

Maui
Women

OK 2/2
~~2/2~~

~~Handwritten scribble~~
Mrs. Scott

No objection would be reported at Exec. or GPC

CM/2/2

11/16
19/6

RP 32/1962. Page 56

Report of the Commission of Enquiry into Compulsory Motor Vehicle Insurance (1960).

The Commission recommended that the necessary steps be taken to enable any Bantu woman married by customary union to recover damages that may be awarded under the Act in the event of her husband's death having been caused through the negligence of a third party.

A representative of the Institute had urged the Commission to make such a recommendation.

The Commission stated that representatives of the General Committee of the 1942 Motor Vehicle Insurance Act Agreement said in evidence that they would have no objection.

THE LEGAL STATUS OF AFRICAN WOMEN

The S.A. Institute of Race Relations proposes that a statutory commission be appointed to enquire into and report upon the legal status of African women and related matters, with special reference to:

- (a) the laws affecting their personal rights and capacities in the different provinces, and the desirability of introducing uniformity throughout the Republic;
- (b) the disabilities imposed upon them by native law and custom and statute, in particular the Natal Code of Native Law;
- (c) the expediency or otherwise of providing for the registration of customary unions and a system of divorce by judicial process;
- (d) the effects of customary unions and marriage by civil or religious rites respectively on their status and property rights, and the advisability of extending the provisions of the Roman-Dutch law;
- (e) the consequences of tribal systems of succession and inheritance and the advisability of removing disabilities imposed by these rules;
- (f) their capacity to act as guardians over their children;
- (g) their rights under systems of land tenure in scheduled and released native areas.

We know that your Department has for many years been considering the advisability of reforming the existing marriage systems and removing certain anomalies and hardships that result from the diversity of practices in the different provinces and the inadequacy of tribal marriage laws. In his Minute No. 13/366 of July 12, 1943, the Secretary for Native Affairs wrote:

"The diversity which exists in the marriage laws applying to Natives in various Provinces and in what are regarded as the essentials of customary unions, is causing difficulties for the Natives and is being abused in certain respects. For example, Native men and women in urban areas frequently find it advantageous or convenient under the stress of urban conditions to cohabit temporarily and to represent to the authorities that their unions are native customary unions. These loose unions are having a most disintegrating and demoralising effect on Native family life, particularly in urban areas.

"The Department accordingly feels that the time has come to improve the position by legislation consolidating the law in regard to Christian and civil marriages and to customary unions".

African public opinion at that time was not favourably inclined to a reform of the marriage system. It is possible that attitudes have changed since then. As you know, the Transkeian Territorial Authority resolved in 1957 to request that the registration of customary unions and of dowry cattle should be brought into force in the Territories as soon as possible.

Your Department replied that it was not possible to accede to this request because the registration of customary unions in the Transkei alone would cause confusion in the rest of the country. A large proportion of the male population, it said, was usually absent from home and resident in areas in which the regulations would not apply. The resulting position would be confusing and the regulations could not easily be enforced.

The possibility that regional authorities will attempt to find solutions must surely increase as the policy of devolving legislative powers to communities in the reserves takes effect. Yet large numbers of people domiciled in the reserves will continue to live outside them for the foreseeable future. We agree with the Department's contention that a solution should be found on a countrywide basis. For this reason alone we urge that strenuous attempts be made to secure uniformity before the decentralization of legislative authority becomes a reality.

It is not only the marriage system that requires revision. Informed observers are aware of the unsatisfactory position of women under the Natal Code and generally in tribal law. The old patriarchal system has broken down. Many thousands of women earn their own living or are breadwinners and heads of families. A system that commits them to perpetual male tutelage does not correspond to their role in society. Women must be emancipated from archaic and outworn social usages if they are to play their part in building progressive communities.

The Government's proposals to develop the resources of the reserves will, when put into effect, tend to increase the discrepancy between the law governing the status of women and their actual position. Difficulties such as those experienced in the towns, and mentioned in the Department's Minute of 1943, will recur in the reserves under conditions of urban and industrial development. We believe that a satisfactory adjustment of social relations is essential to the success of any large-scale scheme for revitalizing tribal communities.

