

SASH

'I have the right to invoke the protection of an impartial court when my rights are placed in jeopardy' (from the section on 'my rights and privileges as a citizen' in the booklet presented to new citizens of South Africa by the Department of the Interior)

**'... any commissioned officer ... of or above the rank of lieutenant-colonel may, if he has reason to believe that any person ... is a terrorist ... arrest such person ... without warrant ...
... no court of law shall pronounce upon the validity of any action taken under this section, or order the release of any detainee ...'
(from Section 6 of the Terrorism Act. No. 83 of 1967)**

The Black Sash magazine

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A BATTERY of discriminatory legislation rules this country and the lives of its people, but there is at least one act which knows no differentiation.

Black and White, women and men, you and me, them and us are all in an equal position to fall victim to its octopus-like clauses.

The Terrorism Act of 1967 is the great leveller. Schoolchildren and university students, writers churchmen, internationally known figures and the totally obscure — it is a law that knows no social barriers and no colour bar.

In the past year, South Africa has seen this tyrannical act used perhaps more extensively than ever before in its eight-year history.

Since September last year, scores of people have been held under Section Six in the Republic and South West Africa. An estimated 60-plus are still in detention.

Of these people, nine are standing trial in Pretoria and a further five have been charged. One of these has had charges against him dropped. Recently seven detainees, some of whom had been in solitary confinement for a year, were released without being charged.

What has happened or will happen to the rest? Only God, the Minister and the head of the Security Police can tell.

Every now and again, someone, somewhere, is released — no charges, no trial — but often release is followed by heavily restrictive banning orders.

Of the people who have been brought to trial under the Terrorism Act in the eight years of its existence, comparatively few have been charged with overt acts of terrorism in the sense in which that word is normally understood.

It is interesting that when a young White man literally terrorises a city street for over 12 hours, killing one, maiming others and disrupting life around him, he is charged, not under the Terrorism Act, but with murder and six other types of offences.

Detente is the catchword of the day and with it pretty concessions to theatre, to sport and even to dinners in swish hotels.

A few banning orders are lifted (others, though, are imposed). But for most Black South Africans and for outspoken opponents of this Government's policies, the more things change, the more they stay the same.

What has changed, though, is the attitude of White South Africa. It has moved from indiffer-

ence and apathy to open hostility against those who campaign outside the framework of party-politics for a better deal.

Yesterday, people were merely scared — scared to sign petitions, scared to "get involved", scared to take a stand.

Today they have been conditioned to believe that those 60-plus people, and those who may in the future be whipped away into impenetrable prison cells, are a real danger to their White security.

Today, they join with Minister Kruger and 4 000 Pretoria University students in justifying totalitarian tactics and utter disregard for the very bases of Western democratic civilisation.

How far we have progressed along the road to despotism was graphically illustrated in reactions to the petition circulated by the Black Sash and the students.

How much a part of the daily life of the country detention without trial has become is shown in the mildness of English Press reaction to all detentions but those of the most prominent people.

An intensive campaign has been launched to inform the ill-informed of the realities of detention and the Terrorism Act. It is up to those who do know and do care to carry the message into as many homes and hearts as is humanly possible.

Speak no truth?

IN a recent judgment of a committee of the Publications Control Board, which banned the script of the projected film "Die Springbok", a revealing sentence read:

"There are scenes in the script which could be considered typical but which are ugly. In social situations there are always things that are recognised by everybody but which should preferably not be mentioned."

In this, perhaps, lies the key to South African thinking, both at Government level and at that of the many people-in-the-street who revile demonstrators and refuse to react to injustice.

To know it is happening is one thing. To speak it out loud is close to treason.

A single dignity

ANDRE BRINK

The text of Mr Brink's address at the cremation of Bram Fischer in Bloemfontein

DEATH, which from one angle seems to be the logical and necessary conclusion of life, appears from another as wholly pointless and absurd as it is, after all, the final denial and annihilation of life.

This is particularly the case with a death like that of Bram Fischer, acknowledged as one of the greatest minds, one of the most dedicated and prophetic workers, and one of the most compassionate men ever produced by this country.

But this very fact imposes on the living, on those of us who remain behind, the responsibility to re-explore life: the life of the lamented dead, and the life of the community in which he functioned. It is the responsibility laid upon Horatio when Hamlet implored him, at a time when everything seemed against him, to "report me and my cause aright".

In Bram Fischer's case this is especially important, since a process has already been initiated to deny the meaning of his life, to discount it, to distort it, or to doubt it.

Our responsibility is an allegiance to truth, in a society and a world riddled with paradoxes and all too readily exploited by lies.

It has, for instance, already been said, no doubt for political reasons, by persons in a position to know better, that Bram Fischer's life was "a tragic waste".

That is a facile distortion, although, in a very real and original sense, his life was indeed tragic: in the sense, namely, that tragedy requires a sacrifice before sanity and progress can be restored to a society which has become corrupted and destructive.

It has also been said that Fischer became a stranger to Afrikanerdom by deviating from its traditions and prescripts.

Speaking as an Afrikaner, it seems to me that instead of alienating himself from Afrikanerdom, Fischer has enlarged and deepened the concept of Afrikanerdom: by proving, not only to the cynical eyes of the world but to staunch Afrikaners themselves, that "Afrikaner" may mean infinitely more than a man identified exclusively with one ideology, one system and one process of thought.

If Afrikanerdom is to survive, as I think it will, it may well be as a result of the broadening and liberating influence of men like Bram Fischer.

"Report me and my cause aright", remains our duty. Now I must make it quite clear that although Bram Fischer was at one stage leader of the Communist Party in this country, that is not the Fischer I am paying homage to, since I do not regard Communism as the "cause" he has left us to report.

If that had been the case, I would not have been here today. Not because I am scared by the bugbear communism has become in a society which hardly knows anything about it. But because communism as an exclusive "cause" would imply that Fischer merely advocated another *system*: and all systems are inhibiting to free exploration by the individual, because they work with common denominators.

In the final analysis any system dehumanises, insults, and even denies the individual: and that, it seems to me, was foreign to the very basis of Bram Fischer's thought. Moreover, as regards communism specifically, in so many of its Western manifestations it implies a totalitarian structure, and a network of draconian measures explained in terms of a Utopian ideal — characteristics all too obvious in the system already in force in this country.

To me the true "cause" represented by Fischer lies in very simple and very essential concepts *beyond* the confines of any political system.

He believed in liberty, in a situation where the majority of people still live in the bondage of restricted opportunities.

He believed in justice, in a country where the rule of law does not operate any more and where justice so often has come to mean the right to suppress.

He was sane enough to appreciate, like Camus, that absolute liberty and absolute justice are unattainable in this world and are, in fact, mutually exclusive — since absolute justice denies liberty, and absolute liberty includes the right to be unjust.

But he knew that one can always have *MORE*

liberty and *MORE* justice than one has, and he devoted his life to striving for that.

He believed in compassion in a climate favouring hate.

He believed in trust in a climate favouring suspicion.

He believed in the quality of mercy in a situation of rigid rules admitting of very little exception.

He believed, above all, in human dignity in a world climate of destructiveness and degradation.

And he knew that all of these things — liberty, justice, compassion, trust, mercy and dignity — could only exist and fully evolve in a society of individuals *NOT* branded, insulted, deprived, and oppressed by systematised racial differentiation.

For these things he had to suffer — and he was prepared to do so — in a society which thought it could exist without them.

Significantly enough, this same society has now, possibly for reasons of political expediency, embarked upon a course of change based on a "new" assumption which Fischer knew many years ago: that South Africa belongs, not to Europe, but to Africa.

The logical consequence of this assumption is, of course, that South Africa forms part of the evolution of Africa and the revolution of the wretched of the earth in the Third World.

These consequences are not yet faced. But an historical process of change which has started, even with apparently innocuous and insignificant fringe gestures, must go its whole logical course — as a keen student of history, like Bram Fischer, could have foretold.

And so South Africa may, at this very moment, be moving, very slowly and tentatively, towards the realisation of the very ideals Fischer cherished. It is my firm belief that, in his pursuit of these ideals, history will not only absolve him, but vindicate him.

Standing at his grave we should remember that he is not alone. There are others, some in death or in jail or in exile, who shared and continue to share his belief in the aims I referred to.

Let this be a source of comfort: "When men carry the same ideals in their hearts, nothing can keep them isolated: neither walls of prisons nor the sod of cemeteries. For a single memory, a single spirit, a single idea, a single conscience, a single dignity will sustain them all."

To keep this alive, to strive for this fulfilment, is the responsibility of all of us who have a glimpse of what the real Bram Fischer represented, and who are today called upon to report him and his cause aright.

Out of the mouths . . .

On Wednesday, March 12, the Cape Western Region of the Black Sash organised a Brains Trust as part of the programme for National Conference. It was entitled, "The Road Ahead", and was widely advertised with posters in public places.

On that same day in Parliament, during a debate on the Railways and Harbours Appropriation Bill, the following took place:

THE MINISTER OF TRANSPORT: I should like to tell the hon. member for Durban Point that I was just a little disappointed that his name did not appear on a certain list which I recently saw in the street. At the side of the street I saw a large placard, and at the top of this placard the words: "Brains Trust".

SIR DE VILLIERS GRAAFF: Was your name on it?

THE MINISTER: No, not mine, but it was nevertheless interesting to see whose names did appear on it. After the speech made by the hon. member for Durban Point I can understand why he was not on this list, because, as I said, I was very disappointed in him. (Interjections.) It seems to me, Sir, as though hon. members oppo-

site are a little touchy about this placard. At the top of the placard were the words: "Brains Trust" and beneath that, "The road ahead", and then the following names: "Japie Basson, Geoff Budlender, Gatsha Buthelezi, Sonny Leon, Fatima Mears, Van Zyl Slabbert — chairman, Prof David Wells, Wednesday 12 March, 8 pm at Rondebosch Town Hall". Therefore the hon. member still has the opportunity to go and listen. Sir, I must say that at first I was disappointed, for he is after all the main speaker on Railway matters, but after I had listened to his speech, I realised why his name did not appear on that list.

**Hansard. No. 6 10 to 14 March, 1975.
Cols. 2368 and 2369.**

● (Even Hansard makes spelling errors. Please read "Meer" for "Mears" and "Welsh" for "Wells".)

Towards greater understanding

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'Knowledge alone will not dispel race antagonism, but ignorance fosters it; men always fear the unknown, the different, the inexplicable, and an understanding of the languages and cultures of other groups is a first step towards co-operating successfully with them.' Radcliffe-Brown, A. R. Rhodes University Calendar, Grahamstown, 1952.

THE above quotation from a renowned anthropologist is undoubtedly particularly true in South Africa, where cultural differences are matched by differences in pigmentation.

In this essay I hope to contribute towards White understanding of Black people in South Africa. It is equally necessary, of course, that somebody should also provide for Black readers a somewhat differently orientated explanation of White patterns of behaviour.

I hope that readers will not be offended by my concentration on master-servant or employer-employee relationships, but I believe that this is merely being realistic.

At the outset I should explain my usage of the terms "Black" and "Bantu" in this essay. When I refer to Black people I have in mind the speakers of one of our South African Bantu languages — Sotho, Venda, Xhosa, Zulu, etc.

The term "Bantu" is here used in a scientific sense to refer to a particular family of languages. I do not use it in the incorrect and offence-giving sense of "a Black man".

Another important point to be made is that not all Black people, or Bantu-speaking people, have the same culture. The customs of Zulus differ from those of Sothos, just as those of Afrikaners are different from those of English-speakers.

Yet there are probably more similarities than there are differences, and to some extent one can talk of a "Bantu culture" of South Africa, meaning those aspects of culture common to the various Bantu-speaking peoples.

Below are presented some common causes of friction or misunderstanding between White and Black in this country, though most of what is

said applies equally to Rhodesia and Mozambique, for example.

The pattern of behaviour towards superiors in Black society is often markedly different from that in White society so that Whites and Blacks can often give offence although they may be trying to be polite.

Whites stand up when a superior, or a lady, enters a room; Blacks remain seated.

Blacks may squat down in front of a superior as a gesture of respect, a gesture which would be considered rude by Whites.

Blacks, who normally speak at a louder volume than most Whites, mutter almost inaudibly as a sign of respect.

Whites when entering the home or office of a stranger or superior, wait to be invited to take a seat; the Black man, if he is polite, and if he has not been corrupted by White culture, will walk straight in and take a seat.

Whites look one another in the eye when talking, particularly to superiors and failure to do so is construed as evasiveness; Blacks look at the floor, or to one side, when talking to a superior, with only an occasional glance at the superior to show that they are still listening.

