other alternatives. It is not subject to the ban on wives coming with the migrant, and above all it is not statutory, built into the system, whereby it becomes obligatory as a form of labour, and binding as a form of employment. So I don't think there is anything quite so disastrous with which to compare migratory labour in South Africa, or by which comparison we can excuse ourselves for having developed it into the fine art it is here.

Most studies of migratory labour are made from the employer's end, and the effects it has upon the migrant himself and the male world he inhabits in mine or industry. Its effects at the rural end are quite as disastrous. For our women folk, the absence of their men has profound emotional results. Among the unmarried there is a growing devaluation of that dignified and commodious sacrament. If you are a young girl, are going to lose your man in any event, of what use to marry and go over to your in-laws home as a bride when, by having your baby at home — as the saying goes — you can remain with your much more permissive mother who will, in all probability, not expect you to become her drudge, her hewer of wood and her drawer of water.

Among the lobolo'd and married the repeated departure of the husband throws an identical stress upon childbearing. If marriage is to be no sweet rhythm blessed sexuality, having babies is the only possible outlet for the love which is else unused. Thus, the time of the migrant's return is the time of hope for a new pregnancy, ensuring many months, gestational and through infancy, in which the wife's emotions can be reasonably fulfilled. There is a popular song to this effect which I heard sung at a party only the other night by one of our student nurses: a sweet little, dear little baby — love in the morning, love in the noonday and love all the time, and so on.

And woe to the bride whose husband returns to his work and leaves nothing behind! She, poor soul, can hardly bear this. Psychologically the menses stop, the abdomen begins to swell, she is pregnant, but without a baby. This false pregnancy or pseudocyesis, is regrettably common among our women.

We think of the work men do by tradition given over to women. We think of the absence of men to plough, to care for the cattle. We think of the deprivation of children, growing without fatherly discipline, becoming unmanageable, a burden to their mothers and a problem to their teachers. It certainly is no recipe for rural reform that the strongest and the best are away so often and for so long, and there is little possibility of serious change towards betterment while this migration persists.

We do not need to be told these evils. We know them, and that only too well. We know this is a system devised by White men for the benefit of White men, and we know that, had we the power to change it, we should not even wait until tomorrow to put an end to it, and begin again to live as men and as the heads of our families. But we have not the power. We are left — as we so often are — with the dilemma: do we seek to tinker with this society that we have, putting it right bit by bit, so far as we are able? Or do we go for radical change, the upsetting of a cruel system that we know will persist as long as it pays?

And what has the church to say, for this was the subject of my talk that you gave me to speak to? The church must listen to its master, and learn to be truthful to his teaching even if this takes her into the unaccustomed paths of revolutionary thinking. And what Jesus says is "don't you go separating what God has joined". And noble ideas like not using other people for our own ends, but being ourselves, who would rule, the servants of all.

Clearly the church has not, at least until recently, bothered to think this out very much at all, and this is evidence enough (if we wanted any more evidence) that it was the powerful end of the church speaking rather than the man in the pew, or he who was too poor to sit in a new at all. Today it is becoming a little bit fashionable to talk about the evils of the migratory system, and we are glad of this, but who is doing the talking? Not, I think, those who have known the hopelessness of such gabbling from their position as migratory labourers. For these poor ones there is little satisfaction in the statements of Whites, waking at last to the enormity of the system.

Little wonder there is no satisfaction at all among Black Christians in such statements. Little wonder that the cry of many here —

and one in particular, with us today — is that my people get their foot off your people's neck. But I plead this far: that change occurs best against a high level of expectancy, and I therefore welcome *all* thought within the church, from management or labour or from liberal or illiberal quarters which shows up the exceedingly sinful nature of this sin.

I both welcome it and encourage it, and I say to the White man: brother you are just learning what these have known all along. Do not, therefore seek to teach them from your high position, and do not expect them to applaud your tardy steps towards greater justice. Put your own house in order. Are you such an exploiter? If so: exploit no more. And to the Black Christians I'd say know the power which is even now being

grasped by Black hands. Study it to use it wisely and for the benefit of your brethren.

And do not despise any man, nor hold his understanding cheap, even if he is White. It may be that he has not had your advantage of belonging to the human race born in upon him quite so satisfyingly as has happened to you lately. It may be he's the one who is feeling rejected now, and you've known this long enough not to want it to happen to *anyone* even to those who have been your enemies through stupidity, blindness and insensitivity.

If Christ has no word of reconciliation to bring with his message of liberation, then we are of all men the most wretched. But I believe he has broken down the middle wall of partition, and love can conquer everything, even my shame and your anger.

“Whites only” seems so rude

ELEANOR ANDERSON

April 7, 1973, and here I am at Jan Smuts Airport to meet the kids, home from their seaside holiday. Fearing to be late, I have arrived early and so have time to stand and stare a while. (This is a useful activity and should be tasted more often.)

The place is a-seeth with people carrying suitcases and tickets and babies and bundles, and wearing intent expressions so you know they are already mentally up in the air and off to their several destinations.

An Indian woman with a suitcase hurries along to the ladies' toilet, then halts in some perplexity on seeing that it is intended “For Europeans.” Not for her.

Carefully, I do not look at her, yet I wonder how she feels about this unobliging little sign. South Africa often claims that in an emergency all racial bars come tumbling down, but whether an Indian woman's needs to spend a penny is regarded as an emergency, I wouldn't know.

Odd. The White South African recoils at the idea of sharing a lavatory with a Black South African, yet is quite happy to have its White infant or its elderly ailing parent cared for by Black hands. (Africans are so patient.)

What I do know is that this sign represents what the Black person experiences in an apartheid society. Doors. Benches. Trains, Buses. Hostels. Quite a list. Petty I think not.

WHITES ONLY. It hits you between the eyes. And I'm damned if I could tell you exactly what is so superior about the White hand, foot, ox, arse, brain, restaurant table, post office door or church pew. I do not like this sign. Neither, I suppose, does the Indian woman. In fact, madam, be you an inhabitant of this land or a stranger from afar, I beg your pardon.

