EDITORIALS

1. CURTIS NKONDO AND THE SCHOOL BOYCOTT

In this issue of REALITY we had intended publishing a message from Curtis Nkondo, amongst other things Chairman of the Soweto Teachers' Action Committee, first President of the Azanian People's Organisation and executive member of the Solidarity Front. We cannot publish that message now because Mr Nkondo has been banned. The message was not to REALITY it was to members of AZAPO, and it was published in Post earlier this year. We have been waiting for an appropriate moment to carry it in REALITY because we thought that what Mr Nkondo had to say was something that white South Africans ought to hear. The school boycott provided the appropriate moment but the ban has made publication impossible. All we can tell you now is our impression of what Mr Nkondo was saying.

Our first impression is that although the names of the organisations in which Mr Nkondo was prominent may send shivers down the backs of most white South Africans, they needn't. It is quite clear from his message that this was no racist monster speaking, but a tough and uncompromising opponent of apartheid who wants what most people of any sensitivity want—the freedom to decide for themselves how they should be governed and what they should do with their lives. He does not only want this for himself, he wants it for everybody else too. Which seems to us very reasonable.

His second message, if we understood him right, was that time for peaceful change was running out.

This second message has been underlined dramatically by the school boycott, and its wildfire sweep across the country.

As in June 1976 it is the black schools which have set in motion a campaign which has shaken all South Africa. It is easy to see why. Schools are where intelligent young people gather in an organised manner. It would be odd indeed if an intelligent young black schoolboy in 1980 hadn't noticed that his school and what it provides him with are greatly inferior to what any white school he passes in the bus any day provides for the children who go to it. And
having observed that it is one short step to noticing other things—that his home, his neighbourhood, his prospects, are all inferior to what that white child can expect.

So it is not surprising that school protests are only initially about education and that they soon become concerned about the whole quality of black life in South Africa. Increasingly, too, adults give them support. And the government appears to have no idea of what to do about this swelling tide of rejection of its policies. In 1976 a lot of people were shot. What did that help? Only four years later, the country is in turmoil again . . . . eruptions breaking out in places scarcely touched before—Bloemfontein, KwaMashu, the Indian schools . . . .

Will beatings and baton-charges in 1980 do any more to resolve the situation the Government faces than did bullets in 1976? Of course not.

The predictions of those Nationalist theorists who persuaded Afrikanerdom that its salvation lay in apartheid are coming apart at the seams. The policy was supposed to turn out “Bantu”, Coloured and Indian children, all happy in their separateness, docile and obedient. Instead it has produced a radical black youth movement, its members far more conscious of the bond of the inferior quality of their education and their lives than they are of any differences between them. They see their destinies as one. How else can one explain that what started off as a Coloured school boycott should eventually attract such massive support from African and Indian students? Nationalist planners have no answers to the demands being expressed by black urban youth. Nor are they likely to find any while they keep banning people like Curtis Nkondo. They should instead be listening to what people like him have to say, for they are the ones who can tell them what will have to be done to come to terms with the urban mood of the 1980s. Nationalists and white South Africans generally won’t much like what they hear, because the message from Mr Nkondo and the boycott movement is that what they want is an end to all discrimination and full and equal rights for everyone in South Africa. Obviously such vast change can’t come between one day and the next but it is increasingly clear that until those who hold power in South Africa state this as their aim, upheavals like those of 1976 and 1980 will continue and become more frequent and more widespread.

2. CONSTITUTIONS FOR STABILITY

Elsewhere we publish an article on the Schlebusch Commission’s constitutional proposals. We doubt if they will have a positive impact on our future for the sound reason that they are irrelevant to what black South Africans want.

White South African political commentators, not least those who write for English-language opposition papers, have done their best to see cracks in the Nationalist Party in the proposals. The Council of State with its Indian and Coloured representation is the beginning of power-sharing they say hopefully. We hope they are right. What we fear, however, is that the whole thing is a device to engineer support from comparatively prosperous blacks—coloured and Indian first, African later—while most black Africans rot it out in contract labour queues in Bantustans and Administration Board Labour Exchanges.

Chief Buthelezi’s Commission to consider constitutional proposals for Natal has much more to commend it. Its terms of reference are imaginative and broad and so is its composition. The fact that it has, inevitably at this early stage, to confine itself to dealing only with Natal, is of course a handicap. It will also need to try to convince body of black opinion which is now forced to express itself through strikes and boycotts that there is a place for it in its deliberations and that the kind of future it is looking for can come relatively peacefully and quickly from its proposals.

We wish the Commission luck in its demanding task. Not much inspiring has come out of Natal’s political past. Now perhaps something might.

CRISIS

by Vortex

Armed hippos patrolled the streets.
Schoolchildren were marching with placards.
Most workers had stayed away.
Everything was tense.
Then the evening papers arrived.
What did they say?
"Lions Test Match Tomorrow."
3. SALLIE LUNDIE

Sallie Lundie died at the beginning of June in her eightieth year. A member of a small group of people of all races from Pietermaritzburg, who, in the early 1950s, formed a Liberal Association, she became a founding member of the Liberal Party of South Africa when that small group converted itself into a branch of the new Party in 1953.

Although already in her fifties and in a full-time job, she was active in the Party's activities from then on.

She retired from her full-time job at a time when the Liberal Party was under great pressure from the Government, with members being banned and detained regularly. Without the slightest hesitation she offered to help keep its national office running, and continued to do so until government action forced the Party to close down.

She then helped start REALITY, and continued on its Editorial Board until illness forced her to resign earlier this year. During this time it was she as much as anyone who ensured that this journal appeared regularly and on time. Sallie was a person who was genuinely interested in other people, and her broadmindedness endeared her to young and old. She was always cheerful and fun to work with, despite often having to contend with ill health.

One of the bright spots in Sallie's last months was to see change come to Zimbabwe. While she was still well enough she used to visit that country regularly to see her sister and brother-in-law, who were staunch opponents of the Rhodesian Front throughout the time of UDI. The prospect of there emerging there a country in which equal rights and opportunities would be accorded everyone without regard to race was something which must have given her great satisfaction.

The best tribute that REALITY can pay to the memory of Sallie Lundie is to continue to work for the creation of such a society here.

REVIEW OF "A DIFFERENT GOSPEL" by Rev. Douglas Bax

Reviewed by Alan Paton

One of the striking features of institutional Christianity in South Africa is that it has less unity in purpose and belief than in any other country in the world. In fact the various manifestations of Christianity in our country have only one belief in common, and that is that Christ is the Redeemer of mankind and is the Lord of the Church.

Yet this common belief has no unifying power. The several interpretations of the Gospel are sometimes totally incompatible. The Dutch Reformed view (held by all three of the D. R. Churches) is that man's racial identity is a priceless gift from God, and that God desires above all else that it should be maintained: therefore racial separation is a policy that would be approved by God.

The view of what are usually called the English-speaking churches, but would include for this purpose the non-English Lutheran churches, is that man's individual humanity is the great gift from God, that he is made in the image of God, and that his greatest possession is his sonship. Therefore the recognition of his dignity as a man, and his freedom to use his talents and capabilities without undue interference from the State, is a policy that would be approved by God.

It is doubtful whether there is any theological principle that unites the thousands of separatist churches, now called the "new" churches. But they undoubtedly represent a wish to be free of the established churches, to be free of white domination, and to worship in ways more suited to their native temperament.

The real political revolution is not coming from the "new" churches. It is coming from the black Christians in the older established churches, who maintain that the white understanding of the Gospel is defective, that white Christians are too much conformed to the secular world, that they shrink from Christ's identification with the hungry, the poor, and the oppressed. In the June issue of SEEK, Bishop Tutu, in his column The Way I See It, suggests that whites and blacks in the older churches may have to part company, until they come together in a true reconciliation. It is a fact of the greatest importance that the "sister" or "daughter" churches of the NGK, the biggest of the DRC's which were set up in obedience to God's supposed wish for racial separation, should now have come to reject it.

Of all the issues discussed above, the Rev. Douglas Bax of the Presbyterian Church of South Africa, deals with one of the most difficult in his small book A Different Gospel, written as a memorandum for a national conference of Churches held in Pretoria under the auspices of the World Alliance of Reformed Churches, to which both the Presbyterian and the Dutch Reformed Churches belong. On each significant resolution the white Hervormde Kerk delegates
and most of the white NGK delegates voted on one side, and the other delegates, led by the “sister” or “daughter” churches of the NGK, voted on the other. How can such a thing happen? Are the dividing issues racial, or are they theological? It is interesting that the majority of white delegates thought they were racial, and that the others thought they were racial.

Some of those at the conference—the peacemakers I suppose—thought that the two sides agreed in their basic theology, and differed only in the practical application. Mr Bax rejects entirely this face-saving supposition. He writes “we really disagreed so much on the practical issues because we disagreed so deeply in theology”. But he does not stop there. He says that the two sides were “inspired by two quite different spirits”. I interpret him to be saying in fact that the roots of the separation policies are not primarily intellectual, but are deeply emotional.

I shall give only one example of this. The NGK 1975 Report on Human Relations . . . in the Light of Scripture, quotes the statement of the World Reformed Ecumenical Synod on mixed marriages. It says

Holy scripture does not give a judgement about racially mixed marriages; contracting a marriage is primarily a personal and family concern. Church and State should refrain from prohibiting racially mixed marriages, because they have no right to limit the free choice of the marriage partner.