If a Black person looks a superior firmly in the eye, he is almost certainly being insolent, or is angry. In some Black cultures the superior must greet the inferior first, contrary to White culture.

Black people frequently depart some distance from the truth, often an irritating habit from a White viewpoint, but one based on the very best of motives, namely, not to offend, not to dishearten, perhaps to lighten a burden.

Thus, I was once told while hiking in the mountains of Lesotho, and by none other than my Sotho

guide, that my destination was just over the next hill, and then just round the next bend, and just beyond the next . . . And so I was jollied along for three whole days!

"How long will it take before a mechanic can look at my car?" "Oh, ten minutes or so." And the *or so* stretched to three and a half hours.

A Sotho friend invited me to join him on a car trip to the local town, about 20 miles away. I agreed to go provided we were not going to be away long. "Oh no, we'll be back in a little over an hour." The *little* over the hour turned out to be 35 hours! And he had known all along, but he was a good friend and he *did* want my company.

This custom can be particularly dangerous in relationships between employer and employee. The employer gives an instruction and asks "Do you understand?" The reply, of course, is affirmative, for one does not wish to be rude, and one gives the answer that one believes is required, and what does it matter if one does *not* understand, one will muddle through somehow.

And perhaps Whites should learn to issue instructions clearly, in simple language, and not to give too many at once, since the English of many Black employees is likely to be defective.

Asking the employee to repeat the instruction and tell one exactly what he is going to do can forestall many problems.

January last year: "Madam, my mother he is dead".

October last year: "Madam, my mother he is dead".

August this year: "Madam, my mother he is dead".

Madam: "What! Again? But this is the third time that you've come with the same story! Don't think you can come and tell me lies every time you want time off!"

Well, poor Madam belongs to a culture where one has only one mother. But Black society is not so poverty-stricken. Imagine a world where everybody had only one mother and one father! You see, in Black society not only is one's mother one's mother, but one's mother's sisters are one's mothers, and even one's mother's brother is a male mother!

Not only is one's sire one's father, but also his younger brothers, and perhaps his elder brothers, though among the Southern Sotho the elder brothers of one's father are called "grandfather", and even Aunt Jemima, Dad's sister, is your father, albeit a female one, and the Zulus even call her "Dad" when talking to her. Well, that's the way societies differ around the world! In Black society it's much more difficult to become an orphan!

And if one has all those fathers and mothers, just imagine how many brothers and sisters one has! So all those "brothers" visiting the maid may indeed be her brothers. Though sometimes they aren't and it is just that the maid is telling

a story just in case Madam is being her usual unreasonable self.

"Didn't the dry cleaner come this morning?" "No" — That means he *did*!

"Didn't the dry cleaner come this morning?" "Yes" — That means he did not!

In a number of Bantu languages when replying to a *negative* question such as the one above, the use of "yes" and "no" is the other way round from English. So if you *must* ask negative questions, and we do it all the time in English, then double-check the meaning of the reply you get.

Most Bantu languages do not have separate words for blue and green. People *do* see the difference between these colours, but only as differences of *shade*, not of colour. Therefore when a Black man talks English, he carries over the pattern of his own language and fails to make the necessary discrimination between the two colours.

So if you want your *blue* dress ironed for tonight's dinner, and your *green* one sent to the cleaners, then I suggest you point out the actual garment involved. If not, you might just have to rethink what you are going to be wearing, because the wrong dress may have gone to the cleaners.

It will often happen in a White household that a Black servant breaks some object and when Madam tries to find out who the culprit is, she will be told that it just broke.

The servant himself is never responsible for the breakage, and White employers can find it maddening trying to ascertain who *is* responsible for the damage, and come to the conclusion that the servant is lying, knowing that he is the guilty party, or that he is covering up for someone else. This reasoning would be quite erroneous and typically White.

In the Black view someone who is accidentally responsible for breaking some object, or losing it, or letting it overcook, is not morally culpable. (Deliberate vandalism is a feature of White, and not Black society, except insofar as urban Blacks have learnt this pattern of behaviour from us.)

The grammar of the Bantu languages is one that is geared to throwing responsibility from a human agency onto some external agency. Thus people do not break plates; they get broken.

In fact, if one were to translate quite literally into Sotho, for example, the phrase "I broke the plate", it would indicate that one had done so deliberately.

Similarly Blacks do not miss trains, but get left behind by them.

They do not drop things; things fall out of their hands.

They do not get caught in the rain; they get rained upon to their detriment.

They do not lose things; they have things go astray to their detriment.

And of course in speaking English, Black people carry these grammatical forms over from their

own languages, and thus create the false impression that they are being untruthful.

Black people are not as free and easy with their children as are White people. Black children are not expected to question anything their parents say, nor are they expected to ask "Why?"

Thus, a Black servant will often resent the interminable questions our own children ask them — "what are you doing?", "why are you polishing those shoes?", "who told you to do that?" — and are particularly resentful of the way White children feel free to order them around.

Some Black people, too, may resent young children calling them by their names. It would be a nice gesture to find out from Black employees how they want to be addressed, not only by children, but also by their adult employers.

Do not make the mistake I once made with one of my Zulu colleagues who had just lost a parent. In the usual White manner I proffered my hand in sympathy — and produced a classic case of culture shock, for in Zulu society my action would be interpreted as an act of *congratulating* him on the death of his mother!

We have already seen the use of "he" in reference to mother, and "she" referring to "my father". In Bantu languages there is no sex distinction in the choice of pronouns, and so Blacks whose English is not too proficient may well slip up in their use of "he" and "she".

But apart from that, there is another trap for the unwary in interpreting the sentence "my father, he is late". Do not do as one White committee chairman did when told that one of the Black committee members was late. He replied: "Oh well, we'll carry on without him". What he was in fact being told was that the person was dead! This is a twisting of the English expression "the late Mr So-and-So", which now becomes "Mr So-and-So is late".

Black people when seeing White couples kissing or cuddling in public places do not only think that they are lacking in modesty, as might at least members of the older generation in our own society, but they regard such behaviour as a personal insult to them and such behaviour would be unthinkable on the part of Black youngsters, so if you must have a cuddle on the lounge sofa, please do spring apart when the maid brings in the tea.

I hope to have shown above some of the many ways in which Black and White cultures differ in South Africa. Like Radcliffe-Brown, I believe that by being aware of such differences, one may develop a better relationship with people of the other culture.

Above all I believe that at all times we should be on our guard against assuming that members of another ethnic group are being rude or unfriendly. So often this opinion merely reflects our lack of understanding of different customs.

Viewpoint

WE ALL see the world through our own window. When window-panes overlap we can have "dialogue", as advocated by Shirley Turner in the May 1975 issue of Sash ("Women in the coming crisis.") After her invigorating trip round the world she burns with a mission to share with her fellow-countrywomen the insights she has gained.

But a reply through Sash is appropriate. It must be reiterated (see Annual Reports) that the central role of interpreters in Advice Office work is in no way overlooked.

The rest of us have learnt most of what we know from them, and the learning goes on and on in the sharing of each and every problem. We would not have the arrogance to offer to "train Black people" to run our Advice Offices.

One of the regular interviewers at the Athlone Advice Office is Black, also male.

There are any number of Black people who are entirely competent to run Advice Offices in which White people might do well at the receiving end of the line. But right here and now we are dealing

with unkind White-made laws in the most expedient way available to us.

This requires that White voices telephone White officials, take the few knocks they can intercept and sadly often bear distasteful news back to hopeful, almost disbelieving Black ears.

Time are changing and the type of referral work done by Advice Offices will in due course change too, or give way to other needs, but right now it cannot be set aside in favour of shaping the future.

Things often go awry in Advice Office work, there are plenty of imperfections as well as unavoidable grave inadequacies (what an understatement!). But our workers do surely contribute to changing attitudes, starting with our own, and we are singularly privileged to "meet" people genuinely. Our windows overlap, we can talk together.

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The voiceless community

ELLEN KUZWAYO

SOWETO, often referred to as "a city within a city", is a settlement or resettlement of African communities. It lies south-west of Johannesburg and spreads over 34 square miles.

The official figure for the population of this community is 700 000, but in addition to this there are unknown numbers of people who are said to live in this community unlawfully because of influx control regulations.

The inhabitants of Soweto are housed in 96 000 houses, mostly four-roomed, with others of two, three and five rooms. All are of the same pattern, which catches the eye because the land where they stand is flat and barren. They have a dull colour, and as a result Soweto has an unfortunate image of dullness and monotony.

Most houses use candles, paraffin and a small group have gas. Most stoves operate on coal, and the layer of smog which covers Soweto for an hour or two from about 5.30 a.m. in winter is both depressing and dangerous to traffic and health. Most toilets in Soweto are outside. Most houses have their taps in the yard.

It is impossible these days for the inhabitants of Soweto to choose their neighbours. Those who came to Soweto in the late 50's had to accept the house for what it is worth and regret the neighbourhood afterwards.

Houses have been so difficult to get over the years that residents have had no other thought besides getting a roof over their heads. This system of allocating houses to permanent residents creates tensions in relationships with neighbours, if they come from totally different backgrounds of culture, standards of living, interest and aspirations for themselves, their families and their children in particular.

It is important to know that the African community, particularly in urban areas, is divided into different levels of development — about 2 per cent has had exposure to education and the Western way of life over three or four generations; a slightly larger percentage has been exposed to urbanisations for, say, over 50 years.

For the latter education has not been a family tradition but has been acquired through environmental influences and opportunities. The rest of the population have had no education or very little.

The older members of this group pass as unskilled labourers, cleaners, domestic workers, and most of their children have become drop-outs from

school. Some of them have tried their luck in some field of art or another, and there is a dire need for a Black art gallery, Black theatre, etc, to cater for this emerging development.

Then there is the group of unofficial residents of Soweto who, for one reason or another, have been declared illegal residents, because of the cancerous laws and regulations governing influx control.

These are residents who are driven into crime for want of means of livelihood. They congregate at street corners, at shop verandahs, under lamp posts at night. They gamble, assault and kill. Indeed they are a loss to their families, the community and themselves.

Accommodation in Soweto is a major concern. Overcrowding is part and parcel of life in this community. Some of the homes which are so orderly and clean during the day, because the rooms are so small and the families large, have every available space in the house used as a bedroom in the night. One room is both a living room and bedroom, the kitchen is also a dining room, bedroom, pantry and bathroom.

Children in these homes have no pride in or love of their homes. To relax and find themselves, young people of school-going age or those already working spend their time with friends somewhere away from home, as there is just no space where they can sit.

School work suffers under these conditions, and because of poor light. Some youngsters play truant and finally drop out of school; others get in with the wrong company, become wayward and ending up criminals.

The question of low family income, which results in poor diet; absence of or poor household furniture, lack of necessary clothing for schooling and daily use, all bring about emotional instability which may result in both ill-health and delinquency and disrupt the whole life of a young person who has great possibility for success.

Some of the outstanding hazards of Soweto are the impact and influence of the majority of the population, particularly the youth; attempts to increase family incomes by the sale of liquor, dagga, stolen goods and the influence this has on the community, particularly the youth; ethnic communities which have been promoted by the powers that be without any consultation, creating hostility in schools and communities; overcrowding in schools, low wages of teachers who opt into

industry, the real brain drain in schools; overcrowding in homes breeding delinquency, immorality, illegitimacy, abortions, venereal diseases and many other social diseases.

Soweto residents are very human; they have aspirations, interests, likes and dislikes. They love good things for themselves, their homes and families and, above all, for their children. The very small community in Dube, and a few other homes scattered over Soweto, give testimony to this statement.

They have been given individual character and beauty at great sacrifice by the owners. They are proof that, given an opportunity, this community is capable of great things.

Dube came into being at the time when the City Council and/or the Central Government announced 90 years leasehold for those families who bought Council houses.

This was hailed by Soweto residents as a breakthrough to stable home ownership and thus a stable African community.

Without much talk or warning the lease was reduced to 30 years. In 1967 legislation was passed to abolish even the remaining 30 years. Then out of the blue, again in 1975, without any apology, explanation or outright consultation, an announcement was made that all houses in Soweto are on 30 year lease.

Naturally Soweto residents have received this piece of news with a certain amount of reservation. As a community with thought and feeling we need some reassurance from someone in authority that this statement is valid for all time. Under these circumstances "freehold" would indeed be more reliable, supported by a title deed.

This state of affairs is made more complex by the legal status of African women in this country, as perpetuated through the tribal laws and dictated by the powers that be, supported by the majority of the White community and upheld by almost all African men when it is to their benefit.

