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'THE MIXED MARRIAGES ACT (1949):
A THEOLOGICAL CRITIQUE BASED ON THE INVESTIGATION
OF LEGISLATIVE ACTION AND CHURCH
RESPONSES TO THIS LEGISLATION.'

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ABSTRACT.

The thesis is concerned with the nature of the interaction between church and state, and more generally between politics and religion, in the matter of so-called mixed marriages, and more particularly the debate surrounding the South African Mixed Marriages Act of 1949. The methodology of the study is interdisciplinary, dealing in detail with historical material as a basis for theological reflection and analysis.

In the first chapter, marriage is dealt with generally from a theological viewpoint. Various approaches to marriage are considered, such as those in African society, the Bible, and in the Catholic and Reformation traditions. In contrast with the fertility-lineage, group-oriented ethic detected in the early part of the Old Testament and in many preliterate and patriarchal societies, a personalist and essentially 'sacramental' model of marriage is developed on the basis of New Testament teaching and later Christian theological reflection.

The effects of a fertility-lineage and group-oriented ethic of marriage in South Africa are demonstrated in chapter two, which deals with the drive for anti-miscegenation laws in that country, with special reference to the role of the Afrikaans Reformed churches in this regard. The third chapter takes up this historical material, examining the nature of the initial debate on the Mixed Marriages Act in 1949-1950 and the aims of the Nationalist Government in introducing this legislation. The contrasting responses to the Act on the part of the Afrikaans Reformed churches and the more 'liberal', non-racial, mainly English-speaking churches are also considered here.

In the fourth chapter the developments in the debate surrounding the Act since 1949 are discussed, with special reference to key points in the changing attitudes of the churches (especially the Afrikaans Reformed churches) to this legislation. This provides the background to the heated debate since the mid-seventies, when the Government began to show apparent signs of favouring a reformulation of apartheid which purportedly aimed at eliminating the most obviously racially biased aspects of that policy.

The final chapter examines the theological assumptions of Afrikaans Reformed thought, and attempts to show how its roots in

a particular view of Calvinism, Kuyperian Neo-Calvinism and the Bible result in the kind of fertility-lineage ethic which makes support for the Act possible. An effort is made to show the theological inadequacies of this thought from a Christian perspective, and to suggest an alternative, more dynamic theology, which recognizes the importance of individual choice and human rights. The impediments to such a fundamental reorientation are recognised, however, and it is argued that any major changes in position on the miscegenation laws on the part of either reformist government politicians or the Afrikaans Reformed churches in the near future will face major resistance.

PREFACE.

This is a limited, exploratory and inter-disciplinary study of a topic which, due to the issues upon which it touches, extends into most areas of South African life. As such it cannot claim to be an exhaustive treatment of all the historical and theological issues surrounding the Mixed Marriages Act, and it furthermore ignores certain sociological and political issues which are central to this particular problem. To obviate any false impressions as to the aims of the study, the approach adopted is detailed below.

One element in this study is a historical examination of the background to the Prohibition of Mixed Marriages Act of 1949, the debate which this law has generated, and the implications of the debate for church and state, as well as for church-state relations in a multiracial society. Another historical dimension of this study involves the examination of the changes in the ideas used by those churches who have either promoted or opposed the Act.

Such a study also necessarily raises certain theological questions which need to be analyzed, and to which some response needs to be provided. As such this is also a critical theological study. The two dimensions are closely interwoven, although it is necessary to vary the stress given to either at any particular point. Hence the first chapter is an attempt to build a theological model of marriage, based on the investigation of various approaches to marriage in the Christian scriptures and theological traditions. The next three chapters move from the general to the particular, examining the background to the Mixed Marriages Act, the nature of the responses to its inception, and the debate which has raged in relation to it in recent decades. The final chapter returns to a primarily theological methodology, examining the theological issues involved in this debate, attempting to provide an alternative to the theology implicit in the Act, as well as some indications of the current nature of the debate on this law.

The sheer range of the topic, both in terms of the period covered, and the range of available sources, has meant that the scope of the study is necessarily limited. Legislative action is clearly important, as well as the attitudes of the major parties in Parliament, because this is where laws are made and changed. Hence this dimension has not been ignored, but the real emphasis is on the debate in the churches, with most attention paid to the

Afrikaans Reformed churches, especially the largest of these, the Nederduitse Gereformeerde Kerk (NGK), since these latter churches were most prominent in promoting the Mixed Marriages Act. The attitudes of the non-racial, mainly English-speaking churches, are included in terms of their responses to government action or Afrikaans Reformed views.

Secondary foci of attention are the debate within the Afrikaans Reformed churches for a mixed marriages law, the debate surrounding the Cottesloe Consultation (1960), and the debate since the seventies which has raised, however faintly, the question of the continued desirability of the Act. The only area in which in-depth analysis of church journals and newspapers has been made, however, is 1949 and, to a lesser extent, early 1950 - the period of the actual passing of the Act and initial responses.

Because official church responses to miscegenation are the focus of attention, archival collections have not been searched in any detail, although several church officers have made valuable unpublished documents available. The principal sources have therefore been official, published synodal and parliamentary records, church journals and newspapers.

It will be noticed that special emphasis is given to certain Cape sources, to coloured opinion and to the Ned. Geref. Sendingkerk (NGSK), the coloured branch of the NG family of churches. This is because most mixed marriages have occurred between whites and coloureds in the Western Cape, and the Act was most severely felt in the coloured community in this area. African and Indian opinion is therefore not considered in the body of this study.

The unusually close relationship between church and state, and more particularly the Afrikaans Reformed churches and the state, is of special significance in South Africa. This has contributed to a situation in which churchmen have moved easily into politics both of the left and right, while the state provides support for the demands of Calvinist churches in areas such as Sunday observance, gambling, censorship and 'Christian National Education'. The Afrikaans Reformed churches in turn have provided a theological legitimation of the apartheid policy of the Nationalist Government, and were at the forefront of promoting apartheid legislation such as the Mixed Marriages Act, as will be seen.

There is therefore in South Africa an extraordinarily striking manifestation of the interaction which exists in all societies between the structures of power (the civil authorities) and those responsible for upholding the belief-patterns and worldview of a society (the religious authorities - in a Christian country, the institutional church). Perhaps nowhere has this been more obvious in South Africa than in the case of the 1949 Prohibition of Mixed Marriages Act, because of its implications for state intervention in what many perceive as an essentially personal-religious matter. This is underlined by the fact that ministers of religion, who are appointed as marriage officers by the state, are compelled to enforce the provisions of the Act, regardless of whether they agree with the morality of such a law.

An important point needs to be made here. Although much in traditional Afrikaner theology is severely criticized in the succeeding chapters, there is no desire to arraign the Afrikaner as the sole cause of the socio-political problems of South Africa. He can provide all too easy a whipping-boy. Hence this study draws extensively on primary Afrikaans Reformed sources, particularly synodal documents, rather than the often hostile secondary works on Afrikaner thought. At the same time, these documents often confirm many of the common conceptions of the Nationalist Afrikaner. Nevertheless English-speakers are not without guilt, particularly in failing to move beyond facile resolutions on the iniquity of apartheid. There have also been black South Africans who have, consciously or unconsciously, lent a willing hand to the legitimization and implementation of apartheid.(1)

This study is a direct development of my earlier B.A.(Honours) dissertation, which dealt with the same subject in a more limited way, concentrating only on the period 1949-1950. A special word of thanks is due to my supervisors. Professor Colin Webb of the History Department has, despite his many duties as Dean of Arts, been willing to continue his earlier supervision at the Masters level. Dr. Charles Villa-Vicencio has, in turn, jointly supervised this work, paying special attention to the theological material.

1) Homeland leaders, prominent figures in coloured organizations such as the Federal (now Freedom) Party and, for a long time, the black Ned. Geref. churches, are just some of the more obvious examples.

I would also like to thank Dr. William Domeris for assisting with the biblical sections.

Many others have assisted me in this study, but due to the special sensitivity of the subject, it was often difficult to obtain information (particularly from Afrikaans Reformed sources), and many who were able to provide information often preferred to remain anonymous. This is sometimes reflected in fairly sparse referencing at these points. I am grateful to those who suggested avenues of approaching the subject, or who were willing to communicate information to me. Particularly useful assistance was given by ds. Lafras Moolman(2), Director of the Cape NGK Information Bureau, Dr. Wolfram Kistner, Director of the Justice and Reconciliation Division of the South African Council of Churches, and Dr. D.C.J. van Wyk, editor of Die Hervormer. Dean Edward King of St. George's Cathedral, Cape Town, provided me with many useful insights in the more sensitive areas of the subject, as did Bishop Stephen Naidoo, who, despite a hectic schedule, found time to talk to me. Most of the remaining informants are named in the Source List.

I wish also to acknowledge the financial assistance provided by the Human Sciences Research Council. As in the case of both supervisors and informants, all opinions expressed or conclusions arrived at are those of the author, and are not to be regarded as those of the Council.

Finally, a special word of gratitude is due to my family for giving me so much moral support while I was researching and writing this thesis. My mother, in particular, who bravely accepted the task of typing it, and seeing to the final copying and binding, deserves my bountiful thanks.

2) The abbreviation ds. stands for 'dominee', the title of Afrikaans Reformed ministers.

Notes on Terminology.

South Africanists necessarily face an apparently irresolvable dilemma concerning terminology, which requires some comment. In aiming for precision in the discussion of socio-political affairs, one can easily fall into the trap of labelling people in a manner which is both inadequate and increasingly offensive to many South Africans. On the other hand sensitivity to the feelings and aspirations of various sections of our people (in themselves not necessarily in agreement with each other in the choice of group names) may result in woolly language, imprecise reasoning or irritating repetition. In short, writers must use language in a precise way, but words are often hurtful.

Thus while many people of mixed or south Asian descent prefer to be called 'blacks' rather than 'coloureds' or 'Indians', others prefer more precise nomenclature. The vagaries of reclassification procedures suggest in any case that official labels often have little relationship to descent or physical features. At the same time, the increasing use of 'so-called coloured people' or of inverted commas to indicate the reluctance with which government terminology is accepted, becomes both clumsy and irritating when used repeatedly in a lengthy study. No racial terminology is adequate; nor is it necessarily a permanent feature of South African life, at least in the sense of legislated categories.

Labels are no more than that: convenient means of assessing group dynamics in as functional and clear a manner as possible. They are always provisional and subject to change when public consensus judges this appropriate. In the absence of such a consensus, the system used by the Institute of Race Relations since 1974 provides the basis of that used here. Africans (those who speak traditional African languages), coloureds and Indians are collectively referred to as blacks. People classified as being of European descent (or at least predominantly so) are referred to as whites. This too is not wholly satisfactory, not least because all inhabitants of this country are Africans, regardless of their pigmentation. Hopefully a time will come when that will suffice.

A second difficulty with terminology is that used for the great variety of churches in South Africa. At least three major

blocs may be distinguished: the 'Dutch Reformed' group; other so-called 'mainline' churches (denominations in direct continuity with the major historic branches of Western Christianity) such as the 'English-speaking' churches, the Lutherans and the Roman Catholics; and the African independent churches, classified variously as 'Ethiopian', 'Zionist' or 'Apostolic'. Only the first two blocs are considered in this study.

The 'Dutch Reformed' group includes three white sister churches (susterkerke): the powerful Nederduitse Gereformeerde Kerk (NGK) to which the majority of white South Africans belong, and two much smaller churches, the Nederduitsch Hervormde Kerk (NHK) and the Gereformeerde Kerk (GK). The NHK has been traditionally regarded as less conservative theologically, but more conservative politically than the NGK, while the GK (or 'Doppers') with its headquarters at Potchefstroom, has long been associated with a particularly rigid understanding of Calvinism.

The two smaller sister churches were little concerned with evangelizing black people for a long period, whereas the NGK has a long tradition of mission work. The segregationist policy of the NGK led to the formation in 1881 of the Sendingkerk (NGSK) and later this policy resulted in three so-called 'younger churches': the Sendingkerk, for coloured people, the NGK in Afrika (NGKA) for Africans, and the tiny Reformed Church in Africa (RCA) for Indians. In this study the three white susterkerke will be referred to as the Afrikaans Reformed churches and the four NG churches will be called the NG family of churches.

Among the other 'mainline' churches one large sub-bloc may be distinguished, with the unhelpful title of 'English-speaking' churches. They are those which originated in Great Britain, but in practice English is also the main 'official' language of several other churches such as the Roman Catholics, while the majority of most of these churches' members speak various African languages. This group includes the Methodist Church of Southern Africa, the Presbyterian Church of Southern Africa (PCSA), the United Congregational Church of Southern Africa (UCCSA), the Anglican Church of the Province of Southern Africa (CPSA) and, to a lesser extent, the Baptist Union and the small Church of England in South Africa. In this study the first four churches are more central, and therefore 'English-speaking' churches or CUC (Church Unity Commission) churches, a more accurate title, will refer essentially to these

bodies.

This study focusses on the Afrikaans Reformed churches, the English-speaking churches and the Roman Catholic church. For want of a better word, the latter two groups are referred to as the 'non-racial' churches, because this is most expressive of the ideological divide between them and the white Afrikaans Reformed churches. The black NG churches, especially the Sendingkerk, have recently become far more concerned with the mixed marriages debate, and clearly fall into a grey area, because although traditionally racially separate, they have opened their doors to all races. Since they are all members of the South African Council of Churches (SACC), a useful term which includes them, the CUC group and the large Evangelical Lutheran Church (but which excludes the Catholics) is the SACC group of churches.

Finally, since Afrikaans terms are used widely in this study and have in many instances become part of the common nomenclature in political and church circles, they have not been italicized in this text.

TABLE OF:
GROUP DESIGNATIONS FOR CHURCHES.

CHURCH	ABBREVIATION	GROUP DESIGNATION
Nederduitsch Hervormde Kerk	NHK	Afrikaans Reformed (Susterkerke) Churches
Gereformeerde Kerk	GK	
Nederduitse Gereformeerde Kerk	NGK	
NG Sendingkerk	NGSK	NG Family of Churches
NGK in Afrika	NGKA	
Reformed Church in Africa	RCA	
Evangelical Lutheran Church		SACC Churches
Presbyterian Church of Southern Africa	PCSA	
United Congregational Church of Southern Africa	UCCSA	
Methodist Church of Southern Africa	MCSA	
Church of the Province of Southern Africa (Anglican)	CPSA	
Roman Catholic Church	RCC	
Church of England in South Africa (Anglican)		Smaller, conservative evangelical and largely apolitical 'English-speaking' Churches
Baptist Union of South Africa		

CHAPTER ONE: THE NATURE OF CHRISTIAN MARRIAGE.

1. Introduction.

The Prohibition of Mixed Marriages Act has understandably caused increasing concern in church circles in South Africa, precisely because at this point the convergence of race politics and theology is both unmistakable and inescapable. It is impossible to relegate this issue to the select domain of the party politicians alone. Not only is marriage at the heart of Christian living, but ministers of religion are appointed by the state as marriage officers. The very fact that a minister officiates as a marriage officer according to the provisions of the Mixed Marriages Act suggests that every such minister in this country provides a form of tacit support for this law, a silent statement of accord with the apartheid ideology. This issue becomes more urgent as ministers are increasingly asked to solemnize marriages across the 'colour line', regardless of the legal consequences, while there is evidence that the relevant government department may in certain circumstances actually turn a blind eye to such a ceremony.(1)

The question is raised in church circles whether there is an internal identity to Christian marriage which theologically necessitates a certain kind of response to this legislation. If Christians cannot demonstrate that their religious convictions imply a distinctive understanding of marriage, the question emerges whether their leaders can claim that, in what is otherwise a strictly civil matter, the state has transgressed the boundaries of religious freedom in a professedly Christian country.

No more than a brief overview of the central tenets of the theology of marriage common to all the major Christian traditions in South Africa can be attempted. Confessional differences cannot be overlooked, but an attempt will be made to show that all these traditions have what is essentially a common mind concerning what

1) For the purposes of the Mixed Marriages Act, a 'mixed' marriage is one between an 'obviously' 'European' person and an 'obviously' 'non-European' person, or an individual who is able to show that he habitually consorts with his professed population group. The Cape Times of 2.3.83 commented on reports that the Internal Affairs Department had not prosecuted seven couples who had married across the colour line.

can properly be described as a distinctive Christian understanding of marriage. The model of marriage which will emerge from this overview will provide a potential analytical tool for a theological critique of the Mixed Marriages Act and the responses of South African Christians to this issue. It will also provide the theological background against which to read the historical survey in chapters two to four.