South Africa claims that she is loosening the apartheid stays which suffocate our society. After all, have not a few African people recently attended a “White” church? Was there not cordial racial mixing at the Games? Are we not considering wage increases on a non-racial basis?

Yes? Is the answer yes? If so, what's my hurry? What I am bitching about? I suppose my trouble is that I hate “Whites only” signs. They seem so rude.

"Hands off our Universities"

— LAURENCE GANDAR

This speech was given to students at the University of Natal on March 1, two days after the banning of the eight Nusas leaders.

It is clear from the great outcry that has already been raised over the Government's latest action against a group of students that the public, or at any rate, a large part of it, has once again found itself deeply shocked at the way this Government deals with people it does not like.

My own sense of shock, however, is qualified in two respects. First, I am in no way surprised at what has happened. Some such action as this was completely predictable in the light of the Government's known attitude to Nusas, and of its appointment of a commission of inquiry into the activities of certain organisations. Nusas was obviously the main target.

Secondly, much as I deplore the bannings and the injury they will do to some fine young people, I almost welcome what has happened. For in its haste and in its anxiousness to hurt Nusas and crush the spirit out of it, the Government has unwittingly uncovered the can of worms that is its thinking on security matters. It has not only overstepped the mark — as it invariably does in this field — but at last it can now plainly be seen to have overstepped the mark.

In the past, as everyone knows, the Government has steadfastly refused to give reasons for banning or restricting people. It has merely hinted darkly that something sinister was afoot which it could unfortunately not reveal because of security requirements, and all too many members of our torpid, bemused electorate satisfied themselves with that tired old adage: There's no smoke without a fire.

Well, thank goodness, all that has gone by the board. Feeling no doubt that the report of a Parliamentary commission would give respectability to the action contemplated against Nusas, Mr. Vorster — our prize after-dinner speaker turned Prime Minister, whose humour is such a notable contribution to the nation's heavy industry — based himself on the findings of the commission and the bannings followed immediately after.

Now, I believe this is one of the most unwise of the many things that Mr. Vorster has done. For the public can now judge for itself, and for the first time, the appropriateness or otherwise of the very severe penalties that have been visited upon the eight banned student leaders.

I believe, furthermore, that when the public has had time to study and digest the findings in question it will have no hesitation in concluding that they provided no justification at all for the savage action taken.

It is true, of course, that only an interim report has so far been issued and that the full report will contain much more detail and backing for the commission's findings. I am sure, too, that it will show things said and done by some Nusas people that you or I might feel could have been better not said or not done at all.

But this is neither here nor there, for none of us is infallible and one has only to examine the statements and actions of our cabinet Ministers over the past 12 months to realise that the fault of injudiciousness is pretty widespread.

No, the crux of the matter is this, and it is as inescapable as it is revealing. In the first place, the commission could find no shred of evidence that any of the eight student leaders were in any way involved with communism — a point repeatedly stressed by a rather defensive Mr. Marais Steyn — and yet action was promptly taken against them in terms of the Suppression of Communism Act. Has the misuse of this thoroughly evil piece of legislation ever been so starkly exposed?

Secondly, the commission specifically found that Nusas has up to now remained within the law in its activities and certainly none of its findings indicates anything even faintly unlawful. Let us look at this more closely.

It is not, for example, unlawful to be "intensely active politically". Would that there were more people who took a keen interest in politics. It is not unlawful to choose not to

support any of the existing political parties. Indeed, it is sometimes hard to imagine people who do support the two main parties, especially in the light of their miserable performances on this particular issue.

It is not unlawful to try to bring about change that will result in a replacement of the existing order in South Africa. I thought everyone agreed that the existing order cannot continue indefinitely. Even Dr. Verwoerd and other Nationalist leaders have said that *baasskap* and race discrimination have somehow got to be got rid of in South Africa.

It is not unlawful to be one of a small group of activists who shape the policies and actions of an organisation. Indeed it is perfectly normal. I would be prepared to bet that less than five per cent of Nationalist supporters are actively involved in party affairs and that the party's leadership goes out of its way to ensure that control of the party remains in the hands of "kindred spirits."

Ask Dr. Albert Hertzog and Mr. Jaap Marais how far they got in trying to steer the party in another direction.

It is not illegal to receive moral and financial support from overseas. The Nationalists themselves receive at least moral support from abroad and from some very curious quarters such as the lunatic fringe John Birch Society in the United States and all sorts of White racialists in the Deep South.

It is not illegal, either, to create what the commission describes as situations aimed at emotionally stimulating the broad mass of students. Apart from the fact that most instances of student unrest have taken place as a reaction to provocative or iniquitous Government measures, there is nothing unusual about taking steps to arouse the enthusiasm of one's following.

What about the regular displays of Afrikaner tribalism that take place on occasions such as the Day of the Covenant when scenes from the Boer War concentration camps are re-enacted and the Battle of Blood River is recalled? The fact that things are often said on these occasions that are hurtful or offensive to the English-speaking section and to our Black fellow citizens does not make them illegal. So much for the findings.

It seems that the commission made its drastic recommendation of action against the students on two grounds. First, it was felt that there was a danger of incitement leading to "student violence." So let's look at what hap-

pened last year when violence followed the episode on the Cathedral steps in Cape Town.

As a result scores of students appeared in court. Virtually all of them were found not guilty and discharged and it was the police who were, in effect, reprimanded for exceeding their authority in sailing into the students. There's your student violence.

Secondly, the commission appears to have been gravely disturbed by a resolution passed at the last Nusas congress in Grahamstown. It felt that this indicated that Nusas had gone over to openly propagating illegal activity and that this in turn was helping to create the climate for revolution.

In case anyone has been impressed by this very curious conclusion, I would like to read you the text of the resolution in question.

"We resolve as the National Union of South African Students to uphold those rights through positive and public action at all times expressly and intentionally peaceful in the event of attacks on our rights. We express our hope, however, that the law may remain such that we can continue to operate within it. And we further resolve that in the event of the removal of the fundamental and lawful right of the National Union to meet together to discuss and decide on issues and to take, what prior to the removal was lawful, action in terms of these decisions in the service of both student and society we shall ignore such removal and take the consequences of such stand."