The African woman, like any mother or wife, makes a vital contribution in the building of the material, moral and emotional stability of her

home in the urban and rural setting. Every home or most homes in Soweto rotate round the mother or wife in that home. Remove her and that home deteriorates or disintegrates.

The indiscriminate decisions made about home ownership in cases of widows and divorcees, even when courts of law have given the mother custody of the children, are prejudiced, unjust and un-Christian in essence and effect.

The attitude of the whole of South Africa towards African women is biased, heartless, cruel and outdated, taking into account the impact the African woman makes in her home, community and country, and the role she plays in the community through numerous women's organisations, which are all focused on changing her community for the better.

Orphanages in the Black community are foreign, unacceptable and just non-existent. At the same time urbanisation and perpetual resettlement of Black communities have left them with a distorted picture of their culture and standards. As a result more and more children are born out of wedlock.

Such children are accepted as part of the family of their mothers, they add to the already overcrowded homes. Absence of decent accommodation for single persons in this community is a serious handicap to growth and maturity.

The untold hardships of this voiceless community of Soweto, their frustration aggravated by stringent pass laws and regulations and many other shortcomings, have not killed their enthusiasm for life. This is, in my mind, the crux of the matter — the spirit of determination to live and live fully to the best of their ability.

If I know my community well, we will go out of our way to exploit the 30-year lease to the full for the benefit of our community and for our children.

White South Africa, with all its material wealth and pomp, cannot and will not reach its highest peak until it recognises the aspirations of this other "city within a city" in its struggle to achieve the best for its community.

How much would we sacrifice?

SHEENA DUNCAN

An address to Woodmead School on its Foundation Day in June.

I HAVE been unsure as to what to speak about today. The things that I wish to share with you may seem to be impossibly repetitive of speeches you have heard over and over again before because much of what I intend to say is contained in the principles upon which this school is founded, but I have become increasingly concerned about the role of the individual in our present situation.

I feel that it is of the utmost importance that we should learn to relate what we say we believe in to the way we act, so I make no apology for trying to think it through again with you.

There are several threads which I want to pull together. All of them lead to the same place and that is the responsibility and duty of the individual.

The first of these threads is the current talk of detente. Over and over again we are told in newspaper editorials and by opposition politicians that detente between South Africa and Black Africa and between South Africa and the rest of the world cannot succeed unless we bring about change within our borders first.

When we read these articles or listen to these speeches we cheer and agree wholeheartedly. We feel good because we can feel part of a liberal, progressive movement. It is nice to feel that we are in agreement with lots of other people, and it's even nicer to hope for a while that our generous feelings may somehow or other be big enough to defuse the tensions which are building up to intolerable levels in the rapidly deteriorating relationships between those of us who are White and those of us who are Black.

We call for dialogue. We say "open the theatres, open the hotels, talk to Blacks, give Blacks a better education, allow Blacks freehold title in the urban areas".

We seek complicated formulae to allow people political rights without disturbing the status quo because we do not really want to contemplate other political philosophies as alternates to our own.

We talk of a shared society but cling to the capitalist, free enterprise model which has provided for us here so well. Can it provide for everyone else on the same scale? I do not know the answer but I would like to know that we were asking the question. We have not asked it yet

We visualise change as being an end in itself — a Utopia where we lose nothing but everyone else is raised, however slowly, to our position of power and privilege. Merely saying it out loud makes us realise what a nonsensical premise it is.

However change comes about in this country and whatever political philosophies and systems are tried and adopted it is going to mean fundamental and continuing change in the lives of everyone of us and we must not speak of it lightly.

We have wealth or we would not be here in this place at this moment in time. How much is each one of us personally prepared to sacrifice in the interests of the change we declare we want to see?

We will have to pay more in taxes. We may no longer be able to afford frequent trips to Europe, five-star hotels, fast and luxurious motor cars, clothes bought for fun rather than for warmth and modesty.

Perhaps you are saying now: "We know all this; we are prepared to do without these things, or with less of them". But, we may be called upon to do without many things we regard now as necessities — to eat meat every day, two bathrooms, hot water, more than one winter coat, service.

Are we still going to fight for change understanding the full implications or are we going to go into reverse when it looks as if real change could come about?

Most of us here have been able to purchase more space (that most wonderful of all the privileges of the rich) than can even be imagined by the vast majority of the world's people. Sharing our space means sacrificing some of our privacy. Can the world afford people who own acres of precious land merely for the satisfaction of ownership?

The West Rand Administration Board says there is no more land to provide housing for Soweto's 100 000 homeless people. When the change we say we want comes about and Soweto's people have the political means of satisfying their reasonable demands they will see that the land they need is lying at hand uncultivated, unproductive and sterile.

We can expect to be expropriated, to have subdivision into realistic urban plots enforced, to have high density housing schemes across the road, at the bottom of the garden, next door.

And that farm we bought as a tax evasion dodge and a retreat from the noise and tension of city life — when that is taken from us because a new regime makes it compulsory for all agricultural land to be worked on a full-time basis by the owner — will we still gladly accept change?

When we have to share the facilities we now have provided for us on a ridiculously exclusive basis will we gladly accept change? When our queue for the bus is everyone's queue and stretches round the corner; when the platform for our commuter train is everyone's platform and we have to push and shove for a place as is taken for granted by the majority of city people in the world; when we can no longer get what we want by a combination of pulling rank, bluster and knowing the right people will we still gladly accept change?

The challenge in all this is to each one of us irrespective of whether our families, our friends, our contemporaries, our political parties are able to move to meet it. The reward and the joy of it is in knowing that even were we to be entirely alone what I do and what you do is of vital importance.

The second thread I wish to follow is that of the concept we call the Rule of Law. I do not know whether any nation has ever really achieved a society based entirely on the Rule of Law — that is on a recognition and acceptance by a whole people of "natural law" so that a minimum of legislation is required to enforce a system which guarantees justice and maximum freedom to every individual member of that nation.

I think that Britain came nearer to achieving the ideal than any other country and I also fear that she has lost it now — one hopes temporarily. I do know that the Rule of Law is difficult to define, difficult to achieve and even more difficult to maintain.

I have a brother who lives in London. Last time I saw him I remarked that Peter Hain had devised the most effective campaign we had yet seen to bring about change in one area of our national life.

My brother replied "What Peter Hain has done is to destroy the Rule of Law in England".

After an acrimonious discussion I was eventually convinced that this statement was at least partly true. The people of Britain had after centuries developed that equilibrium where each individual citizen so respected the rights of his neighbours that a minimum of legislation was required to maintain orderliness. This equilibrium allowed everyone to speak, act, write and be what he chose to be as long as his actions did not interfere with the rights of his neighbours to do the same.

The limits of this freedom were recognised by the individual and it was not necessary to have innumerable laws to define the boundaries of acceptable action. This balance was maintained

by the self-discipline, tolerance and courtesy of the members of the society.

However, when Peter Hain so efficiently organised the protests against playing cricket with South Africa he upset this equilibrium. He interfered with other men's rights and he interfered in such a way that it became necessary for the instruments of law and order to act with a degree of force which they had not been called upon to use for a very long time indeed.

Whether Peter Hain was the first I do not know but I believe it to be true that the delicate balance has been well and truly upset and more and more interest and pressure groups in Britain are using violent and disruptive methods to force their opinions upon the whole society.

This means that the traditional, easy-going methods of crowd control are no longer sufficient. Policemen resort to physically violent actions and confrontation becomes a frequent occurrence.

This in turn leads to the necessity for law and order maintenance legislation and so to the eventual rule by force and fear when it becomes increasingly difficult to protect every individual's right of access to the courts.

Here again the way you and I act as individuals is of vital importance. The phrase "to be law abiding" sounds very dull and indeed reactionary but when applied to the concept of law which seeks the just ordering of society to allow freedom to its members it assumes its proper meaning.

Such a commitment to the Rule of Law may demand disobedience to laws passed by a country's government which violate the whole concept but it also means that such disobedience should never be undertaken without deep thought, honest recognition of motive and intelligent anticipation of consequences.

The third and last strand in this discussion is the concept of freedom, the experience of liberation, what it is to be liberated. When I was at school we were taught, sometimes inaccurately, of the Greek-Roman-Judeo-Christian philosophical system of democracy operating in Britain.

We grew up believing that the ideal society did exist, was contained in the Westminster tradition, and had been transplanted all over the world wherever the English language was spoken.

It came as a rude shock to realise that, however true this was of Britain herself the ideals were not always practised in her colonies and dependent territories.

It was also disillusioning to learn by experience that the people of very few countries in the world can truly be described as being free and then usually spasmodically, so that one country may experience true freedom for half a century but lose hold of it through the sort of process I have just described, if not by conquest.

Man is faced with many new problems with which he seems unable to cope. The changes in our environment are taking place so rapidly that we seem unable to make the necessary evolutionary adaptations to cope with them.

It seems unlikely that any of us here will be able to live in any country where we will be able to say that we are part of a free society. But I do also really believe that, however oppressive the society in which we live may be, we as individuals can live free.

It can be a hard thing to learn, more particularly for those of us who find it difficult to identify the chains which bind us. Whites in South Africa do not always understand how unfree we are by virtue of our position as the ruling group in whom power is vested.

Some of us are bound by the necessity we feel to maintain our position of privilege; some of us by our feeling of guilt that we enjoy that power and privilege.

Some of us are bound by fear of change and of the future. This is the worst prison of all and to understand just how it confines us contrast our position with those who can only run to meet the future with hope and joy because nothing could be worse than their present situation.

Whatever it is that imprisons different societies and groups there are always among them the ones who are free, who walk tall. When you meet people like this you will recognise them at once.

I have been taught about this by people whose sufferings are unimaginable to us; Black people here in Johannesburg who live under the oppression we visit on all Blacks — the permit system; subjection to police raids on their homes at night

and on their persons in the streets; exclusion from everything which gives quality to life; some of them in real danger of arrest and of indefinite detention by the Security Police.

Yet every now and again there is one who is not afraid, whose integrity of spirit cannot be touched or damaged by anyone or anything, who is free in the truest sense of that word.

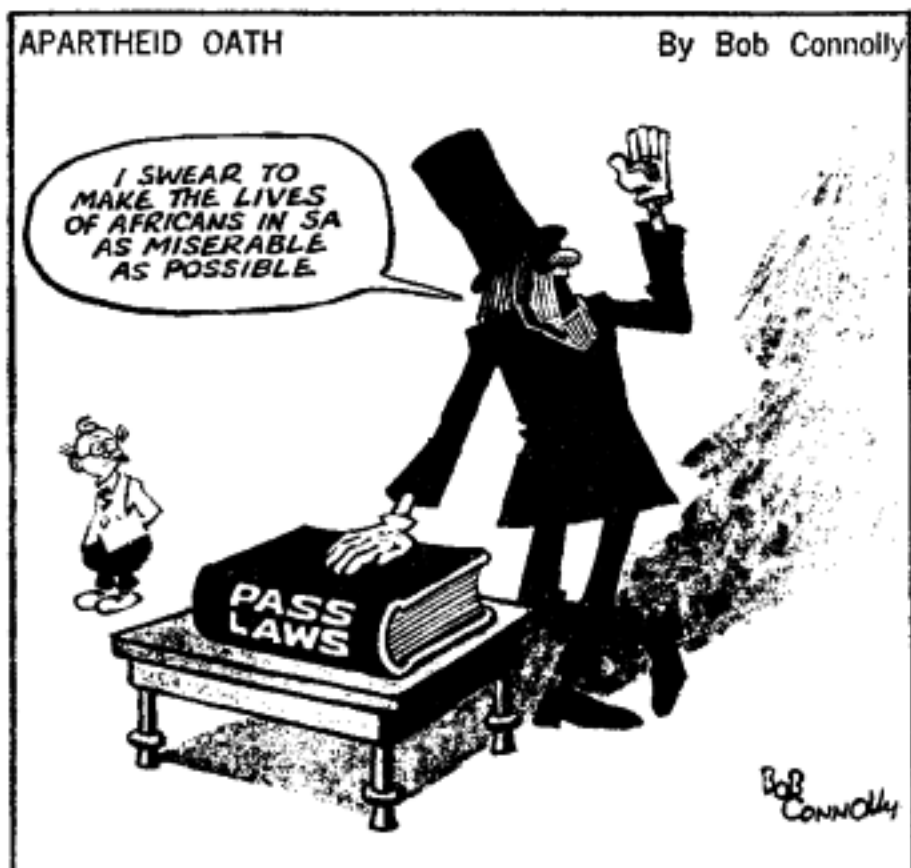
What are the qualities which can enable us to learn this freedom? To me it seems that there must always be self discipline, an orderliness of thought and behaviour which provides the framework for freedom as much for the individual as for a society.