Marriage can be analyzed in various ways. It can be considered from the vantage point of sociology or anthropology. When Christian writers focus on this aspect, moving from the realm of the human sciences to more specifically religious formulations, they are following the methods of what is known as a theology 'from below'. In contrast, in this study a 'from above' methodology is followed. Here the emphasis is on the insights of the Bible and the historical Christian tradition as expressed in the doctrinal positions of various major churches, the individual practical applications of Christianity being derived from a given body of religious beliefs. This does not necessarily exclude elements of a more 'social scientific' approach in applying general doctrinal positions to specific situations. Indeed it is arguable that it is possible to reach similar conclusions by following either 'from above' or 'from below' methodologies.

Within the framework of an essentially 'from above' method, the theology of marriage is discussed mainly in terms of the relationship between the 'high' and 'low' conceptions of Christian matrimony. Drawing on the terminology which characterizes a broadly equivalent division in the Anglican Communion, 'high' theology is primarily sacramental, while a 'low' understanding of marriage is what be termed 'non-sacramental'. The nature of sacramentality as understood by contemporary theologians is discussed in some detail at a later point. Suffice it here to note that the 'high'/'low' relationship is not treated in this study in terms of a narrow scholastic or Tridentine definition of a sacrament. Neither is a sacrament understood in the vague sense of the use of any material object to convey a religious meaning.

Finally, marriage is considered in terms of the degree to which it is associated with certain autonomous religious considerations, or becomes subsumed by its cultural environment in the broadest sense. In other words, is marriage primarily subject to local custom, perhaps typical of a society in which religion is

part of the political and socio-cultural establishment? Or is it recognized as having associations with a religious system that is not necessarily at one with the surrounding culture? This is an important consideration in the development of the Judaeo-Christian tradition from a tribal henotheism to a universal monotheism. It is necessary to examine whether the prophetic, 'anti-establishment' and universalist strands in this tradition have any bearing on a developing understanding of marriage. This will become clear in discussing the biblical treatment of marriage, as well as its development by later Christian theologians.

2. Marriage in the Old Testament: From Fertility-Lineage Orientation to Sacred Covenant.

2.1 A Hermeneutical Problem.

It seems proper to begin with the biblical understanding of marriage, since it was largely in response to this body of teaching that the Christian as well as the modern western concepts of matrimony took shape. It is recognized however that a hermeneutical problem exists in the gap between critical biblical exegesis on one hand and systematic theology and theological ethics on the other. Perhaps the central issue here is that of specialization. The more esoterical and critical the techniques of exegesis, the less likely it is that the insights of biblical scholarship will be adequately harnessed by systematic theologians and ethicists. The more that contemporary systematians and theological ethicists draw on the insights of the social sciences, especially as they become increasingly concerned with modern problems such as bioethics and social custom, the more difficult it is for their conclusions to influence exegetical work.(2)

Once it is accepted that a literal interpretation fails to do justice to the complexity of the scriptures, and that the Bible is not a homogeneous work, but a library of chronologically disparate writings, the theologian or ethicist needs to be doubly wary

2) For a discussion of this hermeneutical problem, see B.R. Birch and L.R. Rasmussen, Bible and Ethics in the Christian Life (esp. Chapter One) and C. Villa-Vicencio, 'The Use of Scripture in Theology: Towards a Contextual Hermeneutic', in Journal of Theology for Southern Africa (hereafter J.T.S.A.), No. 37, Dec.1981, pp.3-22

before attempting to draw any conclusions from Scripture for his own field of study. Biblical scholars increasingly feel that theologians ignore this difficulty and pay insufficient attention to their exegetical scholarship. Hence the hermeneutical (interpretative) gap between these two fields makes a theological-historical study such as this, subject to a real methodological difficulty.

This particular study is not a critical biblical study, but because of the hermeneutical problems raised by the exegetes, the central themes in the understanding of marriage in the Old Testament must be briefly examined. This summary having been provided, in the manner of an ethicist or systematic theologian rather than an exegete, while, as already indicated, showing sensitivity to exegetical problems, it will be shown that these themes are largely those identified and used by theologians and ethicists such as Helmut Thielicke and Karl Barth.

In discussing the manner in which the latter treat the subject of marriage in the Old Testament, a certain amount of overlapping with the previous section is unavoidable. Some important biblical and historical data which are not covered in the 'Biblical Review' are, however, featured in these secondary sources. These tend to confirm the trends outlined in the review, while several allied issues arising from these scholars' treatment of the bible are considered. These include the problem of apparently contradictory biblical trends and the 'secular' character of Israelite marriage. The significance of Jesus' teaching on the kingdom of God for the presentation of marriage in the New Testament and the question of 'interim ethics', which is related to this teaching, are dealt with in the corresponding theological discussion of the New Testament review section.

2.2 Biblical Review.

Three broad but not mutually exclusive strands have been identified by the present author in the Old Testament presentation of marriage. The first is the traditional Middle Eastern concept of marriage. This may be termed the 'fertility-lineage' trend. Here the dominant concerns are the interests of the clan and the bearing of children to continue the blood-line. This linear emphasis does not necessarily exclude the personal relationship between

husband and wife, but tends to have a more important place in the social hierarchy of values. Two further themes, however, also emerge in the Old Testament presentation of marriage. One is this personal dimension in marriage. The other is the use of marriage as an image of the covenant relationship between Israel and Yahweh. This analogy causes the covenant dimension to be attached to the nature of marriage itself, although this only becomes explicit in a New Testament writer such as Paul. It is important to note that these strands interact continually in the Old Testament writings and that in some texts two or more of these themes may be detected.

2.2.1 The Linear Tradition.

The linear tradition is most clear-cut in the Patriarchal period. Abraham's wife Sarah, on account of her barrenness, follows the ancient Near Eastern custom of the time by giving her slave Hagar to her husband to provide children for him. (Gen.16:1-3) The significance of the clan is highlighted in Abraham's later sending a servant to find a wife for his son Isaac among his own people. Since Rebecca is presented as giving her consent to this ^(Gen.24:1-6) union, it is nevertheless clear that this was not a wholly impersonal arrangement. Isaac also orders his sons Jacob and Esau to marry kinsfolk. (Gen.28:1-3,6-9)

After the settling of Canaan, Hannah is depicted in 1 Sam. 1:1-18 as experiencing pain and resentment at the shame of producing no children.⁽³⁾ The importance of the maintenance of the lineage is reflected in the levirate custom, according to which a widow was taken into the household of her husband's nearest kinsman, and could thus continue to bear children in her husband's name. cf. Gen.38:1-11, Deut.25:5-10. The practice of polygamy is often associated with this approach to marriage. In the Old Testament this was most common among wealthy and powerful men. Nor was this trend limited to the pre-monarchic period. David and Solomon (ruled ca. 1010-931 B.C.) had substantial harems, as did later Jewish kings such as Rehoboam (ruled 931-913) and Abijah (913-911). cf. 2 Sam.5:13-16, 1 Kings 11:1-8, 2 Chron.11:21, 13:21. The

3) The Patriarchal period covered approximately the first half of the second millenium B.C.; the events of 1 Samuel may be dated ca. 1040 B.C. (dates are taken from chronology in Jerusalem Bible, Standard Edition, 1966, pp.455ff.)

psalms often contain early material and may in the main be dated to the pre-exilic period (ca. eleventh to seventh centuries B.C.)(4) The message in verse three of Ps.127(126) is illuminating concerning the values of this era:

'Lo, Sons are a heritage from the Lord,
the fruit of the womb a reward.'

Ps.128(127) reiterates this theme:

'Your wife will be like a fruitful vine within
your house;
Your children will be like olive shoots around
your table.'(5)

The linear approach, with its emphasis on the priority of clan and blood-line, does not necessarily preclude the woman from asserting her personhood, nor is a loving relationship necessarily absent. The entire Book of Ruth, probably pre-exilic(6), bears testimony to this. Although the leviratic custom is central to the narrative, it is she who persistently offers herself to her kinsman Boaz. A patriarchal attitude towards women is often associated with the linear approach, yet this may be accompanied by a genuine affection for the wife. Such a dualism is clearly expressed in the poem on the perfect wife in Proverbs 31:10-31, a piece of uncertain date, but certainly from no later than the fifth century B.C., when this book was given its definitive form.(7)

The linear approach was therefore a continuous strand in Old Testament Israel and not simply a feature of nomadic patriarchal society. It took on a particularly legalistic form in the post-exilic period, when in the late 5th century, Nehemiah and Ezra prohibited marriage with non-Jews. (cf. Neh.13:23-7, Ezra 9:1-3) If this prohibition was less concerned with preserving a common blood-line, than with maintaining a common religious and cultural tradition, the principle of the protection of the lineage remained a powerful factor even after the collapse of the monarchy.(8)

4) Roland E. Murphy, in Jerome Biblical Commentary(J.B.C.),p.570

5) Texts from Revised Standard Version.

6) Geoffrey Wood, in J.B.C., pp.604-5

7) Roland de Vaux, in Jerusalem Bible, p.932. This date is supported by J. Terence Forestell, in J.B.C., p.495

8) For a discussion on whether this prohibition was primarily concerned with belief or ethnicity, cf. my unpub. paper 'Apartheid and Scripture: A Study of Trends in Afrikaans Reformed Thought with Especial Reference to the Debate in 1948-1950 in the NGK.' (1982)

This aspect of the fertility-lineage attitude was also mitigated by other concerns. Alongside the condemnation of inter-marriage in a passage such as Malachi 2:10-16 (another fifth century work), stand the personal relationship between husband and wife, and the close association of marriage with the covenant between God and Israel. While the Deuteronomic law regarded a wife as property, like a house or a donkey (Deut.5:21), it laid down exemptions from military and public service for the newly married man so that for one year he might 'be happy with his wife.'(Deut.24:5)(9)

2.2.2 The Personal Strand.

Thus alongside the linear, Middle Eastern mainstream, was a recognition of the importance of the person in marriage, a response which at times was paradoxically closely interwoven with fertility-lineage attitudes. At times, however, the personal approach became so markedly distinctive, that it could be regarded as a second strand within the broad Jewish tradition on marriage.

Genesis 2:18-24 sets out the ideal type for the personal approach. Compared to the Priestly account (sixth century B.C.) in Gen.1, the Yahwist narrative (ca. tenth century B.C.) is more vivid and concrete, with a stronger human perspective.(10) Gen.2:18f. focusses on the unity of humanity and the complementing of the man by the woman. There is no reference to fertility-lineage values or the centrality of the clan. Instead the man expresses his delight at the appearance of the woman, and it is

9) Joseph Blenkinsopp concludes, in the light of the varied dating of Deuteronomy, that it had a long process of formation, with ancient roots, 'part of the mainstream of the great canonical tradition passed on in the north and edited by a Judean hand some time after the fall of Samaria(721). 'J.B.C.', pp.101-2. De Vaux agrees with this general argument, J.B., p.12. The linear tradition was therefore still a powerful factor in Jewish attitudes just before the Exile, as well as in the restoration era of Ezra and Nehemiah.

10) E.H. Maly discusses these differences in J.B.C., pp.11-12.

asserted:

Therefore a man leaves his father and his mother
and cleaves to his wife, and they become one flesh.(11)

A long series of minor references to the personal, sensual aspect of male-female love, and to personal choice in marriage demonstrate that this personal strand never totally disappeared. Shechem's love for Dinah(Gen.34), Samson's marriage to a Philistine, contrary to custom, because 'she pleases me well'(Judges 14:3), Michal's love for David(1 Sam.18:20) and Amnon's infatuation with Tamar(2 Sam.13:1-14) show that, at least until the early monarchy, the physical and personal elements in social relationships were recognized in the developing Jewish tradition. This remains true even if the factors were not always necessarily encouraged in these accounts. Much later, in about the fifth century, Proverbs 5:19-20 upheld the principle of a marital fidelity rooted in a joyful affection for the wife. This personal strand reaches its highpoint in the Song of Songs, probably a post-exilic work, which in its entirety extols physical, human love in the most sensual language of the Bible.(12)

2.2.3 The Covenant Strand.

In the prophets, the analogy between marriage and the covenant between God and Israel becomes a major recurring theme, from Hosea in the eighth century B.C., to Malachi in the post-exilic Palestine of the fifth century. The typical use of this theme is to depict Israel as an unfaithful wife or 'harlot', whom God, despite His sorrow, refuses to divorce.(cf. Is.5:1, Jer.2:1f, 3:1f, 3:13 and Ezk.16). It was as true of Hosea before the fall of Samaria as it was of Ezekiel or Deutero-Isaiah during the Babylonian Exile. In Ezekiel, Yahweh is depicted as a furious husband who nevertheless eventually expresses a generous willingness to take back his

11) M. Schierling argues that Eve is an 'ideal or ancient matriarchal' exception in the context of the entire Yahwist strand in the Pentateuch, which is otherwise in the more typical patriarchal mould. cf. 'Primeval Woman: A Yahwistic view of Woman in Genesis 1-11:9', in J.T.S.A., no. 42 March 1983, pp.5-9.

12) Roland Murphy, who upholds a post-exilic date, nevertheless recognizes that earlier material may be incorporated. J.B.C., p.506 The Song of Songs was probably a collection of nuptial 'hymns', sung at some stage in marriage ceremonies.

wife on the basis of an ancient covenant, a covenant which must be re-established.(cf. Ezk.16:59-63). In Hosea, the prophet is instructed by Yahweh to act out the role of husband.

And the Lord said to me, "Go again, love a woman who is beloved of a paramour and is an adulteress; even as the Lord loves the people of Israel, though they turn to other gods and love cakes of raisins.(Hos.3:1)

The first three chapters of this book provide the most detailed treatment of what we term the covenant theme, possibly providing a model for later versions of this image. The result of comparing marriage to an ideal relationship of love and service between God and His people, meant that in turn marriage itself could be understood as ideally possessing such qualities.(13) This theme was later developed in the New Testament, but with the focus no longer as earthly marriage, but rather on the inauguration of God's Kingdom by Jesus.

On turning to various theologians who have discussed biblical notions of marriage, it becomes evident that the three central strands delineated above, namely the fertility-lineage or linear, the personal and the covenant approaches, are essentially identical with those recognized by these writers.

2.3 Theological Discussion.

Theologians such as Helmut Thielicke, Colin Brown, Waldemer Molinski, Karl Barth and Axel-Ivar Berglund agree that the dominant concern of married life in Old Testament Israel was that of parenting children.(14) This is the central thrust of the tradition of

13) J.J. McCarthy warns against over-simplifying Jewish notions of covenant and telescoping differences between Abrahamic, Mosaic Davidic covenants.(cf. Old Testament Covenant: A Survey of Current Opinions, pp.5-6). Etymologically, however, it had its roots in a kind of treaty in which, unlike a business contract, a relationship was incurred between greater and lesser partners.(p.15). A loving permanent relationship in marriage was therefore not to be understood as one between equals.

14) cf. K. Barth, Church Dogmatics, Vol. III Part One, p.312; A.I. Berglund, 'The Biblical Concepts of Man/Woman Relations', in T.D. Verry, ed. Church and Marriage in Modern Africa, pp.1-24; C. Brown The New International Dictionary of New Testament Theology Vol.II, p.576; W. Molinski, 'Marriage: Institution and Sacrament', in K. Rahner, ed. Encyclopedia of Theology, pp.906-7; H. Thielicke, The Ethics of Sex, p.105

the legal codes in relation to matrimony.

The material in these codes which has been identified by these writers is strikingly similar in character to that described in the biblical review. Sterility was regarded as a trial or even a disgrace, and a son was more desirable than a daughter, in order to perpetuate the family line and preserve the inheritance in a patrilineal society.(15) Moreover in arranging a marriage the parents took all the decisions, with few exceptions, chiefly because Israelites usually married very young.(16) 'Love marriages' did occur, but were rare.(17)

It was customary to marry somebody from one's own kinsmen (18), subject to prohibitions against marrying an immediate relative. The practice of leviratic marriage in order to secure offspring 'posthumously' in an otherwise childless union(19) was equally symptomatic of a fundamentally fertility-oriented approach. In contrast with the partnership outlined as the ideal in the Genesis creation story, the man was called 'lord' (ba'al) and the woman 'property' (be'ulah), while the seduction of a virgin who was not betrothed was a crime against property rights.(20)

A more anthropologically-oriented analysis identifies a similar concept of marriage. The linear strand in the Old Testament is, as Hastings has pointed out, common in most traditional rural societies, including many rural western societies until very recently.(21) The danger inherent in this attitude to marriage is

15) R. de Vaux, Ancient Israel: Its Life and Institutions, p.41

16) Ibid., p.29

17) Ibid., p.30

18) Ibid., p.30

19) C. Brown, op.cit., p.577 cf. Deut.25:5-10, Ruth 4:1-13

20) H. Thieliicke, op.cit., p.105, Thieliicke points out that in Israel marriage was virtually universal(p.107). Virginty as a consecrated state of life was unknown (cf. Molinski, loc.cit., p.907). Marriage was therefore so deeply embedded in the social fabric of Israelite life that it was effectively taken for granted.