The NGK Report rejected this as a “one-sided . . . oversimplification” which omitted important social, religious, and politico-juridical considerations. If the government is convinced that public order is threatened by mixed marriages, then it has a right to forbid them.

The fact is that the Nationalist Afrikaner objection to mixed marriages is deeply emotional. To him they are abhorrent and they threaten his racial identity. The emotional reasons have strong racial and historical elements. However he is also a religious man and therefore he sets his theologians the task of finding justification in Scripture for his abhorrence and his fear. But his fellow-Christians of the “daughter” churches do not share his abhorrence and his fear; therefore they interpret Scripture differently.

It is very human to try to convert one’s emotional reasons into intellectual ones, and if one is a Christian, into theological ones. But it is one of the great claims of Christians that Christ has liberated them from the bondage of their abhorrences and their fears and their prejudices. Professor Ben Marais once posed the question: “Will my Christian beliefs be determined by my nationalism, or will my nationalism be fashioned (or we may add, negated) by my Christian beliefs?”

Mr Bax’s small book is so meaty and closely argued that it should be reviewed at length, which REALITY cannot do. Mr Bax regards the doctrines of racial separation as mortally dangerous for the peace and unity of South Africa. He regards them as repugnant to the Gospel. Especially does he regard the doctrine of the separation of Christians as repugnant to the teaching of Christ, who prayed that all his followers should be one. It was at one time argued by Dutch Reformed theologians that this did not mean a “visible unity”, but they are reeling a little under the onslaught of the “daughter” churches.

Mr Bax’s deep concern is not only for the Church but also for South Africa. He closes his little book with a grave question.

South Africa stands on the edge of a political disaster “too ghastly to contemplate”. It is a false theology and a false ideology, as well as the greed and the fears of both Afrikaans-speaking and English-speaking Whites, that have dragged her people there. The urgent question is: is it too late for us to repent and turn back from the abyss?

One does not know the answer to that question. But Douglas Bax has certainly played his part in urging white South Africa to repent and turn.

1. One looks around, desperately, in self-defence (not that it helps), for images of the National Party, the great incubus, the vast unprovidence, which lies so heavily, so crushingly, on us all.

2. Was Vorster sincere when he asked for six months? Was P. W. Botha sincere when he made certain large promises? We don’t know; and it hardly matters. Little men, they were both promptly dragged back to the static centre, the status quo, by the might of Inertia which rules all Nationalist Prime Ministers.

3. What will roll back the great stone which blocks the entrance to the tomb, which prevents the resurrection of humanity in South Africa? Maybe only rockets. But it will be a long process. And an ugly one.

4. Most wars can be described properly only when they are over. The South African civil war (which has of course been going on for some time) can be analysed right now.

5. The Zimbabwe election showed that South Africa has real power in the sub-continent: by its enthusiastic support of Muzorewa it helped to destroy him as a candidate.

6. Similarly in Namibia. All the actions that the South African Government has taken in relation to SWAPO—denunciation, refusal to talk, prophecies that it will lose the election—ensure an even clearer electoral victory for their enemy, whom they thus neatly present to the world as, indeed, the authentic representative of the people of Namibia.

7. In their conquest of Southern Africa the whites demonstrated the power of the gun. The guerrillas have now learned this lesson.

8. We are waiting, largely, on Providence; but it is not enough to wait. One must pray too—pray that new possibilities emerge in this hopeless situation, miraculous bubbles of light and air in this sea of tar.
THE CONSTITUTIONAL CHANGES

by Terence Beard

Writing in 1954 on constitutionalism in the Orange Free State and the South African Republic, the historian L. M. Thompson concluded:

"The constitutional history of these two nineteenth century republics shows that there are two distinct and widely divergent Afrikaner constitutional traditions. On the one hand there is the tradition of the Orange Free State, where the written Constitution was rigid, the judiciary was in fact completely free and independent, and the legislature did not in fact exceed its proper powers— an admirable tradition in all these respects. On the other hand there is the tradition of the South African Republic, where the written Constitution was often ignored, the judiciary became the creature of the government of the day, and the legislature passed laws on any subject, including constitutional amendments, in the simplest possible way." (1)

"The simplest possible way" consisted in regarding resolutions passed by the Volksraad as having the status of law. Thompson ends by asking whether one of these two traditions is likely to prevail in the second half of the twentieth century. The short answer to Thompson’s question is of course that the Orange Free State tradition has all but disappeared, and that the Transvaal tradition has prevailed, but in a modified form. The tradition which has prevailed is in substance the Transvaal one, while some of the formal features and procedures are superficially misleading. The concept of grondwet or fundamental law no longer has any significance in South Africa. While the entrenched sections of the Constitution remain, and while the South African Parliament is, even as I write, sitting unicamerally and camerally in order to observe the conditions stipulated in the entrenched sections, it is now commonly accepted that these sections could easily be repealed even by a government which did not have the required two-thirds majority. The Constitutional struggle of the 1950’s revealed that the necessary majority may legally be created artificially. Thus while the Constitution appears to incorporate rigid features, these have proved to be matters of form rather than of substance. Again, while the Constitution requires that “Parliament shall not— (a) alter the boundaries of any province . . . except on a petition of the provincial council of every province whose boundaries are affected thereby”, (2) this procedure has been disregarded in the granting of independence to Transkei, Bophuthatswana and Venda. Of course it can be argued that as no special procedure is laid down in the Constitution for the repeal or amendment of this provision Parliament is competent unilaterally to repeal it, and that in the light of the acts granting independence to Transkei, Bophuthatswana, and Venda, the provision has been repealed by implication, the later acts taking precedence over the earlier. On the other hand it was the National Party government which drew up and introduced the new Constitution which was adopted in 1961, and it has disregarded its own provision which presumably was thought necessary at the time. That it has, inter alia, disregarded this provision illustrates a particular attitude to the Constitution and to law.

Except then for a minor quibble concerning the entrenched sections, the doctrine which applies to the South African Constitution is that of Parliamentary Sovereignty, in terms of which Parliament may make or unmake any law whatever, and is therefore regarded as supreme. On the other hand, this is a British doctrine which, developed along with the British Parliament and it is a doctrine which, as Thompson observes, “has only lingered on in Great Britain because the conventions of their Constitution limit the powers of the British government and parliament just as effectively in practice as the legal limitations which are found necessary in other civilised countries.” (3) These legal limitations in other civilised countries are, of course, usually Bills of Rights.

In South Africa there are no corresponding conventions which serve either to give a special status to the Constitution thereby making it an object of respect and even awe, or to curb the legislature in order to protect the liberty of the subject. Consequently constitutional laws tend to be regarded as no more than procedural rules which, as in the case relating to provincial boundaries referred to above, can be ignored if they are inconvenient. And this tendency must be seen in the light of the prevailing attitude to laws per se, an attitude which derives almost unmodified from the South African Republic under Paul Kruger. This is the attitude which might be termed the instrumental view of law, and it implies that laws are regarded not so much as providing frameworks for the guidance of the administration and setting the limits within which administrators may impartially perform their functions under law, but rather as instruments of policy designed to achieve the stipulated goals of government, providing licences or authorisations to administrators to pursue what is taken to be government policy. Laws seen in this way are like tools rather than tools. They are employed for the manipulation of the populace as instruments of control, so that government policy is implemented by the use of laws, tools, which are given direction and a cutting edge by ministerial decision and are employed by civil servants. Thus the law enables a minister to remove hundreds of thousands of persons from one place to another at the stroke of a pen.

The whole trend in South Africa has been towards the increasing of executive discretion on a scale unknown in Great Britain, or indeed in any Western democracy. While the principle of government under law has usually been adhered to in a formal sense, in spirit and in substance it has not. The grand instrument has been the enactment of laws so wide in their scope and so great in their delegation of executive and administrative powers so to confer unbridled legislative and executive powers upon ministers. These powers extend not only to the normal areas of executive discretion as is the practice in many other modern states, such as pen-
sions, government controlled boards etc., but also to matters normally falling under the criminal law. For ministers have powers to apply punitive measures without recourse to the courts, and these are now employed on so vast a scale and confer upon ministers powers so great, that it is difficult to see how South Africa can presently be described as anything other than a police state.

Because the doctrine of Parliamentary Sovereignty applies to Great Britain, it would be inappropriate to describe the constitution of that country as constituting a grundwet or fundamental law, these terms connoting rigid constitutions requiring special procedures for their amendment. On the other hand, the British constitution, unwritten though it is, and in spite of the fact that it can be amended in the same way as any other law may be amended, is treated and looked upon as if it were fundamental law, and there is consequently a convention that constitutional changes should as far as possible have the support of all the parties in parliament in order that the constitution should not become a ‘political football’ and can so continue to provide an agreed framework within which the political process is carried on. It is precisely this attitude to the constitution which is absent in South Africa, so that the doctrine that parliament may make and unmake any law whatever, is applied without distinction to constitutional and ordinary laws. Grundnorms are conspicuously lacking.