The Institute is of the opinion that legislation affecting intimate human relations and deeply-rooted sentiments should not be adopted without the maximum amount of publicity and the general approval of the people concerned. They themselves should undertake responsibility for making important changes in their personal law. We therefore think that it would be a mistake for Parliament to legislate in these matters until Africans have had an opportunity to shape and express their own opinions. For these reasons we suggest the appointment of a public commission of inquiry as an essential preliminary step to the reform of the marriage system and related institutions.

MS-
5th February, 1962.

Dr. H. Simons,
P.O. Box 594,
CAPE TOWN.

Dear Dr. Simons,

At the Institute Executive Committee meetings last month it was agreed that the Institute take the lead in requesting a national commission to inquire into the marriage and succession laws, possession and property rights etc. relating to African women. It was considered that a very brief memorandum should accompany the letter to the Minister, and I wondered whether you could find time to draw up short notes which would back up the request.

I do not think that this need be more than 2 - 3 pages. If a commission were set up we would then prepare elaborate evidence for presentation.

I hope this is not asking too much.

Yours sincerely,

Quintin Whyte,
Director.

P70

Problem of succession in rural villages.

To draft amending legislation

Set Women's Org thro' Russell & Pollak to write in
to govt at same time.

B & P

Agri. Comm.

Fed of Women's Org Russell.

NCW

NCAW

Send 2 accompanying memo.

~~all marriages in country~~

~~Disabilities of all women.~~

~~CPC set in no "~~

marriage & succession
laws & property
rights

BAD.

NB

Some firms refused to grant pension rights to all women
apply to memo listing pts why needed.

Miss Howell - For information.

File

26th February, 1962.

Douglas Mitchell, Esq., M.P.,
House of Assembly,
CAPE TOWN.

Dear Mr. Mitchell,

I understand that you intend to introduce a Bill to provide compensation for widows of customary unions, and possibly another Bill on the Status of African women other than those living under tribal conditions.

For some time the Institute has been considering the disabilities and legal status of African women and it hopes to produce a study of this matter shortly. In the meantime, however, we have also been discussing the desirability of approaching the government to set up a commission to inquire into the whole legal status of African women. I enclose some notes which will be the basis for such an approach. I thought that you would like to see this.

Should you wish to discuss this matter further, may I suggest that you see Dr. H.J. Simons and Professor Monica Wilson both of the School of African Studies, at Cape Town University. Dr. Simons is carrying out for us the study I have mentioned.

Yours sincerely,

Quintin Whyte,
Director.

Encl.

26th February, 1962.

Dr. H.J. Simons,
School of African Studies,
University of Cape Town,
RONDEBOSCH, CAPE.

Dear Dr. Simons,

Disabilities of African Women

Thank you ever so much for your letter of February 20, 1962 with the memorandum, and your letter of February 13, 1962. I think that the approach you suggest is much the best. I will now have the matter discussed by the General Purposes Committee.

Should anything come of this, it will be important to mount an effective presentation of evidence and I am grateful for your offer to help.

With many thanks,

Yours sincerely,

Quintin Whyte,
Director.

NATIVE LAWS AMENDMENT BILL

The Bill makes provision for the registration of customary unions.

The State President may:-

1. Make regulations for the registration or dissolution of customary unions;
2. make regulations prescribing the person who may cause or dissolve a customary union;
3.prescribing when and the manner in which.....
4. providing for the appointment of official witnesses to officiate at ceremonies.....
5. prescribing the powers, functions and duties of any Bantu Authority, chief, deputy, headman or official witness in contracting, or dissolving a customary union;
6. providing for the issue of a certificate of registration;
7. different regulations may be made in respect of different areas or different customs.

REMARKS:

The last paragraph seems of significance. There is no attempt at uniformity or to find a solution on a country-wide basis.

In this regard see attached memorandum.

+++++

THE LEGAL STATUS OF AFRICAN WOMEN

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- (a) the laws affecting their personal rights and capacities in the different provinces, and the desirability of introducing uniformity throughout the Republic;
- (b) the disabilities imposed upon them by native law and custom and statute, in particular the Natal Code of Native Law;
- (c) the expediency or otherwise of providing for the registration of customary unions and a system of divorce by judicial process;
- (d) the effects of customary unions and marriage by civil or religious rites respectively on their status and property rights, and the advisability of extending the provisions of the Roman-Dutch law;
- (e) the consequences of tribal systems of succession and inheritance and the advisability of removing disabilities imposed by these rules;
- (f) their capacity to act as guardians over their children;
- (g) their rights under systems of land tenure in scheduled and released native areas.