21) A. Hastings, Christian Marriage in Africa, pp.27-8

that it tends toward an excessive concern with the birth of children as the primary purpose of marriage. In its extreme form, the male seed becomes the focus of attention, resulting in the primacy of the male and truly personal relationships tend to shift outside the husband-wife union, In patrilineal societies the children are considered largely to be the continuation of the husband's life.(22)

Various anthropological phenomena may be analyzed in terms of this model. 'Bride-wealth' is necessary to establish the ownership of children(23), and under appropriate economic conditions polygamy enhances the possibilities of having children. Adulterous husbands tend to receive better treatment than unfaithful wives and a stigma is usually attached to female barrenness in such societies.(24) Hastings, who rejects the stereotyped descriptions of many western observers of these societies, nevertheless agrees that in what may be termed 'lineage marriage' there is more stress on producing children than on interpersonal relationships.(25) Yet theologians recognize that the excesses of 'fertility-lineage' marriage in its extreme form are not indicative of all that the Old Testament teaches concerning matrimony.(26) As Thieliicke points out, the

22) A.I. Berglund, loc.cit., pp.2-8

23) This is not the only purpose of 'bride-wealth' (known as lobola or magadi in Bantu-speaking societies in South Africa). It also provides for the security of the wife and may enhance marital stability. For a discussion of magadi from inside such a society, cf. A.M. Kupa, 'A Theological-Ethical Study of the Significance of Parenthood with Special Reference to Pedi Culture', (Unpub. M.Th. thesis, Unisa).

24) A.J. Berglund, loc.cit., pp.5-8

25) A. Hastings, op.cit., pp.27-8; Kupa argues that interpersonal relationships remain important in 'lineage marriage' societies. Yet even he asserts the contractual nature between two family groups in his own Pedi society. He states 'Barrenness and impotence are social scandals, and according to African custom, marriage is designed primarily for the purpose of bearing children. Should this fail, the woman is the one to suffer most.'(pp.13,19)

26) It is not suggested that 'fertility-lineage' marriage in the Old Testament invariably conformed to the impersonal obsession with group reproduction described above.

Genesis creation story is an example of a tendency throughout the Old Testament to break out of this model of marriage, of the human element seeking to transcend the legal ordinance.(27) Both partners in an 'arranged' marriage may come to enjoy a deep bond of love for each other. This is also true of partners in a leviratic union. No system of legal theory and no anthropological analysis can do justice to the complexity of human relationships.

The central passages in the creation narrative are fundamental to the more personal tradition in the Old Testament, not least because they form the core of so many later analyses of marriage, including such influential theologians as Luther and Karl Barth. It is necessary to regard with some caution the existentialist-humanist interpretations of Genesis 1 and 2 by some modern theologians. Nevertheless it does not seem unjustifiable to treat these passages, as Barth does, as a splendid example of an I-Thou encounter, in the manner of Buber.(28) Barth argues that here is an account of how a man, having found all other creatures inadequate as companions, says 'yes' to a woman, who completes his humanity. This 'yes' is equally directed toward God, since it is the first positive affirmation by man of his humanity.(29)

As Thieliicke remarks, the creation of the woman from Adam's rib (Gen.2:21ff.) is suggestive of the constitutive unity between man and woman, that 'this act of creation points to the fact that man's being has been determined by God as a "being in fellow-humanity" (Mitmenschlichkeit), the representative expression of which is that man and woman belong together'.(30) Thieliicke, like Barth, finds this passage illustrative of Buber's dialogical philosophy, for the man-woman relationship is presented in Genesis 2 as the epitome of the 'I-Thou' encounter. In Buber's thought, 'all real living is meeting', and in an essential or I-Thou relationship between people, one life opens to another to experience the mystery

27) H. Thieliicke, op.cit., p.5

28) K. Barth, op.cit., pp.293ff.

29) Ibid., pp.293-99

30) H. Thieliicke, op.cit., p.4

of the other being in the mystery of one's own, a mutual participation in each other's lives at an ontic level.(31) It is only in terms of such a relationship, 'characterized by mutuality, directness, presentness, intensity and ineffability' that personality and the personal really exist.(32)

In the same way, the profoundly personal aspect of that relationship between man and woman which is formally sanctified in marriage, and the deep mutual dependence of which is expressed by the duality of the sexes (33) is at the core of the Genesis 2 account. The animals were not partners fit for man (Gen.2:20), but when Adam is confronted by the woman created as his 'helper', he is presented as exclaiming:

This at last is bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man.(Gen.2:23)

Thielicke presents the sex act as the synthesis of eros (the longing of the person for fulfilment) and agape (a self-giving, self-sacrificing love). It may be argued in these terms that in Gen.2 we are given a symbolic picture of how the Yahwistic tradition recognized the anthropological, body-and-soul integration of man in the unity between male and female.(34) This elaboration of the dialogical approach of Barth and Thielicke illustrates once again the radically personal nature of the Genesis 2 account in its depiction of the intimate, indeed ontological unity between man and woman, in stark contrast with the more common fertility-lineage approach characteristic of so much of the Old Testament.

The account in Genesis 2 suggests a theological link with the fertility-property orientation of so much Israelite marriage practice. One way in which such different emphases can be understood as existing side-by-side in Jewish scripture is if marriage

31) M. Friedman, 'Introductory Essay', in M. Buber, The Knowledge of Man, pp.16,20; Buber initially held that a man could experience an I-Thou relationship with animals, plants or even things, but later was at pains to differentiate between this kind of relationship and that profound encounter possible between people. (Friedman, 'Essay', p.27)

32) Ibid., p.12

33) H. Thielicke, op.cit., p.5

34) cf. C. Villa-Vicencio, Christian Marriage, (Unisa THE 202/104 Newsletter), p.8; cf. also H. Thielicke, op.cit., pp.20-34

is seen as embedded in the order of creation, and thus as possessing an ideal, person-oriented form such as that described in Gen.2, but which has been distorted by the imperfections of the real world. In this view the latter attaches greater value to the accumulation of wealth (including wives and children, since they provide more hands in an agrarian society) and the survival of self and of lineage in one's offspring, than in the mutual sacrifice of a permanent, and person-directed union.(35)

An alternative approach is that of Anthony Kosnik et al in Human Sexuality: New Directions in American Catholic Thought. They differentiate between the Yahwist account in Gen.2, which they regard as a discussion of sexuality and the human problem of loneliness and relationship, and the later Priestly narrative in Gen.1, which relates sexuality to procreation, the power to propagate being the direct result of God's blessing.(36) This suggests an alternative to the proposal above that the Fall provides the link between the fertility and personal traditions in the Old Testament, since the two are integrated by the Priestly editors in the creation account itself.

In both views, however, the fertility-lineage model alone cannot provide an adequate description of the larger biblical vision of marriage. In the light of developments in the Old Testament such as those expressed in the books of Hosea and the Song of Songs, ideas which evolve still further in Jesus' teaching on marriage, the increasing emphasis on a loving partnership in a spirit of mutual sacrifice suggests that an approach which gives priority to procreation at the expense of other factors is scripturally inadequate. When fertility and group interests are elevated to the level of idols, it seems justifiable to infer that the interests of society have interfered with the vision of marriage in the creation narrative as a whole.

As indicated in the biblical review section, if the aspect of human communication and personal union in Genesis 2 is more fully developed in the Song of Songs, it is in the prophets, especially

35) Writers such as A.M. Kupa are reluctant to accept such a view, since they hold that a lineage-based union, even if polygamous, can be both stable and expressive of a deep personal relationship between the marriage partners. cf. Kupa, op.cit., pp.61ff.

36) A. Kosnik et al, Human Sexuality, pp.8-9

Hosea, that the element of divine self-communication is most extensively discussed in relation to the nature of marriage. Edward Schillebeeckx refers to the analogy between marriage and God's relationship with Israel as 'a kind of "reciprocal illumination"' so that, for instance, Hosea's fidelity to his adulterous wife Gomer provides an image of God's covenant love for Israel, a love which never fails. In so doing Hosea indicates a 'veiled breakthrough' of the New Testament view of marriage.(37)

The essence of Schillebeeckx's argument is that the Old Testament describes a process of the demythologization and 'secularization' of marriage in Israel, a demystification of the prevailing sacred ethos attached to marriage in the surrounding peoples. His use of the term 'secularization' needs some clarification. He does not mean 'secularism' in the sense of an anti-theistic, even anti-religious worldview.

'Secularization' is used here in the sense in which contemporary theologians and sociologists of religion use it. Harvey Cox, for example, defines secularization as 'the liberation of man from religious and metaphysical tutelage, the turning of his attention away from other worlds and towards this one.'(38) Peter Berger uses this term in a sense closer to that of secularism, as the removal of sectors of society and culture from the domination of religious institutions and symbols.(39) He elucidates the complexity of the term in setting the 'secularized' religion of Israel against the cosmological faiths of her neighbours. Instead of the human world being embedded in an all-embracing cosmic order, instead of the blurring of the edges of the divine and the human, Judaism was characterized by three distinctive elements: transcendentalization, historization and the rationalization of ethics.(40) The Israelite God stood outside the cosmos,

37) E.Schillebeeckx, Marriage - Secular Reality and Saving Mystery, Vol. I, pp.73-4

Barth rejects the characterization of the covenant of grace in the history of man's creation as male and female, as an allegory, preferring to regard this as an 'erotic history' rather than a mere analogous image. cf. Church Dogmatics, Vol. III Part One, p.319

38) H. Cox, The Secular City, p.17

39) P. Berger, The Social Reality of Religion, p.113

40) Ibid., pp.120-6

confronting rather than permeating it. He acted in history. Cox, writing from the perspective of the Christian development of this worldview, states that Jesus delivers men from mythology into history.(41)

In the nature religion of Canaan, a cosmological faith which amounted to a kind of pantheism, sacred rites related to the fertility cult were regarded as a prototype of everything that occurred on earth.(42) At the time of the major prophets, Israel was still moving away from a nature religion into a religion of 'secular world affirmation'(43), a faith which upheld the transcendence of a God who could nevertheless be active in an otherwise strictly human history. In this process the theology of the covenant is presented in Hosea as a form of demythologized sacral marriage.(44)

It is creation rather than a sacred rite which sanctifies marriage in Old Testament Judaism (neither priestly mediation nor any kind of explicitly religious ritual was recognized in the Israelite marriage ceremonies). In Israel the 'secular reality of marriage was experience in the light of the Jewish belief in the creation'(45) and therefore in the context of a conviction that the universe existed in linear, historical time, with a distinct historical beginning. It was for this reason that Israel related to God as a secular reality confronted by a transcendent, yet active divinity. A Creator-God cannot be part of the cosmos. Israelites conceived of marriage within the same secularized

41) H. Cox, op.cit., p.212

42) E. Schillebeeckx, op.cit., p.36

43) This is a term coined by J. Cumpsty; cf. for example 'A Proposed General Framework for Identifying and Locating Religious Experience' (unpub. paper), pp.4,7ff.

44) E. Schillebeeckx, op.cit., pp.73-4

45) Ibid., pp.38-9,51

religious framework.(46)

A religious content could be given to marriage only in this context, and not on the basis of a desire for a 'mystique of marriage'.(47) In contrast with neighbouring peoples, there is no sensualization of God's relationship with Israel through the ritual enactment of mysteries in the Old Testament. As Ethelbert Stauffer points out, '...marriage is simply a symbol for the covenant between God and the people as this is to be kept in all fidelity and renewed with all passion (Hos.2:19, Is.54:4ff., 62:4f., Ez.16:7ff.)'(48)

In relation to the 'secular' religious framework of developing Old Testament Judaism, the understanding of marriage in Hosea may therefore be expressed in Barthian terms as a recognition of (personal) encounter and relationship (particularly as found in Gen.2) or, in more immediately recognizable theological terms, covenant, as the 'internal basis of creation.'(49) In this setting it becomes clear why the Yahweh-Israel covenant and the man-woman matrimonial relationship can be understood as reciprocally reflective. Thielicke illuminates this particularly well and, in so doing, indicates a means of bridging Old and New Testaments in asserting that in the 'symbol of marriage' there is a convergence of the order of creation and the order of redemption.(50)

This point needs some elaboration. The Israelite concept of marriage, according to Schillebeeckx, was grounded in the biblical

46) The above discussion should explain why religion in the Judaeo-Christian sense is not incompatible with the concept of secularization. In this sense definitions of secularization which describe it in terms of the removal of 'religious' authority refer to 'religion' in terms of something less than what is central to the fully developed Judaeo-Christian worldview.

47) Ibid., p.51

48) E. Stauffer, 'Gameo, Gamos' in G. Kittel, ed. (tr./ed. G.W. Bromiley) Theological Dictionary of the New Testament, Vol. I, p.654

49) K. Barth, op.cit., pp.290ff.

50) H. Thielicke, op.cit., p.108

understanding of creation.(51) Marriage and covenant were tied together in such a close analogy in the prophets in particular, that the unfolding discussion of one threw light on the nature of the other. The covenant, however, was the vehicle of salvation for Israel.(52) Yet a deepening understanding of both marriage and covenant, not least because of their mutually illuminating relationship, highlighted the basis of the covenant in the creation account itself. A relationship of love between man and God is only possible in a created order. Furthermore the marriage-covenant relationship increasingly revealed a hitherto insufficiently clear redemptive aspect in the nature of marriage within the overall context of Israelite religion. If the covenant assists in man's redemption, so does marriage.

This last point, however, only blossomed fully in the New Testament. In the teaching of Jesus and Paul all the contributory elements of Old Testament thought in respect of marriage, such as participation in creation, partnership based on the order of creation, covenant as a loving relationship and covenant as a means of redemption, would be integrated into a substantially new synthesis.

3. Marriage in the New Testament and in Reformation Thought: Secular Reality and Covenant-Sacramentality.

3.1 Biblical Review.

Before moving onto a theological discussion of marriage in the New Testament, it is necessary briefly to review the major relevant texts. These may be grouped into the teaching of Jesus on marriage as depicted in the gospels, Pauline teaching and other New Testament

51) The 'Israelite' concept of marriage under consideration here is that distinctively biblical-Judaic understanding which developed out of and in contrast to (and often parallel to) more general fertility-lineage attitudes such as were common to most Near Eastern societies. It is what may be termed the 'high-water' mark of Old Testament attitudes to marriage.

52) While mindful of the complexity of the Old Testament notion of 'covenant' (cf. D.J. McCarthy, op.cit., pp1-9), a broad continuity in the biblical understanding of this theme is recognized here, as it is by most modern theologians.

texts. It soon becomes clear that the linear approach is less explicit, while the personal and covenant themes move into the foreground.

The last of these, as will be explained in the theological discussion, becomes 'eschatologized' or future-oriented, with the focus no longer on God's relationship with a particular people, but rather on Christ's relationship with the new Israel, the church. The key-concept here is the kingdom of God, which has been inaugurated in the person of Jesus and in the context of which the 'new covenant' between him and his church must be understood. The third strand in the New Testament approach to marriage may therefore be referred to as the covenant-kingdom strand. As will later become evident, the personal and covenant-kingdom strands are closely intertwined.

With the exception of 1 Tim.2:9-15, no longer regarded as Pauline by most Protestant scholars and probably dating from the late 1st century(53), the conservation and focus on childbearing associated with the linear approach, is at best a presupposition even in the more patriarchal Pauline or Deutero-Pauline passages such as Eph.5:21-33 or Col.3:18-21.(54)

Jesus' attitude to marriage is far less concerned with the domestic obedience of the wife and similar traditional values, than with a radical re-evaluation of fundamental priorities. The key text is the discussion on divorce, which in Matthew includes Jesus' attitude to celibacy.(cf. Matt.19:3-13, Luke 16:18, Mark 10:2-12). Here Jesus radically challenges the Mosaic prescription which favoured the husband in the matter of divorce, applying it equally to men and women.(55) Jesus' emphasis in the Matthean account on the personal unity of both partners is such that he affirms marriage as so permanent a reality that adultery can be committed even with the eye (Matt.5:27-8). The doctrine on divorce appears also in Matt.5:31-2.

53) For a dissenting view, see George A. Denzer, a Catholic scholar, in J.B.C., pp.350-1

54) For the problems of authenticity with regard to Colossians and Ephesians, see R. de Vaux in J.B., pp.261-3

55) The proviso of adultery in Matthew does not affect the central thrust of this argument.

In Matt.19:5 Jesus is presented as quoting approvingly the Yahwistic text in Gen.2: 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one.' Although his immediate concern is divorce, the intention of fairer treatment of wives in the matter of adultery, and the citing of this text, which contrasts so strongly with the traditional fertility-lineage emphasis on the husband's clan, suggests strongly that Jesus was concerned about upholding a more humane, more personal attitude to marriage than was prevalent in his day.