While the judiciary cannot be said to have become the creature of the government as in the old South African Republic, the jurisdiction of the courts has been drastically curtailed, so that the same end has been achieved by different means. There exist many areas in which the citizen cannot seek a remedy through the courts. An early example of this was the Prohibition of Interdicts Act, passed in the early 1950’s, which prevented Africans who were threatened with eviction from their places of residence from seeking a remedy through the courts, as many had hitherto successfully done. As in the old Republic, the operative principle is that nothing should be allowed to thwart the aims of government. The principle of parliamentary sovereignty has been re-interpreted and has given way to the principle of governmental sovereignty, and it is not surprising that the government has increasingly come to be identified with the state. The distinction between state and government is a vital one in giving significance to the distinction between rule under law and arbitrary rule.

The constitutional changes are to be seen within a context in which there is no respect or reverence for law on the part of those who govern, a context within which so great a proportion of the laws discriminate against the majority of the population, that respect and reverence for law on the part of the governed have largely given way to fear and contempt. Laws tend to be regarded as arbitrary by those against whom they discriminate, while many of the laws allow so wide a discretion to the executive that they are in effect arbitrary.

The new constitutional proposals are the result of the Schlebusch Commission Report. This Commission sat and heard many opinions and examined many blueprints for constitutional change in South Africa before submitting its report. No sooner was the report published than the government announced its intention to introduce legislation to:

(a) abolish the Senate; (b) enlarge the membership of the House of Assembly by a number of nominated and indirectly elected members; institute a Consultative Council comprising Asians and Coloureds as well as Whites; (d) institute a new office of Vice-State-President who will preside over the council; and (e) set up a separate Council for Africans.

There is a very real sense in which this announcement came as a bombshell to many citizens, for not only has there been no time for public debate of the Schlebusch recommendations, there has not even been time to read and digest its findings. The publication of the report, the government announcement, the joint sitting of Parliament at which the entrenched sections were amended to allow for their unicameral amendment, and the passing of the forthcoming bill to implement all the proposals but (e) above, will all have been telescoped into a period of approximately one month. This cavalier approach to matters constitutional epitomises the instrumentalist approach to which I have referred.

The step to abolish the Senate is inexplicable except in terms of this instrumental approach. In the early years after Union there were what may be called ‘teething troubles’ concerning the role and powers of the Senate, especially as the dispute in the United Kingdom over the powers of the House of Lords affected attitudes towards second-chambers in South Africa, Merriman, for example having regarded second-chambers as ‘either nuisances or nullities’.

Once, however, the party system had become established in the Senate, disputes became a thing of the past, and since the late 1920’s the Senate has never been the subject of serious criticism except during the brief period when it was enlarged in membership in order to remove the Coloured voters from the common voters roll, a strategy which served to demonstrate the ineffectiveness of the entrenchment provisions in the Constitution. There have also been criticisms of particular appointments to the Senate—there has been no criticism of the Senate qua institution. Indeed the relative merits of bi-cameral legislatures versus unicameral legislatures have never been the subject of either parliamentary or public debate.

In the recent debate at the joint sitting regret was expressed from both sides of the House at the demise of the Senate. No one from among the ranks of the government or the opposition parties gave even the slightest hint that the Senate had been anything other than a useful second-chamber and many speakers paid tribute to it. And yet all were assenting to the first stage of its abolition. A tried institution as old as Union itself is to be abolished without considerations as to its past usefulness or to whether it could not better be reformed rather than abolished. The self confessed conservatism of the vast majority of the members of both Houses proved in a most fundamental respect to be skintdeep in more senses than one.

It is patently clear that the new constitutional changes are of an interim kind—there could hardly be anyone who regards it otherwise. The instrumental approach to constitutional law is in process of becoming a feature of our political culture, and this is a development which, while it might contribute to predisposing the populace to the necessity of political change, removes that respect for the constitution as being in any sense grundwet, as the framework within which the political process proceeds. This could well become a source of instability in the future. There are strong arguments for proceeding with reforms within the framework of existing institutions, adding to and modifying those institutions rather than abolishing and replacing them with new and untried ones. Instead of this, it has been suggested, not least by the S.A.B.C., that the Westminster system must be replaced by
a new system. Of course the main reason for this is that direct representation in our existing Parliament for Asians and Coloureds would threaten National Party rule and African representation would be unthinkable. The government’s notion of controlled change is of change controlled by the National Party government, and definitely not the broader one of change within the framework of relatively stable institutions which, through their relatively flexible character, permit of change, while retaining the important attribute of fundamental law if not in the strict legal sense, at least in the eyes of rulers and ruled.

The abolition of the Senate should be seen as a fundamental change, for it means that South Africa will from 1981 have a uni-cameral legislature in which the governing party will have an overwhelming majority, a majority the proportions of which will be increased by the inclusion of nominated and indirectly elected members despite the inclusion of opposition members on a pro rata basis. To all intents and purposes we shall have a uni-party uni-cameral system. The few checks and balances which have survived will have been even further reduced.

As I have not as yet seen the substantive proposals, the new bill having been only just tabled, and after I began this article, I shall restrict myself to a few general comments relating to the principles involved.

While, as I have already mentioned, the new Council which is to be presided over by the Vice-State-President is almost certainly only a temporary or interim body, the fact that it is only to be an advisory body is a serious defect, as is the proposal that its members are to be government appointees. Its members are unlikely to have the respect of the Coloured and Asian populations—persons who have indicated their willingness to serve on such a body have already come in for serious criticism from the public. Advisory bodies have a long history of failure in South Africa, and it is ironic that one of the first acts of the National Party government after the 1948 election was to abolish the Native Representative Council, recognising that as a body with no real powers it had proved a failure. And since 1948 the government has tried advisory bodies in urban and rural areas and always without success. Advisory bodies are quite clearly no substitute for parliamentary representation, and Africans, Coloureds and Asians have mostly long since come to appreciate the validity of this claim. One of the members of the N.R.C. had said of it that it was rather like talking into a toy-telephone, and there is little reason, especially after the failure of the Coloured Representative Council, to believe that the latest experiment will be any different. The new Council will not even be a representative body so that it is likely that what is said by the members of that body are the kinds of things which the government wants to hear. And the more the government is told what it wants to hear the greater will become the already wide gulf between the official notions of the present state of South Africa and the realities. The toy-telephone analogy may well in this case not apply, for it will be more like talking to oneself. The reason that the principle of representation has been abandoned is precisely because the C.R.C. presented viewpoints which the government rejected, and because it refused to do as the government bid.

The proposed separate Council for blacks has been described as a major weakness of the plan proposed, and some critics have suggested that Africans should be included in the Vice-State-President’s Council. But would it be of any great significance were unrepresentative Africans to be appointed to such a body? The only advantage which seems to me arguable would be that it would imply a recognition that urban Africans are an essential part of South Africa and not citizens of other, often putative, states. But would this necessarily be so? Membership of advisory bodies need not imply anything so significant. Power and representation are the only real indicators of change, and the new bodies will have neither. Need any more be said? •

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DEMOCRACY VS SECRECY

by Julian Riekert


Since 1945 there have been at least two clearly discernible trends in public administration in most western countries. These are the rapid and disproportionate growth of the bureaucracy and a co-extensive growth of secretiveness within those bureaucracies. South Africa proves to be no exception to the general rule. At Union in 1910 she had 12 departments of state, in 1940 she had 24 and by 1979 this number had swelled to 44. The American experience has shown that the trend toward secrecy seems to be self-generated, although external factors may play an influential rôle. Once a bureaucratic practice of secrecy has been established there is a tendency for the individuals charged with the classification of information to over- rather than under-classify. Once the society concerned, rightly or wrongly, perceives itself to be under threat of some external or internal interference, this tendency becomes grossly exaggerated. The mania for secrecy during the McCarthy era is proof of this, if any is needed. The recently uncovered excesses of the CIA may also be ascribed to similar motivation. Consequently the trend toward clandestine government is not limited to routine administration. It tends to reach its apogee in those areas of the executive branch of government which are traditionally regarded as "sensitive", viz. military and related areas. In those areas legislation enforcing secrecy is the rule, rather than the exception and for obvious reasons. The problems here arise out of the need to balance individual liberty against the state's legitimate interest in preserving the confidentiality of certain types of information.

In non-military areas there has recently been considerable progress toward open government in several western countries. There would seem to be a growing recognition of the individual citizen's right of access to governmental files. This trend has left South Africa untouched.

The dissemination of information gleaned from public files is prescribed by the Official Secrets Act, 16 of 1956 (which is based upon the provenly deficient United Kingdom legislation), by the Public Service Act, 54 of 1957 and by informal departmental practices. The argument that the citizen, as the source of governmental power, has a right of access to governmental records is not one that commends itself to South Africa's rulers. Indeed, secrecy practices extend into such areas as mental health and prison administration.

In the military and quasi-military spheres the position is even worse. It is clear from numerous public utterances that the National Party government perceives itself to be facing a "total onslaught", paradoxically emanating from abroad, rather than from South Africa itself. One finds, as indeed one expects to find, that more and more areas of activity are coming to be regarded as areas of strategic importance. Thus current legislation drastically curtails the free exchange of information in the areas of defence reporting, nuclear research, fuel supplies and even trade commodities—to name but a few. It is also clear from public statements that the governmental perception of the rôle of the South African Police is undergoing a rapid metamorphosis from that of a civilian force to a quasi- or para-military one. Given that fact, the contents of the Second Police Amendment Bill ought to have been predictable, even if their scope was breathtaking in its implications.