That was the resolution and I now want to invite you to consider whether you think that is in any way helps to create a climate for revolution. Apart from the fact that it is very similar in spirit to resolutions that have been adopted by some churches in Rhodesia and South Africa — namely that if restrictions are imposed on them that conflict with their duty to function as churches they may feel obliged to disregard such restrictions — this Nusas resolution is about as revolutionary as the action of the man who says "I'm darned if I'll pay that parking fine — I'll go to jail instead."

Small wonder that Mrs. Helen Suzman has said of the commission's report that it is a mass of insinuations, suppositions and deductions from suppositions. It is also no wonder that the Government has steered well clear of testing these allegations in the courts.

No, the latest bannings have taken place not because the victims were engaged in further-

ing communism — the commission found no evidence of this whatsoever — and not because they had transgressed the law in any way. The commission found no evidence of this either. Nor is it that their activities represent a threat to the national security — the commission's findings on this point are so flimsy and far-fetched as to be almost derisory. No, the bannings have taken place because this is the way the Government traditionally deals with the political opponents it dislikes most.

One has only to recall what happened in the early sixties when the Government killed the Liberal Party, not by banning it outright — it does not look good to ban a legitimate political party — but by systematically destroying its leadership. It hopes to do the same with Nusas.

Arising out of all this, I now want to make this submission. From what we have learned of the Government's reasons for these bannings, are we not entitled seriously to question the validity and justice of a great many of the bannings and restrictions it has imposed in the past?

I have myself always believed that most of those were unnecessary and unjust. Perhaps

the public at large will now begin to suspect this too. The expressionless mask of state security has slipped a little; we can now see something of the ugly countenance beneath.

Finally, as a former student of this university and as an English-speaking person, I deeply resent the arrogant cultural imperialism which the Afrikaner Nationalists are pursuing in this South Africa that we all share.

The fact is that the Nationalists are imposing their cultural norms and values upon us by administrative force. If the Nationalists want to run the Afrikaans universities a certain way that's up to them. If they choose to insist on short back and sides, wearing ties and jackets to lectures, saying "sir" to lecturers or standing to attention when addressed, let them get on with it.

We happen to have in our universities a long tradition of tolerance of differing viewpoints — indeed people of British stock often display an almost touching affection for eccentrics. The point is that we want no part of the Nationalists' grim teutonic insistence on grey conformity and iron discipline.

So I say to Mr. Vorster and his Government: Hands off our universities — we are more than capable of running them ourselves.

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Change must come

JEAN SINCLAIR

This is the text of an address to the Black Sash in Grahamstown in March

The Prime Minister, Mr. B. J. Vorster, said at Windhoek some years ago: "I want to say to the world: you can push people around, you can fight them and you can insult them. They will take all this to a certain point, but you must not take a man's home away from him. You must not even think you will go unpunished if you estrange a man's fatherland from him."

This is a prophetic statement and if Mr. Vorster sincerely believes it, it is strange that he and his Government continue to estrange every Black person in South Africa. They deny all the basic rights to millions of Africans, their right to a settled home and a stable family life.

About two million oscillating migrants working in the White areas are treated as unsettled and deprived labour units, temporarily sojourning in the Republic. Their families, too, are deprived, many thousands pushed into urban type resettlement villages where there are few employment opportunities. The migrant husbands come home for their annual leave for from three to four weeks a year.

If there are two million migrant workers, their families must constitute at least another four million people who are living separated from their husbands and fathers in abject poverty.

It is estimated that there are eight million Africans in the White areas and seven million in the Homelands. In 1971 the economically active African population was 5 856 000, approximately 68 per cent of the total economically active population. (Dept. of Statistics, August 1971).

Of the economically active African population in 1971, the Minister of Bantu Administration and Development stated that there were 3 470 783 in registered employment. If one subtracts the 382 000 in agriculture and the 648 000 in mining there are approximately 2 800 000 Africans working in industry, commerce, the Government service and domestic service, mainly in the urban areas.

Excluding the migrant workers there are approximately one and a half million Africans living in the urban areas who, by virtue

of their birth and/or long residence qualify in terms of Section 10 of the Urban Areas Act to remain in these areas.

Although Section 10 does give a measure of security, all Africans, whether qualified to remain or not, fear endorsement out stamps in their books. Government attitude is that they are also regarded as temporary sojourners in the so-called White areas.

All are unsettled because they have no security of tenure and because it is so easy to fail, inadvertently, to comply with some regulation or other. For example if they send their children to school out of the area and do not inform the superintendent that they have done so, the children may be refused entry on their return from school. Or it may be that a man or woman accepts work in another prescribed area, not knowing that he will forfeit his rights to live in the area where he belongs.

The law and the regulations are so massive and complex it is not possible for any African to know all the regulations, directives and decrees which control his life.

Housing is one of the most serious causes of insecurity. In 1968, the Minister of Bantu Administration and Development issued a directive that no more Africans might purchase or build a house on 30 year leasehold plots. Those Africans who already owned houses could continue to do so, but if they ever wanted to sell they could only sell to the local authority and they were not permitted to bequeath their house to their heirs.

Today no woman may rent a house. A man may do so only if he is qualified to be in the area in terms of Section 10 (1) (a) or (b) of the Urban Areas Act and is lawfully living in the area, is married or is the male head of

the family. (If the father is dead or has left the family a son over the age of 21 may be allowed to take over as tenant).

The wife and children must be able to prove that they entered the area lawfully and are lawfully living in the area. Only when a man can satisfy these conditions, can his name be put on the waiting list for a house. In Soweto alone, the names of 14 000 families are on the waiting list for a house and the backlog increases by 2 500 houses a year.

If for any reason a woman loses her husband through death, divorce or desertion and has no son over the age of 21 she runs the risk of being evicted from her home. Even if she has a son over 21 the family may be evicted if he is not married. Houses are leased on a monthly basis. The lease is terminated at the end of every month and is renewed on payment and acceptance of the rent for the following month.