We know that your Department has for many years been considering the advisability of reforming the existing marriage systems and removing certain anomalies and hardships that result from the diversity of practices in the different provinces and the inadequacy of tribal marriage laws. In his Minute No. 13/366 of July 12, 1943, the Secretary for Native Affairs wrote:

"The diversity which exists in the marriage laws applying to Natives in various Provinces and in what are regarded as the essentials of customary unions, is causing difficulties for the Natives and is being abused in certain respects. For example, Native men and women in urban areas frequently find it advantageous or convenient under the stress of urban conditions to cohabit temporarily and to represent to the authorities that their unions are native customary unions. These loose unions are having a most disintegrating and demoralising effect on Native family life, particularly in urban areas.

"The Department accordingly feels that the time has come to improve the position by legislation consolidating the law in regard to Christian and civil marriages and to customary unions".

African public opinion at that time was not favourably inclined to a reform of the marriage system. It is possible that attitudes have changed since then. As you know, the Transkeian Territorial Authority resolved in 1957 to request that the registration of customary unions and of dowry cattle should be brought into force in the Territories as soon as possible.

2/ Your.....

Your Department replied that it was not possible to accede to this request because the registration of customary unions in the Transkei alone would cause confusion in the rest of the country. A large proportion of the male population, it said, was usually absent from home and resident in areas in which the regulations would not apply. The resulting position would be confusing and the regulations could not easily be enforced.

The possibility that regional authorities will attempt to find solutions must surely increase as the policy of devolving legislative powers to communities in the reserves takes effect. Yet large numbers of people domiciled in the reserves will continue to live outside them for the foreseeable future. We agree with the Department's contention that a solution should be found on a countrywide basis. For this reason alone we urge that strenuous attempts be made to secure uniformity before the decentralization of legislative authority becomes a reality.

It is not only the marriage system that requires revision. Informed observers are aware of the unsatisfactory position of women under the Natal Code and generally in tribal law. The old patriarchal system has broken down. Many thousands of women earn their own living or are breadwinners and heads of families. A system that commits them to perpetual male tutelage does not correspond to their role in society. Women must be emancipated from archaic and outworn social usages if they are to play their part in building progressive communities.

The Government's proposals to develop the resources of the reserves will, when put into effect, tend to increase the discrepancy between the law governing the status of women and their actual position. Difficulties such as those experienced in the towns, and mentioned in the Department's Minute of 1943, will recur in the reserves under conditions of urban and industrial development. We believe that a satisfactory adjustment of social relations is essential to the success of any large-scale scheme for revitalizing tribal communities.

The Institute is of the opinion that legislation affecting intimate human relations and deeply-rooted sentiments should not be adopted without the maximum amount of publicity and the general approval of the people concerned. They themselves should undertake responsibility for making important changes in their personal law. We therefore think that it would be a mistake for Parliament to legislate in these matters until Africans have had an opportunity to shape and express their own opinions. For these reasons we suggest the appointment of a public commission of inquiry as an essential preliminary step to the reform of the marriage system and related institutions.

REPUBLIEK VAN SUID-AFRIKA.

Wetsontwerp op Vergoeding van Bantoe-weduwees.

(Soos vir die eerste maal ge lees.)

WETSONTWERP

OM

Daarvoor voorsiening te maak dat 'n Bantoe-vrou wat deur gebruikelike verbintenis ooreenkomstig die naturellereg en -gebruik getroud is, geregtig is om skadevergoeding te eis vir verlies van onderhoud wat voortspruit uit die dood van haar eggenoot in sekere omstandighede.

(Ingedien deur die WELED. HEER M. L. MITCHELL, L.V.)

[VW. 30—'62.]

REPUBLIC OF SOUTH AFRICA.

Bantu Widows' Compensation Bill.

(As read a First Time.)

BILL

TO

Provide that a Bantu female married by customary union according to native law and custom shall be entitled to claim damages for loss of support arising from the death of her husband in certain circumstances.

(Introduced by M. L. MITCHELL, ESQ., M.P.)

[A.B. 30—'62.]

WETSONTWERP

Om daarvoor voorsiening te maak dat 'n Bantoe-vrou wat deur gebruiklike verbintenis ooreenkomstig die naturellereg en -gebruik getroud is, geregtig is om skadevergoeding te eis vir verlies van onderhoud wat voortspruit uit die dood van haar eggenoot in sekere omstandighede.