The Bill as originally drafted provided that any disclosure of information on police "anti-terror" action including the publication of the names of persons arrested under Section 22(1) of the General Law Amendment Act, 62 of 1966 and Section 6(1) of the Terrorism Act, 83 of 1967, would expose the person responsible to a penalty of a fine of R15 000 or eight years' imprisonment or both such fine and imprisonment. The publication of the original Bill elicited a swift response from both the public and from Opposition spokesmen. Mr Ray Swart, M.P., described it as "a rubbing-out Bill to remove people from society without anyone but the police knowing." He went on to add that the Bill was a classic example of Government over-reaction. It was "a tough measure which will cut across the rights of individuals and is comparable to the measures taken in totalitarian states such as Nazi Germany and Russia, which means that people can virtually be erased from society. If a father is taken away and the children of the household come to the mother and say "What happened to Dad?" she is prohibited from giving information." Mr L. le Grange, the Minister of Police, expressed surprise at the generally unfavourable reaction and added that the true purpose of the Bill was not to permit of secret indefinite detention but to make it possible for the police to "perform some very sensitive operations and duties without particular thereof being made known." When the continuing protest proved the deficiency of his explanation, Mr le Grange announced that the Bill would be amended.

The amended Bill lacked the section imposing a total ban on the dissemination of any information about a detainee, including his name. This provision was referred by Mr le Grange to the Rabie Commission which is currently inquiring into the security laws. However the amended Bill, while no longer prohibiting the dissemination of information...
concerning police "anti-terror" activities, prohibits publication of such information in any media. As several observers have pointed out, the wording of the legislation is sufficiently broad to encompass almost the same range as the original version, since it prohibits the publishing of any information "about the constitution, movements or deployment or methods of the police engaged in combating terrorist activities." (emphasis supplied) Thus while one may be entitled to publish the information that a particular person has been detained under either of the relevant detention clauses, one may not, presumably, publish the information that he has been ill-treated, subjected to solitary confinement or tortured, since this would be a comment upon the methods of the police. It would be up to the courts to define the bounds of legitimate comment. It is also not clear what the word "publish" means in the context of the Bill. In a legal context it can mean the disclosure of information to any third party. When those inadequacies of the Bill were brought to Mr le Grange's notice he replied that the interests of the State "are far more important than those of the individual or the Press and that is why this Bill is justified." He also stated that it was wrong for the Opposition to say that a detained suspected terrorist would "disappear into a twilight world" because of a ban on press coverage. "They know very well that the Terrorism Act demands that such a person must be allowed to contact his family at the earliest possible opportunity", he added. What the Minister ought to know very well is that the Terrorism Act far from "demanding" that a detainee's family be notified of his detention, expressly provides that "no person, other than the Minister or an officer in the service of the State acting in the performance of his official duties, shall have access to any detainee, or shall be entitled to any official information relating to or obtained from any detainee." (emphasis supplied).

The freedom of the press, which the Minister holds in such low esteem, was stated by the Virginia Bill of Rights to be "one of the great bulwarks of liberty, and can never be restrained but by despotic governments." Judged by that standard the Second Police Amendment Bill of 1980 can be seen to be what it is—another step in the long process of the emasculation of the South African press and a further proof of the scant regard of this Government for the concept of individual liberty. ☐

SOME REMARKS ON LAND REFORM IN SOUTH AFRICA.
by Norman Bromberger

1. Introduction
A satisfactory discussion of the question of land reform in South Africa would be worth having. It seems to be taken for granted on all sides that the present constitutional arrangements and the present distribution of political power in the country must and will change—though of course there is disagreement over what the new arrangements should be. Whatever the details however of the political dispensations that will emerge here, both in the shorter and longer runs, they must involve an increase in the power of those whose share of income and wealth is at present small. That fact seems to me a guarantee that the question (or questions) of land reform will come to have a higher priority on the agenda of social action than they do now. Hence the value of a thorough, forward-looking discussion of the issues.

I am afraid that what follows will not amount to the thorough or satisfactory discussion I am asking for. It will make some of the points that need to be made but by no means all, and will not attempt to work through the experience with land reform of Kenya and, more recently, of Angola, Mozambique and Ethiopia. It will not tackle the problems involved in the 'reform' of tribal or customary land-tenure systems since these problems, though related to those arising from land reform and redistribution, are distinct and deserve separate treatment.

The main problem area that will receive attention here is that of the potential efficiency of small-scale agriculture. A reflex of orthodox thinking among the present rulers of South Africa is that the subdivision of large farms and their allocation to small-scale, largely Black, cultivators or 'peasants' would have disastrous consequences for the production of food and agricultural raw materials. It seems worth showing that the question is far more open than the orthodox conclusion allows.

2. Definition
We need to be quite clear what we are going to understand by 'land reform' in what follows. We do not need to decide what is the correct definition but we do need to note that there are divergent usages and settle on one of them. 2.1 A way to start is to make a rough inventory of measures which are sometimes included as examples of land reform:
(a) in landlord-tenant systems the conditions of tenancy may be altered in the tenants' favour—by setting ceilings to rents, by substituting fixed rentals for sharecropping arrangements (in terms of which the rental rises with the size of the crop), by granting security against eviction, and by giving tenants first option to purchase;
(b) land may be expropriated from larger landholders of various types—landlords, large-scale farmers, larger peasants, operators of labour-tenant systems—and either distributed to smaller cultivators and labourers on an individual basis or farmed under some sort of collective arrangement;
(c) peasants and others may be the beneficiaries of land-settlement schemes on virgin lands or newly-reclaimed lands;
(d) fragmented and scattered smallholdings may be consolidated into continuous individual holdings;
(e) where tenure is in terms of customary (and unwritten) law and may often be subject to some form of group re-
allocation, formal title to land cultivated may be granted to
dividuals and may entail rights which amount to individu­
al 'freehold' tenure;
(f) various modifications, towards group use or towards
individual enclosure, may be made to outright communal
Tenures such as those which apply to African grazing land;
(g) various 'support schemes' for small cultivators—such as
the improved provision of credit, the organisation (per­
haps on a co-operative basis) of input supply and output
marketing, the improved availability of agricultural educa­
tion and advisory services—often initiated in connection
with some of the above changes, are sometimes (espe­cially
in American-derived usage) included as part of the land
reform.

2.2 Michael Lipton, whose lead I shall follow, makes a
very clear-cut selection from this list. Any 'genuine' land
reform has at its core measures of land redistribution
(see (b) above). He writes:

'Land Reform . . . comprises (1) compulsory take-over
of land usually (a) by the State, (b) from the bigger land­
owners, and (c) with partial compensation; and (2) the
farming of that land in such a way as to spread the benefits
of the man-land relationship more widely than before the
take-over. The State may give, sell or rent such land for
private cultivation in smaller units than hitherto (distri­butive
reform); or the land may be jointly farmed and its
usufruct shared, through co-operative, collective or State
farming (collectivist reform).

He specifically rejects tenancy reform (see (a) above)
and settlement schemes (see (c) above) as qualifying for inclu­
sion as 'genuine' land reform. He labels them as the 'Great
Evasions', maintaining that evidence shows that 'once rural
power is concentrated in the hands of the big land owners,
these alternatives cannot work unless the State first diminu­ishes
that power through redistribution of land.'

Various forms of special aid to small farmers (see (g) above)
are necessary auxiliaries to land reform but on their own,
with a given unequal distribution of land taken as given,
do not qualify for inclusion as land reform measures—
ultimately because they will not succeed in reducing that
rural inequality of assets and incomes which Lipton has
defined as the objective of a genuine land reform. He does
not appear to consider alterations in customary Tenures,
with a greater or lesser communal component (see (a)
and (f) above), as candidates for inclusion. Consolidation
of small strips (see (d) above) he probably sees as a necessary
auxiliary to land reform in some cases—as with special aid
to small farmers—but not as land reform on its own.

2.3 It might be worth arguing about Lipton's definition,
especially his exclusion of tenancy reform and resettlement
in their own right. However, at this stage of its agrarian
evolution South Africa has eliminated most of its small
cultivating tenants, and so a survey of experience with tena­
cy reform or a discussion of its merits has small immediate
relevance, so we shall not lose much by defining 'land
reform' in such a way to exclude such a survey. Resettlement
is perhaps a little more tricky. It certainly sounds familiar
to the South African ear, and so perhaps we need a defini­tion
broad enough to allow us to discuss it here. In fact
however the resettlement of Blacks that has taken, and is
taking place is moving them to areas which are anything but
virgin or newly-reclaimed lands in the normal sense of those
words. Nor is it to be thought of as land redistribution—
except in the minimal sense that the initial 1936 target pro­
grame of land purchases involved a small net increase in
black landholding; and of course within the shell of the
current practice it would be possible by expanding the scale
of acquisition of white farms to introduce a more-or-less
substantial element of land redistribution (except perhaps
that full compensation would have to be scaled down to
meet precisely the requirements of Lipton's definition).

2.4 It seems sensible to regard the modification of tradi­
tional or 'tribal' African land Tenures as a separate issue—
as Lipton appears to do. Some of the issues raised in this
difficult area overlap with those we shall be discussing
but there is enough disjunction to justify putting them
aside here. They are not unimportant, though their impor­
tance is in my view sometimes exaggerated, but it will
make for greater manageability and convenience if we
ignore them at this stage.