If a man marries a woman from a rural area she may not come to live with her husband in town, even if he qualifies in terms of Section 10 of the Urban Areas Act, unless she can prove that she entered the area lawfully and ordinarily resides with her husband. As there is a total embargo on the entry of women into the metropolitan area this is not possible.

Dr. Koornhof's much vaunted concession made at the beginning of 1972 has had very little effect because of the lack of family accommodation.

Thus many men who have been in the urban areas for many years are forced to live in "bachelor" hostels along with the two million migrant workers who are in the White areas on yearly contracts.

There has been a wholesale uprooting of African families from border towns; from White farms; from Black spots and women and children have been endorsed out of the urban areas. Some have been sent to their tribal homes if they have them; thousands of others have been resettled in urban type villages in the Bantustans.

There are no complete figures for the number of people or families who have been moved out of White towns to the Bantustans, but we do know that between April and September 1971, 69 481 people were moved and resettled. (Hansard 3, 17:2: '71 and Hans. 4, 24:2:'71); that 5 192 families have been moved from another nine border towns; that 14 000 are to be moved from another 29

towns; that there are still 311 Black spots to be removed and that in Natal alone, there are 300 000 mainly tenant farmers and their families to be removed.

In addition bachelor hostels are to be built in 56 border towns. This negates the whole purpose of the decentralisation of industry. The object was said to be that the worker and his family would live in the homeland and the man would commute daily to town where he worked. Now we find that this is not the case and as far as we know, in 22 of the 56 border towns, hostels have been built or are planned to house approximately 191 500 men.

One of the most distressing aspects of the migrant labour policy is that in towns all over the country family housing in the African townships is being converted into hostels accommodation. This does not only apply to border towns.

From all this it must be realised that the whole of the economically active African population and their families; the subsistence farmers and their families; the ex labour tenants and their families are rootless, poverty stricken, undernourished and malnourished people.

The social evils which flow from the policy are manifold. In the urban areas where the hostels are, the men have no privacy and little comfort — no home life, poor feeding, (excluding the mines). It is little wonder that men turn to alcohol for solace. The illegitimacy rate has increased enormously, crime and assaults have increased, rioting occurs in hostels and many men suffer from mental and physical illnesses.

There are diseases due to heavy drinking and malnutrition such as beri-beri, heart disease and pellagra. (Prof. H. C. Seftel, *The Leech* Vol. 42, No. 3, p.16). Dr. Seftel points out that the migrant hostel dwellers are not alcoholics in the true sense, but are heavy social drinkers.

"These men are drinking, but for a variety of reasons — poverty, ignorance; poor cooking facilities and most important, absence of wives — they are not eating or are eating very inadequately".

Dr. Seftel describes the results of the way of living of hostel dwellers.

"At the end of a hard day what then are these men to do? Basically they have two diversions — neither particularly elevated or elevating. Firstly, sinful sex which generates

myriads of illegitimate children or venereal disease and secondly, they drink."

A large percentage of the migrant's wage which is usually small, is spent on drink, with the result that little money is sent to their families in the homelands. Dr. Seftel gave information on a study he and his colleagues had undertaken among the Pedi living in the region of the Jane Furse Memorial Hospital in Sekhukhuneland.

They found "very few able-bodied men between the ages of 20 and 55 or 60, and the population consisted largely of women and children. The average number of people per household was six and the monthly cash income of about 70 per cent of the households was less than R10."

In the resettlement villages there is grinding poverty, unemployment and misery, yet every year, when the migrant head of the family returns at the end of his contract of service to spend his leave with his family, he invariably leaves his wife pregnant. She wants another baby on the way while her husband is away from home working in the town.

There are also many women with children, single, widows or divorcees who have been "endorsed out" of White towns and who are the sole breadwinners for their children. They cannot find employment in the area to which they have been sent and they have no means of earning money to support their families.

There can be no doubt that the migrant labour policy and the disruption of family life on a vast scale is a factor which perpetuates low productivity and depresses wages.

White South Africa does not appear to realise the extent of the poverty among Black people. There was evident shock among employers when the Durban strikes erupted last month. Some employers were reported to have been amazed — they had no idea their workers felt like that!

There is a lack of communication which is general, but in view of the mass of public discussion and information in the Press over the last two years about the wage gap and the poverty wages of unskilled workers, it is surprising that employers, in the main, have not reviewed their wage structure and living conditions to insure that their employees were being paid a wage at least at the subsistence level.

The Poverty Datum Line and the Minimum Effective Level in the major urban areas in 1972 are as follows:

| | PDL | MEL |
|-----------|----------------|------------------------|
| J'burg | R70,62 | R105,93 family of five |
| Durban | R77,30 | R115,95 |
| P. Eliz. | R63,98 | R 95,97 |
| Cape Town | R75,97 in 1971 | R113,95 family of six |

It is assumed from various surveys which were conducted in the major urban areas that taking the PDL in the region of R70 a month, 79 per cent of African workers were earning wages below his level and a further 13½ per cent were earning below the Minimum Effective Level. Thus 92½ per cent of African workers are poverty stricken.

I am not an economist and I know nothing about what percentage of costs wages should represent. I can only speak on the moral issue and I do not accept that any employer can morally pay wages which are inadequate to sustain health and decency, particularly in a country where the standard of living for Whites is one of the highest in the world.

Industrialists demand greater productivity before increasing wages, but there is a vicious circle in South Africa in that the basic requirements for productivity such as a decent standard of living, education and training are absent.

Dr. J. A. Horner quotes the Inter-African Labour Institute under the aegis of the Commission for Technical Co-operation in Africa south of the Sahara which listed points as prerequisites for securing productivity from African labour. They are:

- Adequate financial reward must be set.
- The task to be performed must be of such a nature and carried out under such conditions that the workers can take pride in their work.
- The workers must be given instruction in the correct methods of doing their tasks so that they may be able to feel that they are doing a good job.
- The workers must possess the aptitude and the intelligence necessary for the task they have been set.
- The workers and their dependants must be suitably and comfortably accommodated.
- The workers must be able to obtain adequate nutritious food.
- Management must be able and good and the workers must feel it to be so.