Despite Jesus' positive evaluation of marriage as a truly binding and, by implication, truly personal relationship, the gospels leave no doubt that marriage is always secondary to the kingdom of God and its proclamation. The many synoptic texts affirming the primacy of following Jesus over any other person, even parent or child (Matt.10:37-8, Lk.14:26), the reward for leaving one's family for Christ (Matt.19:29, Mk.10:28-31, Lk.18:28-30) and the assertion of no marriage in the next life (Matt.22:30, Mk.12:24-5, Lk.20:34-6) re-emerge in John's gospel with the claim that anyone who does God's will is Jesus' brother, sister or mother (John 3:31-5).

The analogy between marriage and the new covenant appears in the image of Jesus as bridegroom (Matt.9:14-15, Mk.2:18-20, Lk.12:36), an image which may also be detected in the parable of the bridegroom and the ten bridesmaids (Matt.25:1-13). John the Baptist is depicted in John 3:28-9 as also using this image. Outside the gospel and Pauline literature, this theme reappears in the book of Revelation, using associated images such as the lamb (Jesus) and the bride in the heavenly kingdom (19:7-9), the new Jerusalem (the church) as a bride (21:2,10) and the association of the Holy Spirit with 'the Bride' (22:17).

The covenant-kingdom theme, however, reaches its highpoint in the Pauline literature. Paul depicts himself as arranging a marriage between Christ and the church of Corinth (2 Cor.11:2). In other texts Paul develops this image in association with the gospel teaching that marriage, while good, is less important than the demands of the kingdom, and with a strongly personal understanding of matrimony, albeit with strong shades of the patriarchal attitudes of his day (cf. Eph.5:21-33, Col.3:18-21, 1 Cor.6:17, which reiterates the theme of two becoming one flesh; 1 Cor.7:1-16, 25-40, the discourse on marriage and celibacy).

Paul's view of marriage in particular must be understood in close relation to the associated problems of the transience of this world and the provisional ethics which are so important to his theology. This will be treated in more detail below, together with analogous issues in Jesus' teaching on marriage. The remaining texts such as those in Revelation and the Pastorals are either isolated allusions or confirm what is developed in the gospels (especially the synoptics) and in Paul's writings. They are not therefore considered in the theological discussion of marriage in the New Testament.

3.2 New Testament Theological Discussion.

As has been pointed out, in the New Testament the analogy between marriage and the relationship of Yahweh to Israel is replaced by that between matrimony and the relationship between Christ, held to be the Son of God, and the 'New Israel', the church. At the same time the order of creation continues to receive prominence in the gospels. Thus in his dialogue with the Pharisees on divorce (Matt.19:3ff., Mark 10:2ff.), Jesus discusses Gen.2:24, while at the same time radicalizing the demands of Mosaic law with regard to marriage and divorce.(56)

Using language traditionally associated with the Catholic tradition, Schillebeeckx summarizes particularly well the foregoing discussion of biblical teaching on marriage. In so doing he shows how the New Testament understanding of marriage needs to be related to that of the Old Dispensation. He writes that the distinctive quality of marriage as sacrament is found

less in some secular earth-bound form of a supernatural reality than in a reality secular by origin which has acquired a deeper meaning in the order of salvation in which we live and which, for this reason, points to something higher.(57)

56) cf. H. Thieliicke, op.cit., pp.108ff.

For other discussions of these New Testament passages, see:
W. Günther and H. Reisser in C. Brown, op.cit., pp.580,583-84

A. Kosnik et al, op.cit., pp.18-22

A. Hastings, op.cit., pp.64-5

W. Molinski, loc.cit., p.907

E. Stauffer, loc.cit., pp.650-53

57) E. Schillebeeckx, op.cit., p.18

This summary is valuable in linking Old and New Testaments and in attempting to reconcile Roman Catholic marital theology with Protestant thought. The notion of marriage as a sacrament is traditionally associated with 'Roman' doctrine. The biblical sources of Catholic sacramental theology are in the New Testament, but Schillebeeckx shows here that the sacramentality of marriage needs to be understood in relation to the Old Testament Jewish view of marriage as something rooted in secular reality. He thus allows openings for meeting the traditional objections of the Reformation churches to this aspect of Catholic teaching. These seem to centre on a perceived 'mystification' and 'sacralization' of the Christian understanding of marriage, which Protestants regard as being in the first instance a strictly secular matter, albeit instituted by God.(58) Schillebeeckx, however, attempts to show that the Catholic doctrine of the sacramentality of marriage rests not on a neo-Canaanite understanding of marriage as a divine mystery in which humans share through certain rites; rather it is a secular reality transformed in the light of the saving acts of God. The opening towards an ecumenical understanding of marital sacramentality will be discussed in greater detail below.

Although the biblical understanding of marriage remained basically 'secular', the developing thought of the later Old Testament began to indicate a perception of how the character of the marriage union pointed towards and clarified the nature of a relationship which was not purely secular, namely that of the covenant.

Similarly, developing New Testament thought, particularly that of Paul, indicates an understanding of marriage which places the latter firmly within the framework of a much broader redemptive-eschatological theology.(59) Indeed it may be said that the New Testament is so pre-occupied with the theme of redemption, that, compared to the Old Testament, a specific body of teaching on marriage is largely subsumed by broader considerations.

The secular reality of marriage remains a given in the New Testament dispensation, but as even the Reformers would have granted,

58) cf. Calvin, Institutes, 4.19.34-7

Luther, (American Edition), Word and Sacrament, Part II, pp.92-5

59) Eschatological theology is that which concerns the 'last things'.

is in some sense transformed in the light of the apostolic church's understanding of Jesus as a mediator of God's redemption and liberation. From a Christian viewpoint the Christ-event has a transforming significance for every area of man's life, including marriage. This is borne out in Jesus' discussion of marriage in the gospels.

It seems impossible to agree with Thieliicke that Jesus' statements on divorce and indissolubility are only 'radicalisms'. He argues that, if these are understood in the context of the new aeon inaugurated by Jesus, they are really no more than a call to repentance, antitheses set over against Mosaic legalism, and therefore without a strict normative significance.(60) Nevertheless it is true these are indeed radical demands which can only be understood fully in the light of the theology of the kingdom which is so central to Jesus' teaching. This introduces that tension between the 'present' and the 'not yet' which is essential to the teaching on the inauguration of the kingdom of God by Jesus. It therefore necessarily includes a future-oriented, eschatological component within the overall teaching of the New Testament of Jesus' redemptive activity.

This redemptive-eschatological centredness in the New Testament naturally affected the early Christian understanding of marriage no less than the covenant-centredness of the 'radical' Old Testament prophetic teaching affected what may be termed the more 'avant-garde' understanding of marriage in Old Testament Judaism. The near-revolutionary prophetic belief in an all-demanding and totally devoted God, regardless of the recalcitrance of His people, caused men like Hosea continually to assail the Jews for allowing their ethics to be reduced to the level of their neighbours'. Similarly, as Kosnik et al put it, all ethical statements in the New Testament presuppose that the church is the community of the last days.(61)

In Paul's earlier letters this becomes most explicit in his assumption of the transience of the world 'as we see it passing away.' (1 Cor.7:31)(62) Paul conceded the value of marriage in

60) H. Thieliicke, op.cit., pp.114-16

Thieliicke seems to be taking justification 'by faith alone' to an antinomian conclusion which is not shared by all of his fellow Lutheran theologians. cf. D. Bonhoeffer, The Cost of Discipleship

61) A. Kosnik et al, op.cit., p.18

pp.35-47

62) Ibid., p.18

preference to casual sex. Yet his belief in the imminence of Christ's return led him to advocate celibacy for the unmarried, since as he put it, '...our time is growing short. Those who have wives should live as though they had none, and those who mourn should live as though they had nothing to mourn for.' Laughter, commerce and material concerns were all to be regarded as ephemeral in the light of the imminent parousia ('Second Coming'). (cf. 1 Cor.7:25-31)

The argument of Kosnik et al remains valid even if there is disagreement on what this implies in actual practice with regard to the normative function of the more severe ethical demands of the New Testament. An excessively 'liberal' and ultimately anti-nomian interpretation may lead to a theology of the kingdom which paradoxically explains away such important innovations as the re-definition of the role of women in marriage and society, and the essential religious equality of the sexes in the New Testament.(63) Here the radical demands of the New Testament are diluted by a theology which ultimately regards the 'efficacy' of the inauguration of the kingdom as proper only to the future. Among other things, such an approach also adopts an unjustifiably selective policy towards which biblical ethical demands should be taken seriously.(64)

Arising from this 'provisional' attitude to the present ordering of the universe is an aspect which, while understandably less emphasized in Reformation theology, needs to be kept in mind if the contrast between the Old and New Testament attitudes to marriage is to be fully appreciated. This is the manner in which not only Paul, but Jesus himself stresses that, while marriage is in itself a thing of great value, it too is proper to the transient present dispensation. Marriage is provisional too, and consequently Jesus can refer to those who are 'eunuchs for the sake of the kingdom.' Jesus himself remained unmarried, just as Paul, despite a positive attitude towards sex for what Luther describes as 'medicine' against sin, encouraged the unmarried to prepare unencumbered for Christ's

63) The religious liberation of women in the New Testament is discussed by Kosnik et al. cf. pp.20-1

64) The issue of strictly culturally-conditioned statements is quite a different matter, although it is not always easy to isolate such statements.

return.(65)

The rendering provisional of all worldly values and institutions raises the problem of 'interim ethics', ethics which presuppose the imminence of the parousia. As has been pointed out earlier, one way of dealing with this issue is to spiritualize away the normative significance of New Testament ethical demands. It is equally possible to take so seriously the urgency of Paul's response to the expected return of Christ, that society becomes effectively paralyzed by a false utopianism. The later Pauline corpus and more particularly Luke-Acts indicate a recognition of the dangers inherent in clinging to a purely interim ethics once it has become clear that the parousia cannot be expected in the immediate future and that society must therefore continue to function properly. Nevertheless the warning about the provisional nature of marriage in the New Testament remains valuable in countering an excessive attachment to purely human (or more properly, societal) standards and expectations concerning marriage. In this view, precisely because marriage is not an eternal institution, values such as the importance of having many children to perpetuate the blood-line can never be absolutized.

3.3 The Sacramentality Debate.

In the present study the theological analysis of the principal themes identified in the presentation of marriage in the New Testament is considered in relationship to the thought of the Reformation tradition. Despite a certain continuity, the principal strands in the Old Testament understanding of marriage are to a large extent

65) A. Kosnik et al, op.cit., pp.21-3

Luther, (American Edition), Lectures on Genesis: Chapters 1-5, p.116

The attacks of the Reformers on the place of celibacy in the Roman church need to be understood in the context of polemical arguments arising partly out of the corruption of this principle in a particular historical situation and, it should be added, partly from a need to justify the marriages of those Reformers who were in Orders.

For the most extensive contemporary official exposition of the place of celibacy in the Catholic tradition, cf. Paul VI, Sacerdotalis Caelibatus (1967)

radically transformed in the New Testament writings, particularly in the light of the radical demands of Jesus' message, as has been indicated above. The manner in which this changed understanding of marriage has been developed since the Reformation is of central significance to the present study, since those who have campaigned for, and later justified mixed marriages legislation, are firmly within the Reformation (and more specifically the Calvinist-Reformed) tradition of theology. Patristic and scholastic approaches to marriage, which in any case constitute a vast field of their own, are consequently not given the emphasis that would otherwise be the case. Similarly, Catholic writers' ^{only} approaches to marriage are considered in terms of problems raised by the Reformers.

The significance attached by the Reformers to the 'secular reality' of marriage, as Schillebeeckx phrases it, cannot be underrated. Nevertheless there remains in the teaching of Luther, and even in that of Calvin, a substantial openness to what today, in a less polemical and more reflective atmosphere, may justifiably be regarded as a 'broad sacramentality'. This does not necessarily restrict debate to the confines of the Tridentine definition of a sacrament.(66)

In the past the heated atmosphere to which the rift of the Reformation gave rise made it difficult to use such terminology, but more recently differences concerning the manner and circumstances of the conferring of divine grace have not prevented an openness to dialogue on sacramentality. The Lutheran/Reformed/Catholic dialogue on the theology of marriage and mixed marriages of 1971-77 is a case in point.(67)

66) The canons of Trent can be summarized as defining a sacrament as an outward sign, instituted by Christ, containing and conferring the grace which it signifies by the performance of the appropriate rite itself. cf. 'Council of Trent: Decree on Sacraments'(1547)- Canons 1, 6 and 8 in J. Neuner and J. Dupuis, eds. The Christian Faith, p.352

67) In the 1971-77 tri-confessional dialogue on ecclesiastically 'mixed' marriages, it was recognized that, if there was a readiness to look beyond conventional formulations, grace, understood as 'the presence of Christ given to men in the Spirit according to the promise', is indeed granted by Christ to the married couple. (cf. Reports of Dialogue, art. 17)

This suggests that in the spirit of the various traditions there is a greater potential for agreement than is necessarily evident from the specific wording of the individual Reformers' writings.

Without going into the widespread contemporary debate on the feasibility of broadening confessional attitudes to the sacraments(68), it is suggested that Hastings has developed an especially useful definition of the New Testament understanding of sacrament:

'A major occasion of divine blessings in the life of those Christians entering into it, being the specific sign of something still greater beyond itself - the covenant relationship of God and His people, of Christ and the Church.'(69)

This is remarkably close to the assertion by the compilers of the tri-confessional Lutheran/Reformed/Catholic dialogue that what the Catholic Church calls a sacrament, is in fact that 'Covenant' which in biblical language characterizes the mystery of marriage as the 'relationship of grace between the mystery of Christ and the conjugal state'.(70)

The renowned Presbyterian theologian D.M. Baillie, who does not regard marriage as a sacrament, nevertheless demonstrates a strong grasp of what 'broad sacramentality' entails, at least in its widest sense. He states that God speaks and awakens human faith in such a way that natural objects become sacramental. This is made possible because this is a sacramental universe, on account of its having been created by God Himself.(71) By this Baillie appears to

68) Valuable discussions of this issue may be found in:

D.M. Baillie, The Theology of the Sacraments and other papers,
L. Peters, 'Sacramentality in General and Marriage' pp.39-124

in T.D. Verry, op.cit., pp.25-50

H. Thielicke, op.cit., pp.125-44

B. Kitembo, L. Magesa and A. Shorter, African Christian Marriage,
A. Hastings, op.cit., pp.61ff. pp.16-22

69) A. Hastings, op.cit., p.65

70) Reports of tri-confessional dialogue, art. 18

71) D.M. Baillie, op.cit., p.47

mean that natural objects can be used by God in the process of bringing people closer to Him precisely because all of these have been brought into being by Him. God has in the process of creation infused all with His power and therefore all is potentially available as instruments of sanctification. In these terms, because Christians regard marriage as instituted by God, it possesses a broadly sacramental status.

In the light of these modern insights into the nature of sacramentality, it can rightly be said that marriage involves not only two individuals, but the divine as well. For a Christian, marriage is not just a human phenomenon, but one which, of its essence, involves the activity of Christ, however much we may differ in the words which we use to describe the manner in which that activity is expressed.

This does not imply a 're-mystification' of something emptied of its mythical content in the religious development of the Old Testament. Marriage remains a secular reality in the same way that the Judaeo-Christian religious tradition as a whole is 'secular.' This is true in the sense that the universe is not the totality of reality, infused by a divine character as in nature religion, but a reality set over against a transcendent God, who can be known only in relationship and encounter. He can therefore act in the world without being subsumed by it and can enter into what can be regarded as a covenant relationship.

In relating this analysis of broad sacramentality to the teaching of the Reformers, certain serious obstacles cannot be overlooked. For Luther, the rite of marriage is a worldly, civil act which lacks a sacramental quality (in the strict Roman sense of the word) precisely because it lacks 'divine institution and the assurance of a salvatory meaning.'(72) On the other hand, Luther insists that marriage is instituted by God.(73)

There are difficulties with his insistence on divine institution in so many words (so-called 'dominical institution'), which suggests a biblicism that poses serious problems for a developmental systematic theology. It may also be asked how an 'assurance of a salvatory meaning' may be extracted from specific texts as though unrelated to the overall pattern of theological development in the Bible.