3. Objectives
Before we leave the formal preliminaries we might notice some
points about the objectives which are usually associated
with land reforms of the type which our definition includes.
Such a reform is by definition an equalising policy. As
Lipton says: '. . . it is by its impact on intra-rural income
distribution and hence on mass rural poverty that land re­
form stands or falls.' (emphasis added). Secondly, under
conditions of 'urban bias' it is hoped that such a land reform
will tend to improve the overall distribution of income by
strengthening rural resistance to the privileged treatment of
urban areas. Thirdly, proponents of such reforms argue that
the redistribution away from large landholders will increase
the rate of growth of agricultural output. Certainly Lipton
argues this for distributive land reforms. There are other
secondary objectives which we might list, but the above
three will suffice for this discussion.

Within the South African social and political context it is
worth noting that there are deeper-level objectives which
may be involved. The existence of this deeper-level leads to
'intellectual and political confusion' about the issue of land
reform, according to David Lehmann. Different
people can agree in wanting certain outcomes which land
reform is believed to promote viz. overcoming feudalism
(in the Latin American context), raising growth rates,
reducing social inequality and improving the efficiency
of resource allocation, but they may do so 'with very
different (deeper-level) objectives in mind.' More specifi­cally: "Reformists seek to gain the support of revolution­
aries in the application of redistributive measures intended
to stifle rural unrest and to forest the development of
capitalism. Revolutionaries will encourage reformists to
pursue a strategy which, they fully expect, will unleash
social conflicts and ultimately lead to the overthrow of
the social order." What is of interest to me in this formula­
tion is that under certain circumstances land reform may
recommend itself as part of a reformist strategy. I think
that this possibility needs to be more fully appreciated
than it apparently is.

4. Land reforms in the twentieth century
It is also worth remembering that land reforms have not
been uncommon in this century, and have moreover played
an important role in the economic development of fast­
growing capitalist economies such as Japan and Taiwan.
Below follows a brief listing of some of the major examples.

4.1 The place to start is perhaps with Japan in the early
1970s when Meiji Restoration abolished the rights of daimyo
and samurai to income from the peasantry which were rooted
in their feudal-type overlordship of the land. In 1910 the
Mexican revolution, supported by Indian peasant uprisings, began a
long process of land redistribution initially very much a mat-
4.3 The Second World War initiated vast changes. The new Communist states of Eastern Europe and East Germany expropriated large estates and put ceilings on the size of holdings, redistributing the proceeds of the expropriation to other peasants. In a second phase of activity they moved towards the Soviet pattern of collectives and state farms—holdings, redistributing the proceeds of the expropriation towards the Soviet pattern of collectives and state farms—holdings, redistributing the proceeds of the expropriation to other peasants. In a second phase of activity they moved towards the Soviet pattern of collectives and state farms—holdings, redistributing the proceeds of the expropriation to other peasants. In a second phase of activity they moved towards the Soviet pattern of collectives and state farms—holdings, redistributing the proceeds of the expropriation to other peasants. 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In a second phase of activity they moved towards the Soviet pattern of collectives and state farms—holdings, redistributing the proceeds of the expropriation to other peasants. In a second phase of activity they moved towards the Soviet pattern of collectives and state farms—holdings, redistribute
5.2 Another way of probing the conditions that seem to favor the emergence of land reform demands is to focus more closely on what has happened historically in agriculture itself, rather than in the economy as a whole, and in particular on how the 'social relations of production' on the land have changed.

5.2.1 Consider the evolution of the European manorial system and the Latin American hacienda. It is useful to think of the land of the manorial complex as divided into three components: (1) the lord's demesne, (2) the peasant land and (3) the commons. The historical development on the land, which took place within the framework of emerging capitalist economies, saw the balance change between these components (land of course between the social classes behind them); but the change was not uniform. (a) Where the old feudal class became interested in cultivation for markets itself the lord's demesne became the dominant component in the complex, and agriculture moved to a system of large estate farms with the former peasantry reduced to a proletariat working for wages either on the land or in the urban sector. Before this culmination was reached a common transitional stage was that in which peasants became tenant-labourers; they still possessed land rights and cultivated land on their own account though independent access to land was being restricted. (b) On the other hand the development of the peasant economy, accompanied usually by considerable economic differentiation among the peasants, led to a family farm system, usually with less wage-labour on farms and elsewhere.

5.2.2 Two hypotheses that suggest themselves given this account of divergent paths along which capitalist agriculture has developed are (1) that demands for land redistribution are likely to be more intense where the landed upper classes ( feudal or colonial) have become cultivators and large-scale estate-farmer capitalists; and (2) that within such a context where wage-labour has become the norm the re-emergence of the peasantry becomes less likely, and if a land reform happens it is more likely to take a collectivist form. A possible illustration of this second hypothesis occurred in Portugal in 1974-75 when the workers on farms and plantations in the south seized farms and ran them as units in defence of their jobs, at a stage when the owners were discontinuing production because of the political uncertainty.

5.2.3 What these hypotheses imply for the South African case is fairly clear. We have developed over most of the country an estate agriculture, and the soil is cultivated by wage-labourers with few independent land-rights. This latter state of affairs was not always the case and as late as the 1930s the main labour arrangement was the 'labour-tenancy' system. In terms of this Africans cultivated and grazed on the farm in return for which they worked some portion of the year; commonly three to six months. However, according to some interesting papers by Mike Morris the years between the 1930s and the 1950s saw a crisis of this system and its gradual elimination (ultimately with State sanctions) in the face of considerable resistance by African labour tenants who opposed their reduction to landless labourers. Allied with this process was an attack on the so-called 'squatter' peasantry (I am not sure that 'peasantry' is at all appropriate terminology) which has by and large now been 're-settled'. So, with the exception of some in the 'Homelands', we have an agricultural proletariat and not a small cultivating peasantry in intimate association with larger estates.

5.2.4 I do not wish to argue that the hypotheses developed above are anything more than suggestive. If one looks to the Chilean experience again, it appears that, although in the early 1960s over 80% of farm land was worked in 'large multi-family' farm units, the land reforms under the Frei Government had as their ultimate objective the division of expropriated farms among the families working them and the transitional co-operative (or asentamientos) form of organization ran into difficulties with peasant 'individualism'.

5.3 Of course one of the main reasons why these attempts to explain the incidence and character of land reforms in terms of socio-economic structures or stages of economic development are somewhat unsatisfactory is that they neglect the ideological and political dimensions. Clearly collectivist land reforms have usually been seen as an integral part of a general 'transition to socialism' for the country concerned; and as we saw in section 3 land reform (presumably distributive) may be pushed through as a conservative defence against revolution. This being so it seems sensible to abandon attempts at predicting what is likely to happen on the land in South Africa. I shall turn rather to a short discussion of some of the arguments that can be advanced in favour of land reform.

6. The case for a distributive land reform: equality and peasant productivity.

Suppose such a distributive land reform is relevant for South Africa—by which I mean that substantial mass support could be mobilized behind such a programme. (And this is not altogether unlikely: we do have a small cultivator sector—or, perhaps, a worker-and-small-cultivator sector, the demise of labour-tenancy has been very recent in parts of South Africa, and given increasing population in the 'Homelands' and the apparently reduced absorptive capacity of both rural and urban 'White areas' we may well start to see pressures for subdivision of large farms and some encroachment on to bordered and abandoned farms.) Suppose, then, the possibility of such a reform—what kind of a case can be made out for it, if any? I suggest that we cast the argument in terms of the objectives Michael Lipton says are usually associated with a land reform—

(a) increased equality of intra-rural income distribution and hence reduction in mass rural poverty;

(b) increased equality of overall income distribution;

(c) increased agricultural output (or rate of growth of output).

What is both interesting and apparently outrageous is the claim that (c) can be achieved simultaneously with (a) and (b). Instead of having to pay (or being reluctant to pay) the price of reduced output for the benefit of reduced rural poverty and inequality, we are apparently offered the social bonus of increased output if we are virtuous enough to attack the unequal distribution of land and of income from it. What sense can we make of this claim, and can it be plausibly held to be true for South Africa?

6.1 There isn't too much of a problem with the first objective of reducing intra-rural inequality and poverty—at least in principle. Dorner quotes some, admittedly rather aggregated, figures for Taiwan before and after its land reform which suggest what can be achieved. Between 1936-40 and 1956-60 the share of cultivators in the distribution of farm income in Taiwan rose from 67.08 per cent to 81.43 per cent, while the share of landlords and money lenders fell from 26.19 per cent to 6.26 per cent.

6.1.1 It is obvious that the reduction of inequality and the elimination of rural poverty are highly relevant goals in South Africa. It appears that inequality of wealth and income have assumed proportions in this country not readily paralleled elsewhere. Moreover the massive poverty tail of the
income distribution is composed of people who are concentrated in rural areas—on 'White' farms and former 'Reserves'. Simkins estimates that in 1976 25% of income recipients had incomes less than R500 per annum. At the same time something like 75,000 farmers own South Africa outside of the cities, towns, nature reserves and 'homelands'. On these estates something like 3/4 million 'regular' agricultural workers live and work with their families in conditions of almost total personal dependence on the men who own the houses they live in, own the land they work and live on, probably have built the school (it any) their children attend, and have in their gift the jobs on the proceeds of which the workers subsist. As in all systems of hierarchy in which a personal, face-to-face element survives there will be positive things that can be said for it. What no one will allege is that it promotes socio-economic equality or a sense of autonomy and self-reliance (either individual or collective) on the part of the manual workers who underpin the productive system.