Most of South Africa's Black workers do not have any one of these prerequisites.

Many workers may not have an aptitude necessary for the task they have been set. This is not surprising when one realises it is laid down in the 1968 labour regulations that every African domiciled in the homelands must register as a work seeker at his tribal labour bureau at the age of 15.

At that age he is registered in a category of work which may or may not be of his choosing, but he is committed, except in special circumstances, to perform that work for the rest of his working life.

It cannot be said that on the whole the workers and their dependants are suitably and comfortably housed. This is because of the Government's migratory labour policy. Suitable housing is often beyond the control of the employer and where White employers do exercise some control they have failed to provide adequate living conditions.

It cannot be said either that the worker can obtain adequate nutritious food except in certain industries which provide all meals or one good meal a day.

The poverty in the homelands is so extreme that a vast proportion of infants in their first years of life are undernourished. This can cause permanent impairment of the brain. I am convinced that many Africans who appear to be unintelligent, suffered from starvation in the first five years of their lives.

Perhaps the most important factor which inhibits increased productivity is lack of education and training. South Africa spends only R20,70 per head of total population on education, whereas the UK spends R120,30 per head. (Horner, *Black Pay and Productivity in S.A.* p17). In South Africa expenditure on the education of a White child is R285 per annum and on that of a Black child is R20—R25. Dr. Horner also illustrates the position by taking Soweto as a typical urban area and pointing out the discrepancy in the facilities for Black and White children.

"In Soweto there is one secondary school per 80 000 people. In White areas there is one secondary school per 9 900 people. In Soweto there are 8 000 pupils in post-primary education in a population of over one million.

"There is one teacher per 75 pupils, whose schoolday has been reduced to enable teachers to run double sessions. There is a great inadequacy of space and equipment.

The national pupil-teacher ratio is:

Africans 60:1 Whites 21:1."

The education levels of economically active Africans are shattering. Approximately 2 500 000 have no education — 59,7 per cent. Another 1 148 000 — 28,5 per cent have reached a standard of education lower than Standard VI, and only 1 945 — 0,04 per cent have any university education.

Dr. Horner says that only three in every 1 000 have completed secondary education. This is a gloomy picture. To many the solution appears to be unattainable in the time we have left to us. Nevertheless, it behoves all of us to do whatever we can to make a solution possible.

I believe that every unskilled worker should be given a wage at least at the subsistence level. Voteless Africans have no say in the laws which govern them and at least they should have some say in their choice of work, of their employer and bargaining power with regard to their wages. Therefore it is a matter of urgency that Africans should be allowed to join registered trade unions. There is no meaningful substitute for this.

The migratory labour policy should be abolished. Surely those with economic power can bring pressure on the Government to allow our African population who work in the urban areas to live there in their own homes with their families. The greatest insurance for stability is the fostering of family life. There would be fewer juvenile delinquents if children had the care and discipline of both parents. Freehold tenure is another essential for stability.

Compulsory education for all children should be introduced. It is little use sending millions of children to school when after three years of schooling the drop-out rate is 46,5 per cent. It is in the interest of the Africans and the economy that all children be educated under the same system and until they have reached the statutory school leaving age.

Crash literacy classes should be instituted for adults as well as many more facilities for trade and technical training. It was shameful

of the Government to close the adult night schools in the suburbs of Johannesburg. Permission should be given for these schools to re-open.

If productivity were to be increased by improving wages, education and training it would increase incentive. Dr. Horner quotes Professor Ed Lawler who emphasises the importance of "expectation" for motivation. If a man expects to receive no or little reward for effort he will reduce his effort and defeat attempts to increase productivity.

Employers tell us frequently that were they to raise the wages of their unskilled employees their businesses would fail, but I believe that a number of firms who have increased wages have found that productivity has increased. Surely increased wages will result in an increased circulation of money and an increased demand for consumer goods.

The development and expansion of the home market will enable industrialists to reduce costs and make the export market more competitive. It must also be pointed out that the high rate of labour turnover caused by the migrant labour system costs industry millions of rand a year. Dr. Wilson says it has been estimated that the high Black labour turnover costs the gold mines between R3 and R4 million a year. (Migrant Labour, F. Wilson, p174).

The position in South Africa has become so serious and so urgent that there must be a change of heart among the White population immediately. We will not be given another chance. The problems are complex and not easy to solve, but one thing is certain — we must abandon "our traditional way of life" and face the reality of the 1970s. Apartheid, separate development, separate freedoms or whatever you like to call it, has failed.

We must stop pushing people around. We must abolish the enforced migrant labour policy, repeal the pass laws; encourage family life; grant home ownership and security of tenure; educate all our children; remove restrictions on employment; pay living wages; we must share our political power; in fact we must unshackle and free five-sixths of the population who are presently oppressed and exploited.

The violent and negative reaction to criticism of poor wages, poor living conditions, injustice and discrimination is indicative of the behaviour of the man with a guilty conscience who is not prepared to give up his privilege or prosperity.

We are to be pitied, for as sure as night follows day we will pay the price for our arrogance and greed. Gradualism has no longer any part to play in our political life. Immediate radical change must come about in South Africa if we are to prevent national disaster.



ADVICE OFFICES

DURBAN'S NEW OFFICE

The Black Sash opened an Advice Office at the James Bolton Hall in Gale Street, on February 2. It operates at present every Tuesday morning from 9 a.m. to 12 p.m.

Here we hope to assist African people with problems regarding pass laws and reference books; housing; endorsements out; work seekers permits; residential permits; Section 10 qualifications under the Urban Areas Act; contract problems and pensions.

By March 27 we had dealt with 10 cases — the problems being:

● Orders to leave the area — 8 cases. Of these cases we have had three probable successes.