(Ingedien deur die WELED. HEER M. L. MITCHELL, L.V.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Bantoe-vrou, waar deur gebruiklike verbintenis getroud, geregtig om skadevergoeding wat uit dood van eggenoot voortspruit, te verhaal.

1. Ondanks andersluidende wetsbepalings is 'n Bantoe-vrou wat deur gebruiklike verbintenis ooreenkomstig die naturellereg en -gebruik getroud is, geregtig om in 'n bevoegde hof van enigiemand skadevergoeding te eis vir verlies van onderhoud wat voortspruit uit die dood van haar eggenoot, waar sodanige dood deur die nalatigheid of ander onregmatige handeling van iemand anders veroorsaak is. 5 10

Kort titel.

2. Hierdie Wet heet die Wet op Vergoeding van Bantoe-weduwees, 1962.

BILL

To provide that a Bantu female married by customary union according to native law and custom shall be entitled to claim damages for loss of support arising from the death of her husband in certain circumstances.

(Introduced by M. L. MITCHELL, ESQ., M.P.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Notwithstanding anything to the contrary in any law 5 contained, a Bantu female married by customary union in accordance with native law and custom shall be entitled to claim from any person, in any competent court, damages for loss of support arising from the death of her husband, where such death was caused by the negligence or other unlawful act 10 of any other person. Bantu female entitled to recover damages arising from death of her husband where married by customary union.

2. This Act shall be called the Bantu Widows' Compensation Short title. Act, 1962.

M.S.

C/A/2/2

8th March, 1962.

John Cope, Esq.,
131 Mimosa Road,
Blackheath,
JOHANNESBURG.

Dear John,

Enclosed is a copy of the Bantu Widows' Compensation Bill which Mr. M.L. Mitchell has introduced in the House of Assembly. The second reading of this Bill is still to take place on Friday 16th March. If you have any comments on it I shall be very glad if you will forward them to Mr. Mitchell.

All good wishes,

Yours sincerely,

Quintin Whyte,
Director.

HOUSE OF ASSEMBLY,
CAPE TOWN.

4th March, 1962.

Quentin Whyte, Esq.,
Director,
South African Institute of Race Relations,
P.O. Box 97,
JOHANNESBURG.

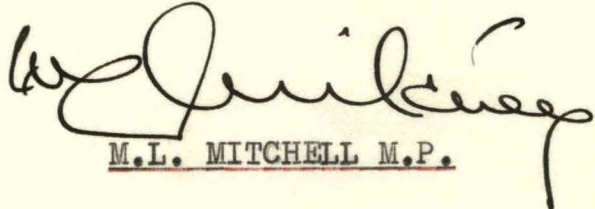
Dear Mr. Whyte,

Your letter dated 26th February and addressed to Mr. Douglas Mitchell has been passed on to me. It is I, and not he, who has introduced a Bill relating to the status of African women.

I enclose a copy of the Bill which has been read a first time. This Bill deals only with the question of the right of Native widows to sue for compensation for loss arising from the death of their husbands caused by negligence. I have another Bill, the terms of which I am still settling, relating to the legal status of African women generally. I have decided to deal with the two matters separately as the Bill which I have enclosed is free of complications, and the usual difficulties which confront one when the realm of officialdom is invaded are myriad in respect of the other proposed Bill.

The second reading of this Bill is due to take place on Friday the 16th March. I would appreciate very much your comments on this Bill before then. Before presenting the second Bill I shall discuss the question, as you suggest, with Dr. H.J. Simons of Capetown University who is known to me.

Yours sincerely,


M.L. MITCHELL M.P.

MLM/ev

GPC

Item 5(h)

① Mr Scott - For GPC. Ple
return the file to Research
when you have done with it.

FW
26/3/62

21st March, 1962.

Dr. H.J. Simons,
13 Bridle Road,
ORANJEZICHT,
Cape Town.

Dear Dr. Simons,

We have asked Mrs. Helen Suzman to ask that the Native Laws
Amendment Bill at present before Parliament be sent to a Select Committee.

Notes have been sent her with the suggestion that she get in touch
with you. I do hope you will be able to see her.

Yours sincerely,

Quintin Whyte,
DIRECTOR.