72) cf. H. Thielicke, op.cit., p.133

73) Luther, (American Edition), Word and Sacrament, Part II, p.98

Even a doctrine of 'sola scriptura' does not negate the cumulative effect of a message which develops an understanding of marriage in close relation to an unfolding theology of the covenant. This in turn becomes increasingly expressed in the New Testament in terms of a redemptive activity and significance which radically transforms the nature of human life. This redemptive transforming power was particularly important in Luther's theology. At the heart of his gospel was the belief that with justification is given a righteousness which is that of Christ, endowing us not only with forgiveness, but with a recreative power. Christ brings about through justification 'a new life in which communion with God is restored' so that at this point the law (and scriptural 'proof texts', it may be added) is unnecessary to tell us what is right and good.(74)

Modern theologians on both sides of the Reformation divide have begun to reassess the whole question of dominical institution. The Catholic Louis Peters asserts that institution by Christ primarily concerns not the question of whether and how Jesus specifically determined the 'matter' and 'form' of the sacraments (in scholastic terminology), but the fact that in the sacraments of the church 'those actions which are already central to man's experience of his existence obtain their final meaning in Jesus Christ.' Without resorting to Peters's term 'natural sacrament' it is clear that the marriage rite is such a central action.(75)

The Presbyterian theologian D.M. Baillie addresses this problem so well that his viewpoint is quoted in full.

...what really founded the Church (or rather reconstituted the ancient people of God as the New Israel of the Christian Church) was the whole episode of what God did in Christ, in His life and words and works, His cross, His resurrection and ascension and the gift of the Spirit at Pentecost - the whole of that mighty work of God. And is not the same thing true

74) C. Villa-Vicencio, Theological Ethics (THE 301 Meta-ethics), (UNISA guide), p.91. This point was misunderstood by Reformation 'enthusiasts', whom Luther fiercely opposed. Calvin, however, had less faith in the human capacity to respond to divine love. Hence the law is more important in his theology than in that of Luther.

75) L. Peters in T.D. Verryyn, op.cit., pp.29-33

in some sense of the origin of the sacraments? If so, then the question of their 'dominical' origin does not in the deepest sense depend on a few isolated texts, or on whether these can be taken as the ipsissima verba of Jesus in the days of His flesh.(76)

Given that Christ transfigures the human experience through His death and resurrection and that sacramentality should be understood in terms of the total gospel, it is nevertheless admittedly difficult to argue that this broader redemptive transformation has any special significance for specific 'central' moments in life such as the marriage ceremony, to use Peters's term. It seems that a concept of sacramentality which is both broader and more continuous than the strict Roman definitions needs to be related to a theology of marriage as process, rather than as a moment in time.(77) This is not wholly incompatible even with contemporary Catholic thinking. John Paul II has described marriage as 'an effective sign of the saving action of God' in which Christ has made available to married couples that grace which helps to overcome the temptation of sin and to build a covenant of love.(78) This is clearly understood as an ongoing process.

3.4 The Covenant-Sacramental Model.

It is now possible to enumerate what seem to be the generally acceptable elements of a doctrine of Christian marriage which recognizes a broad sacramentality as one of its constituents. It should include the elements of:

76) D.M. Baillie, op.cit., pp.59-60

It is surprising that, despite such an argument, Baillie does not attempt to work through its significance in relation to those sacraments which are not accepted as such by the Reformed tradition.

77) Hastings points out that, while the 'instant marriage' is typical of the Western and ancient Roman view, the African, old Germanic and even ancient Jewish attitudes were far closer to one of growing into marriage.

cf. Hastings, op.cit., pp.88-9

78) John Paul II: speech at weekly general audience, 24.11.1982 in Southern Cross, 19.12.1982, p.7

- (i) interpersonal relationship
- (ii) 'covenant' in the sense of a contract between the marriage partners and between the couple and their Lord, which necessarily takes on a religious dimension
- (iii) ensuing from this covenant relationship, and in the light of the Redemption, the presence of Christ through the Spirit is given to the couple in a way which can justifiably be termed 'grace' in its broadest sense and
- (iv) by the very nature of this covenant, the analogy between the husband-wife relationship and the New Covenant between Christ and His church is made so intimate and profound that the term 'allegory' becomes inadequate to describe what is of its essence a life-giving and enriching relationship between Christ and the couple. Marriage can therefore rightly possess those qualities which we should expect to find in the relationship between Christ and His church. At the same time
- (v) this does not detract from the secular background out of which the marriage partnership arises, even if this primarily secular reality has in some sense been infused with a religious dimension, to the extent that the couple recognizes this aspect of their married life. Equally
- (vi) The 'sacral' component of marriage is not to be understood as magical, instantaneous and total, regardless of the attitudes of the couple, but is as much in the nature of a process as the deepening of the marital bond itself.

Even if this covenant-sacramental model has been sketched in such a way as to be acceptable to most 'mainline' branches of Christianity, it is to be expected that for many this will appear too 'high' a doctrine of marriage, too much derived from a 'from above' methodology. For others it may seem to make matrimony less a sacrament than a sacramental.(79)

For the purposes of this study, such a model does however seem

79) A sacramental, unlike a sacrament, in the Roman Catholic tradition, depends for its efficacy on the spiritual disposition of both minister and recipient. An example is a blessing with 'holy water'.

to provide at least a provisional means of reducing the otherwise insurmountable obstacle presented especially by the sacrament/worldly conflict of views. At the same time a recognizably 'Christian' component is retained in the doctrine of marriage, a dimension which may easily be lost sight of in attempting to reconcile these approaches.

4. Outstanding Issues.

There remain, however, two controversial areas which suggest serious objections to such an apparently 'high' model. The first is the matter of church-state conflict over jurisdiction, which relates to the question of the ecclesiastical marriage ceremony. The implications for the present study are clearly significant, because if the state has primary jurisdiction, it is difficult for the churches to protest against a purported act of interference such as mixed marriages legislation.

The second is a more recent area of debate, not because the problem did not exist, but because churchmen were reluctant to regard it as such. This is the point raised in many Third World countries that the accepted doctrine of 'Christian marriage' is subject to a western bias in its insistence on a monogamous, personalist union.⁽⁸⁰⁾ It is claimed that this ignores the predominance of lineage-oriented unions in most Third World societies. This raises the still more fundamental issue of whether 'natural', customary marriage, rooted in a communal, fertility-lineage oriented approach, is no less 'Christian' than the monogamous, person-to-person, ecclesiastically-blessed model which became 'traditional' in the west. This in turn is related to the earlier problem of civil/ecclesiastical jurisdiction.

Clearly both these areas pose serious obstacles to the pre-suppositions on which the covenant-sacramental model is based. These include the belief that it is possible to distinguish between 'Christian' and natural or customary marriage in general, that Christian marriage has an observably ecclesiological dimension, and that it necessarily possesses the personalist, one-to-one characteristics without which this model makes little sense.

80) The Shorter Oxford Dictionary defines 'personalism' as the quality or character of being personal, used of theories relating to personhood.

4.1 Jurisdiction and Ceremony.

Luther's assertion that when the church performs a marriage, it is not acting on its own authority, but as a 'mandatory of the civil government'(81), was not as novel as it must have appeared to most of his contemporaries. It has already been noted that in the Old Testament there were no specifically religious elements in the marriage ceremony. The practice of obtaining a priestly blessing arose in the church of the Fathers, but until at least the eleventh century, this was an 'optional extra' added to the customary form of marriage, although it was expected that all good Christians would desire such a marriage liturgy.(82)

Gradually the 'marriage service' moved from the church door to inside the church building. The increasing value attached to virginity (which as one of its paradoxical repercussions tended to sacralize marriage, because it was no longer taken for granted) and the growing tendency to regard marriage as a sacrament, contributed to the view that marriage had to be solemnized in church.(83)

This trend reached its climax when, in order to combat clandestine marriages, the Council of Trent decreed that a public ecclesiastical form (the presence of a priest and two witnesses) was compulsory for validity. In Britain a similar attitude was evinced by Hardwicke's Marriage Act of 1753, according to which a marriage in England was valid only if solemnized before an Anglican priest in an appointed Anglican church.(84)

Before this climax was actually reached, Luther had reacted against such a trend. He charged that even a marriage between a

81) H. Thielicke, op.cit., pp.133-4

82) A. Hastings, op.cit., p.66

In early Catholicism (as opposed to certain heterodox groups such as the Montanists) obligatory clerical intervention was limited to episcopal approval for slave marriages (these were invalid in civil Roman law) and for the marriage of catechumens and of clergy who were not bound by celibacy.

cf. E. Schillebeeckx, op.cit., Vol. II, pp.19-21

Schillebeeckx shows how the blessing originated as an expression of congratulations by the priest or bishop (p.25).

83) Ibid., pp.165-66

84) A. Hastings, op.cit., pp.68-9

Christian and an unbaptized person was perfectly legitimate, and expressed particular dislike for the Catholic practice of applying for papal dispensations from canonical impediments to marriage.(85)

What this amounted to was a rejection of ecclesiastical primary jurisdiction over marriage. It could in effect be taken as a desire to return to the practice of the early church. Calvin was particularly adamant about this matter. For him it was nothing short of tyranny that the Catholic hierarchy had removed marital jurisdiction from the hands of secular judges.(86) Like Luther, he associated clerical interference with a mushrooming of petty laws in opposition to which he was even prepared to countenance a measured leniency in the matter of the indissolubility of marriage.(87) This suggests that for the Reformers, the permanence of marriage, while a valuable theological principle, could not be a rigid practical norm. To treat it as such was regarded as epitomizing the usurpation by the Roman church of the state's jurisdiction over marriage, quite apart from distorting the sense of the relevant scriptural passages such as Matt.5:31-32, 19:3-9.

The question of jurisdiction needs to be discussed in greater detail elsewhere, especially if the much broader question of church-state relationships is to be given proper consideration. Here it is more a theological than a canonical or political principle which needs at least provisionally to be established. If superficially it seems clear enough that the two most influential Reformers,

85) Luther, (American edition), Word and Sacrament, Part II, pp.96ff.

86) Calvin, Institutes, 4.19.37

Unlike Luther, who held for church-state separation in a remarkably modern way, Calvin always qualified his advocacy of a separation of powers by insisting on the right of the church to address the state where it purportedly conflicted with the word of God.

cf. C. Villa-Vicencio Theological Ethics (THE 301-C: Political Ethics) (UNISA Guide), pp.232-39

87) Calvin, op.cit., 4.19.37

cf. also Luther, Word and Sacrament, Part II, pp.105-06

Here Luther expresses considerable ambivalence about divorce, claiming to prefer even bigamy, but appears to come down on the side of the 'liberal' interpretation of indissolubility, if only to refute papist claims.

Luther and Calvin, had no doubt about the primacy of the civil authority over marriage, it needs to be remembered that this can lead to all too simplistic a view of the Reformation attitude to marriage: a purely civil matter which might, if the individual preferred, include a church blessing in addition to the civil ceremony.

Luther, despite his ambivalence concerning divorce, had such regard for the integrity of marriage that he reduced the acceptable grounds for annulment to three: impotence, ignorance of a previously contracted marriage, and (here he expressed some doubt) a previous vow of chastity.(88) He asserted:

For marriage itself, being a divine institution, is incomparably superior to any laws, so that marriage should not be annulled for the sake of the law, rather the laws should be broken for the sake of marriage.(89)

Here Luther was referring to sacred or specifically canonical law, but it is clear that, if he was opposed to subjecting this 'divine institution' to an ecclesiastical structure as the final court of appeal, he was equally opposed to simply replacing it with the civil power. It was perhaps only because he could not think of an appropriate counter-balance to the church of Rome, that he placed so much faith in his princely protectors. Even Calvin, despite conceding the primacy of the civil powers as God's deputies over a wide sphere of life (provided that they subjected their rule to his own ultimate scrutiny), had no doubt about what should be the lot of tyrants who acted against the will of God.(90) Even though his rejection of marriage as a sacrament led him to polemical extremities such as comparing its sacramental quality to that of 'farming, building, cobbling and barbering', he too considered marriage to be a divine institution.(91)

The tendency in Calvin's writings to follow a pronouncedly 'low' doctrine has been followed in South Africa by the Ned. Geref. Kerk. It has officially defined marriage as 'a most intimate love

88) Luther, op.cit., p.102

89) Ibid., p.98

90) For Calvin's views on church-state relations,
cf. Institutes, 4.20

91) Ibid., 4.19.34

relationship between one man and one woman' (with the rider that they should in all respects be suited to each other).(92) Nevertheless this church too has (regardless of the motivation for doing so) imputed a 'social, religious and politico-juridical significance' to marriage and remains concerned that it should be involved in marriage at the pastoral level.(93)

The tri-confessional dialogue on marriage came to conclusions which do not reflect such a 'low' interpretation, while at the La Verna regional conference of the C.R.O.M.I.A. project in 1974, Southern African Reformed theologians remarked that they found Louis Peters's representation of a (broadly sacramental) Catholic position on marriage rich in insights which they personally appreciated.(94)

It is true that the major Christian traditions differ in their theological language and in the precise mode in which they understand the specifically 'Christian' component of matrimonial solemnization and jurisdiction to exist. Yet it seems justifiable to assert that there is agreement that this Christian aspect is indeed present and distinguishable. The church, as the body of believers, consequently has a role in these matters, precisely because all Christians accept that marriage has a public, communal dimension.

It is appropriate to complete this consideration of the problem of jurisdiction and ceremony with a quote from Karl Barth's Church Dogmatics. The fact that so eminent a Reformed theologian can link Christ, church, Israel-Yahweh covenant and the marriage relationship in a complex, but certainly profound way is theologically significant. It suggests that such a link, however deliberately careful its wording, exists in the spirit of the Reformed tradition, just as it does in those confessions which subscribe to a 'high' doctrine of marriage.

When the Old Testament gives dignity to the sexual relationship, it has in view its prototype, the

- 92) Human Relations and the South African Scene in the Light of Scripture, par.62 (hereafter Ras, Volk en Nasie - original Afrik. title)
- 93) Ibid., par.64.2
- 94) T.D. Verryyn, op.cit., (Editorial), p.241
The C.R.O.M.I.A. (Churches' Research on Marriage in Africa) project was a lengthy multi-pronged investigation carried out in the early seventies.

divine likeness of man as male and female which in the plan and election of God is primarily the relationship between Jesus Christ and His Church, secondarily the relationship between Yahweh and Israel, and only finally - although very directly in view of its origin - the relationship between the sexes. It is because Jesus Christ and His Church are the internal basis of creation and because Jesus Christ is again the basis of the election and call of Israel, that the relationship between Yahweh and Israel can and must be described as an erotic relationship.(95)

4.2 Christian Marriage: Western Bias and Traditional Marriage.

It is recognized that the covenant-sacramental model of marriage developed above is rooted in an essentially western perspective, which creates difficulties for many Third World Christians. Their approach tends to be much closer to a strongly communal, linear model. As has been shown above, a model of marriage which asserts the centrality of personal relationships cannot be confused with the rampant individualism which is so widely upheld as an absolute value in the contemporary west. In South Africa the churches, while rejecting a thoroughgoing individualistic religious liberalism, have not yet confronted this problem squarely.

The NGK for instance upholds a fundamentally ambivalent attitude in this respect, building a definition of marriage which is strongly individualistic ('between one man and one woman'), but retaining important vestiges of a group-oriented, linear approach in the provision that the partners be ideally suited to one another in every respect (the basis for rejecting racially mixed marriages). This point will be developed at a later stage in this study. (96)

Marriage is not just a private affair. The universal acceptance of some form of marriage ceremony with at least one or more witnesses present, testifies to this fact. Sociology recognizes that marriage and 'living together' are not identical. Today more than ever before, however, theologians need to stress that all Christian traditions recognize this public dimension in marriage. In this respect the customary marriages of lineage- and communal-oriented societies quite rightly stress the principle that the community should recognize a union for it to enjoy the status of

95) K. Barth, op.cit., p.221

96) Ras, Volk en Nasie, par.62

a valid marriage. On the other hand this principle may never become absolutized at the expense of the marriage relationship itself; such an exaggerated emphasis would not do justice to the central thrust of the New Testament treatment of marriage.

Another important contemporary issue concerning these two dimensions in marriage is highlighted in the debate on polygamy. This debate is at the heart of the growing concern, particularly in Africa, that greater recognition be given by Christianity to customary, fertility-lineage marriages. It is recognized that this is not an issue which can be ignored, not least because of the continued (albeit modified) prevalence of such marriages even in Christian African areas.(97) It is not intended to discuss this problem at any length, because that is beyond the scope of this present study. If such a discussion were to^{be} entered into, however, it is believed that the following would provide the focal points of debate:(98)

- (i) Polygamous unions constitute a valid form of marriage which cannot simplistically be dismissed as sinful, as so many missionaries have done

97) Adrian Hastings, Patrick Wooley and Martin Peskin are examples of scholars who have drawn attention to this issue. Wooley shows how traditional marriage and even initiation rites persist even in the more westernized parts of Ciskei. Peskin shows how in Soweto traditional and western approaches have fused to produce a hybrid form of marriage solemnization. One of the most widespread modifications in traditional marriage is the payment of 'bridewealth' in cash.

cf. T.D. Verry, op.cit., pp.245ff., 379ff.