I do not think it is just because I am middle-aged that I have come to think this. One cannot be free if one's life and thought and behaviour are a chaos of anxieties, good intentions, uncompleted plans or uncontrolled emotions.

Then with this orderliness must come tolerance and courtesy, and humour. Without exception all the free people I have met can always laugh at the ridiculous in themselves and can see the absurdity of those who would enslave them.

But most important of all they have a deep faith in something. For me as a Christian it is faith in the God of love and in the promise that his grace will be sufficient for whatever I may be called upon to do, but others have other faiths — in goodness, in humanity, in the future, in God by other names.

Here at Woodmead you are presented with the opportunity of learning all these things. When the time comes for you to leave this community, go out and live free in the new communities in which you will be called upon to serve.



Time to speak up

two views

An exchange of correspondence between the Black Sash and the Incorporated Law Society of the Transvaal.

8th July, 1975

The President,
Law Society of the Transvaal,
Standard General Building,
PRETORIA 0002.

DEAR SIR,

WE note with dismay the continued lack of public protest by your Society concerning the prolonged detention under Section 6 of the Terrorism Act of an undisclosed number of people.

You are no doubt aware that some of the people still in detention have been held incommunicado since the end of September 1974, being interrogated by the security police without recourse to their lawyers.

Others, who were charged months after they were first detained, are still being held in custody while an indictment which was argued in court and then withdrawn is replaced by a new indictment.

Yet others have been released without any charges being brought against them after having been detained for many months.

Further people are constantly being detained under circumstances which are completely outside accepted standards of due legal process. Sometimes their names are released to the Press but others are detained in such secrecy that they merely disappear and no one knows their whereabouts.

The terms of the Act are a denial of the fundamental rights of habeus corpus. The Law Society may or may not have made private representations to the Minister. We maintain that it is necessary for such a society to declare itself publicly about where it stands on this issue, particularly when among the objects of the Society as laid down in its constitution is "to remedy defects in the administration of justice" and to consider reforms and improvements in law.

It is astonishing to us that the professional body representing all Transvaal attorneys, which should be most deeply concerned over the ethics and implementation of the legal system, should by its silence be a party to the destruction of the

right of the individual to access to and protection by the courts of law, and should be unconcerned at the denial of access by detained persons to their lawyers.

We must request you as a matter of urgency publicly to state your views on this grave matter of public concern and we call upon you to instigate immediate steps to demand that the law be reformed to allow detained persons to at least have access to their lawyers at all times.

Yours faithfully,

SHEENA DUNCAN,
National President.

8th September, 1975

The National President,
The Black Sash,
501-506 Lester House,
58 Marshall Street,
JOHANNESBURG 2000.

DEAR MADAM,

FURTHER to my letter of the 28th July, 1975, I have to inform you that your letter of the 8th July has been placed before the Council of my Society and I have been instructed to send you this reply.

The principle of detention without trial is foreign to our system of law. No lawyer can rightly condone it save in circumstances of grave threat to the public safety. The Transvaal Law Society cannot but uphold the view that access to the courts should be unrestricted and that a detained person's access to his legal advisers should likewise be unrestricted.

These views of my Society have been stated on more than one occasion both publicly and in representations to the authorities. They should be well-known to informed members of the public and particularly to public organisations which show an interest in these matters.

There is another principle of our law and that is that the responsibility for the security of the State lies with the Executive Government. In

exercising that responsibility the Executive has power with the sanction of Parliament, limited only by its ultimate accountability to the electorate, to have the laws enacted which it deems desirable for the maintenance and protection of the security of the State. On the basis of this principle Parliament has enacted laws which impinge upon the concepts mentioned in the second paragraph. The reconciling of those concepts with the duty of the Executive to protect the public safety must at times be a task of great difficulty — but the decision as to when circumstances require the former to bow to the latter remains that of the Executive through Parliament.

My Council sees its position in these matters as that of a watchdog in the public interest. It takes the action which it considers to be appropriate where it perceives the balance between the rights of the individual, on the one hand, and the interests of the State, on the other, to be unduly disturbed. This policy has guided and will continue to guide its actions.

Yours faithfully,

E J J OLIVIER,
Secretary.

October 2nd, 1975

The Secretary,
Incorporated Law Society of the Transvaal,
P.O. Box 1493,
PRETORIA 0001.

DEAR SIR,

THANK you for your letter of 8th September, 1975.

We welcome the statement of your Council that the Transvaal Law Society upholds the view that access to the courts should be unrestricted and that a detained person's access to his legal advisers should likewise be unrestricted but we confess that these views of your Society are not well known to us.

The Black Sash makes a point of taking note when public statements are made by organisations or individuals on matters affecting the administration of justice in South Africa but if your Society has spoken out publicly in recent months about the detentions which have taken place since September 1974, then we have not noticed such statements and we apologise. We will be grateful if you will inform us of the dates of such statements and where they were published.

We note the points you raise in the fourth paragraph of your letter but wish to ask in what possible circumstances can the safety of the State be endangered by allowing people access to their lawyers and to the courts?

Nothing endangers the safety of the State as much as the lawlessness which arises when the State itself departs from the principles upon which the administration of justice is founded. The fact that Parliament has decided to empower the Executive to act in a way which removes the jurisdiction of the courts does not absolve citizens from the duty to express by all lawful means their continuing dissent to the legislation and to steps taken by the Executive in terms of that legislation.

A statement from your Society is urgently required at the present moment. The balance between the rights of the individual and the interests of the State has long been unduly disturbed in South Africa. Citizens have no protection whatsoever against action by the Executive to deprive them of their freedom for an indefinite period, for unspecified reasons and with no possibility of obtaining redress. Because of the lack of leadership from Law Societies and other responsible bodies, members of the public have become fearful and have allowed the Executive to continue to confuse the interests of the State with the interests of the party in power and to further the policies of that party by the intimidation of lawful opposition inherent in the actions taken by the Executive in terms of Section 6 of the Terrorism Act.

We therefore appeal to you to embark on a programme of public education which will enunciate the principles set out in paragraph two of your letter and to issue frequent statements which will continually remind members of the public of the fact that their rights to unrestricted access to the courts has been removed and should be restored.

Yours faithfully,

SHEENA DUNCAN,
National President.



Legislating for equality

JOHN DUGARD

The role of the law in a society divided by race and wealth. A talk given to the Transvaal Region in September. Professor Dugard is Dean of the Faculty of Law at the University of the Witwatersrand.

OFTEN we hear the argument in South Africa that you cannot legislate good race relations, that only time, tea and sympathy will eliminate discrimination and friction.

People who hold this view are generally critical of attempts in the USA and the United Kingdom to outlaw race discrimination.

It is not realised sufficiently in South Africa that what has made it the polecat of the Western world is that it has a legal system that entrenches race discrimination.

Other societies are far from perfect, but at least they are moving in the right direction in their legal systems and are increasingly outlawing race discrimination.

South Africans who resent criticism point to other societies — of which there are many — in which race discrimination is practised and claim indignantly that other societies discriminate.

But this misses the point. South Africa is unique in maintaining a legal system which promotes discrimination in a world in which race discrimination has been nationally and internationally outlawed.

Today I wish to examine the question: "Can a society eliminate race discrimination by legislation?" Or must it rely on a slow, social evolution of race attitudes?

In attempting to answer this question I shall draw on my experience during a stay of nine months in North Carolina at Duke University.

First a word about the community. It is a Southern community with about 60:40 White:Black ratio; less than 20 years ago it was a rigidly segregated community in which the Ku Klux Klan was a powerful force.

It was torn asunder by demonstrations and racial strife at the time between the 1954 *Brown* decision and the 1964 Civil Rights Act.

Duke University and the neighbouring schools were segregated until 1964 and in many respects the society resembled South Africa.

It will be recalled that in 1896, in the case of *Plessy v Ferguson*, the United States Supreme Court upheld the doctrine of separate but equal.

This prevailed until 1954 when, in the case of *Brown v The Board of Education*, the Supreme Court reversed the decision and held that separation could not be held to be constitutional.

In 1964 came the Civil Rights Act in which Congress adopted a statute which provides for

full and equal enjoyment of the services of any public place of accommodation.

The result of this was to abolish the separate but equal doctrine entirely and to outlaw racial discrimination.

The result was that a society not very different from South Africa was directed from above (by the Supreme Court and the Federal Government) to change its way of life.

The law has had an important effect on the South. Throughout the time we were there I saw no signs of racial hostility or friction.

Everything is integrated — schools, restaurants, theatres, shops and the university. Although suburbs are largely segregated in fact, but not by law, there is overlapping with no apparent ill effects.

There are Blacks in the state legislature.

So there have been remarkable changes in public attitudes among people who 10 to 15 years ago were similar in their public attitudes to people in places like Vereeniging and Klerksdorp.

But have private attitudes changed? Alas, not very much.

There is little mixing and Blacks still view Whites with distrust.

Although Blacks are being admitted more and more to high positions in business and professional life in the Government, there is still a certain degree of mistrust and suspicion of Blacks.

The saddest thing of all is the schools. The public schools have all been integrated but people who can afford to send their children to private schools do so.

Most members of the staff at Duke whom I met sent their children to private schools on the grounds that standards had dropped in public schools since integration.

The administration of justice in the North Carolina courts has not progressed as far as it has in the Federal Government courts. North Carolina has reintroduced the death penalty and 70 or 80 people are on death row awaiting the decision of the Supreme Court — most of whom are Blacks.

The conclusion one can draw from these facts is that it is not enough to change the law, there must be a sense of commitment on the part of the community to actually make the law work.

In short, is de jure non-discrimination enough or must one introduce de facto equality? This is, perhaps, the fundamental question facing American society at present.

I can best illustrate the problem by referring to three cases which have troubled the United States in recent times:

In *Furman v Georgia*, in 1972, the constitutionality of the death penalty was at issue. The court found that the implementation of the death penalty offended the "equal protection before the law" clause in the constitution because it was usually the poor and the Blacks who were executed because they did not have the resources to provide adequate defence.

Milliken v Bradley, 1974, concerned school education in the city of Detroit. Detroit is predominantly a Black city and a major highway divides Blacks from the Whites in the affluent outer suburbs.

The question was whether in such a residential pattern it was possible for school discrimination to be permitted.

A system of busing was advocated but the Supreme Court held there had been no unlawful discrimination on the part of the local authorities or school boards, as the situation resulted from residential segregation factors with whom the court could not interfere.

De Funis v Odegaard, 1974. In the United States it is very difficult for students to get into graduate school, especially medical and law schools.

Most law schools and other graduate schools reserve about 10 per cent of their places for people belonging to disadvantaged groups — usually Blacks or Mexican Americans.

This sometimes means that Whites who would gain admission if the choice were 100 per cent open do not make the chosen 90 per cent.

This was the case with De Funis who was refused admission to the Washington Law School and claimed the system denied him equal protection before the law.

In this case, the Supreme Court refused to rule because he had already graduated from law school by the time the matter came to court.

If they had found for him, the whole affirmative action programme would have been declared unconstitutional.

The Supreme Court has grappled with the question of trying to introduce de facto equality. These three cases illustrate the complexity of legislating for non-discrimination in a society divided by race.

Can we in South Africa learn anything from the United States experience?

Discriminatory laws must go. We cannot ask the Appellate Division to abolish discriminatory laws as it lacks the power of the US Supreme Court. On the other hand our courts do have fairly wide discretionary powers in interpreting statutes and they could use them in the field of race relations.

An example is the case of Mr Zikalala, where the AD overturned the decision of the Natal Supreme Court that a man must be given a fair opportunity to fetch his pass when asked to produce it.

In this case the Appellate Division made law. It did not declare the law because the law was uncertain, it made a choice.

So we have to rely on the legislature.

But generally our courts have adopted a cautious attitude towards race relations and left it to the legislature to make changes to the system.

A year ago it would have been ridiculous to suggest that the legislature abolish discriminatory laws.

Now it is at least possible for the Government to consider the abolition of some of these laws.

It is our duty to remind the Government that it cannot have detente unless it scraps at least some of these laws, for instance the Reservation of Separate Amenities Act, 1953; the Group Areas Act; the Population Registration Act; the (Bantu) Abolition of Passes and Co-ordination of Documents Act and the Mixed Marriages Act.

The fact is that the international community will not accept South Africa until these laws which entrench racial inequality are abolished.

We must also examine laws which, on the face of it do not discriminate but in practice do, for example the Terrorism Act under which the majority of people held are Blacks. We have seen that until a few Whites are arrested there is little protest against the Act.