6.1.2 Of course it's all very well to talk about the disease. Is the proposed cure appropriate? One obvious limitation to what a distributive land reform may do to reduce rural inequality is that expropriated land may not be available to all land-seekers given that there is some minimum size of holding imposed by 'viability.' There may have to be a choice among the potential recipients. How is it to be made? But I shall not push this problem any further.

A potentially far more serious problem of course is whether the social processes (struggles?) involved in bringing about the expropriations and the effects of subdivision will not together produce such a drop in output that rural poverty will not be reduced but may even be increased, and the beneficiaries of the redistribution will sit with pieces of relatively unproductive and hence low-value real estate.

Some of what one has in mind is raised by Jacques Chonchol in a discussion of experience in the Chilean 'reformed sector'. He says that one of the reasons for transferring expropriated farms initially to the Agrarian Reform Corporation (CORA) was 'the avoidance of a temporary drop in production that might result from poorly thought out decisions on the future use of the expropriated farm. In fact, even if a farm had not been very productive before expropriation, it might afterwards find itself in a worse situation, at least initially, as the result of an adequate redistribution of land, water and labour.' Again, in a longer run perspective, he says 'it was duly recognized that it would be difficult for campesinos working on reformed farms who had lived their whole lives under a paternalistic, dependent regime to begin overnight to take charge, to take the full initiative in developing the new farm enterprises that would emerge as the reform proceeded. They needed an intermediate period to retrain themselves, to further develop their initiative, and also to learn, through their own experience, the practical advantages of co-operative effort which was considered vital to the future success of the reform. Are these temporary problems, or at least temporary and probably longer-run, or even perhaps permanent? If they are permanent, then while a distributive reform in a South African type i.e. large-farm context may increase intra-rural equality it will not reduce mass rural poverty and it will moreover reduce welfare elsewhere. I postpone further discussion of this crucial question to section 6.3 below.

6.2 The second objective viz. improving the overall distribution of income, is most easily approached in Lipton's formulation. 'At present' he writes 'an underpriced food surplus is extracted from agriculture as a whole, by subsidizing only the biggest farmers, so that the small surplus farmer and his employees bear much of the cost of—often inefficient—industrialisation.' He does not specify which country, or group of countries, he is writing about but I assume he has an Indian (or S.E. Asian) focus. After a distributive land reform he says that such a policy would become more difficult. It would no longer be possible to extract an 'under-priced food surplus' by selective subsidy of large farmers; either higher prices for food or more widely-distributed subsidies would be called for. In either case the incomes of a section of the rural poor would be improved at the expense of those in the urban sector and this (given the existing inequitable relation between the two) would improve the overall distribution of income. Extending the same point (if I understand him correctly) he says that after a reform 'an urbanist policy to turn the terms of trade against farmers would become more unattractive on account of its downward impact on the net marketed surplus' which would be likely to be more price-responsive after reform since small farmers have the alternative of eating themselves if prices turn against them.

I do not really know what to make of this line of argument as applied to South Africa. Do we extract an 'under-priced food surplus' from agriculture by selective subsidies to the 'biggest farmers'? Aren't Control Boards aimed at 'over-pricing' food and agricultural products? I think is historically true that the urban sector has subsidised commercial (white-owned) agriculture—and that the allocation of resources to the rural areas has taken place in a formally discriminatory way.

This, plus the attacks on Black tenant-farmers, free-holders and labour-tenants in 'White areas', reinforced by the increasing relative attractiveness of wage-labouring opportunities, have led to the virtual elimination of Black 'small surplus farmers' who seem to have been both numerous and relatively successful in the late 19th and early 20th centuries. (The whole historical question is too complex to try to treat adequately here).

This being the case, perhaps the argument amounts to saying: part of the explanation for rural poverty on farms and 'Reserves' is policies of exclusion and policies of discriminatory public resource allocation. A distributive land reform would be a device for reversing some of these historical inequities, but would probably need to be sustained by policies which charge 'the urban sector' (or elements within that sector) more for its food and raw materials. The full implications of such policies need more analysis than I have given them here.

6.3 I now come to the argument that a distributive land reform, transferring land basically to family farming units, will assist the growth of farm output. It is this claim which seems to fly in the face of apparent South African experience.

6.3.1 The fundamental argument in support of this claim is that in many studies and under various conditions it has been shown that output per unit of land is inversely related to farm size (subject to some very small minimum size). Dorner summarizes some of this evidence for India (mid-to-late 1950s), Brazil (1963), Columbia (1950), Mexico (1960), Japan (1960), Guatemala (1950), Taiwan (1965), and the Philippines (1963-4). Lipton says: Small family farms can saturate the land with plenty of labour per acre, as there is little else for the labour to do (except perhaps at seasonal peaks). Large commercial farms must supervise labour and pay it the full market price, which is likely to rise if they buy too much of it. Kanel says: 'In most types of farming there are no decisive economies of scale.... Existing infrastructure and government programmes generally favour the large farms, which tend to have better and earlier
access to improved technology, credit, and markets. But with the availability of an infrastructure and of co-operative and public service organisations that do not discriminate against them, the advantage often shifts to family farms.19

6.3.2 This last point must be stressed. It makes clear that there are costs involved a point made earlier in section 2 where I referred to the 'necessary auxiliaries' which must accompany a land reform, and also in section 6.2 where I took note of Lipton's remarks about improving the urban-rural income distribution. Warriner makes a version of the same point when she says that land reform alone has not increased production in Latin America, and adds 'nor is it likely to do so unless it is reinforced by price and investment policy—unless that is to say, the urban population is prepared to incur costs.20 (emphasis added). This cost aspect of the claims about potential peasant productivity is worrisome however. Just what are the costs? Clearly they will vary across situations and one cannot simply transfer experience from elsewhere. So far we have identified (1) costs of ancillary services such as credit, extension and marketing, (2) costs of social investment connected with providing a differently structured infrastructure of roads, water-supplies etc., and (3) costs connected with a more favourable price-regime that may be required to extract a net marketed surplus from smaller producers. Lipton says that (1) will be relatively low, where the landlords are not included but the main beneficiaries of the redistribution are small farmers who are already operating farmers; the South African case however would precisely involve the landless and illiterate and certainly costs under (1) might well be extremely high. Costs of investment (2) we have already seen to be substantial in the Chilean case referred to by Chonchol, and the Chilean case would be relevant for South Africa. Costs under (3) I find it difficult to speculate about. Clearly any thinking about distributive (or other) land reforms in South Africa must involve further detailed, technical work in this cost dimension.

6.3.3 Let us accept the evidence that in many areas small-scale farming is more productive per land unit than larger-scale farming and that, at some cost, output could be raised by transferring land from larger to smaller farmers and to the landless. Why is this so? Is it because, as Lipton suggests in the quotation from his in Section 6.3.1 above, small farms are family farms (or peasant farms) and larger farms are wage-labour-employing farms and that the former are superior to the latter in terms of land-productivity because they 'mix more labour with the soil'? I want to record a recent view expressed about the Indian data which challenges this view, and asserts that the explanation is not to be found in different production relations. The phenomenon reflects only 'a static superiority of small-scale over large-scale production', but—crucially for what we are interested in—'an essential precondition for this superiority is a backwardness of technology.'

The point is so important that I shall append a long quotation from A. K. Ghose's conclusion to flesh it out somewhat.

'Smaller farms use more labour per acre, are better irrigated and better manured, and consequently attain a higher level of output per acre than larger farms. These facts do not necessarily reflect a superiority of peasant production over wage-labour-based production as is often supposed. They do, however, reflect a static superiority of small-scale over large-scale production. But the specific conditions for this superiority appear to be primitive technology and insufficient development of markets. An overwhelming importance of human labour in the production process, a dependence on farmyard manures (e.g. cow dung) for retaining and enhancing soil fertility, primitive labour-intensive methods of irrigation, a virtual absence of markets in some inputs (e.g. farmyard manure) and imperfections in the wage-labour market characterise the setting in which land-productivity varies inversely with the scale of production.

It seems fairly clear that technological progress involving the introduction of chemical fertilizers, labour-saving machinery (e.g. tractors) and modern irrigation equipment (e.g. tubewells) is likely to erode the basis of superiority of small-scale production. Indeed, such technological progress may introduce increasing returns to scale in agricultural production. The smaller farms may continue to be more labour-intensive than larger farms, but may no longer attain a higher level of output per acre. The fact that in Ferozepur, where considerable technological progress took place over the period 1955/57-1968/69, the relationship between farm size and land-productivity changed from negative to positive (while that between farm size and the intensity of labour use continues to be negative) lends support to this view, though it does not constitute conclusive evidence.'

I am sure there will be much discussion of the point, but at least the Ghose view justifies a certain commensensical reserve about the 'highly productive peasants' thesis—a thesis which has added a good deal of power to the case for distributive land reform.

