

their status considerably, and the Children's Act 39 of 1937 which gives security and protection for their children, apply to the African woman in legal theory though seldom in administration practices.

The story of the African woman enduring economic disabilities because she has commonly to support her children without financial assistance from the father of the children is too familiar to us all, in fact it has become an accepted feature of life in the African Community.

The present variety of practices relating to accepting African women as tenants in municipal Townships cause insecurity and confusion.

An African woman can be a municipal tenant only at the discretion of the Superintendent. Very often on the death of a man, his widow is in danger of ejection. It is true that under customary law a woman has no right of inheritance. In a tribal system women could not own other than personal belongings. But no woman was ever thrown out of the home because of the death of the husband. There was the extended family unit with its numerous male members who are always ready to take over all the assets and responsibilities of the household.

Further there was no problem of neglected children. All the children in the extended family were always looked after. To-day, the instance of widows and orphans ejected from homes on the death of the husbands is a familiar pattern in our Townships.

This has brought untold hardship and suffering to these women and their children. It is a matter of great concern that the African woman in South Africa is not given the status which accords with her influence and responsible participation in Community life. Several organizations including the National Council of Women, The Y.W.C.A.,



The South African Institute of Race Relations, The Black Sash, The South African Council of Churches, have tried to exert pressure to have this position improved and have emphasised that it is important that the legal status of African women be brought into line with that of other women in the country. They have pointed out that this is not a mere matter of justice but is the only way of establishing for the African woman the place in her family and community from which she can, with security, continue to perform her dual function of guardian of traditional values, and the cherisher of new life. In conclusion, to my mind, the African women are showing their capacity to adjust to fundamental changes which are taking place about them with startling rapidity; there is no reason, why they should not be afforded the same legal status as that afforded to European women in this country.□

MARQUARD ON FEDERALISM

by Edgar Brookes

A new book by Leo Marquard is always an important event to Liberals in South Africa and indeed to all who value first rate academic research. There are certain things that we have come to expect from a book by Leo Marquard, such as honesty, reasonableness, lucidity and factual accuracy. These expectations are again fully realised in "A Federation of Southern Africa".

One might perhaps be tempted to assume that Leo Marquard, like some other Liberals, has given up hope that the full Liberal programme will ever be realised and has tried to find a way round it. That this is not so is illustrated by quotations such as the following.

"The results of apartheid are devastating" (page 115). Again, "Racial separation as practised in the R.S.A. will have to go if Federation is to come about" (page 103).

"Federation is not a method of separating the races, of realising the ideals of some people for a partitioning of South Africa. But in no autonomous region could the interests of one group dominate over the rights of another" (page 113).

Generally speaking the argument of the book is that a racially dominated Federation is a contradiction in terms and not to be considered, and it is made clear that the Whites would have to agree to a non-racial Federal Parliament.

Marquard claims that Federation would not solve magically all the problems of South African Whites. It looks, therefore, that Federation would have to be approved for

its own sake. But a paragraph on page 116 is very significant in this connection.

“There can be no doubt that apartheid has made South Africa internationally unpopular and that most White South Africans are aware of this. There is also little doubt that most of them would welcome a way out of their difficulties. It is facile, but not very helpful, to say that the matter is really quite simple: all that White South Africa has to do is to abandon apartheid forthwith. What has been said in this book points to the complexity of the situation and supports the view that it is naive to expect White South Africans to relinquish part of their power and privilege, unless alternative policies can be found that would guarantee – not power and privilege, for that would merely be fraud – but those very fundamental rights which they are themselves at present denying to others. It is submitted that this can never be done under present constitutional arrangements in Southern Africa and that a federal structure is a more hopeful alternative.”

The arguments put forward are largely economic. For example, Marquard says (page 99), “Commercial, industrial and mining enterprises in the R.S.A. can hardly but welcome federation.” The economic and some of the political arguments assume more rationality among South African Whites (who, alas, are not all Leo Marquards) than one perhaps has the right to expect.

But is he perhaps right? Is opinion changing? We shall try to answer these questions at the end of our survey.

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One reads the book not without some criticisms. One of the most important of these is the absence of a map. Nearly a quarter of a century ago Professor A.M. Keppel-Jones wrote a book called “Friends or Foes” which might be regarded as a first rough draft of Marquard’s present book. He had the courage to publish a map which shows ten areas within a federation, instead of Marquard’s eleven, and the book is none the worse for that. Marquard makes an impassioned defence for not having published a map. He says (page 127), “The usual trap set for anyone who suggests the partition of a country is to be asked to produce a map. The unwary fall into the trap and then have their map as well as their arguments demolished.” This does not convince the present reviewer: a map would have been a very valuable addition to the book.

In the second place, Marquard’s historical background is open to criticism. He attributes the unitary character of South Africa’s constitution to the hurried impression of Sir Henry de Villiers after a week’s visit to Canada. But this is surely to make General Smuts and John X. Merriman much more simple folk than they were. They were not the kind of people to be carried away by the hurried impressions of Sir Henry de Villiers or anyone else. The fact is that in 1908 attention was centred only on the two White races, who had recently been at war. Smuts, Merriman and Steyn felt that federation would accentuate the racial differences. The Union was entered into because the alternative might have been war. This is not an isolated phenomenon. The complete parliamentary union of England and Scotland in 1707 took place because union seemed the only alternative to violence.

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In passing one must admit to some mental questioning as to whether Marquard’s advocacy of “de-reservation” (page 38) is justified. But this we can leave for the most important criticism, namely whether Marquard has not prescribed a mechanical medicine for a spiritual disease. Would English-speaking Durban welcome a federation scheme in which Indian voters might well be in a majority? Would English-speaking Cape Town welcome a Coloured majority? And as for Afrikaans-speaking South Africa, would not some kind of spiritual revolution in the Dutch Reformed Church do more than any constitution ever could?

These are natural and perhaps justifiable questions. But one feels that Marquard, who knows South Africa better than most people who write about it, has felt in the air that new dawn of hope which some of the rest of us have felt. More and more it becomes clear that young South Africa, whether in Durban or Stellenbosch, is not going to be tied down by the catch-words, facile emotions and fears of the older generation. It may be that in this awakening such a practical proposition as Leo Marquard puts before us may attract many young people. The book may well be a pledge of this new hope. **At any rate, like any book by Leo Marquard, it is to be read and studied carefully. It is a good case made by a good man with good arguments. Perhaps no more needs to be said.** □