98) Three basic publications on this problem are those by Hastings and Verry, cited earlier, and most comprehensive of all, African Christian Marriage by Kitembo et al. The last is the final report of the C.R.O.M.I.A. project (Churches' Research on Marriage in Africa), published in 1977, which discusses most of the possible theological positions on the subject of polygamy. Kupa's thesis on parenthood among the Pedi is equally relevant.

- (ii) Most contemporary theologians reject 'traditional' missionary practices such as compelling polygamists to discard all but one wife before admission to baptism
- (iii) Most of these theologians, such as Hastings, Kisembo and Magesa accept however that polygamy falls short of the highest ideals of the New Testament vision of marriage, although polygamy is not explicitly condemned in the Bible. Alternatively, as Eugene Hillman and Siquibo Dwane argue(99), for practical reasons monogamy is preferable because polygamy fails to do justice to the psychological needs of the wife
- (iv) Some black writers, such as Kupa, are reluctant to accept this view and argue that, since polygamy is not specifically condemned in scripture, monogamous unions are in no way superior.

The approach followed in (iii) is that presupposed in this study. This can probably be explained by the following factors:

- (i) The present writer comes out of the western tradition of Christianity and therefore uses the models which have historically been associated with that tradition.
- (ii) More important, the topic of this study, the Mixed Marriages Act, is part of a body of statutory law which only recognizes western-style monogamous unions. Under this legal system bigamy is an offense and customary marriages are only recognized under traditional African law. The key figures in this study are Christian ministers who are registered as marriage officers. In both capacities polygamous unions are ruled out, while historically most 'mixed' marriages in South Africa have not involved the African population, but whites and 'coloured' people who in any case follow western marriage usage. For the purposes of this subject, traditional customary or polygamous marriages are therefore not considered in this study.

5. Conclusion: Relativity, Historicity and Relevance.

One problem remains. What of the many Christians today who regarded the Bible as itself representative of a Semitic/western bias, as a purely relative document in cultural terms? If they are correct, the 'high' model of a durable, person-oriented and covenant-

99) cf. T.D. Verryyn, op.cit., pp.230-35

sacramentally infused relationship seems superfluous. This difficulty is moreover particularly relevant in the South African context, because ironically it is the staunchly Calvinist Afrikaans Reformed churches which have elevated cultural relativism into an absolute principle.

It needs to be shown that religion in general, (and the institution of marriage in particular) cannot from a Christian perspective (simply) be subsumed by its cultural environment, providing a useful legitimation of the socio-cultural status quo. On the other hand the historical dimension of Christianity is of such central significance that the received body of tradition has to be accepted by Christians as addressing authoritatively issues such as marriage, even if clothed in Graeco-Semitic language. A model of marriage such as has been developed in this chapter can therefore justifiably be formulated on the basis of that received tradition, notwithstanding difficulties such as confessional differences. In this respect advocates of apartheid legislation and associated theologies cannot simply dismiss models of this sort on the ground of relativism.

The relativist argument from cultural bias in Christian revelation must therefore be responded to on two grounds. Firstly, granted that a substantial part of the Bible is simply a reflection of its environment, there is also a great deal which is a clear rejection of contemporary values. This is an aspect which has historically been detected by western churchmen in their study of the biblical texts.

If there was a general trend towards a less fertility-oriented system in Levantine society at large due to Graeco-Roman influences, the most advanced biblical thought was incomparably ahead of even this trend. Jesus' harshness in the matter of divorce (compared to the lax attitudes of Hellenistic society) is a case in point.

Secondly, even if what theologians of the historical churches regard as the central thrust in biblical thought is in its language couched in Graeco-Semitic terms, this is to be expected in a religious tradition which is essentially historical in orientation. Religions of secular world affirmation such as Judaism and Christianity take history seriously and regard it positively. This is because the world is seen as standing over against a transcendent God in its own right, albeit as a created entity in relationship

with the deity. The religious experience of the Old Testament was rooted in historical events such as the Exodus. Christianity is totally centred on a historical person, Jesus.

In such a tradition the transcendent God can only be known through what is regarded as divine self-disclosure or 'revelation'. Such revelation must necessarily unfold in a particular concrete historical context, which needs to be taken seriously. Orthodox Christianity has always upheld this view in the face of gnostic-type deviations of every kind. It is false to argue that this orthodoxy was simply a reflection of its ideological environment. Whether in the Semitic, the Greek, the medieval Latin or post-Copernican worlds, the principles of orthodoxy remained at heart the same, crossing major confessional divides. Neither Plato nor Aristotle, neither Hegelian idealism nor Einsteinian relativity theory have altered the fundamental historical orientation of 'mainstream' Christianity.

The Christian religion is not tied to a culture, but its message is neither ahistorical nor is it phrased in purely supra-cultural terms. The model developed above, rooted in the central trends of biblical thought and post-biblical reflection in the community of believers, seems most fairly to take cognizance of modern Christian confessional differences, while at the same time drawing from the historical roots of Christianity in its scriptures and developing theological tradition.

Finally, a model of marriage as personal, durable and infused by a covenant-sacramentality which includes an ecclesiological (that is, church-communitarian) dimension, provides a potentially valuable theological tool. This supplies a means of analyzing the issues surrounding the problems of marriage in modern South Africa, particularly those arising from apartheid legislation. This is true to the extent that this model reflects an ecumenical, comprehensive, biblically-based and theologically nuanced picture of what is the essence of Christian marriage.

The central purpose of this chapter has been to formulate a provisional model of marriage which can justifiably claim to rest on the widest possible Christian base, without at the same time being reduced to a vague lowest common denominator. A theological critique of responses to the Mixed Marriages Act and of the theological positions of the proponents of this law requires that the nature

of Christian marriage itself be covered beforehand so as to provide a basis for further discussion. Without such a model, any critique becomes immobilized by confessional and other theological differences. Clear conceptualization makes for incisive analysis and decisive action. The relevance of this discussion for the present study requires some further elaboration.

This model of marriage sets its Christian component uncompromisingly over against a culturally-relative and group-oriented framework such as is basic to theologies rooted in the apartheid worldview. A premise of the philosophy of apartheid is that people should be understood primarily in terms of their group-affiliation, rather than in terms of their individual contribution to society. It presupposes that people think and act first of all in groups, and only secondarily as individuals. Group-maintenance and group-identity are therefore central.

Theologies arising out of those sections of the church which identify themselves with this philosophy strive to demonstrate that this order of priorities is justified, or even required by biblical tradition. Because the group is focal, such theologians naturally tend to link their religious analysis to the cultural norms of their own group. In extreme forms this leads to volkisch churches, defined by a particular ethnic, linguistic or cultural group. The implications of this in South Africa are evident in the racially-divided Afrikaans Reformed community. The professed argument is that the gospel should be preached to each group in terms of its own culture and language.

One of the most important corollaries of the apartheid worldview is that, since the group must be preserved at all costs, its boundaries should not be blurred, particularly by intermarriage. This, as will be argued later, is a large-scale version of the fertility-lineage principle. Now it is not the clan, but the volk or 'nation' which must be preserved at all costs, even at the expense of individual personal happiness. This is not a surprising development, because the lineage-writ-large is the primary social reality. The Prohibition of Mixed Marriages Act fits naturally into the requirements that the white group be preserved at all costs. Its corollary is the often-heard appeal to white mothers to have more children.

In order to address a product of the apartheid philosophy

such as this Act (and its concomitant theology) it is necessary at the theological level to provide a model such as has been developed above. This is because this model attempts to demonstrate that the Christian understanding of marriage does not recognize subjection to an absolutized group-ethic and is concerned with much more than self-preservation. This will be spelt out in greater detail in chapter five.

From the outset therefore this model suggests that the use of marriage as a tool for group-preservation is at odds with the Christian understanding of marriage. At its best this implies a failure to recognize the covenant-sacramental role of Christian marriage in the divine plan for man's religious (total) salvation (and not the socio-political salvation of any single group). At its worst it is based on a distortion of those features of patriarchal marriage which are least compatible with Christianity, that is to say, an absolutized fertility-lineage ethic. Hence the Mixed Marriages Act needs in the first instance to be addressed at the theological level.

This chapter has been concerned with this in a general way, but more specific issues related explicitly to the South African context will be considered in terms of responses to this law. Before moving onto a theological critique of responses to the Mixed Marriages Act, however, it is necessary to survey the background to the Act, its nature and purpose, and the history of the debate surrounding the Act.

CHAPTER TWO: THE HISTORICAL BACKGROUND - THE DRIVE FOR
MIXED MARRIAGES LEGISLATION.

1. Introduction.

The theological issues surrounding the Mixed Marriages Act and the responses of the churches to it, needs to be understood in a historical context. Hence in this section a historical survey is provided of the main developments in the churches and, to a lesser extent in the broader political arena, with respect to attitudes to mixed marriages legislation in particular, and to miscegenation in general. The present chapter deals with the campaign for such legislation during the decades preceding the passing of the Mixed Marriages Act, while chapters three and four are concerned with the debate surrounding the actual inception of the Act, and with the more recent debate on this law.

This survey, although attempting to delineate major developments in some detail, is nevertheless not presented with a view to investigating and analyzing all the historical issues raised in these chapters. Rather it provides the necessary historical framework within which to consider the theology behind the legislation in a later chapter. In other words this 'historical scaffolding' provides the concrete yet complex setting within which to apply the theological model of marriage constructed in chapter one to the theological issues raised by certain historical developments, outlined in chapters two, three and four.

2. Developments prior to Union.

When Eben Dönges, Minister of the Interior, introduced the Prohibition of Mixed Marriages Bill in the House of Assembly in 1949, this was not a radically novel measure. Numerous attempts had been made to curb miscegenation in South Africa, some dating back to the seventeenth century. The first two marriages between whites and slaves at the Cape took place in 1656(1), while Commissioners Goske and Van Rheeде of the Dutch East India Company

1) J.J.F.C. Heydenrych, 'Die Maatskaplike Implikasies by die Toepassing van Artikel 16 van Wet nr. 23 van 1957', (unpub. M.A.thesis, Stell.1968), p.23

Useful summaries of anti-miscegenation legislation before 1910 are provided in this thesis (pp.4ff.) as well as in Report of 1938-9 Commission on Mixed Marriages, arts.12ff. and in H. Sonnabend and C. Sofer, South Africa's Stepchildren, pp.15-19

attempted to limit the number of mixed unions in 1671 and 1685 respectively. In the nineteenth century the South African Republic (Transvaal) tried to prevent mixed marriages indirectly through separate marriage laws for blacks and whites. In the rest of South Africa, mixed marriages as such were not prohibited, but after the Anglo-Boer War, all the colonies which were to enter into Union in 1910 introduced legislation to combat illicit intercourse across the 'colour line'. The Transvaal and Natal prohibited all such intercourse between white women and men of colour, while the Cape Colony and the Orange Free State simply forbade such relations for gainful purposes between white women and African men only.(2)

It was thus not until after Union that more comprehensive attempts were made to combat miscegenation. An interesting point is that it was in the purportedly liberal Cape Colony that, as early as 1909, a changed attitude to mixed marriages per se could be detected.(3) In August of that year mixed marriages suddenly began to be indicated as such in the official registers. As it happens, the Governor-in-Council had approved an amended form of the marriage register in July of that year, including for the first time a column marked 'Race'.(4) The official announcement of the revised register did not mention this significant point of detail, which suggests

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- 2) For the role of clergymen (both English- and Dutch-speaking) in pressing for such legislation, cf. 'Prostitutes and Proletarians, 1886-1914' in C. van Onselen, Studies in the Social and Economic History of the Witwatersrand 1886-1914, Vol. I, Chapter 3
- 3) This point was brought to the notice of the writer by Dr. H.F. Heese, who had first come upon a puzzling change in the form of colonial marriage records while studying church marriage registers. He was not able to explain this at the time.
- 4) cf. Cape of Good Hope Government Gazette, no. 9197, 27.07.1909, p.310 Compare the laws of 1838 and 1860 to regulate form of marriage ceremony and of marriage records in J. Foster et al, eds. Statutes of the Cape of Good Hope 1652-1886, Vol. II, pp.1561ff., 1576ff. After Union information on race was first required in marriage documents by an Act passed in 1923. cf. Report of 1938-9 Mixed Marriages Commission, art.2

that it may have been a small step in preparation for the compromise of Union with the frankly racist northern colonies in the following year.(5)

The ambivalence of government and society at large with regard to miscegenation was reflected in the life of the churches. It is fairly widely known that several missionaries such as Revs. Read and Van der Kemp took Khoi wives.(6) Although the Cape NGK, then the established church, was not formally to support segregated worship until 1857(7); it condemned marriages between whites and Africans in 1817.(8) In the Transvaal, however, the NGK, the NHK and the Gereformeerde Kerk opposed miscegenation as a form of 'gelykstelling', the placing on an equal footing of blacks with whites. This contradicted the constitution of the South African Republic, with its assertion of 'no equality in church or state.'(9)

3. Miscegenation Legislation and attitudes towards Mixed Marriages in Party and Church Circles. 1910 - 1938.

It is possible that the increasing concern of whites with miscegenation after Union reflected, even at this early stage, the first signs of a shift of emphasis from internecine Anglo-Afrikaner strife to a growing obsession with the preponderance of blacks in South Africa. In relation to miscegenation this concern was shown on two fronts - in Parliament and in the Afrikaans Reformed community.

In 1915 the Synod of the Cape NGK resolved to instruct church councils strongly to oppose the contracting of marriages between white and coloured people, because of the 'evil results' of such marriages.(10) Five years later, in September 1920, the General Synod of the Gereformeerde Kerk at Colesberg adopted the report of

5) This measure was not debated in the Cape Parliament during 1909. It was therefore an administrative change, the reasons for which are difficult to gauge. An in-depth case study may be illuminating here.

6) cf. J.J.F.C. Heydenrych, op.cit., p.27

7) Chris Loff discusses the question of segregation in the NGK during the early nineteenth century, attempting to explode the 'myth' of pre-1857 liberalism in the Cape NGK in 'The History of a Heresy' in J. de Gruchy and C. Villa-Vicencio, eds. Apartheid is a Heresy,

8) Report of Mixed Marriages Commission, art.19 pp.10-23

9) Ibid., arts.19,81-3

10) Ibid., art.78

a committee which condemned mixed marriages on rather different grounds: as a serious offence against the social order which, under God's dispensation, drew a clear dividing line (skeidslyn) between white and coloured, and as a serious transgression of the synodal decision establishing coloured congregations. The solution adopted was simple but effective. A person who entered into a mixed marriage was to 'accept the consequences' and join the local coloured congregation.(11)

Justice Minister Tielman Roos attempted in 1926 to prohibit miscegenation on a Union-wide basis with the Immorality Bill which forbade extra-marital intercourse between whites and Africans. It was ostensibly a fair extension of Transvaal legislation which prohibited extra-marital sexual intercourse between African men and white women, removing the discriminatory element of the latter law, which had only punished African men who engaged in illicit sex across the colour-line.(12) The principle was almost unanimously accepted in both houses, but majority support was lacking because of allegedly harsh penalties. A revised bill, with modified penalty clauses, was passed the next year, albeit with some resistance against the concept of effectively combatting a purportedly morally undesirable phenomenon by legislation.(13) This, according to Roos, was only to be a beginning; there would be further legislation once coloureds and whites perceived the need for it in respect of themselves.(14)

As yet it did not seem that the Union government considered it necessary to prohibit actual marriages across the colour line, perhaps because the very open nature of such unions made them more vulnerable to public censure and ostracism than less formal relationships.(15) If this was considered a plausible argument in government circles, the Afrikaans Reformed churches, especially the NGK, were not convinced. This is not to say that party politicians were openly tolerant of mixed marriages. Both major parties

11) cf. Gereformeerde Kerk in S.A. Sinodale Vergadering: Handelinge, 1952, p.201. In 1952 this ruling was extended to apply to extra-marital relationships.

12) House of Assembly Debates, 1926, cols.1193-5

13) House of Assembly Debates, 1927, cols.36-7

14) Ibid., col.39

Senate Debates, 1927, col.46

15) Mixed Marriages Commission, art.65

in the thirties, the United Party of Hertzog and Smuts, and the rightwing 'purified' National Party of Malan, included their opposition to race mixture in their very constitutions. (16) It rapidly became clear that the Malanites interpreted such opposition as a need for appropriate legislation, however, and this was precisely the stand which the NGK took.