6.3.4 Even if the general thesis about peasant agriculture survives criticism there will still be questions about whether we can apply it in South Africa, or about what extent we can apply it. Lipton's thesis was that 'small family farms can saturate the land with plenty of labour per acre, as there is little else for the labour to do (except perhaps at seasonal peaks)! Here is where points we raised in section 5 about the general development of the South African industrial economy become relevant. There is (in general) something else for rural labour to do viz. to work in the mining, and urban-based secondary and tertiary sectors of the economy; and to work for wages which could not be matched by family-labour on a family farm—unless the family farm were very well-equipped and fairly extensive! I am inclined to think that this is a serious reason why a small family-farm agriculture will not 'take' in South Africa—either on farms or in 'Reserves.' But the question is still an open one—very little hard research on the economics of Black farming has been done (or at least published); and I have heard of former Free State farm-labourers farming productively either in a group on hired land (Herschel District) or individually on Black-owned freehold land (near Newcastle).

6.3.5 This last impressionistic remark may act as a link to my final point about the productivity of small-scale farming in South Africa. One does not have to assert that small Black farms will have a higher land-productivity than large farms to be able to argue that they can become a good deal more productive than on average they are, and that redistribution of land to such family units will not lead to significant losses in output. Surely there is a good deal that can be learned about the possibilities in this area by studying the recent story of sugar-cane growing by Zulu families—both before and after the S.A. Sugar Association became involved in the provision of credit. The growing of sugar cane in Kwazulu has expanded steadily since the end of the second World War. In 1946/47 577 growers delivered 22 303 tons of cane with an average of 39 tons per grower. In the 1977/78 season 5 291 growers delivered 637 741 tons of cane with an average of 120 tons per grower. Most of these producers hold their land under customary tenure. An analysis of this performance
will point to the crucial rôle of guaranteed market, transport, credit, and extension services in producing these results.

7. Unhappy concluding remarks

7.1 It might be best just to trail away into embarrassed silence—with so many questions unanswered, and so many aspects of the land reform issue undiscussed. I shan’t do much more.

7.2 The major problem underlying the case for a distributive approach to land reform in South Africa is the lack of firm contemporary evidence about the costs involved in creating, and the prospects for, productive small-scale black agriculture. Both research and practical support-activity are now being increased and I hope that we shall soon be able to talk more knowledgeably about the issue.

7.3 The major undiscussed aspect of the whole land reform question is of course experience with, and arguments about, collectivist land reforms—and experiments with ‘group farming’ of various types. Of particular interest for the South African case would be a study of the ex-French estates in Algeria and the ‘White Highlands’ of Kenya. Policies in the two areas have differed widely. Also, as the dust settles, it would be valuable to have studies of experience in the estate-sectors of Angolan and Mozambican agriculture. Without all this, and more, remarks on land-reform in South Africa’ are distinctly incomplete.

See page 20 for footnotes

COMMUNICATION GAP

Two Poems

by Stephanie Warren

1.
We look alike, we share so many things,
Move with the times,
And in high level buildings, chrome and glass,
Expertise slips slickly from our tongues,
As we agree
On matters that don’t matter.

We’ve broken through!
The whole world shines;
In reverent voices we announce,
“Look. We go forward hand in hand
To build a new South Africa!”
For we agree
On matters that don’t matter.

Triumphantly, unnoticing,
We tread amid the smoke upon the smouldering coals
Of what does matter.
And when it leaps aloft, ablaze,
We cower back, astonished.

Then what?
You cry, “Your fault, the rotten English press...”,
And I, “You Afrikaners did it all...”,
And there we are,
A pair of cross-talk comics in the ashes,
Agreeing to disagree
On matters that don’t matter.

2.
Your fathers toiled to tame this hot bright land,
Labour so harsh that they’d no time it seems
To make its glorious colours part
Of themselves.

And as you’ve inherited, in sepia,
Their bearded images upon your study walls,
So too, in you, their sombreness lives on.

My country’s old now, grey as its grey skies,
Yet still, I think, there lives in me that eagerness
That built the once great empire,
And openness, and laughter.

Do you see eagerness as English arrogance?
Does laughter seem to you a gibe, a sneer?
Is that why you can’t hear me when I speak?
Is that why you, who so much long for friends,
Close off from me, turn in
Upon your sepia inner self?

We babble of the brotherhood of man,
Of self-determination, rights and powers,
But we can’t look each other in the eye.
Until we can those words are meaningless,
The empty gibberings
Of fools.
DARKNESS AT THE HEART of Apocalypse Now.
Film Review by David Maughan Brown.

All through Apocalypse Now Francis Coppola advertises his debt to Conrad’s Heart of Darkness with the kind of anxiousness with which a press photographer might wave his press card around during a baton charge. The number of verbal echoes, from the assertion that Colonel Kurtz’s ‘methods are unsound’ to his dying words, ‘The horror! The horror!’; the parallel plots, with their journeys up rivers to find Kurtzes; the parallel characters, like the American photo-journalist who is a puzzling counterpart to Conrad’s harlequin Russian and Captain Willard who is the equivalent of Marlow as narrator; such parallel incidents as the bow and arrow attacks on the boats and the spearing of the helmsmen, all invite the audience to make the connection with Conrad. Or rather, all stridently insist that those in the audience who have read Conrad bear Heart of Darkness constantly in mind as they watch the film. And Coppola appears not to give a damn for those who haven’t, for whom the last quarter of the film must be wholly bewildering and largely meaningless. Seldom can a producer have specified his putative audience, for whatever art form, so clearly. The question one must obviously ask is why?

Why should an American film director, working in the last quarter of the twentieth century, choose to base his account of the Vietnam war on an English novel, written by a Polish sea-captain in the British merchant navy, in the last quarter of the nineteenth century? Why should Coppola’s indictment of the version of Western ‘Civilization’ which was manifested in Vietnam take as a model a novel which, while questioning the civilizedness of the civilizing mission in Africa, shows its author to be hopelessly contradictory and confused about colonialism?

Conrad’s Congo experience had made it clear to him that colonialism was an evil. But because of his devotion to the British merchant navy tradition, and because of his adoption of British nationality, Conrad owed the exaggerated loyalty to Britain of a recent convert. The ideological pressures operating on Conrad were in this respect almost identical, interestingly, to those which determine the choice of the American national anthem as the song, of all songs, the Russian—Americans choose to sing at the end of The Deerhunter.

Because Britain was involved in the colonial exercise she had to be exonerated from the indictment of Heart of Darkness. This was done by attributing to Britain an underlying justifying ‘idea’. But Heart of Darkness makes it clear that no ‘idea’ can survive in the colonial situation. The only saving grace is work, and that is a saving grace precisely because it precludes thought.

Why then does Coppola choose to base Apocalypse Now on Heart of Darkness? I would suggest that there are two reasons. Firstly, because Heart of Darkness is kosher. It is a ‘great’ novel, and the mystique surrounding its being a ‘great’ novel can be guaranteed to act as flak insurance against hostile criticism from those worth bothering about—the putative audience. As it has to some extent done. That Heart of Darkness can still be regarded as a ‘great’ novel in spite of its racism, as exposed by Achebe (‘An image of Africa’, The Massachussetts Review, 1977), and in spite of its contradictory about colonialism, is, of course, symptomatic of the critical ideology which assigns it greatness.

But that isn’t the only reason. Heart of Darkness offers a model, and again because of its ‘greatness’, by implication a justification, for the crucial shift in focus from the material effects of colonialism/imperialism to the examination of individual psychology. It offers impeccable credentials to someone wishing to provide a ‘definitive’ account of Vietnam but anxious to avoid examining the material base of the war. The film questions American claims to ‘civilization’, it is an indictment of ‘unsound methods’, but it does not invite, indeed it directs investigation away from, an examination of the economic base of American imperialism.

This is not to say that its condemnation of the American army’s conduct in the war is not pretty far-reaching, as it would be bound to be in a film as thoughtful, within the limits of its possible consciousness, as this one. Its depiction of an army consisting largely of men who spend as much time as possible as high as possible, (with very good reason), whose leaders are either nowhere to be found, or else are bizarre West Point graduates who make it a matter of principle not to duck out of the line of fire while sending their men out to surf in the middle of battle, must come as a shock to South Africans brought up on a media diet which had America manfully defending Western Civilization against the onslaught of communism. Like the boys on the border.

In the first half of the film Coppola makes the seemingly paradoxical choice of realism as the best mode to adopt in attempting to capture something of the unreality of the war. His indictment of America’s claims to civilization is at its most incisive in a brilliantly economical evocation of the order and tranquillity of Vietnamese civilization in the moments before its representative village is destroyed by helicopter gunships, because it happens to be situated on the only spot on the coast which boasts six-foot waves for the surfers.

In the second half of the film realism ceases to be the dominant mode and elements of surrealism, symbolism and allegory are introduced. The change of gear is made particularly obvious in two surrealistic episodes roughly half way through the film. The first is the garishly lit arena in the darkness of the delta—‘This sure enough is a bizarre sight in the middle of this scene’—where the Playboy playmates-of-the-year arrive by helicopter to titillate the assembled G.I.s and provide a bemusing insight into American civilization for the Vietnamese watching through the fence. The second is the episode at the last bridge up the river, which the Americans build every day and the Vietcong...
destroy every night (a direct equivalent of the objectless blasting, supposedly for the railway, in Heart of Darkness), where Willard enters an equally obviously parallel 'inferno' situation, in a fruitless attempt to find the American commanding officers. That the leaderless men, who are all significantly black, should assume he is the commanding officer, largely because he is white, makes its own point.