MR. J.

worked for a Durban construction company from which he resigned voluntarily due to unsatisfactory working conditions. When renewing his work seekers permit, he was ordered to leave the area of Durban for no apparent reason. The Labour Department was unable to give any valid reason for ordering Mr. J. to leave the area forthwith, and said that if he brought a letter from the construction company stating that he did resign of his own free will, they would cancel the "Endorsement Out" stamp in his reference book and give him a work seekers permit.

MR. D.,

19, has lived with his widowed mother in Umlazi since 1964. He was on her resident lodgers permit, together with her three younger children. He attended a secondary school in Umlazi until December 1972. As his mother could no longer afford to keep him at school, he applied for a work seekers permit and was immediately ordered to leave the area and go to Umzinto, where he was born, but where he now has no relatives or connections of any kind. Mr. D. has never worked before and therefore was not familiar with the procedure for obtaining a work permit. What he should have done was to go to the Umlazi Government Office, get a "form"; get employment and the "form" signed by his prospective employer, stating conditions of work etc. and then go back to the Umlazi Office pay R1 and have the form receipted and fin-

ally take it to the Labour Department to enable him to get a work seekers permit.

● Housing Problem — whereby a family has been ordered to vacate its house in Lamontville after 4½ years' residence, as it appears that a false 10 (1) (b) stamp was discovered in the husband's reference book. Therefore he no longer qualifies for a home of his own under Section 10 of the Urban Areas Act. The family may get a lodgers' permit however, if they are able to find a home 'owner' willing to take them in as lodgers.

● Issue of a reference book — problem dealing with a reissue of a lost reference book and work seekers permit.

As regards the other 'ordered to leave the area' or "Endorsement Out" problems. With reference to the article "20 000 Jobless Africans in the Transkei", which appeared in the Natal Mercury on March 10 — in which Mr. M. C. Botha, Minister of Bantu Administration and Development is quoted as stating that there are nearly 20 000 Africans registered as "work seekers" or "unemployed" in the Transkei and 90 000 in other parts of the country, it seems rather ironic that people are continually being "Endorsed Out" and refused work seekers permits, only to go back to the homelands allotted to them by a clerk at the Labour Department, where they often have no family or any other connections whatsoever, other than that they may have been born in that area and left as infants.

There is very little or no employment and therefore no means of maintenance either for themselves or their families.

If they are lucky enough to get employed as attested contract workers, they only have a choice of three means of employment, namely, domestic workers, flat workers, or builders' labourers.

We never cease to marvel at the eternal patience and acceptance of our Black people at the inhuman laws of the Government. One wonders how patient and acceptable to the Whites of South Africa would be to the same 'laws' if roles were reversed?

JOHANNESBURG

ACCURATE unemployment statistics for Africans are extremely difficult to come by. On February 9, the Minister of Bantu Admini-

stration said in Parliament that there were 25 322 men and 1 569 women inside the homelands and 42 804 men and 16 899 women outside the homelands who were unemployed as at July 31, 1972.

These figures were obtained from Labour Bureaux returns and therefore take no account of the hundreds of thousands of women in the homelands who are not compelled to register as work seekers at a labour bureau. Nor do the figures include those men who, for one reason or another, have not registered as work seekers at a labour bureau, as the law requires them to do.

Many of these men come to the Advice Office. They are not registered as work seekers, either because they are totally ignorant of the procedure, or because they have no area in which they may register. These last are the displaced people. Of course, there are many men too who do not figure in any statistics because they should register in a rural or homeland area but prefer to remain in the cities, working illegally wherever they can.

The Minister's figures total 86 594 unemployed people, but according to a Parliamentary reply given the same day by the Minister of Statistics, the 1970 census reflected 118 880 African men as being unemployed. This figure is also likely to be very much lower than the actual figure as many Africans who were without proper permits at the time avoided being enumerated in the census.

Whatever the true figures, workers in the Office have noticed a marked increase in the number of men coming to Johannesburg from rural areas to seek work. Almost one-fifth of the people for whom no file was opened during February had come to Johannesburg in desperation because there is no work for them in the areas from which they come.

No files were opened for them because all that can be done is to explain to them that it is illegal for them to look for work in Johannesburg and that, even if they find jobs, they will not be allowed to register in employment. We can only tell them that they must register in their home areas as work seekers and wait there until a job is offered them by a recruiting agent.

Many of them are totally unaware of the procedure they should follow. Others have tried to do the right thing but have waited so long to be recruited that they have given up and tried to find employment for themselves, not realising that this would avail them nothing because they cannot be registered in a job they find in this way.

Some had refused an offer made to them by an agent because of the low wage, and then found they were not offered anything else.

All these cases are most distressing. Many men are extremely angry and others are just thoroughly depressed and hopeless.

MR. O. W. M.

was so depressed that he seemed dissociated from reality and was hardly able to enunciate at all.

He has a wife and children at Witsieshoek and says there is no work there for him and that his children are hungry.

It must not be forgotten that a Black man *cannot* be employed unless he is in possession of a reference book and a permit to be in the area. Many of those men who have been convicted under Section 29 of the Urban Areas Act of being idle and undesirable have been so convicted because they have been unable to regularise their position or to obtain the necessary permits.

There is nothing standing between an unemployed Black man and starvation. Unless he has been previously employed in a job where he earned at least R10,50 a week he is not eligible for Unemployment Insurance. The average wages paid to Black workers do not allow them to save anything for times when they are unemployed. It is no wonder that our South African crime statistics are so appallingly high.

The pool of readily available unemployed men is one of the things which go towards keeping average wages at their present rock bottom levels. So often employers claim, as did Mr. Coulson of White's Portland Cement, that "the point is that these people are completely looked after. They have free food and accommodation, and their wages are pocket money."

If wages are pocket money then that pocket money must pay for food, clothing, rent, education, transport and medical expenses for a man's family who are not assisted by the fact that he may be getting free food and accommodation himself.

Grown men do not want to be "looked after." They want to be paid a just wage and to be free to sell their labour and to manage their own lives.

The following cases illustrate some of the ways in which South Africa's Black workers are deprived of these basic rights and the ways in which they spend their "pocket money."