The whole administration of justice in this country is discriminatory. There is no real legal aid system — of 400 000 people sent to prison in 1973, only 425 were granted legal aid by the Legal Aid Board.

Most people are sent to prison without the services of a legal advisor.

In theory, the system does not discriminate. In practice it is mostly Blacks who are not represented.

Our role is to draw these laws to the attention of the public. At the same time we should start thinking about how strong our own commitment is. Are we prepared to make the sacrifices which will be essential once discriminatory laws are abolished?

For example in education — what do you do if the choice is between a public school, racially integrated but not of the same standard as the school next door which is private and largely White?

We must accept that living in a society where there are great differences in wealth and race is not easy.

It is easier to oppose laws than to take the tough personal decisions that have to be made after discriminatory laws have been removed. Would White South Africans do much better after the abolition of discriminatory laws than their United States counterparts?

The PSC and the new society

MALCOLM McCARTHY

In this talk, given to the Transvaal Region in October, Mr McCarthy gives the reasons why the Programme for Social Change has been discontinued.

THE Nationalist Government consists of a group of sophisticated and intelligent people who have measured the likely effects of Southern African change on Whites in South Africa and have adopted a more pragmatic approach in an effort to maintain the power position of Whites in South Africa.

This has been done with token changes and the increasing development of a small middle class of Blacks including Coloureds.

A chocolate-box picture of South Africa has been presented overseas in order to achieve support from Western powers.

The results have been pressure on Rhodesia to accept majority rule and to allow decisions in Namibia to be made independently of South Africa in the hopes that the governments which emerge in these countries will be more sympathetic to South Africa than would otherwise be likely.

Within South Africa certain token changes have been made — clearly within the framework of the existing societal system and certain support groupings in the Black community who have benefited from these changes have developed.

As a result of Mr Vorster's change in attitude the position of groups working for radical change has been considerably altered, pushing them out of spheres in which they would have operated under the old, more oppressive system.

For these reasons, strategies have to be rethought and new areas opened.

In the chocolate-box works the iron boot of White domination. Real opposition wishing to substantially alter the present system will be ruthlessly destroyed via repressive actions couched within a highly sophisticated pseudo democracy.

What all this means is that the present vested interest of a small powerful ruling group will be entrenched at the expense of the vast majority and increasingly, the involvement in decision-making by all the people will be restricted.

Mr Vorster and his government have won the first round. From this perspective, he is likely to be in power for a long time. Acceptance of this fact, in itself, means there must be a rethinking of strategies.

While the Black-White division is being blurred the ultimate division in South African society is being more demarcated.

On the one side there are those who want a society which has a small group of people do-

minating and exploiting the larger part of the population through a violent system which limits real participation to a minimum.

On the other, those who want a society in which all people can participate as fully as possible in the creation of a system whereby the resources of the country are redistributed as evenly as possible and where all people are involved in decision making at all levels of society.

The Programme for Social Change grew up as a result of the impact of Black consciousness and was directed at Whites. It was concerned with White groupings working for change and with greater co-ordination and co-operation between such groupings.

There were many of these groups, mainly periphery church groups, student groupings, the Black Sash, etc.

But the PSC did not succeed in its initial activities or in developing really effective rapport with its associates.

Its involvement was more in the development of small independent projects and in assisting with resources.

At a practical level, there was little involvement in greater co-ordination and co-operation between groups and in the assessment of the nature and effectiveness of strategies.

There were several reasons for this, lack of staff and time; lack of the skills needed and no time to acquire them; the number of White groups committed to an assessment of their roles and programmes was very small; an inability to work out an effective programme for White consciousness and the fact that there were no ongoing publications which were important in the Sprocas programme and which formed a link with literate White groups.

The fact that there was no response to the PSC newsletter until the PSC decided to close down was an indication that the programme was not relevant to the White community.

Towards the end of last year, there was an increasing shift in the nature of our work. We began to collate and co-ordinate information on detentions.

We organised a Black Art exhibition which brought us back into involvement with certain Black groupings and into an exploration of our practical involvement in relation to them.

Our questioning brought us to a number of new understandings. If a really just, sharing society was to be achieved it was necessary:

● That change should not come from the upper echelons of our society. This would serve to entrench the present societal position though perhaps changing slightly who was in control.

Change needs to emerge from the "people" and their ability to transform their own environment. Then they will be prepared to participate in a participatory form of society.

Our contributions both within the Black and White communities were directed at "elite" groupings who had little or no support from or involvement in base communities.

So we were greasing the wheels of change coming exclusively from the top, often via the very organisations and groups involved in the oppressing.

● That this orientation lessened the sharp division between Black and White. Black people, because of the nature of their oppression, are the people from whom such base community change will emerge.

To this extent, the development of Black consciousness has directly and indirectly been very important in the development of deeper self-respect and greater solidarity among the oppressed.

Increasingly this point of demarcation in the struggle for change will lessen. More and more Blacks will opt for middle-class lifestyles involving them in the oppression of other Blacks in South Africa.

At the same time, there is the emergence of small groups of Whites who have a clear commitment to a more sharing society.

These people will have some small part to play in conjunction with the large group of oppressed people.

It is unlikely that their role will be directed at the majority of White people who remain intransigent.

This fact basically undermined the initial orientation of our programme which was to be directed at Whites and a need emerged to establish more clearly our role in relationship to these other groupings.

● Finally, there was the problem of our personal and psychological well-being. The programme, directed as it was at challenging the existing system has been deeply frustrating. We were involved in constant criticism and breaking down with little opportunity to feel the effects of really building something new and constructive.

This experience, though, provides certain directions for programmes and projects directed at change in South Africa.

Whites, committed to a just, sharing society have, because of their backgrounds, only a limited role to play and this must be defined.

There are two broad areas of operation:

"Ambulance work" — assisting those people who are direct victims of the system. One must never lose sight of the limitations of this in

merely assisting with patching the wounds but never healing them.

This work offers very little in movement towards real change other than through establishment of good will and it does carry the real danger of developing dependency if it is not related to involvement in grass-roots communities.

Two important areas for this work now are that related to influx control and pass offences and support for people detained and imprisoned for their political belief and for their families.

The second field is that of protest which must be directed at the exposure of the evils of the present system. But the nature of such protest must be carefully chosen as must the timing or it can be counter-productive.

Other than the annual hardies of protest — migrant labour, influx control and the break-up of families, there is an increasing need for exposure in two areas — detente and detention.

Both ambulance work and protest are responses to the existing system but of greater significance to a new society are positive actions.

Under this heading come community development programmes directed at grass root communities gearing change to come from the large group of oppressed in our society.

Such programmes give people the ability to learn the skills of organising at their local community level and it is an important awareness creator which increases independence and self-confidence and a feeling that people can control their own environment and destiny.

But this must be recognised as an essentially Black-initiated and developed thrust in which Whites have little part since they are not part of the community to which it will be directed.

Whites can assist here by making sure that resources to which only they have access reach such programmes without creating any form of dependence.

Another positive action would be the consolidation and increased commitment of a small group of Whites.

Rather than working for a general conscientising of a broad spectrum of Whites who are unlikely to make any real adjustments because of their vested interests, we must increasingly direct ourselves at that group of people who are highly committed.

An attempt must be made to move this commitment to practical expressions by way of a change of lifestyle so that Whites participate less in the exploitative oppressive nature of our society.

A small step in this direction would be self-tax with the general principle of redistributing wealth.

This is probably the most important and significant positive statement that Whites can make in commitment to a new society.

I had a dream

ELEANOR ANDERSON

‘WE, the undersigned persons,

NOTING the recent spate of detentions under Act No. 83 of 1967 (the so-called ‘Terrorism Act’); BELIEVING that the South African legal system should conform to the principles of democratic justice, these being, inter alia, the inalienable right of all persons held under the law to legal representation at all times, knowledge of the charges under which they are being held, and access to a fair trial in an open and impartial Court;

THEREFORE CALL UPON the Minister of Justice, the Honourable J T Kruger, to release all persons detained under Act 83 of 1967, or grant them their rights in terms of the principles stated above; and

DEMAND the repeal of all legislation contradicting these principles.’

National petition presented to the Minister of Justice.

‘WHY hello Dolly, how are you, haven’t seen you for ages, where have you been? What? Roll down your window a bit more so I can hear you, tha blasted hooting is enough to wake the dead. There that’s better.

Where’d you say you’ve been? Italy? Super. Gosh it’s super to see you, you’ve put on weight though haven’t you? Pasta I suppose. Listen, have you a minute while I tell you about a queer dream I had last night?

Well, I dreamt I was sitting at a table in Rosebank getting signatures for a petition to the Minister or somebody about not putting people in prison without giving them a trial. What? Damn that hooting! No of course I wouldn’t really DO it Dolly, I tell you this was only a dream. Catch me getting involved. Not on your life.

Well, in this dream we had to ask everyone who passed if they thought it was a good idea to put people in prison without giving them a chance to defend themselves in a court of law, and gosh Dolly you’d be surprised at some of the answers we got.

The first chap said there was no smoke without fire and if people didn’t obey the law they deserved to be locked up, I mean if the police or whoever it is think you’ve been up to no good what’s the point of going to the trouble of having a trial?

The next two chaps talked about smoke and fire too, maybe they thought we were running an anti-pollution campaign, though they must have been pretty stupid because if they thought that they’d mention fire before smoke, wouldn’t they? Anyway so what.

Then a fierce-looking kind of fellow said this anti-terrorist law was a bad thing but we had to have it or things would be even worse.

What things did he mean, Dolly? If ever there was a safe and peaceful country it’s this one. A lady said it just couldn’t be helped if a few innocent people had to suffer on account of a lot of others who were guilty, and another lady, size 46 she was too, said that what the Government was doing was absolutely right because she was born and bred in South Africa.

Isn’t it funny how South Africans tell you they were born and bred here when they think you’re accusing them of something?

A few people said they were scared to sign, but I wouldn’t know why, after all if you haven’t done anything wrong there’s nothing to be scared of, is there, and a lot of others signed but said they didn’t think it’d do any good.

But there seems to be a rule or something about not keeping quiet when you know you should speak up. I’d go along with that, wouldn’t you Dolly? I mean if you can’t be frank with a friend and tell her she looks god-awful in the dress she’s got on, well really! you’re only saying it for her own good.

Oh yes, and a Greek guy laughed like crazy when we asked him, and said no thanks, let them rot in prison, it had nothing to do with him anyway.

Just listen to that woman hooting Dolly, can’t she see she can’t get out of that parking place when I’m talking to you?

Well, that was about all really and I must say I was glad it was only a dream, I’m not the kind of person who goes round asking questions. I mean it’s a free country and all I want is to be safe and free and have enough money and a comfortable place to sleep, and go where I like and when I like, it’s not much to ask is it? I mean those are just the ordinary things that everyone has a right to.

Dolly, I think I’d better go now before that woman bursts a blood vessel, and anyhow I’ll be seeing you at the lunch, won’t I? Gosh, here comes a traffic cop and doesn’t he look furious. Some people get into a froth over the least little thing.’

Slum facts

EULALIE STOTT

Extracts from a paper presented to the National Conference in March

ACCORDING to Section 111b of the Slums Act, No 53 of 1934, as amended, it is the duty of a local authority to ensure the provision of suitable housing for those inhabitants of its area who require assistance in this regard, and to provide land for residential purposes generally.

In addition, in terms of Section 111a of the Act, it is the duty of a local authority to ensure that slum conditions do not exist in its area of jurisdiction and, where these exist, to take steps to eliminate them. Easier said than done!

Funds for the development of sub-economic and economic housing schemes are provided by the National Housing Commission in the form of advances at interest rates as determined by the Commission from time to time.

In order to assist tenants in the newer, and, therefore, more expensive estates, a system of "rationalisation" has been introduced, the purpose of which is to try to level out the rents between the old and the new schemes.

For the schemes in Mitchell's Plain there will be a completely new formula where people will pay a gradually increasing rental on the assumption that they will be earning more as time goes by.

Dwellings financed by sub-economic loan funds may now be constructed for persons whose incomes do not exceed R160 a month for married Whites and R80 a month for married Coloured people and Indians. There are no sub-economic loans available for African housing in the Peninsula.

Dwellings financed by economic loan funds may be constructed for people whose income do not exceed R320 a month for married Coloureds and Indians, irrespective of family size, as compared with R320 a month for married Whites without children; R360 for married Whites with one to two children; R420 for married Whites with three to four children; and R460 for married Whites with more than four dependent children.

Standard for provision of services and for the construction of dwellings are laid down by the National Housing Commission, which has very stringent standards for its sub-economic houses: for example, no sink was allowed inside a kitchen, nor were inside doors, floors or ceilings allowed.