It is difficult to pinpoint on the basis of evidence such as synodal and parliamentary records what were the reasons for the mixed marriages issue becoming so contentious a matter from the mid-thirties onwards. It is possible, however, to suggest some of the likely contributory factors. The increasing concern of the NGK with the introduction of mixed marriages legislation was not only a product of a long history of opposition to 'gelykstelling' between white and black, especially in the northern provinces, but was also influenced by at least two more recent factors. One was the rising tide of extreme forms of nationalism in Europe, especially in Germany, manifested particularly by anti-Semitism and an emphasis on 'racial purity'. The other was the 'Poor white' problem, aggravated by the Great Depression and a severe drought in the early thirties.

16) cf. Programme of Principles of the United Party, 5th December 1934 in F.A. van Jaarsveld, ed. Pasiese Dokumente by die Studie van die Suid-Afrikaanse Geskiedenis, p.232 and Program of Principles of the National Party of the Union, 1936, Appendix B in J.H. Le Roux and P.W. Coetzer, Die Nasionale Party Deel 3, p.639. In 1934, after a year of coalition government, General Smuts's South African Party, including widespread English-speaking support, and more 'moderate' elements of General Hertzog's overwhelmingly Afrikaans-speaking national party, fused to form the United Party (UP). A minority of the old National Party, based largely in the Cape Province and led by Dr. Malan, refused to participate in such a compromise of their perceived Afrikaner nationalist principles, and seceded to form the 'Purified' National Party (NP), which espoused a systematic program of comprehensive racial segregation. For the sake of convenience, the terms 'Hertzogites' and 'Malanites' are used here to designate the two wings of the 'pre-1934' National Party. Most of the Hertzogites later found their way back into an enlarged 'Herenigde' (Reunited) National Party under Malan in the forties.

German neo-Fichteian nationalism made its way into influential Afrikaner intellectual circles through young Afrikaners pursuing advanced studies in German universities. Among these were Nico Diederichs, later Minister of Finance in Vorster's cabinet, Piet Meyer, future Broederbond and SABC chairman, Hendrik Verwoerd, later Prime Minister, Dr. Albert Hertzog, future cabinet minister and son of General Hertzog, and Geoff Cronjé, professor of Sociology at Pretoria University and a key figure in the promotion of the philosophy of apartheid.(17) In party politics this thought was most evident in the increasingly visible anti-Semitism of smaller movements such as the Greyshirts as well as in the National Party.(18) The NGK in the Orange Free State, which was to prove the most virulent proponent of mixed marriages legislation among the NG churches, was affected by these broader ideological trends at an early stage. The 1934 Synod adopted a report which, while acknowledging that dishonest business practices appeared in all sections of the population, singled out the Jewish community, stating that many Jews, through their unbelief, stubbornness and incorrect ethical views, were becoming a growing danger to the volk.(19) This was not simply a fear of economic domination, for the same synod expressed regret that Afrikaans-speaking pupils, especially girls, were being placed among people who were alien to their language, customs and morals, due to force of circumstance.(20)

The 1934 Free State Synod also expressed grave concern at the

17) T.D. Moodie, The Rise of Afrikanerdom, p.154

18) Prominent in the Nationalist campaign against Jewish immigration were Verwoerd and Eben Dönges (who introduced the Mixed Marriages Bill in 1949). After World War Two, Nationalist attitudes to Jews gradually changed and the question of, for instance, whether Malan or Verwoerd was anti-Semitic, remains disputed. cf. A. Paton Hofmeyr (abr.ed.), pp.193ff; also H. Kenney, Architect of Apartheid: H.F. Verwoerd - An Appraisal, pp.32-5

19) OFS NGK Synod, 1934: Handelinge, pp.90,147

20) Ibid., p.66

These were not necessarily Jews, but the phenomenon of anti-alienism is closely associated with especially virulent forms of nationalism, anti-Semitism and concern for 'racial' purity.

growth of white slums. A special gathering of the synod was devoted to this problem and attention was paid to the manner in which this resulted in whites living alongside blacks. One delegate spoke of the poor white question as 'die aaklige toestand van verval en ont-aarding van ons blankedom in hierdie gebuurtes'.(21) Both anti-Semitism and the poor white problem were to recur frequently as a subject of discussion in NG gatherings in succeeding years.(22) An ideological climate which emphasized the threat of alien, 'volksvreemde', elements and the experience of a large number of Afrikaners living in abject socio-economic conditions amidst such 'aliens', and more particularly among black people, together helped to create the kind of political environment in which mixed marriages legislation seemed imperative to many whites. This was especially true of the Afrikaans Reformed churches (particularly the powerful NGK), which since the Anglo-Boer War had become deeply involved in championing the upliftment of the many poor Afrikaners who increasingly flocked to the cities in search of jobs.(23)

21) Ibid., p.65

22) Substantial explicitly anti-Semitic reports on the 'Jewish question' were tabled at the 1943 and 1945 meetings of the NG Council of Churches. cf. Raad van die NG Kerke Handelinge 1943, pp.60-3; 1945, pp.40-51

Regular reports on the threat of Communism and one on 'Klasse-skeiding in ons Volkslewe' (Raad van Kerke 1945: Handelinge, demonstrate ongoing concern with the problems of pp.51-9) poor Afrikaners.

23) To-day the economic issue is recalled by verligte Afrikaners who support the repeal of the Mixed Marriages Act, but who seek to justify the demands of their churches at this time. cf. minority report on this Act before NG General Synod 1982, par.7.2.2.2.3: 'Die aandrang by die Kerk by die Staat sedert die dertigerjare om ras-gemengde huwelike te verbied...hoofsaaklik saamgehang het met die sorg rondom wantoestande wat destyds in moeilike sosiale omstandighede rondom die sogenaamde armblanke-vraagstuk geheers het.'

A prominent NG dominee informed the writer that the conditions of the time, in which poor Afrikaners lived in 'fowl-runs owned by coloureds and Indians', were particularly relevant in attempting to understand the attitude of his church in these years.

At the same time that racial purity and the 'poor white' question became such prominent issues in Afrikaans political and church circles, these ideological and economic factors contributed towards a growing systematization of Afrikaner thought on race relations. This is reflected both in the increasingly comprehensive NP statements on race policy and in the proliferation of resolutions and study material on race relations in Afrikaans Reformed synodal records from the mid-thirties onwards. The concept of apartheid, or systematic segregation, was closely linked in Afrikaner nationalist thought with the themes of anti-Semitism and the economic threat to less privileged whites, whether from Communism or liberal capitalism. Thus in a speech by Malan to the Union Congress of the NP in 1938, an address in which the party leader made much of the threat to white numbers with a new 'Blood River' in the city where poor Afrikaners faced an ever-increasing black presence, he linked the 'gelykstellingsidee' (the antithesis of segregation) to the growing power of 'organized Jewry', an unassimilable element which followed either the 'Liberal or the Communist path'.(24)

Meanwhile the NGK, the largest Afrikaans church, took steps to give official support to systematic segregation. The NG Council of Churches adopted in 1935 a common 'missionary policy' which was to provide the first comprehensive official statement of NG views on race relations in South Africa and which bore a striking resemblance in many respects to the policy of apartheid propagated by Malan's National Party in 1948, although more elaborate than for instance that outlined in the 1934 NP program of principles. Amongst other things this missionary policy included the condemnation of miscegenation and of anything which promoted it. It was asserted that the traditional fear of the Afrikaner of 'gelykstelling' arose out of his disapproval of such racial mixing (rassevermenging).(25)

This statement signalled the start of a long and persistent

24) S.W. Pienaar with J.J.J. Scholtz, eds. Glo in U Volk: D.F.Malan as Redenaar, p.116

25) NG Raad van die Kerke, 1935, Handelinge, p.98
 cf. also detailed press statements of NP race policy, summarizing the NP Sauer Report, in Die Burger, 29.3.1948, 30.3.1948. Compare with 1934 Programme of Principles in J.H. le Roux and P.W. Coetzer, op.cit., p.639

campaign by the Afrikaans Reformed churches, in particular the NGK, for the introduction of mixed marriages legislation. In the next year the Cape NGK Synod resolved to instruct its Commission for the Combatting of Social Evils to press for legislation against marriages between whites and people of colour (gekleurdes).(26) The General Synodal Commission of the Free State NGK also renewed approaches which it had made to J.H. Hofmeyr, Minister of the Interior, in July 1935 as a result of press reports about recent mixed marriages. On the previous occasion, the Minister had replied that this (27) matter was linked to that of the consolidation of the Union Marriage Laws, which was under government attention. By the time these representations had been renewed, the matter had already been raised in Parliament.

In March 1936 Major F.J. Roberts (Vrededorp), who had recently been expelled from the United Party (and who had joined the National Party in February)(28), had a private Prohibition of Mixed Marriages Bill read for the first time. Although the second reading was on the order paper, it was not reached in that session. Hence the Bill lapsed, but Major Roberts raised the matter once again during the debate on a motion of J.H. Grobler (UP-Brits) regarding 'European-Asiatic' relations in the Transvaal. Roberts was allowed to move that the Government be requested to introduce legislation to prohibit marriages between 'Europeans' and 'non-Europeans'.(29) This was the first occasion on which the Union Parliament debated mixed marriages as such, rather than miscegenation in general (extra-

26) Cape NGK Synod, 1936, Handelinge, p.244

27) Report of Mixed Marriages Commission, art.80

28) J.L. Basson, J.G. Strijdom: Sy Politieke Loopbaan van 1929 tot 1948, pp.141-2. Roberts had actively supported the NP in the Senekal bye-election, leaving his party no choice but to expel him.

29) Mixed Marriages Commission, art.66

It is significant that in the thirties, the presence of many conservative Hertzogites in the United Party resulted in bipartisan support for legislation against mixed marriages. The Malanites however went to great efforts to embarrass these conservatives by attempting to expose the purported opposition of UP 'liberals' to any such legislation.

marital miscegenation at that, so-called 'immorality'). Significantly too, both the ultra-nationalist racial purity theme and that of the relationship between inter-racial marriages and the poor white question came under discussion.(30) [There was clearly much in common between the attitudes of many white party-politicians and those of the Afrikaans Reformed churches.]

As so often in politics, however, the debate included some surprising developments, which suggest that not all Afrikaans Reformed churchmen were in agreement on the mixed marriages question. The Malanite Gereformeerde Kerk dominee, Rev. C.W.M. du Toit, condemned Hofmeyr's refusal to act against such marriages. He claimed that the whole church opposed them (although admitting that he spoke only for the 'Dutch-speaking' churches).(31) J.L.V.Liebenberg (Heilbron), a Hertzogite, surprisingly responded by asserting that the coloured question had arisen 'owing to the sins of our ancestors', rather than through 'the mixing of Malays with the Hottentots and Bushmen'. He referred to the 1935 almanac of the Gereformeerde Kerk, which on page 177 had still more astonishingly referred to Van Riebeeck's promotion of mixed marriages involving baptized and freed female slaves. The almanac had gone on to comment that it was a wonder that there were not many more 'dark' people among Afrikaners.(32) A heated discussion ensued in which Rev. S.W. Naude, although personally opposed to mixed marriages, rejected requests for legislation since the church itself had never succeeded in preventing them.(33)

The mixed marriages question was fast becoming a major election issue, with the National Party using every opportunity to demonstrate the lack of consensus in the United Party on the need for appropriate legislation. In the 1936 provincial elections, J.G.Strijdom, leader of the Transvaal NP, attacked the United Party

30) House of Assembly Debates, 1936, cols.2641ff.

31) Ibid., cols.2646, 2879ff. Although the Malanite NP and the Hertzogite wing of the UP differed in their attitude to English-speaking South Africans and, to some extent, the Malanites were more thoroughgoing in their support for total segregation, both groups shared traditional Afrikaner attitudes to blacks.

32) Ibid., cols.2882-3

33) Ibid., cols.2885-6

for refusing to enact such legislation in a pamphlet entitled Aan ons Mede-Afrikaners in die Kiesafdeling Waterberg.(34) Although J. du P. de Beer responded to this on behalf of the UP, claiming that this pamphlet was misleading since his party opposed mixed marriages, disunity in the UP came to the fore in the following year, when General Pienaar (UP-Marico), a Hertzogite, introduced a private Bill to prohibit marriages between whites on one hand, and Africans and 'Asiatics' on the other.

It had become apparent at the Transvaal Congress that there was such divided opinion in the UP on this controversial issue, that it could only be resolved by such non-partisan means.(35) The NP, however, was able to play on the delaying tactics of Hofmeyr, whose views, in the absence of a stand by Hertzog or Smuts, could be represented by the Malanites as the official cabinet attitude. The UP 'liberals', who at the Transvaal Congress had apparently forced their party to refrain from sponsoring legislation, were remarkably quiescent. Only two members of the smaller parties were prepared to go beyond arguing that legislation was impractical or that public opinion was a preferable means of changing behaviour patterns which involved what was essentially a moral issue. J.G. Derbyshire (Home Rule-Durban, Greyville) and D.G. Burnside (Labour-Umbilo) pointed to the racist elements of any such legislation, both linking it to anti-Semitic attitudes prevalent at the time. Burnside asked where the liberals in the UP were, commenting that whatever the NP said, could be counted upon to reappear amended by the ruling party.(36)

Meanwhile the Free State NGK sought to make the most of the current stalemate in the UP. Hofmeyr was asked to permit Pienaar's

34) J.T. Basson, op.cit., p.151

35) House of Assembly Debates, 1937, col.533

36) Ibid., cols.550-8

The 1936 and 1937 parliamentary debates on mixed marriages are treated in somewhat more detail in my short monograph, The Mixed Marriages Act: An Historical and Theological Study, pp.3-6

Alan Paton attempts an interesting analysis of Hofmeyr's actions at this time, suggesting that Hertzog agreed with him that legislation was not the correct way to deal with mixed marriages. Paton states that it was probable that this was not a matter of principle for Hertzog, who would have nevertheless acquiesced in any legislation. cf. Hofmeyr, pp.196-7

Bill to be brought to its final stage, but he replied that this would probably be precluded by the lack of time for discussion.(37) He proved to be correct and hence the issue remained unresolved.

The involvement of the OFS NGK in the campaign for legislation during these years is illuminating. Having failed to elicit support from Hofmeyr in 1935, the Scribe, ds. P.H. van Huyssteen, requested on behalf of his General Synodical Commission (Algemene Sinodale Kommissie or ASK) that the Minister take steps to satisfy 'the express desires of white South Africa' by prohibiting mixed marriages.(38) It is important to note the reasons for this renewed request. Not only did Van Huyssteen argue that the great majority of blacks would support such legislation, but he provided three 'religious' and 'biblical' grounds. God had willed the existence and preservation of nations, each with its own character, view of life and goal ('lewensbeskouing' and 'lewensdoel'), and had formed each to be able to fulfil its divine calling separately. Miscegenation (verbastering) exposed the volk to losing its autonomous (eiendomlike) character and thus preventing it from attaining its divine vocation. The white people of South Africa had a momentous calling to fulfil in respect of the 'non-whites' as the bearers of a civilization rooted in the Protestant religion, so that miscegenation with less civilized races would be a death-blow for Christian civilization in South Africa.(39)

37) Mixed Marriages Commission, art.80

38) Letter from Van Huyssteen to Hofmeyr (dated 8.8.1936) in OFS NGK Synod, 1937, Handelinge, pp.33-4. cf. also correspondence of J.P. van der Spuy, Scribe of Federal Council of NG Churches, with Secretary of Interior 31.3.1937 and 8.4.1937 in Raad van die NG Kerke, 1939, Handelinge, pp.39-40 (see p.13 of thesis for support of Council for actions of OFS church in 1936-7). The ASK was the senior body responsible for running the affairs of each NG church between meetings of Synod.

39) NGK Synod, 1937, Handelinge, pp.33-4

This was a historically significant statement, not only because it was the first time that a detailed motivation for opposition to mixed marriages was provided by the NGK in an official document, but because these themes formed the basis of much lengthier statements in succeeding decades. This was especially true of the 'white missionary' theme.