21st March, 1962.

Mrs. Helen Suzman, M.P.,
House of Assembly,
CAPE TOWN.

Dear Helen,

Our Action Committee met yesterday to consider the Native Laws Amendment Bill. It was concerned that there appeared to be no attempt at securing uniformity in the registration of customary unions or at finding a solution on a country-wide basis. We have asked Dr. Brookes and Dr. Simons for their comments, but meanwhile could you suggest that the Bill be referred to a select committee? We understand that not even a departmental committee has considered it yet.

The Bill makes provision for the registration of customary unions. In it the State President may:

1. make regulations for the registration or dissolution of customary unions;
2. prescribing the person who may cause or dissolve a customary union;
3. prescribing when and the manner in which
4. providing for the appointment of official witnesses to officiate at ceremonies
5. prescribing the powers, functions, and duties of any Bantu Authority, chief, deputy, headman, or official witness in contracting, or dissolving a customary union;
6. providing for the issue of a certificate of registration.

Different regulations may be made in respect of different areas or different customs.

2/.....

We are particularly concerned about this Bill for the Institute has been in correspondence for some time with Dr. Simons on the whole question of the disabilities and legal status of African women and he asked us as an Institute to press for a commission of enquiry. Were such a commission appointed then naturally registration of customary unions would be considered as part of the whole picture.

Could you possibly get in touch with Dr. Simons at 13 Bridle Road, Oranjezicht, Cape Town? Meanwhile I enclose some notes which would be the basis of our request for a commission.

Yours sincerely,

Quintin Whyte,
DIRECTOR.

ENCLOSURE

21st March, 1962.

Professor the Hon. E.H. Brookes,
12 Chamberlain Road,
SCOTTSVILLE,
Pietermaritzburg.

Dear Edgar,

The Action Committee met yesterday to consider the Native Laws Amendment Bill now before the House.

It makes provision for the registration of customary unions, but there is no attempt at uniformity or at finding a solution on a country-wide basis and we should be glad of your comments.

In the Bill the State President may;

1. make regulations for the registration or dissolution of customary unions;
2. make regulations prescribing the person who may cause or dissolve a customary union;
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6. providing for the issue of a certificate of registration.

Different regulations may be made in respect of different areas or different customs.

The Committee is asking Mrs. Helen Suzman to ask that the Bill be referred to a Select Committee.

We should be grateful if you could give us your views.

Yours sincerely,

Quintin Whyte,
DIRECTOR.

THE LEGAL STATUS OF AFRICAN WOMEN

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"The Department accordingly feels that the time has come to improve the position by legislation consolidating the law in regard to Christian and civil marriages and to customary unions".

African public opinion at that time was not favourably inclined to a reform of the marriage system. It is possible that attitudes have changed since then. As you know, the Transkeian Territorial Authority resolved in 1957 to request that the registration of customary unions and of dowry cattle should be brought into force in the Territories as soon as possible.

Your Department replied that it was not possible to accede to this request because the registration of customary unions in the Transkei alone would cause confusion in the rest of the country. A large proportion of the male population, it said, was usually absent from home and resident in areas in which the regulations would not apply. The resulting position would be confusing and the regulations could not easily be enforced.

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The Institute is of the opinion that legislation affecting intimate human relations and deeply-rooted sentiments should not be adopted without the maximum amount of publicity and the general approval of the people concerned. They themselves should undertake responsibility for making important changes in their personal law. We therefore think that it would be a mistake for Parliament to legislate in these matters until Africans have had an opportunity to shape and express their own opinions. For these reasons we suggest the appointment of a public commission of inquiry as an essential preliminary step to the reform of the marriage system and related institutions.

3rd April, 1962.

The Honourable the Minister of
Bantu Administration and Development,
House of Assembly,
CAPE TOWN.

Dear Mr. de Wet Nel,

Legal Status of African Women

For some time the Institute has been examining and discussing the legal status of African women, and we hope to publish something on this soon.

We have noted the Native Law Amendment Bill of this year, and the Bill introduced by Mr. Mitchell. We do, however, feel that the whole position should be reviewed by a commission of inquiry. In support of this suggestion are a few notes which were recently prepared by us and which very briefly set out our reasons for this suggestion.

Yours sincerely,

Quintin Whyte,
Director.

Encl.