The change in mode is necessary because, while realism may be appropriate to the depiction of napalm strikes, it is not appropriate to the journey into the individual psyche, into the heart of metaphysical darkness which the journey upstream represents. Coppola, like Conrad before him, takes refuge in the 'meta' physical when he gets within range of questions in the 'physical' which his ideology prevents him from asking. Questions which have to do, in this instance, with the underlying reasons for the war's being fought at all.

The shift in focus from the material destruction caused by the war to the inner recesses of Colonel Kurtz's individual psyche, which takes place as the banks close in on the journey up the river, necessitates the use of an intellectual zoom lens. As the attention homes in on Kurtz so the geographical and social specificity of Vietnam is necessarily excluded. The movement from an economically and politically explicable war to the complex mental processes of one man, a movement which invites assessment of his actions in terms of absolute good and absolute evil, is a process of mystification rather than elucidation.

Even here the film makes some far-reaching statements, and gives evidence of a complete, and in the event wholly justified, confidence on the part of Coppola in his ability to control the response of those in the audience towards whom the film is directed. The ruined temple which is the setting of the final scenes is littered with decapitated bodies and unattached heads. There is a visual insistence on 'the horror' in Apocalypse Now which is the exact equivalent of the 'adjectival insistence' which Leavis identified in Heart of Darkness. Yet the audience remains largely unmoved. Discussion of individual responses to the film suggests that it is a common experience among the audience for people to find themselves worrying about their lack of feeling of shock or revulsion. This, I suspect, is precisely what Coppola was after. The violence in the first half of the film is almost always distanced—helicopter shots of aerial killings allowing the viewer to share the detachment of those firing aerial machine-guns from helicopters. By the end of the film the audience is being invited to recognize how easy it is to become inured to violence.

Again, the complex series of literary allusions in the last part of the film is more than just a self-gratifying intellectual exercise for the initiated. Those in the know will realize that Colonel Kurtz is made to read 'The Hollow Men' aloud to himself because T. S. Eliot took the subtitle for that poem from Heart of Darkness. Those in the know who notice The Golden Bough prominently displayed on Kurtz's bedside table will be prepared for Willard to be accorded the status of a god once he has killed Kurtz, and so on. But Coppola isn't just pandering to the art-film clientele's self-image. The point is, firstly, that the civilization, or culture, represented by Jessie Weston's From Ritual to Romance (also on the bedside table), by Frazer and by T. S. Eliot, and, more importantly, the civilization embodied for those 'in the know' in being 'in the know', has not prevented the barbarism depicted in the first part of the film; any more than exposure to a supposedly humanizing literary tradition prevented certain Germans from murdering Jews. And, secondly, not only has that culture not prevented the barbarism, it has actually been made to contribute to it. This is most clearly seen in the grotesquely amplified recording of Wagner which is switched on when the helicopters are approaching their targets because it 'scare[s] the hell out of the slopes (Vietnamese)'—as it well might—and it is seen also in the way Kurtz finds sustenance for his activities from T. S. Eliot. Coppola is clearly including Western Civilization's much vaunted culture in his indictment, as well as issuing a warning about the ideological ends towards which art can be appropriated.

The killing of Colonel Kurtz at the end of the film, (an interesting departure from the Conradian model), is directed in such a way as to make it look as if the film is continuing to subject American 'civilization' to a scrutiny just as searching as that provided by the filming of the battle scenes in the first half. The killing is carefully juxtaposed with shots of the ritual slaughter of a sacrificial ox by Kurtz's followers in the ruined temple outside. Kurtz is the romantic individual who has followed the logic of individualism to its conclusion: 'Kurtz got out of the boat—he split from the whole programme... He could have gone for general, but he went for himself instead.' In the process he has transcended the artificial boundary which the ideology has imposed as the acceptable limit of individualism—the point at which class interests become threatened. Just how artificial the boundary is in this case is made clear by another of Willard's reflections: 'Charging a man with murder in this place was like handing out tickets at the Indy 500. Kurtz must be turned into a ritual sacrifice to the interests, ideological and material, of those responsible for the war.'

Here the Heart of Darkness antecedents so insistently stressed become an unresolved embarrassment. Why, if the film is questioning American claims to civilization, and Colonel Kurtz's base is at the 'heart of darkness', does Coppola choose to use a ruined Eastern temple as that base? Why is a parody of an Eastern religious ritual used as the epitome of barbarism? The choice of the setting was probably motivated by its theatrical possibilities—but it must carry with it the implication that anything non-Western can be equated with barbarism. A particularly unfortunate implication in a film designed to equate the West's actions in Vietnam with barbarism.

But, while the end of the film appears to be providing as damning an indictment of American 'civilization' as the focus on American military destructiveness in the first half, not only is it not questioning the individualist ideology of capitalism which underlies American involvement in Vietnam, but the prominence it gives to Colonel Kurtz's individualism is actually an endorsement of that ideology. It suggests that the key to historical events lies in the individual psyche.

It is known that Coppola filmed two different endings to Apocalypse Now. We don't know what the other filmed ending was, and if we were to be given access to it the choice of this ending would probably be the decisive pointer to the ideological determinants acting on Coppola in the making of the film. But even without that the ideological statement of the ending we are given is very clear. Having killed Kurtz, Willard stands at the top of the temple stairs while Kurtz's assembled followers offer him obeisance. The end of the film shows Willard being offered the choice of becoming the new god or not. (This, of course, is a singularly circumscribed choice in that if Willard were to opt to take Kurtz's place someone else would inevitably be sent to kill him in his return.) In the event Willard chooses not to become the new god but rather to call in yet another napalm strike to destroy the temple and all Kurtz's followers. To protect Willard from the imputation that his invocation of napalm...
is just as barbaric as was Colonel Kilgore's, the ex-West Point surfing enthusiast ('I love the smell of napalm in the morning. It smells of victory'), Coppolla has Willard say: 'They were going to make me a Major for this—and I wasn't even in their army any more.' Willard has chosen to follow Kurtz's example and opt for individuality, 'himself', rather than conformity. The film's account of the war would suggest that this wasn't a choice open to Kurtz, but Willard's survival as the narrator shows that it must somehow, have been opened to him.

That is not, however, the main issue. The point is that the film focuses finally on an individual consciousness being confronted by a choice. Coppolla wants the issue to be seen ultimately in terms of individual salvation or damnation. He wants to convey the impression that history hinges on individual choice and thus ultimately on the goodness or badness of the individual. He wants the social, political and economic context to be seen as 'background', which is, finally, only important in so far as it can't be entirely ignored in the examination of the individual consciousness which is presented, in the second half of the film, as foreground.

So what we have at the end of Apocalypse Now is a critique of a cultural tradition which has not only not prevented, but actually been used as a weapon, in a war which is shown to be an act of peculiar collective insanity. Yet at the same time Coppolla is producing a film which belongs in that tradition, and which, largely through its use of Heart of Darkness, seeks sanction from that tradition for a deafening silence on the crucial question about Vietnam. Somewhere in the unilluminated darkness at the heart of Apocalypse Now lurks the unasked and unanswered question: What the hell (to use Apocalyptic terminology) was the American army doing in Vietnam in the first place?

Not to mention Cambodia. Very particularly not to mention Cambodia.

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FOOTNOTES FROM DEMOCRACY VS SECRECY, PAGE 9

1. At the time of writing the Bill had not yet become law.
2. By invoking secrecy provisions the American Central Intelligence Agency was able to conceal from his family for 22 years the fact that it had caused the death through an overdose of the hallucinogenic drug, LSD, of one of its employees, Frank Olson. This fact only came to light in 1976 in the course of an investigation of the CIA in the wake of the Watergate debacle. A. W. Schefflin & E. M. Opion, The Mind Manipulators, Paddington Press 1978, 106-112.
3. This question is fully discussed in A. S. Matthews, The Darker Reaches of Government, Juta 1978.
4. Both of these sections allow for detention with trial, the former for 14 days, after which judicial sanction is required for continued detention and the latter for an indefinite period at the discretion of the Commissioner of Police. From the scanty information available it appears that the former has fallen into disuse since its supersession by the latter.
8. Section 6(6) of the Terrorism Act, 83 of 1967.

FOOTNOTES FROM LAND REFORM IN SOUTH AFRICA, PAGE 10.

2. Ibid., p. 274.
3. Ibid., p. 281.
5. Don Kanel, "Land Tenure As a Policy Issue in the Modernization of Traditional Societies," in Peter Dorner (ed), Land Reform in Latin America (Land Tenure Centre, University of Wisconsin-Madison), 1971, pp. 21-35.
12. Peter Dorner, Land Reform and Economic Development, Penguin, 1972, see Table 2, p. 89.
15. See footnote 11 for reference for Chonchol's paper. These quotations come from pp. 199-200.
16. This and the following quotation are from his paper referred to in footnote 1. I recommend it as a powerful piece of argument.
17. Dorner: see footnote 12 for reference. The discussion of peasant productivity is in Ch. 5, especially pp. 119-126.
18. Lipton's paper cited earlier: this quotation from p. 289.