The idea was that the more money spent on each house, the fewer houses would be built with the funds available. The result has been that the standard of sub-economic houses is deplorable, and the Council welcomed the decision of

the Government in 1974 to allow considerably improved standards for sub-economic houses.

Another major result of the policy of economy, from which Coloured people suffer every day, is the overcrowding caused by the basis on which sub-economic houses had to be allocated. From about 1960 until June, 1970, the Council had to allocate two rooms, in one of which they had to cook, to a family of one to three persons; three rooms (in one of which they had to cook) for a family of six to seven persons; four rooms (in one of which they had to cook) for more than eight persons.

No five-roomed houses for sub-economic tenants were allowed.

The kitchen in all cases is regarded as a room. The bathroom and toilet are extra.

At present the allocation criteria for sub-economic dwellings are one to three persons, two rooms; four to five persons, three rooms; six to seven persons, four rooms; over seven persons, five rooms. (As before, in each case one of the rooms has to be used as a kitchen.)

It will be appreciated that families of five persons who were allocated two rooms (one a kitchen) in 1963 are not likely still to be families of five persons. Consequently there are hundreds of families living in unbearably overcrowded conditions.

At the time of allocation, if there were children of different sexes over the age of 10 years in a family of four or more, an additional room was allowed, to comply with the provisions of the Slums Act.

But if the children of different sexes were under 10 years, or arrived after the allocation, you will appreciate the overcrowding that has arisen.

In both sub-economic and economic schemes there is a serious shortage of three-bedroomed houses. In the case of the economic schemes, tenants seeking accommodation, even with large families, preferred two bedrooms usually to save a few rands in rent.

In 1965 an A5 three-bedroomed Home Ownership house cost R4 410 and monthly repayments were R21,69. The same A5 home just completed at Newfields costs R8 705 and repayments are R60,21 a month.

The Council has, up to the present time, concentrated mainly on providing houses for the Coloured section of the population, who have previously had the greatest need for this assistance.

Before the Second World War, building houses for renting purposes was a usual method of investment for people with capital. Since Rent Control and high building costs, very few people build houses for renting.

This has aggravated the shortage, and required all Councils to fill the gap, which they have not done.

By December 31, 1974, only 52,51 per cent of the Coloured population was housed. Although over 25 000 dwellings have been provided since 1960, the number of dwellings still required now is approximately 26 502. It is estimated that each year 1 500 houses are needed to meet the natural increase of the population, and the Group Areas still have 7 700 families to be moved from the municipal area, of whom 7 700 approximately are living in Coloured housing estates. Therefore in all 35 000 houses are needed, and 1 500 extra for every year that passes.

The shortage of houses is largely due to the effects of the Group Areas Act. In order to implement the policy of the Government, the National Housing Commission required the Council to provide the Department of Community Development with a 50 per cent quota of all dwellings built for Coloured people with funds obtained from the Commission.

This quota was utilised for the resettlement of Coloured families living in dwellings in areas declared for occupation by the White group. Thus not only are houses in new schemes taken up by people who were housed before, but also the houses they vacate are lost to the Coloured population, being in "White" areas.

So far, 9 600 dwellings have been allocated to people moved under the Group Areas.

It must be admitted, however, that a considerable number of these families were in need of rehousing, because they were living in slum properties or were very overcrowded.

It is difficult to say when the housing backlog will be overtaken. Although a start has been made with the provision of services at Mitchell's Plain, which is planned when complete to be a town comprising some 40 000 dwellings and related amenities, a significant number of dwellings in this scheme will not be ready for occupation before at least 1976.

Certain amenities and facilities in the housing schemes have always been considered by the Council to be essential in order to assist in the creation of stable communities.

When funds permitted the Council erected and administered community centres, crèches and clinics, provided and maintained sports facilities, playgrounds and the necessary equipment, and erected shops and office accommodation.

In addition, it is no doubt realised that owing to the sandy nature of the Cape Flats, where most of the housing schemes are situated, extensive stabilisation of public areas and open spaces is essential to make life bearable for the residents.

Whereas in the past all these amenities were usually provided after the estate had been built up, current Council policy allows for the provision of such amenities simultaneously with the development of the scheme. The difficulty has been the provision of funds.

The Council also makes vacant sites available at a nominal price to various religious bodies and charitable organisations.

Attention must be drawn to the fact that there has been a major improvement in the Government's endeavours to assist in providing Coloured housing recently. Schemes submitted are approved far more expeditiously; income limits have been raised; standards of building have been improved very recently; the basis of allocation has been improved, and at last the necessity for the Government to assist in the provision of funds for amenities has been acknowledged by the Government.

There is, however, in my opinion, an urgent need for it to be recognised that the poorer people are, the less they can reasonably be expected to pay in rent, particularly since inflation eats up any wage increases which they may be given, and certainly many families do not receive increases equivalent to their increased costs.

The high building costs have forced the authorities to consider that breadwinners can now be expected to pay one-quarter of their salaries in rent. I think it is time that rentals were subsidised far more generously, so that people earning less than R150 a month do not have to pay more than one-fifth or, better still, one-sixth of their incomes in rent.

If Mr. Vorster intends to move away from race discrimination, he should reduce the income limits gap between Coloured and White families, which has steadily increased since 1952. The vast majority of the people in the townships still earn less than R150 a month — in fact, below R130 a month.

Call for a National Convention

JOYCE HARRIS

Lead-in paper presented to the Black Sash Conference in Cape Town.

IN putting this proposal that the Black Sash calls for a National Convention, I would remind you that this is nothing new. We first called for one in 1956, and how different events in our country might have been had that call been heeded then or at any time during the intervening years.

We surely would not then have reached this crisis, or at least impending crisis, in race relations and all that it implies for every single South African.

We would not have seen this succession of repressive legislation; this pushing around of hundreds of thousands of people; this mass uprooting from long-established homes; this destruction of family life; this exploitation of labour; this crazy creation of Bantustans which are supposed to be potentially independent states but which do not enjoy anything even remotely resembling geographic unity; this loss of habeus corpus; this reduction of freedom; this punishment without trial; this undermining of the judiciary; this whole, destructive persuasion of an ideology, held by a small proportion of the total population but inflicted upon all.

There is too much inequity. There is too much discrimination — now euphemistically called differentiation. There is too much exploitation. There is too much resentment and too much of its inevitable concomitant — fear. There is too much abuse of power.

And there is too little justice, too little regard for the rights and dignity of the vast mass of the people, too little attention paid to their valid demands.

All this creates a situation which could explode at any time, one which demands immediate and positive measures to defuse it and to create a climate favourable to peaceful change. For it is surely time for change.

Mr Voster has now proved that he can act like a statesman outside the country, but has shown a reluctance to repeat his performance inside it.

True, he has conferred with leaders of other racial groups, but he has not heeded their demands for more meaningful rights and less discrimination. It seems obvious that this sort of talking is not going to get anybody anywhere even approaching a satisfactory solution of all the problems. Far more general participation is

necessary and an equal platform for all must be provided.

Talks between strength and weakness are unsatisfactory and degenerate into appeals, demands, complaints on the one side and acceptance, rejection, domination on the other.

South Africa has vast political, economic, social and racial problems. If representatives of all race groups and all shades of political opinion could get together round a table, men and women of good will and honourable intentions who are prepared to open their minds to the future and not be hamstrung by the shibboleths of the past, there could be reasonable discussion of valid viewpoints.

There could be co-operation and compromise, when all share in the common objective of creating a peaceful and prosperous country with equal opportunity for all.

This should not be beyond the achievement of the available brains and benevolence in this country.

The Black Sash is dedicated to justice and fair-play for all, and therefore makes an urgent call for a National Convention, where prejudice is forgotten and reason prevails.



Crossroads to where?

DAVID RUSSELL

The information contained in this report is based on well over 100 interviews. All the reported incidents and personal histories are based on first-hand accounts from the people concerned.

It needs to be emphasised that Crossroads is not the only African squatter camp in Cape Town. There are thousands of homeless Africans in other parts. It is, however, by far the largest, and it was though most helpful to write about this one place in some depth, rather than attempt a superficial survey of all camps.

AFRICAN families began to move to Crossroads in February this year. Crossroads is the area (otherwise known as Nyanga Extension 3) bounded by the Klipfontein Road, Lansdowne Road, and Mahobe Drive. Although the land is still owned by the Divisional Council, it is now under the charge of the Bantu Affairs Administration Board (BAAB).

By mid-April there were over 1 000 families living in tin shacks. If one assumes an average of seven per household, then there are about 7 000 people presently living at Crossroads.

Most of the people came from other "squatter areas" like Brown's Camp in Phillipi, Elsies River, and other areas around D F Malan Airport.

MRS R D, pushed from camp to camp, has spent the last ten years hounded from place to place: first Elsies River, house demolished, moved to Steenberg (R30 to hire a lorry for two trips to move her possessions), house again demolished, zinc taken, another R30 to move her remaining possessions, this time to Brown's Camp, again uprooted — moves to Crossroads, another R30 plus R15 to hire someone to erect the pondok in the new place. Her story is not untypical.

Apart from the few who were born in Cape Town, most of the people came from poor rural areas of the Transkei and Ciskei, from places like Lady Frere, Cala, Engcobo, Cofimvaba and Indwe.

All accounts point overwhelmingly to the fact that Divisional Council inspectors specifically told them to go to Crossroads, explaining that it was the place for African squatters. In several instances the Divisional Council inspectors hastened the move by demolishing their shacks at "Brown's Camp".

MRS NDAMASE was the first to settle with her family at Crossroads. She said in her evi-

dence (The State vs Ndamase) that on arrival at the camp a Divisional Council inspector had been most helpful in explaining how they were to build in straight rows, and not close together (to decrease the dangers of shack fires). The inspector informed her that certain services would soon be provided.

Ten affidavits were handed to the Deputy Minister, Mr Janson, in which residents testified on oath that they were told to move to Crossroads. In most cases they said they would be able to identify the official who told them. They never went there wilfully without permission.

Soon after the people arrived officials (apparently from the Divisional Council) started to instal water taps, and make arrangements for sewage and rubbish removal. There are now about four taps for 1 000 families, and about six places where a number of rudimentary pit lavatories have been erected. Drums are provided at various points for rubbish.

Conditions are grim when it rains. Drainage is poor, and the houses erected in haste after previous removals are often far from leak-proof.

It appears that most of the men are working. Most of them are either in Cape Town on contract or have "earned" the right to be in Cape Town (10 (1) (b) Act 25 of 1945). Some of the men are working illegally. It seems that most of the women are here as housewives. They would like to work. Some do work as chars.

MR M B happens to be one of those who have come to work in Cape Town without the necessary papers. He is from Ilinge Resettlement Township near Queenstown. There are no further job vacancies there, and even then wages for many are too low for survival (R10 per month). He tried to get a contract but could not — he felt trapped — economic necessity forced him to come "illegally" to Cape Town where he works.

This is no community of "won't-works" and

"unemployables". They are not asking for hand-outs. They are making a positive contribution to Cape Town's economic life. They would gladly pay rent or rates to help cover the costs of basic services. They are a peace-loving, law-abiding community, who are nevertheless being treated like common criminals.

The administrative task of removing 7 000 people is considerable, and from the reported incidents it appears ominously to many that attempts were made to harass the people into removing themselves. The following are some of the first-hand accounts of what has allegedly taken place:

MR M W says he was beaten up by inspectors after returning late one night, having taken his daughter-in-law to hospital.

In mid-April, before taps were installed, there were reports that inspectors emptied the buckets of the women after they had returned some distance from getting water.

There were reports of harassment of the men who have cars and lorries as they came in and out of the only available entrance to the camp.

Also in April — on more than one occasion — officials went through the camp with a loud-speaker, warning people of real trouble if they didn't go. Some heard it said that helicopters and soldiers would come.

More recently (July 2), when MRS R H was being roughly handled by an inspector, her child fell and cut its head on a piece of zinc. The child was taken for treatment to the clinic. Fortunately, it was not seriously hurt.

Another man, sickly with TB, was beaten up and taken to Guguletu Police Station with a bloody face. He was kept in a cold cell for the night, but the magistrate discharged him as innocent the next day.

There have been frequent reports of inspectors swearing at people in a most offensive and provocative way.

How could they move? Who could afford the cost of yet another uprooting? How could a wife return to rural poverty? Who could afford the trainfares for their families even if they had wanted to move? Why could they not be left like normal people the world over to live with their husbands?