17 APR 1962



REPUBLIC VAN SUID-AFRIKA.—REPUBLIC OF SOUTH AFRICA.

D.1/27

KANTOOR VAN DIE MINISTER VAN BANTOE-ADMINISTRASIE
EN -ONTWIKKELING,
OFFICE OF THE MINISTER OF BANTU ADMINISTRATION
AND DEVELOPMENT,
50 Marks Building,
CAPE TOWN.

12. 4. 1962

The Director,
South African Institute of Race Relations,
P.O. Box 97,
JOHANNESBURG.

Dear Mr. Whyte,

LEGAL STATUS OF BANTU WOMEN.

The Honourable the Minister has directed me to acknowledge, with thanks, receipt of your letter dated 3 April 1962 and of the annexure thereto. This is a matter in which the Honourable the Minister takes a personal interest.

Yours faithfully,

P. Hanan
PRIVATE SECRETARY.

/JP

17 APR 1962

,35a Marriott Road

Durban .

12-4-62

M^r dear Quintin ,

re Commission of Enquiry regarding Legal Disabilities
of African Women .

I presume you saw the extract in your papers too regarding the
Minister's statement on Helen's motion re amendment of laws for
Removing legal disabilities of African women that he
would seriously consider an investigation .

I feel that this is the psychological moment
when he should be given some word of appreciation of his
attitude and follow up by requesting the appointment of a
commission of enquiry . To defer this now would be fatal I think .
The matter has been under consideration by the Institute for
years and almost four months since we took decision at P. E.
If you have not the supporting memo completed I suggest that
he be approached immediately and the memo follow later .

But I am sure it should be done now.

Excuse haste but this is la.m. and am neither
mentally or physically ticking over properly .v

Congratulations on the last issue of the News .

Best ever .

Every good wish ,

Hansi

24th April, 1962

Professor Hansi Pollak,
35a, Marriott Road,
DURBAN,
Natal.

Dear Hansi,

Legal Disabilities of African Women

I write in reply to your letter of the 12th April, 1962,
and I enclose a copy of the letter and notes I sent to the Minister
of Bantu Administration and Development, together with his reply.

I am glad you liked the last News.

Good wishes.

Yours sincerely,

Quintin Whyte

Encls.

30 APR 1962

135a, Marriott Road
urban
25-4-62

The Director,
S A Institute of Race Relations.

LEGAL DISABILITIES OF AFRICAN WOMEN.

Mr dear Quintin,
thank you so much for sending your correspondence on this subject to the Minister and his reply.

I am so sorry to worry you but you enclosed your notes on the Native Laws Amendment Bill in which you also refer to the Institute Memorandum on legal disabilities of African Women but you did not include that Memo.

My appeal is to you please to send me the memo by special delivery please. I need it urgently for NCW Conference where I am to be the representative of the Institute. After the statement of April 10th NCW advised the Minister appealing to him to appoint a Commission of Enquiry and I have advised the NCW that the Institute was to make representations to the Minister. In the NCW wire to the Minister they stated that they would submit their memorandum after their conference. I know that this is being drafted now by Advocate Hester Steyn and Advocate Yvonne de Villiers but I am most anxious to read the Institute memorandum to ensure that they do cover the major points that you make. Yvonne de Villiers was working with Professor Simon so should be well briefed.

Just in case you have NOT a spare copy of your memo I promise that if you send it to me I shall return it to you within three days of receiving it. But it would be most valuable if I could have it so that I could speak intelligently for the Institute when this arises on Tuesday afternoon.

Because of short of time am wiring you about it tomorrow.

Best wishes and excuse this haste,
very sincerely yours,

Hansi

*Notes
sent
Friday
27/4
Hansi*

*Alb.
file
C/M/2/2*

30 APR 1962 T. II.

POST OFFICE TELEGRAPHS.—POSKANTOORTELEGRAAFDIENS.

This form and envelope should accompany any enquiry.
Hierdie vorm en koevert moet alle navrae vergesel.

No. _____

G.P.-S.133953—1955-6—200,000-200. S.

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OFFICE STAMP.
KANTOORSTEMPEL



SENT.
OORGESEND.

PLEASE SEND MEMORANDUM LEGAL DISABILITIES AFRICAN WOMEN EXPRESS

DELIVERY UNFORTUNATELY OMITTED REQUIRED HWC CONFERENCE

= HANS POLLAK +

sent copy
27/4

file

The Regional Secretary,
P.O. Box 803,
DURBAN.