MR. S.S.

cannot get registered in his employment and has nowhere to register as a work seeker. He was born and grew up on a White farm and resettled in a Bantustan. He is married to a Johannesburg woman, who is not working at the moment because their youngest child is only one month old. They have seven children, three of whom are at school. He is working illegally as a panel beater and earns R18 a week.

MR. N. G.

has a wife and three children aged 2, 5 and 13 years who live in KwaZulu. He has been registered with one employer as a flat cleaner for eight years and is paid R42,76 a month. He pays R2,00 a month rent for his accommodation in Johannesburg. His transport to and from work costs him R7,30 a month. It costs him R10 return to visit his family. His wife has no work where she lives but has a small garden where she can grow a few mealies.

He wants to change his job in order to earn more money but knows that if he does so he will be registered on annual contracts. He is too scared even to take leave at the moment because the estate agents controlling the flats sign men off when they go home on leave and re-register them on their return. This would deprive him of any chance of completing 10 years' continuous employment with one employer, which will entitle him to qualify for permanent residence in Johannesburg.

MR. S. A. M.

has a wife working in Johannesburg and four children in Seshego, near Pietersburg. He earns R24 a week working illegally as a driver. His wife earns R35 a month. He supports his aged mother as well as his children. He has not been registered in employment since 1968 because he was refused registration as a driver. Before he obtained his driver's licence he worked as a domestic servant and as a flat cleaner and because he is a migrant he cannot change his category of employment. He pays R5 a month rent for his mother and children and R3,50 a month for himself in his illegal lodgings. His transport to and from work costs him 12 cents a day and his return fare home when he wants to visit his children is R7,56. His family have no means of growing food for themselves.

MR. M. A. N.

has a wife and four children in the Transkei. His last registered employment in Johannes-

burg ended in April 1972. He earns R12 a week as a building labourer. He pays R4,25 a month rent for illegal lodgings in Johannesburg and R4,50 a year in tribal dues. His transport to and from work costs him 75 cents a week and his return fare home is R27. He has not been home for more than a year so has not registered there as a work seeker as he should have done. His last registered employer was obliged by law to pay his return fare to the Transkei when the employment terminated, but did not do so.

MR. N. I. M.

has lost all chances of becoming a permanent resident in Johannesburg through his ignorance of the law. He worked continuously for one employer for nine years and a few weeks and was earning R19,54 a week as a store-keeper. He left them and will now have to spend the rest of his working life as a migrant on annual contracts. It will not be easy for him to obtain employment at his previous rate of pay on this basis. He has two children and an aged father in BaphutaTswana. His wife is a domestic worker.

MR. P. J. G.

has two wives and 11 children all under the age of 16 on a Tribal Trust Farm in Natal. His last registered employment was in 1965. He earns R9,50 a week.

His transport costs him 20 cents a day; he pays R3 a year in tribal dues; his fare home is R7,92 single. He has not been registered for the last eight years because he is completely ignorant of how to set about regularising his position.

MR. M. L. M.

has a wife earning R20 a month in domestic work and eight children in a homeland settlement. He was earning R6,50 a week in his last registered employment. He registered in his home area as a work seeker and waited for three months without being offered any kind of work at all so he came to Johannesburg illegally to try to find some kind of employment.

ATHLONE

DECEMBER and January have brought the usual range of problems to the Advice Office, and a few unusual features. About 25 interviews concerned wage disputes or queries. Many but not all of these had already resulted in the dismissal of the man concerned. This

applied to at least six of the contract workers who came in, telling us that their pay packets had been leaner than they could understand. When they had complained, they found themselves terminating their contracts "by mutual consent" and there was little we could do beyond checking that they had received all the pay and train fare money due to them.

MR. C. Md.

a night-watchman, has had this experience, but is being uncommonly tenacious in his conviction that the firm still owes him money. The firm is equally intractable but has not yet produced the contract, which he had seriously misunderstood. After deductions, his pay has been just under ten cents an hour, working hours being 12 out of the 24, seven nights a week and yielding him a pay packet containing R9. He thought he was signing up for thirty cents an hour. His wife and three children are at Qumbu, where he left them in November and where he is instructed to rejoin them. His pockets will be empty.

Fifteen accommodation problems were brought to the Advice Office, a sadly fruitless exercise when there are far too few houses, already filling a far too small area. This is basic, and until the tight clamp on the quantity and quality of African housing is relaxed, little can be done to alleviate urban living problems. "The Bishopscourt of Guguletu" cannot remain a wry joke for ever, our stable African community must have a better future to look forward to and work for.

Another 15 cases concerned *married couples* hoping and trying to set up legal residence together in the area, the wife trying in each case aiming at joining her residentially qualified husband. In most cases, patient years of looking forward to the day when the man will "qualify", turn to dust when they are told that his bunk in "single quarters" shows that his wife has a rural home and does not need to live with him here. Holiday visits are their allotted portion, yet these people are not technically known as "migrants" — those are the contract workers.

MRS. D. F.

has at last got lodging permission together with her husband in Guguletu. We have been seeing this couple at fairly frequent intervals since 1969, when Mrs. D. F. was a "bride" but not a youthful one (both had been married

before). At that time she had just been refused an extension of her permit in the Divisional Council area, a few months short of having been registered there for 15 years. It was never renewed after her marriage to D.F., a worthy and much-qualified citizen residing in the municipal township a few hundred yards away. She has stuck to her guns and her man, and at last they are lawfully set up together.

BETIE JUTA and DANIEL KWILI

two young people, have achieved full recognition of their rights to reside in the Cape Peninsula and in Paarl respectively, in terms of Section 10 (1) (a) of the Act, after the intervention of our attorney with documentary evidence of their claims.

MR. A. X.

Less spectacular but very rewarding is the case of A.X. who first came to the Advice Office when he was endorsed out in May 1971, after resigning from a job in which he was not entirely happy. He was then not yet a "qualified" man, and his employer understandingly offered him his job back when the consequences of his resignation were explained. It is now over 15 years since he first worked in the area; he has achieved Section 10 (1) (b) conditions and he returned to us to ask whether he can now safely change his job. He can.