So the people stayed put — not out of a wilful desire to break any law, or out of any subversive intentions to ignore authority. In spite of a real fear of the authorities and a deep anxiety they stayed put because to move would have caused more suffering and disintegration of their family life. They stayed put because to move would have sucked them even deeper below the breadline. They stayed put because they wanted to be responsible adults and look after the best interests of their families in the way required by Christian law and human custom.

In the early hours of May 1, about 50 police and officials entered the camp and arrested 142 people. They were charged in terms of particular

sections of the Bantu (Urban Areas) Consolidation Act.

SECTION 9 (9) (a) prohibits Africans from residing in an Urban Area except in a "Bantu Location". Crossroads has not been proclaimed as such.

SECTION 10 (4) makes it an offence for all but a limited category of Africans to remain in the urban area for more than 72 hours without permission. The majority were charged in terms of this section.

SECTION 11. Several men were prosecuted in terms of this section for illegally harbouring their wives and children.

Most of the people were found guilty and sentenced to R20 or 40 days, suspended for a year. Others were cautioned and discharged and ordered to leave the area within a few weeks.

From this time on this pattern of early morning arrests became part of the life of the Crossroads people. In spite of this, with few exceptions, the people didn't go.

As the plight of the Crossroads families became more widely known, a number of concerned people in Cape Town contributed towards the costs of legal representation, to ensure that the situation of each individual was given a full hearing in the courts.

In several cases the lawyer, by pleading in mitigation, was able to show the deeply human and personal reasons, as well as the pathetic economic factors which caused people to come to Cape Town.

Charges were withdrawn against some expectant mothers, against girls who could show the court that they were under 16, and against several who were undergoing medical treatment.

The process of defending individuals in court had the effect of slowing up the speed of getting rid of the Crossroads families. Furthermore, a magistrate at Athlone specially requested the BAAB officials to slow up the arrests, because the courts could not handle the numbers. The result was that BAAB officials started demolishing the people's shacks.

On June 5 the first of the numbered houses were broken down. BAAB officials said they intended repatriating the people to the "homelands". People wanted to know what was to be done with their possessions and zinc sheets.

June 10. Mr Cruywagen, Deputy Minister of Bantu Administration, gave firm assurances to Mrs H Suzman that when people were repatriated, all their possessions, including their zinc sheets, would go with them. This would be paid for by the State, according to the estimates on p. 51 of the Budget.

There is no known instance of a person's zinc sheets being sent with him or her. They were either left stacked on the site, or taken to Langa or Nyanga for storage. As for the people's furniture and other possessions, there is evidence that this was not sent to the homelands in every case.

MRS MVALO left with her children for Mount Ayliff. Her belongings were taken by the inspectors; her pondok was demolished. She arrived home and waited for her goods to come. After waiting in vain for some time, without clothes and possessions, she returned to Cape Town, to find that they were still in the store at the Langa office of BAAB. She is now wondering whether some of her things might be mislaid. Her six children are in Mount Ayliff, hungry and without clothes, and Mrs Mvalo is in Cape Town near to despair.

On June 29 Mr Justice van Winsen granted two of the residents an urgent interdict restraining BAAB from demolishing their pondoks. The return date of the application was August 5. This had the effect of halting all demolitions.

On August 5 the BAAB did not even oppose the interdict. This now confirms that the breaking down of people's shacks, without a proper court order, is illegal. Yet it required an interdict to stop their action after about 50 houses had been pulled apart.

The BAAB was determined to try to get rid of the people, regardless of the personal and economic consequences for the families. Having been thwarted for the time being from breaking down people's only shelter, inspectors began systematically to charge people with trespassing.

Why are these families in Cape Town at Crossroads?

As a nation develops industrially, so cities grow and demand more labour and people move to the urban centres to work. The process of mechanisation in the agricultural sector (along with the natural population increase) results in a pressure on the people to move from rural to urban areas. Cape Town is no exception.

MR AND MRS KUSELO were both born on White farms at Indwe. They have no land, kraal or relations who could give them a home. Mr Kuselo is qualified to live permanently in Cape Town, since he has worked there since 1951, but his wife has been told to return to Indwe. This she cannot do because the White owner of the farm where she was born has told her she must join her husband, and may no longer live on his farm. They were married by Tribal custom at Indwe in 1953 and at first she lived there and visited him in Cape Town occasionally.

In 1969 she joined him. Since then she has squatted illegally at Elsie's River, Airport and now at Crossroads. She has been ordered to leave Cape Town, but unless someone provides her with a place in which to live, she cannot do so.

In spite of official intentions to decrease the number of African workers in Cape Town, in fact the demand for these workers has increased. It is common knowledge that both Government and private employers find it impossible to recruit sufficient so-called Coloured people for certain vital categories of labour; the result is that African men are of key importance for Cape

Town's economic well-being. The African labour force has been a permanent presence in the economy of this urban area for more than 100 years and if the economy is to develop, this labour force will have to grow.

THE SYSTEM whereby married men are expected to live all their working lives (except for a brief annual holiday) 1 000 km away from their wives and children, is intolerable. How can a man be a husband, and a father, and a responsible householder for three short weeks a year?

Life in the bachelor hostels is grim, unnatural and destructive. Men deeply resent not being allowed to live with their wives where they work. Although many are still paying rent for a bachelor room in Langa, most of the men at Crossroads are ex-compound migrants who seek only to live with their families.

It is inhuman and provocative to attempt to force them to live apart. Most couples at Crossroads are married by Tribal custom. An estimated 20 per cent have contracted civil or church marriages.

In theory it is possible for wives to visit husbands in the urban area. In practice it has always been a complicated bureaucratic process; presently, given the chronic lack of accommodation, it is becoming increasingly difficult to get visiting permits.

Many wives come with children for health reasons. Several people at Crossroads are receiving regular treatment at hospitals in Cape Town. A woman was asked by a magistrate in Observatory why she did not go to Frere Hospital, East London, instead of coming to Cape Town. Most could not afford to leave home in a remote village and go with a sick relative and pay to stay in the nearest town while the hospital treatment lasts. Furthermore, if the treatment requires regular visits to a hospital over a long period, then the cost of transport makes it too expensive. It is most satisfactory to be with one's husband, looking after one home, and near to the hospital as well.

Wives come to Cape Town because the "homelands" are poor and the husbands' wages do not cover the cost of his "bachelor life" in Cape Town and his "home-life" in the reserves.

Many wives come to Cape Town looking for work to help the husband make ends meet. There are negligible work opportunities for women in the "homelands".

Since 1966 there has been a deliberately created housing shortage for Africans in Cape Town. From that year on a virtual official freeze on family housing was instituted.

At the end of 1974 there were 802 families on the waiting list for houses (see Hansard, March 4, 1975, col. 353). These were families with their papers in order — there must be thousands in Cape Town who never qualify to be put on the list.

Where can the families exist other than at Crossroads?

Advice Office round-up

ATHLONE

IN March the unusually large number of cases listed as "women with permit problems" was due to shanty dwellers who came to the Advice Office in one very large (over 30) and two small groups.

Only two of these women, most of whom were married to men living in the area, had permits of any sort to be in the Peninsula. These two were here on lawful "visits" for medical reasons, but all the others are people to whom officials of the Bantu Affairs Administration Board refer as "illegal Bantu".

A number claim to have no home anywhere else, and what all were asking was a place to stay without the constant threat of the bulldozer. Apart from showing awareness of their plight and calling whatever attention could be called without making matters much worse, there was nothing we could do to help these families.

Twelve married couples came to the Advice Office during March to ask how to persuade the authorities to allow them to live together. It is a major concern of the Office that although the law seems to make provision for married couples to have homes within the reach of the husband's work when he is a Section 10 "qualified" man, in practice policy supersedes this provision.

In order to keep down the numbers of Africans other than male migrants in the area, there are far too few "family" houses and all couples not already lawfully together (or at least both lawfully and permanently in the same prescribed area) are kept apart.

MR AND MRS MKONJIWA. In December 1974, we wrote to Deputy Minister Janson concerning Mr and Mrs Mkonjiwa who have made every effort to fulfil the letter of the law and who, after 20 years of Christian marriage and nearly ten years of active endeavour to establish a home in the Peninsula, are no further forward.

Mr Mkonjiwa has been in one job, with the SAR, always living in single quarters, since 1958. Our letter explained to the Minister that Mr Mkonjiwa "states that he recently applied to be allowed to move into lodgings and was told that this would only be permitted if he signed a paper that his wife would never visit him there. This he refused to do and is still living in bachelor quarters."

When a man pays rent for a bunk in "bachelor quarters", it is regarded as proof that his wife's home is outside the area and there is no legal claim of cohabitation. But even when he does not have this millstone around his neck, the authori-

ties continue to block his wife's entry by every means.

The Advice Office sends to a lawyer couples who have fulfilled the letter of the law without success, and a number are now waiting for Supreme Court actions.

Meanwhile, concerning the Mkonjiwas, the Administrative Secretary replied to our letter during March as follows:

"I am directed by the Honourable the Deputy Minister T N H Janson to inform you that according to information furnished by this Department's Cape Town office the available accommodation for married couples in the Bantu residential area of Cape Town is already overcrowded whilst many other Bantu who qualify for family accommodation are on the waiting list.

"Apart from the fact that the availability of accommodation is a pre-requisite for the consideration of applications for the admission of Bantu to Cape Town, it is declared state policy not to allow any Bantu to enter the Western Cape area from other areas — especially not from the Bantu homelands.

In the circumstances it is unfortunately not possible to accede to your request at this stage."

In April and May, while the small but steady flow of regular casework continued unabated, the Advice Office was also visited by large numbers of people, mainly women, coming from the ring of so-called "squatter camps" which edges the "White" suburbs and the "Coloured" and "Bantu" townships from Muizenberg on one side of the Peninsula right across to Milnerton on the other. These people usually come in groups, ranging in number from three to 30. The first three groups were seen during March.

Another three came during April, and May brought no less than 14 fresh groups. The almost daily crowds now remind us of the early 1960s, except that today's people are nearly all well-dressed and far more sophisticated. They seem to be altogether used to city life, unlike the simple long-skirted visitors of 12 years back whose most common reason for coming to the Peninsula was to visit their husbands for long enough to conceive.

Insecurity is the main cause of distress to these people, and if their rural areas offered liveable lives most would have been satisfied to stay there. An urgent and immediate revision of influx-control legislation is called for to meet this great human emergency.

The sudden increase in numbers has made it difficult to take complete case-sheets for every "squatter" case, but the normal work has gone

on as usual for all other cases, and note was taken of 15 married couples during April and 16 during May who are trying to establish ordinary lawful cohabitation, the husband in each case being entitled to permanent residence in the area in terms of Section 10 of Act 25, 1945, as amended. Full records of "squatter" couples would raise the figure considerably.

Even when a man has been born in the area and lived here all his life, and is registered as a lodger with his own parents, he is liable to be told that his wife cannot join him if she comes from anywhere outside the Peninsula.

During June and July the number of people coming to the Advice Office from "squatter" camps diminished, but this new area of our work is by no means finished, while ordinary casework continues on a bigger scale than we have experienced for a number of years. We feel needed.

Seventeen married couples from the townships (not counting couples from squatter camps) approached us during June and July concerning their wish to live together permanently and lawfully in the Cape Peninsula, where in each case the husband is "qualified" as a permanent resident in terms of Section 10(1)(a) or (b) of the Act. Several of these husbands have lived here all their lives and are classed as "lodgers" in their own parents' homes. Even they are experiencing the greatest difficulty in getting permission for their wives to join them.

Two men, not born in the Peninsula, have held their present jobs for 20 years but are finding even visiting permits for their wives hard to come by. It is some encouragement to be able to record that one young man has reported success in his own determined enterprise. After correspondence between himself and the Deputy Minister, his wife (bride in December 1973) has been given permission to reside with him.

Less fortunate is MRS E M, who is suffering from severe post-natal hypertension and who has handed in a medical certificate, correct in every detail according to official requirements, down to the counter-signature of a hospital superintendent. It stated that Mrs E M needs to attend further clinics at the hospital and requested that she be given a permit for the purpose.

If this were just an extension of a visitor's permit, patiently acquired before her arrival some months ago, it seems that there would have been less difficulty, but she had no such permit. Her husband is not just a "lodger" with his mother, he is actually the registered occupier of the house where he lives with the old lady and a younger sister, so it is not even remotely overcrowded. He has lived in the Peninsula all his life. The infant recently born to Mrs E M is their third, and they have been wanting to live together normally ever since their marriage, but she dutifully left for Port Elizabeth (her birthplace) when her visiting permit expired last year returning "illegally" when she became ill and

anxious shortly before the birth of this new infant.