20th September, 1962.

MH/BA.

Dear Mr. van Zyl,

I understand that Professor Holleman is giving a talk to the Economic Society in Durban entitled "Cash, Cattle or Women". Mr. Whyte asks whether you will be kind enough to obtain a copy of this and send it to us.

Yours sincerely,

Muriel Horrell, (Miss)
RESEARCH OFFICER.

FILE
SOUTH AFRICAN INSTITUTE OF RACE RELATIONS.

28 SEP 1962

MS
To: The Research Officer,
P.O. Box 97,
JOHANNESBURG.

From: Natal Regional Office,
S.A. Institute of Race Relations,
P.O. Box 803, DURBAN.

25th September, 1962.

Dear Miss Horrell,

I have been in touch with Dr. Holleman regarding his paper "Cash, Cattle or Women". He promised to let me have a copy as soon as it is ready, which I will then forward to you.

Yours sincerely,



Danie van Zyl,
Regional Organiser : Natal.

15 OCT 1962

To: The Research Officer,
P.O. Box 97,
JOHANNESBURG.

From: Natal Regional Office,
S.A. Institute of Race Relations,
P.O. Box 803, DURBAN.

11th October, 1962.

file

~~Mr. H. Lib.~~

~~M 2/2~~

Dear Miss Horrell,

I herewith forward a copy of Dr. Holleman's address "Cash, Cattle or Women" (a conflict of concepts in a dual economy), as requested in your letter of the 20th September.

Yours sincerely,

Danie van Zyl,
Regional Organiser : Natal.

Mr. White
Brilliant, as usual.
I think there's one big omission which adds to his argument - the loss of affection in both cultures. Rich. The businessmen have a dichotomy in values too - in and out group. Have written to this effect to Prof. Holleman - also told him we were not invited to his Social Science Research conference.
NP 20/10.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

Telephones: 29210
20132.

12/14 Colonization Chambers,
355 West Street,
(P.O.Box 803),
DURBAN.

15th October, 1962.

The Town Clerk,
City Hall,
DURBAN.

Dear Sir,

re: THE APPLICATION OF INFLUX CONTROL TO AFRICAN WOMEN
IN DURBAN.

The proposed application of influx control to African women by the Bantu Administration Department will mean that thousands of African women will be required to carry their reference books with them wherever they go and will be subject to all the penalties and indignities which have been such a feature of the practical implementation of the Pass Laws in South Africa in the past.

These laws have been less harshly administered during the last two years. Nonetheless the Institute feels that the proposed extension of influx control to African women in Durban is a retrograde step and views this proposal with the gravest misgivings.

The Institute does not agree with the principle of influx control, but as this is part of present Government policy, it wishes to draw the attention of the authorities to some of the more unfortunate effects which may arise from the strict implementation of this system, such as :

- (a) the perpetuation of the migratory labour system by artificially separating husbands from wives and parents from children, thereby militating against the existence of a normal family life and causing disastrous consequences both in the rural and the urban areas. (Should these new regulations be applied retrospectively, there is the further possibility that already existing conjugal relationships may be artificially broken up).
- (b) The application of the reference book system to African men has, up to now, disregarded individual personal circumstances and ignored the African family as a unit which should be kept together. The removal of the father of the family, and the breadwinner, is morally wrong: to remove and keep from the family the mother upon whom the young children depend, is much worse. The already high incidence of delinquency, tsotsi-ism, illegitimacy and crime, will be increased.
- (c) The effective enforcement of influx control with the compulsory carrying of reference books must necessarily involve a measure of bureaucratic inspection and control.

Although it is understood that present government policy does not necessarily mean the summary arrest of African women who fail to produce reference books on demand, if the law is to be applied at all it is obvious that hundreds of African women will be asked to produce their reference books and will be asked for them by male policemen. This places an onerous burden on the Police and may affect the very sensitive relationships between them and the public, particularly as so many African women have opposed the compulsory carrying of passes.

The Institute trusts that the City Council will consider the many implications involved in extending influx control to African women, and will therefore reject the proposals at present before the Council.

Yours faithfully,

D.C. Grice,
CHAIRMAN : NATAL REGION.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

22 OCT 1962

Telephones: 29210
20132.12/14 Colonization Chambers,
355 West Street,
(P.O.Box 803),
DURBAN.