MR. P. Mpn.

Sad, however, is the tale of Mr. P. Mpn. an ex-serviceman who worked in Cape Town from 1945, after demobilisation, until 1971, when he left for his birth-place in Thaba 'Nchu, feeling unwell and in need for rest. He had no money to get back to the Peninsula when he felt better, so he took a job in Welkom to enable him to save his fare. In so doing, he spoilt his chances here. He got himself a single ticket to Worcester and walked the rest of the way, arriving with very swollen legs. He has not succeeded in finding a contract employer and only a special concession, rarely granted, could get him one from the Free State anyway.

He cannot grasp our advice, which is to ask the Aid Centre for help in the way of a ticket to Thaba 'Nchu. "But I have always been a good boy", says this worthy man of 58 years.

News from the Regions

CAPE WESTERN:

THE REGION has added its voice to the many who have protested at the banning of eight Nusas students following the interim reports of the Schlebusch Commission. We are particularly perturbed that those banned included two of our members.

Following the subsequent banning of eight Saso students our chairman wrote to the Argus as follows: "Eight young White people and eight young Black people have been summarily banned without trial, the Blacks without even the pretence of an inquiry. ut then, to an electorate that is only White the banning of Black people, it would seem, needs no justification, not even so invalid and hollow a justification as that provided by the commission of inquiry into Nusas."

It is understood that Bantu Administration Boards will come into operation shortly to take all the Bantu Administrative functions hitherto carried out by the city and divisional councils in their respective areas. The Cape Peninsula will then be regarded as one area, within which movement will be freely allowed.

However, we have found that officials will not anticipate this new arrangement and if a man is moved, even with his employer, from one side of the Peninsula to another he is likely to get endorsed out if he tries to change his job within ten years of the move.

ALBANY

I FEEL we have spent a useful year, though, of course, one can never do enough opposition and protest against the dire wrongs existing in our society. We have had eight committee meetings and five general meetings. At the latter, three study groups presented excellent papers on aspects of the discriminatory laws and how these affect the Black communities.

A long and most interesting talk was given by Mr. David de Beer, ex-accountant of the Diocese of Damaraland, at the general meeting in April. His address was on the social and political factors in South West Africa and the various happenings which led to the expulsion of the Bishop of Damaraland, certain clergymen and himself. He said that . . .*

Family Day in July was used by the Black Sash to arrange displays of the very meagre rations allocated to indigent residents and old-age pensioners in the resettlement camps, along with a leaflet setting out the facts of the massive disruption to the lives of those not born White; the tables of the minimum recommended poverty diet as opposed to the above rations and extracts from one of the Reverend David Russell's letters to the Minister of Bantu Administration and Development, written while he was living on this meagre diet.

This year we have bidden goodbye to three of our most enthusiastic members — Ann Osthuizen, our ex-chairman; Lynn Blumenfeld, our indefatigable minutes secretary; and Susan Hamer, our splendid treasurer. They are all very much missed.

At our last committee meeting it was suggested that our branch takes on the role of pressure group publicising the facts regarding inadequate local wages, starvation and malnutrition.

* Mr. de Beer is banned and may not be quoted.

NATAL MIDLANDS

THE COMMITTEE has continued to approach Napac directly and through the Press in the hopes of persuading the company to put on productions for Blacks as well as for Whites. There has been no success though the Pietermaritzburg City Council has succeeded in getting permission for Philharmonic concerts to be presented to integrated audiences in the City Hall.

Later the blanket permission for Africans to attend was withdrawn and the Government grant to the Philharmonic Society ceased. The City Council then voted a grant to the Philharmonic Society to replace the lost one.

Mrs. Dyers and Mrs. Biggs interviewed the Director of Publicity because of certain information contained in a brochure "Your future lies in Pietermaritzburg".

The Sash objected to the low wages quoted and to the fact that adult Africans were referred to as "boy" and "girl". The Director agreed that when the pamphlet is reprinted alterations will be made to meet these objections.

A letter has been written to the City Council asking what public conveniences are available for each race in the centre of Pietermaritzburg. There has so far been an acknowledgement but no answer.

Shops in the central area of Pietermaritzburg have also been approached asking what facilities are available for Black customers. The letter read in part: "...there are obviously a great number of Black people who shop in the city centre and we are anxious to know if you provide toilets and/or rest rooms for them. We assume that you cater adequately for your own staff, but would be glad to know if provision is made for customers." Two shops have so far replied.

BORDER

ON FRIDAY, March 9, we organised protest stands against the banning of the students. Posters read "Stop banning without trial" and "Staak inperking sonder verhoor". One tomato thrown missed its target.

We plan to update our booklet "This is our City — East London" which means re-researching facilities in the city for Whites and Blacks.

Each member has been sent the Poverty Datum Line booklet compiled by Professor Potgieter of the University of Port Elizabeth. Members have been asked to disseminate the information far and wide and also to give the booklet to one employed of labour.

Do you ever hear blatant discrimination of newscasts on the radio? — "One White man, Mr. Jones, who lives in Pretoria was killed and thee Bantu." Send details and the time and station of broadcast to us and we will do something about it.

TRANSVAAL

AS USUAL during the parliamentay session your committee is hard at work scrutinising legislation and protesting at the continuous erosion of rights and civil liberties in South Africa. Our attention is focused particularly at the moment on African affairs, particularly migrant labour, low wages and the tragic status of African women; the universities and attacks on Black and White students and the general tendency of people in high places both in and out of Parliament to suggest that the National Party is the state and that between elections citizens should not indulge in politics.

This last is a frightening development and cerned and state your democratic rights. you write to your newspaper or the person conshould you know or read any of this I suggest

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This Magazine, as the official organ of the Black Sash, carries authoritative articles on the activities of the Black Sash. The leading articles adhere broadly to the policies of the organisation, which does not, however, necessarily endorse the opinions expressed by the contributors.

All political comment in this issue, except when otherwise stated, by S. Duncan, of 37 Harvard Buildings, Joubert Street, Johannesburg.

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