It seems that her illegal return is of such overriding significance to the authorities, that even strong medical grounds for her continued presence are disregarded. She has been instructed to go back to Port Elizabeth forthwith, and apply from there to join her husband residentially.

Is there any assurance that after this trip, arduous and even dangerous to her and her infant in her present state of health, she can rely on the tangled red tape unravelling and becoming a nice straight carpet for her smooth return?

MRS E M is not the only person who has been having permit problems in spite of urgent and correct medical certificates. That these should not be recognised, and permits automatically granted, is a new and grave complaint.

There have been some successes in our work recently. A widow, MRS T TWT who was threatened with eviction from her house following the death of her husband, has been granted what looks hopefully like an indefinite reprieve, apparently thanks to our attorney's inquiry and to the instructions of Deputy Minister Johnson concerning compassion to be shown to women in this position. Two other widows however have come to the Advice Office because of warnings of pending eviction from the houses in which they lived with their husbands. They are acutely anxious about their future.

MRS G N won her right to live with her husband in terms of Section 10(1)(c) of the Act through our attorney's intervention in 1971. She had correctly entered the area with permission (albeit visiting) to join him in his lawful accommodation, which was not in the "single" quarters. They lived together until his tragic death at the hands of thugs, who murdered him near his home where he was acting as a member of a street or vigilance committee. She now supports two tiny children by working as a char and we hope that since her visit to the Advice Office the authorities may have recognised her deserving claim to be allowed to remain in the house, and that they will have dropped any plans to pack her off to the Ciskei, where she has a brother when he is not away working.

A legal case finalised during June, represents the sort of reward which makes all our work worthwhile. MISS CYNTHIA MAHLALE had been trying since 1968 without success to get her first reference book. The authorities wanted her to take this out at Aliwal North, where she had been to school although she always returned to the Peninsula, her birthplace, for holidays. With our attorney's help her claim has been established and her book issued.

Some employers of domestic labour tend to be slow to realise that inflation hits all sections of the community, none more than the lower income earner. Women with charring permits complain

that employers expect them to manage on R2,50 a day. Some take advantage of women without passes, thinking that they can pay them less or not at all.

To quote the employer of MISS C H "she had no right to be here at all you know, but I was very kind to her, she had a room with wall-to-wall carpeting and R1,00 per day — I don't see why she should get her pay, because she deserted". However, the Bantu Labour Act was not scrapped along with archaic Masters and Servants Act, and Section 16 provides that it is an offence to withhold wages save with the written consent of the Director.

There are two sides to every story, especially in labour disputes, but the Advice Office hears too many accounts of shabby treatment on the part of wealthy employers. A minimum wage determination is much needed in the sphere of domestic work, as of agriculture.

R. N. Robb, B. D. Versveld

GRAHAMSTOWN

THE Grahamstown Advice Office is just finishing its second year. In 11 working months 206 interviews have been recorded (as against 189 last year) — an average of over four a session.

Nearly 90 (40 per cent) have been first interviews with new clients. Of course, these figures do not include the time spent on follow-up "homework", which is often the most important part of our service to a client.

Many kinds of problem are brought to the office, but nearly always the basic problem is poverty. Sometimes destitution would be a better word. Grahamstown's Black people carry more than their share of the shameful national burden, of discriminatory low wages backed by harsh residence laws.

It is not only the Black pensioner who has to exist on R10 a month for all needs. Even the wage-earner here is supporting an average four to five people and may well be earning under R60 a month. The masses of unemployed people and the many breadwinners in the low-paid domestic jobs, must either stick it out or "migrate" and be permanently separated from their families. Meanwhile prices soar, rents have been put up and a death means R60 for the undertaker.

We don't need the Advice Office to teach us all this, but what we do learn is about the endurance and courage of many people in the toughest situations.

Housing problems would probably be brought to us much oftener if they were not so obviously insoluble. When we write to Mr Freeman on behalf of a family who have been turned out of their one-room lodging in a private house or

shack, we know and he knows that he already has a waiting list of over 3 000 for municipal housing. Some of the names go back to 1961.

We have also had our own local pensions crisis. Unbelievable as it sounds, it had become impossible for Black people in Grahamstown even to apply for maintenance grants. These are the grants designed for the very neediest families: unsupported mothers with school-going or pre-school children, and with incomes of less than R10 a month.

The application form (which has to go to Pretoria via the local magistrate's office) also has to be backed by another form in which a qualified "supervisor" testifies about the family circumstances. Nobody seemed to know who could or should complete these supporting forms, since the BAAB has lost their social worker and Child Welfare declined to act on technical grounds.

Largely as a result of our representations (it seems) the BAC has now stepped in and has promised to appoint a special pensions clerk. In the meantime, we shall be filling in the forms ourselves, and hoping that Pretoria accepts our signatures.

Two members of the office were consulted by Escom workers with a number of grievances. Escom officials came from East London, Kingwilliamstown and Johannesburg. This led to an Escom works committee being set up. It could turn out to be a really significant development.

We learn that grievances are still arising at Escom, especially summary and unexplained dismissals, but we have great hope that the works committee is going to find a way to cope with them.

All of us suffer the occasional brush-off and frustration, but we have also had wonderful support from many officials, voluntary bodies workers, professional people and employers. We are thankful every time one person is helped, while realising that the most we can do is minute in relation to the hardships of the social system.

BORDER REGION

THE biggest categories of cases are those where the least help can be given — housing, unemployment insurance and workseekers' cards.

It is increasingly obvious that the lack of agreement, whether verbal or written between employer and employee causes great ill-feeling when resignation or dismissal occur. Many people come for clarification, e.g. the man who worked for one organisation for 21 years and on being retired because of ill-health was paid a lump sum which, under no circumstances will keep him provided for for more than one year. He though he should be entitled to monthly payments for the rest of his life but had never had this point explained to him.

They payment of pensions to Transkeians temporarily residing in the Ciskei is clouded with mystery. One man had lived in East London since 1947 and had been pensioned off from his job because of ill-health but could not get his unemployment benefits in East London because the district of his domicile was Alice, according to his reference book.

He was told to apply for an inter-district transfer to East London. Otherwise he could travel to Alice every month to draw his benefits.

Since this case we have heard that some Transkeians living in Mdantsane have received their pensions but a letter to the Chief Magistrate in Mdantsane asking for clarification was replied to rudely telling us not to intervene in his administrative duties.

To be able to help successfully in welfare cases and in various other miscellaneous ways is satisfactory, compensating a little for the many frustrations.

D T Streek.

NATAL COASTAL

THE Advice Office is now open every day from 8 a.m. to 1 p.m., and while the percentage of known successes as such has not risen, we are able to help many more workers with their problems and queries, namely: workmen's compensation; pay disputes; UIF benefits and contractual problems.

Employers should consider that their workers do not have the same educational background as themselves. For example pay slips are only printed in either English or Afrikaans, so no wonder the large majority of Zulu workers cannot understand them.

For the average worker to claim his/her UIF benefits, workmen's compensation or even refundable pension, is a major undertaking involving endless "trips" back and forth here, there and everywhere. Very seldom is the correct procedure explained to workers by their employers, whose responsibility it would seem to be.

The Department of Labour seldom if ever responds to our letters.

In some tribal bureaux, workers have not been able to collect their UIF benefits because there were no more forms available. In one instance this went on for some two months.

Most contract workers wanting work permits, have been endorsed out and have no legal place of residence. The housing shortage is still desperate as is the plight of pensioners and domestic workers.

We have a reasonably good liaison with the Legal Aid Clinic, which operates every Saturday morning and which is quite happy to act on our behalf whenever necessary.

MR J M, Contract problem — fired after five years' service, because his employer no longer liked him. He in fact got the police to fire Mr M because he thought he might cause trouble when told to leave.

MR M M, Contract and pay dispute — worked for a firm for 20 years, was fired due to reduction in staff, not even any notice pay given. However, this case was successful, as Mr M was re-employed.

MR M N, UIF — his UIF benefits were refused because his reason for dismissal after five years was that he had been insolent.

MR D Z, Pension — he came to us and asked if we would enquire as to what pension he could expect from his firm after 30 years' service. He was fired and no longer wished to carry on working.

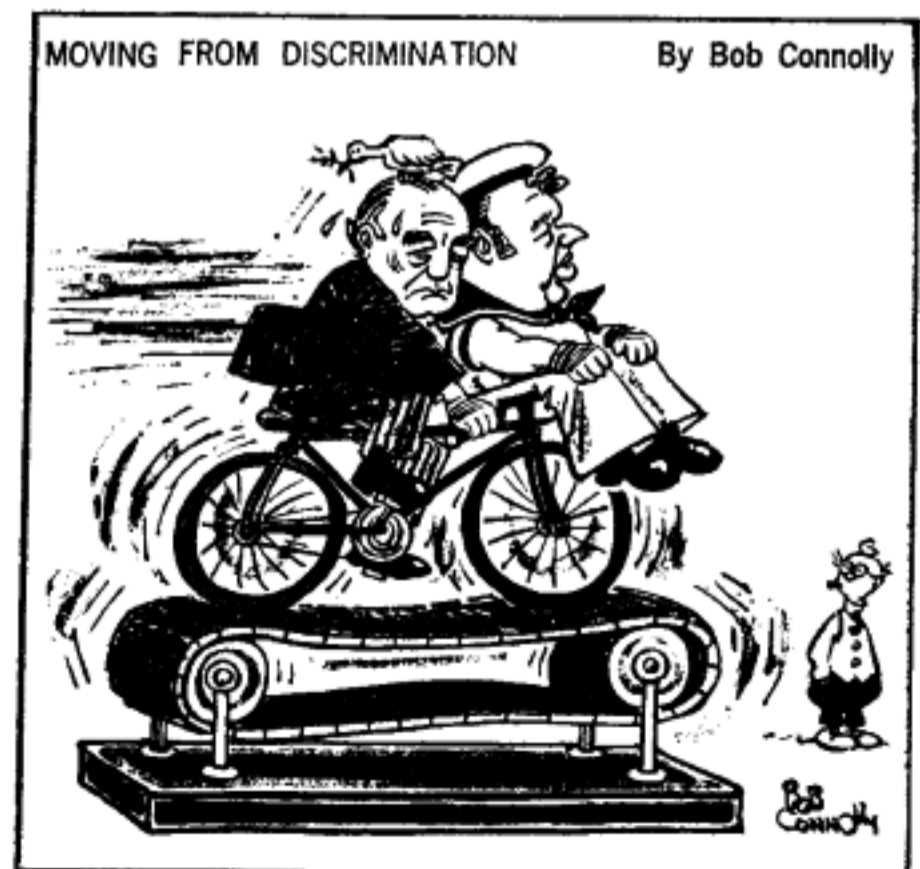
There is no compulsory pension scheme in the firm in question, and as a result of our enquiry on Mr Z's behalf, he was severely reprimanded, instantly given notice and told that because he came to the Black Sash, they would not even consider giving him a pension. In fact he even stayed on an extra week subsequent to this, at their request — to help out, and at the end had to ask for his UIF card which had never been applied for.

MRS Z S, Housing — her husband died in October last year and she has been told to vacate her house.

MRS P N, Housing — she has five children, her husband deserted her, and she was threatened with eviction from her house in KwaMashu. She works and pays her rent every month. Three of her children are at school.

This case was successful and her two elder children were assisted in getting reference books and work permits.

S Piper.



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All political comment in this issue, except when otherwise stated, by P. Tucker, of 501 Lestar House, 58 Marshall Street, Johannesburg. Cartoons by courtesy of Bob Connolly and the Rand Daily Mail.

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Dedication . . .

IN pride and humbleness we declare our devotion to the land of South Africa, we dedicate ourselves to the service of our country. We pledge ourselves to uphold the ideals of mutual trust and forbearance, of sanctity of word, of courage for the future, and of peace and justice for all persons and peoples. We pledge ourselves to resist any diminishment of these, confident that this duty is required of us, and that history and our children will defend us.

So help us God, in Whose strength we trust.

Toewydingsrede . . .

MET trots en nederigheid verklaar ons ons gehegtheid aan die land van Suid-Afrika, ons wy ons aan die diens van ons land. Ons belowe plegtig die ideale te handhaaf van onderlinge vertroue en verdraagsaamheid, van die onskendbaarheid van beloftes, van moed vir die toekoms, van vrede en regverdigheid teenoor alle persone en rasse. Ons beloof plegtig om ons te verset teen enige vermindering hiervan, oortuig dat hierdie plig ons opgelê is en dat die geskiedenis en ons kinders ons sal regverdig.

Mag God ons help, op Wie se krag ons ons verlaat.