15th October, 1962.

The Town Clerk,
City Hall,
DURBAN.

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Yours faithfully,

D.C. Grice,
CHAIRMAN : NATAL REGION.



29 OCT 1962
REF: 3/2/3a

UNIVERSITY OF NATAL

INSTITUTE FOR SOCIAL RESEARCH

KING GEORGE V AVENUE + DURBAN + TELEPHONE 59852 + TELEGRAMS "UNIVERSITY"

26th October, 1962.

Miss M. Horrell,
S.A. Institute of Race Relations,
P.O. Box 97,
JOHANNESBURG.

Dear Miss Horrell,

How very kind of you to respond to my Cash, Cattle or Women essay. Coming from a writer like you I confess feeling rather flattered about your comments.

The point you raise is a valid one, but I have some difficulty in fitting your suggestion into the particular context in which I cast the dichotomy. Undoubtedly love or affection (and more generally speaking, the particular kinship relations between parties to a transaction) does play an important role with regard to the assessment of values to be exchanged. But in the situation I outlined it is not so much a matter of 'in-group' and 'out-group' differences, as the functional context of the transaction itself. This, I believe, is ~~from~~ an 'economic' point of view, a more fundamental distinction than that engendered by personal emotion/feelings.

You are, of course, in a sense quite right, in that for instance in lobolo marriage transactions, it makes a vast difference to the amount claimed back in the event of a dissolution of marriage, if the relations between the families (or husband and barren-wife) have been good or bad.

Or am I wrongly interpreting your point of view?

With kindest regards,

Yours sincerely,

J.F. HOLLEMAN

P.S. Not only your Headoffice, but also your branch offices had been circularized last December with regard to the Research Conference. So the postal service may be blamed!

MS
C/M/2/2
12 NOV 1962

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

To: The Administrative Assistant,
P.O. Box 97,
JOHANNESBURG.

From: Natal Regional Office,
S.A. Institute of Race Relations,
P.O.Box 803,
DURBAN.

8th November, 1962.

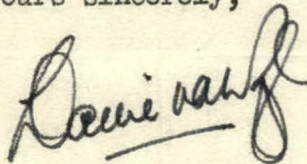
Dear Mrs. Scott,

At our Regional Committee meeting held on the 5th November the matter concerning the compulsory bearing of passes by African women and enforcement of influx control was discussed.

The Natal Region had already made representations to the local authorities on this matter. A copy of our memorandum is attached for information.

The Committee felt that with the latest development where passes will become compulsory as from the 1st February, the matter has now become national rather than regional. The Committee therefore suggested that possibly this matter could be considered by the G.P.C.

Yours sincerely,



Danie van Zyl,
Regional Organiser : Natal.

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

Telephones: 29210
20132.

12/14 Colonization Chambers,
355 West Street,
(P.O.Box 803),
DURBAN.

15th October, 1962.

The Town Clerk,
City Hall,
DURBAN.

Dear Sir,

re: THE APPLICATION OF INFLUX CONTROL TO AFRICAN WOMEN
IN DURBAN.

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These laws have been less harshly administered during the last two years. Nonetheless the Institute feels that the proposed extension of influx control to African women in Durban is a retrograde step and views this proposal with the gravest misgivings.

The Institute does not agree with the principle of influx control, but as this is part of present Government policy, it wishes to draw the attention of the authorities to some of the more unfortunate effects which may arise from the strict implementation of this system, such as :

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The Institute trusts that the City Council will consider the many implications involved in extending influx control to African women, and will therefore reject the proposals at present before the Council.

Yours faithfully,

D.C. Grice,
CHAIRMAN : NATAL REGION.

TO: Regional Organiser, Natal Region
Regional Secretary, Cape Western Region
" " Cape Eastern Region
" " Southern Transvaal Region

C/M 2/2

29th November, 1962.

At its last meeting the General Purposes Committee discussed influx control and its effect on African women and what the consequences will be for them when they are compelled to carry passes. A number of instances were cited of extreme hardships and we shall be grateful if you could collect facts about particular cases of hardship amongst women and send them to Head Office. We should like to have this material before the meetings in January. You already have, I am sure, instances on your files.

Yours sincerely,

Quintin Whyte,
Director.

Collection Number: AD1715

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974

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