The Secretary of the Interior replied on behalf of Hofmeyr, referring to the latter's speech in Parliament on 1st May, 1936, in which he had declared that the Government was unwilling to prohibit these marriages, not least because of certain practical difficulties. It was felt that public opinion was more helpful in combatting mixed marriages and the work of the church in this regard was appreciated. The ASK then instructed the Scribe to ask Hofmeyr to give Pienaar's Bill an opportunity to be discussed in Parliament as well as to write to Pienaar in support of his Bill.(40)

Thus by the time that Pienaar's measure came up for discussion in January 1937, the Free State NGK had become involved in a running battle with Hofmeyr, simply refusing to accept his polite disavowal of its views. It received support from the Federal Council of NG churches at its March meeting, where it was resolved urgently to request Hofmeyr to introduce prohibiting legislation, in view of the policy of the NG churches to protect the 'skeidslyn' between white and black.(41) In the following month the Free State Synod expressed its support for the action of its ASK in negotiating with Hofmeyr and declared its disapproval of mixed marriages. Ministers, church councils, parents and teachers were asked to warn against this 'evil'. In response to Hofmeyr's preference for the power of public opinion, the ASK was empowered to renew requests for legislation, since the

40) Ibid., pp.34-5

41) NG Raad van die Kerke, 1937, Handelinge, p.24

All references to the 'Federal Council' refer to the Council of the Federated NG Churches and not the Federal Missionary Council. The Council of the Churches was the most prestigious and highest ranking body of the white NG churches, but its decisions were largely advisory. Only with the unification of the individual white synods into a single General Synod in 1962, was a national NG body given any significant legislative powers. (For the history of the drive for reunification of the NGK, cf. P.B.van der Watt, Die Loedolff-saak en die Nederduitse Gereformeerde Kerk, 1862-1962. Since the unification of the white NG churches, the 'Federal Council' refers to a liaison body serving eight churches (of all races) belonging to the NG family in Southern Africa.

latter had always been a 'powerful factor' in the formation of public opinion, a curious but interesting course of reasoning.(42)

Meanwhile in the party-political arena the mixed marriages issue was fast becoming one of the most controversial questions before the electorate. In the 1937 provincial bye-election in Waterberg, Strijdom and P.W. le R. van Niekerk raised the issue in an election pamphlet(43), while during the campaign before the May 1938 general election, the Malanites made it perhaps the single most important 'vote-catching' matter.

In keeping with this trend, some of Malan's most important speeches during 1937-8 took up the issue of miscegenation and the maintenance of white purity, linking them to the emotional atmosphere surrounding the Great Trek centenary celebrations. At an associated event, the Winburg centenary festival, on 2nd May 1937, Malan stated bluntly that the question was whether South Africa was to remain 'ours' (presumably, the white Afrikaner's). Just as the Voortrekkers had guarded against miscegenation, so did the Afrikaner have to take up this task in much more difficult circumstances.(44) In tones prophetic of his 'Second Trek' speech at Blood River on 16th December 1938, Malan declared:

Ons mense is blootgestel aan die gevare van 'n swart barbaarse bedreiging wat verskeie nasies vernietig het. Ons het egter 'n volk gebly deur 'n verhouding van heer en diensbode tussen blank en swart te skep, en nie rassevermenging toe te laat nie, want 'n volk wat sy rasegtheid verloor, kan nie as volk voortbestaan nie.(45)

An interesting development in this period was a letter sent by the Free State NGK Scribe, P.H. Van Huyssteen, to J.G. Strijdom,

42) cf. OFS NGK Synod, 1937, Handelinge, p.37

43) J.L. Basson, op.cit., p.155

44) S.W. Pienaar ed., op.cit., p.237

also cf. Malan's Union NP Congress speech (8.10.1938) and Blood River 'Tweede Trek' address (16.12.1938), pp.110-30 in same volume.

45) Ibid., p.236

tr. Our people were exposed to the dangers of a black barbarous threat which destroyed several nations. Yet we remained a volk through creating a master-servant relationship between white and black, and not permitting miscegenation, for a volk that loses its racial authenticity, cannot survive as a volk.

one of the most outspoken proponents of wholesale segregation in his party. Van Huyssteen asked him to push actively for mixed marriages legislation, to which he replied characteristically that he not only wanted such marriages prohibited, but a clear dividing line between black and white in every area of life.(46)

J.L. Basson describes how the National Party became involved in an especially unpleasant verbal battle with the UP and Hertzog's right-wing lieutenant, Oswald Pirow, in particular. This centred on a Nationalist election poster described by Hertzog's newspaper Die Vaderland as follows: ' 'n blanke vrou en 'n kaffer voor 'n soort pondok, met 'n spelende blanke dogtertjie en 'n kaffertjie tussen hulle. Die kaffer staan met sy hand in sy broeksak, besig om 'n sigaret te rook. Onderaan staan "Gemengde Huwelike"! '(47) The racist language of this comparatively moderate party organ indicates the Hertzogite UP response. Pirow attacked the poster for its effect on Africans in their attitudes to Afrikaans women, while J.C.G. Kemp, Minister of Lands, alleged that it was the 'lowest and dirtiest' yet in South Africa, attacking the Afrikaner woman's honour. Demands arose in UP ranks that all posters on mixed marriages be removed from the streets, while Strijdom on the other hand attacked Hofmeyr's 'dangerous liberalistic direction.' (48)

The UP nevertheless seems to have recognized the potential danger to itself of the mixed marriages question if properly harnessed by the Opposition together with related issues such as separate residential areas. The best way in which to deal with such a problematic question seemed to be the appointment of a commission of inquiry.

46) Van Huyssteen to Strijdom 2.9.1937 and Strijdom to Van Huyssteen 20.1.1938 cited in J.L. Basson, op.cit., p.168

47) Die Vaderland, 3.5.1938 cited in J.L. Basson, op.cit., p.168

A rough translation: 'a white woman and a nigger (sic) in front of a shack, with a little white girl playing and a little nigger (sic) between them. The nigger stands with his hand in his trouser-pocket, busy smoking a cigarette. Beneath is "Mixed Marriages"!'

Basson points out that the NP produced a similar picture in a pamphlet in the Potchefstroom constituency.

48) Ibid., pp.168-9

4. Two Commissions of Inquiry.

In 1937 the report had appeared of a commission appointed to investigate the conditions of the coloured people. It had found that traditionally miscegenation had contributed an infusion of white blood into the coloured group rather than the infiltration of coloureds into the white population and that it was only increasing socio-economic disabilities which encouraged 'passing' for white.(49) Three of the six-member commission recommended that mixed unions be combatted through public opinion rather than through legislation, but the remaining three were not convinced that the evidence before them enabled them to come to any conclusion on the desirability or undesirability of mixed marriages. All joined in recommending that no legislation be introduced to prohibit white-coloured marriages.(50)

Disagreement in United Party circles and, no doubt, the campaign of the NGK, made it impossible for the Government to accept this recommendation as final. It therefore appointed a new commission in 1938 to investigate mixed marriages as such. This commission collected a great deal of evidence, including the views of twenty-three churches.

Although most black opinion as well as most church opinion outside the Afrikaans Reformed community was not in favour of prohibitory legislation, most of those who submitted evidence were not in favour of mixed marriages per se.(51) Mrs. N.B. Spilhaus MPC produced a rather confused minority report opposing mixed marriages because of their allegedly tragic results, but rejecting prohibitory legislation, although welcoming a law on extra-marital relations.(52)

The majority report maximized the significance of the testimony of witnesses, who regardless of colour, opposed mixed marriages.

49) Report of 1937 Commission on Cape coloureds, arts.118-9

50) Ibid., arts.121, 124-8

51) The South African Indian Congress and the Indian and Japanese governments made it clear that any such legislation would be regarded as insulting. Professor Jabavu of Fort Hare pointed out that laws sometimes gave rise to an effect contrary to that intended.

cf. Mixed Marriages Commission, arts.84-93

52) Ibid., arts.151ff.

Great attention was paid to white race-consciousness and white convictions of racial superiority and 'the need for domination if they are to continue to rule, or even exist. If these people cannot be tolerated as social companions, it follows that they were not desirable as life-partners.'(53) While the number of mixed marriages was still limited, it was necessary to act promptly against them as well as against extra-marital miscegenation. Public opposition to these marriages was held to be justified, because of their unhappy and socially problematic results, as well as the 'infiltration of non-European blood into the European population.' In addition complete socio-economic segregation was favoured together with the improvement of the economic position of all groups.(54)

The commission was especially significant for the statements which it procured from various churches. The comments of only three non-Afrikaans groups appear in the report. The Seventh Day Adventist Church simply declared that it was opposed to the mingling of the races socially, while the Roman Catholics refused to make an official statement, although it was pointed out that the difficulties of mixed unions were indicated to prospective couples. The Anglican (CPSA) Synod of Bishops issued a statement expressing their general discouragement of such marriages, but their strongest opposition to any legislation which would criminalize them.(55) The evidence of churches outside the Afrikaans Reformed community therefore did not amount to a mandate for legislation.

The fact that it was otherwise with the Afrikaans Reformed churches is hardly surprising in view of the public support of many of them in the preceding years for prohibitory legislation. The Cape and Free State synods and the Federal Council of the NG churches brought to the notice of the commission their recent decisions on mixed marriages, described above. The Transvaal NGK referred the commission to article nine of its constitution, which forbade 'gelykstelling' between whites and coloureds. In order to make its position absolutely clear, however, on 19th October 1938 its Synodal Commission formally rejected mixed marriages.(56)

Like the Transvaal NGK, the NHK and the Gereformeerde Kerk,

53) Ibid., art.130

54) Ibid., arts.131ff.

55) Ibid., arts.73-5

56) Ibid., art.81

with their historical roots in the Great Trek and the aversion of their ancestors to 'liberal' race policies, saw no need to make specific statements about mixed marriages, because they took it for granted that these were impermissible. The NHC had been the established church of the old South African Republic (Transvaal), which had upheld the policy of no racial equality in church or state. This was reflected in the NHC constitution, which also restricted membership to whites. The small but strictly Calvinist GK referred to a decision of 1892 disapproving of mixed marriages as well as to the decision of 1920 described earlier in this chapter. The GK informed the commission that its ministers would therefore no longer solemnize a mixed marriage, nor even announce the banns.(57)

5. The Church Campaign for Mixed Marriages Legislation: 1938-1949.

The circumstances of the 1938 election campaign and the appointment of the Mixed Marriages Commission in that year demonstrated how important and contentious the mixed marriages question had become. In that year a missionary congress of the NG churches, including the Sendingkerk (dominated at the time by white ministers) expressed its support for the campaign for legislation to combat mixed marriages and integrated residential areas, asking that the Government take appropriate steps in this regard as well as in respect of segregation in schools and colleges.(58)

The frustration of the NGK with the apparent failure of Hertzog's government to heed its requests was displayed both in the number of resolutions on mixed marriages passed by the 1939 meeting of the Federal Council and in the language of these motions.(59) The

57) Ibid., arts. 82-2

A year later the GK Synod requested prohibitory legislation. cf. A. van der Merwe, 'Die Huwelik: 'n Histories-Sosiologiese Studie', (unpub. D.Phil. Thesis, UOFS), p.253

58) Raad van die NG Kerke, 1939, Handelinge, p.73

59) The UP government neglected to implement the recommendations of its Mixed Marriages Commission, the report of which appeared in 1939. With the departure of Hertzog and many of his followers from the government benches in September 1939, upon the outbreak of World War II and Smuts's success in obtaining support for entry into the war, it became still less likely that the UP, with its 'liberal' wing now relatively strengthened within that party, would implement these proposals.

Council expressed 'yet again' (andermaal) its conviction that legislation was 'absolutely necessary' to combat mixed marriages. An awareness of the sensitive nature of such a proposal was shown by a series of resolutions concerning the combatting of misunderstanding among blacks with regard to the NG advocacy of such legislation, support for compensation in the case of group areas removals and
 1.c. the necessity of explanatory articles in the ~~P~~^Press.(60) An NG delegation to the Minister of Native Affairs pressed for the implementation of such legislation; the minister gave this deputation a friendly but non-committal response.(61)

The failure of the Government to implement the recommendations of its own commission aroused both disappointment and anger in the NGK, particularly at the Free State Synod of 1940. The Free State Algemene Sinodale Kommissie (ASK) had sent a report of its decisions on mixed marriages to the Minister of the Interior as well as to every member of the Cabinet, Senate and House of Assembly and to the chairman of the Government commission. The ASK argued in its report before Synod that the various representations made to the Mixed Marriages Commission had contributed to bringing its recommendations in line with NGK thought.(62) In view of the lack of any appropriate action by the Government on these recommendations, however, the synod could do no more than re-emphasize its position and urge the Government immediately to act in accordance with these recommendations. In order to stress the urgency of its resolution, it was decided to communicate it to the Government by telegram.(63)

Apart from a complaint by the Federal Council of NG churches in 1943 about the 'condoning' by a judge of illicit intercourse between foreign white soldiers and sailors and African women in Natal(64), miscegenation was not specifically raised in a major NG

60) Raad van die NG Kerke, 1939, Handelinge, pp.19-21

61) Raad van die NG Kerke, 1941, Handelinge, p.98

The Minister promised to 'do what he could', repeatedly stressing that the church should do its part in helping to form public opinion.

62) OFS NGK Synod, 1940, Handelinge, p.4

63) Ibid., p.443

cf. also Cape NGK Synod, 1940, Handelinge, pp.155,233

64) Raad van die NG Kerke, 1943, Handelinge, p.22

gathering again until the 1944 Transvaal Synod. The latter stated its concern at the increase in the use of birth control, since it would diminish white numbers with serious political, economic and social consequences, and adopted a long resolution on miscegenation. White female factory-workers had expressed their dissatisfaction (65) about integration and race-mixture, and the three white susterkerke had formed a Broad Church Committee (Breë Kerklike Komitee) which had accepted a common policy that had been approved by the Transvaal NG Synodal Committee for the Combatting of Social Evils and the Transvaal Synodal Welfare and Missionary Commissions. The synod reaffirmed its support for key elements of this common policy, including the view that the Afrikaners' entire existence as a Christian people (hele Christelike volksbestaan) was rooted in the principle of social apartheid, to the benefit of both white and black.

It was significant that pressure for miscegenation legislation was increasing from the whole range of Afrikaans Reformed churches, and also that women were featuring in grass-roots lobbying for action against miscegenation, as reflected in the Transvaal NG Synodal records, in the reference to female factory-workers. It is difficult to gauge the influence of female pressure for prohibitory legislation from the records of bodies in which women had little public influence, such as Parliament or Afrikaans Reformed synods. In the background, however, women had been involved in lobbying for anti-miscegenation legislation for a long time.

In 1926 when Roos introduced his Immorality Bill, he mentioned the support which he had obtained from the Women's Association of South Africa, the Women's South African Party of the Transvaal (a demonstration of bipartisan support for this Bill) and the National Board of Women in Natal.(66) Again when Major Roberts campaigned for a Mixed Marriages Bill in 1936, among the telegrams of support which he received was one from the Afrikaanse Christelike Vrouevereniging, meeting at Ritchie in the Cape.(67)

Perhaps, however, the significance of the women's lobby as such should not be over-emphasized, since it is significant that by the

65) Transvaal NGK Synod, 1946, Handelinge, pp.324-6

66) House of Assembly Debates, 1926, col.1193

67) House of Assembly Debates, 1936, col.2643

thirties on a question such as mixed marriages, it was no longer possible to claim bipartisan support of the kind which Roos had received on the much more limited issue of white-African extra-marital miscegenation. Possibly more important is the fact that in addition to the Vrouevereniging, Roberts received support from the Reddingsbond (Warrenton branch), an economic front organization for the Afrikaner Broederbond.(68) If one were systematically to examine the kind of organizations which from the thirties onwards pressed most vigorously for mixed marriages legislation, it seems likely on the basis of the admittedly limited evidence considered in this study, that it would be concluded that these were overwhelmingly drawn from bodies linked to the broad Afrikaner nationalist movement, rather than specifically from any other section of society as such, be it women, Christian organizations, or workers' associations.(69)

Those elements of these sections of white society which were involved in this campaign were linked to the National Party, the Broederbond or the Afrikaans Reformed churches, the party-political, ideological-organizational and ecclesiastical arms of Afrikaner nationalism respectively. It is particularly significant that the minutes for 1936 of the Executive Council of the Broederbond (which increasingly co-ordinated the strategies of Afrikaner nationalist organizations, and to which many Afrikaans Reformed churchmen belonged) indicate that the Bond was agitating for group areas and mixed marriages legislation.(70)

A decade later these varied pressure-groups had acquired a powerful and determined advocate in the Afrikaans Reformed churches.

68) Ibid., col.2643

69) Workers' organizations influenced by Marxist thought, for instance, were hardly likely to lobby for such legislation. The Germiston female factory-workers who campaigned against social integration and miscegenation, as described above, belonged to the multi-racial Clothing Workers' Union, headed by the virulently anti-racist Solly Sachs, a radical socialist. His Germiston branch was clearly exceptional in its racist thinking.

cf. D.T. Moodie, op.cit., pp.252-3

70) A.N. Pelzer, op.cit., p.164. This is a particularly reliable source on such matters, because it was commissioned by the Executive Committee itself.

In 1945 the Commission for Current Affairs of the Federal Council of NG churches proposed that an interview be sought with the Prime Minister in which, among other things, the mixed marriages question could be discussed.(71) The Federal Missionary Council, the liaison body between the NGK and the Government on race relations, had repeatedly sent delegations to individual cabinet ministers in order to discuss issues such as mixed marriages, but without any real success.(72) As it happened, the Federal Council for the Combatting of Social Evils, a subsidiary body of the Council of the Churches, managed to obtain an interview in June 1946 with not only the acting Prime Minister, Hofmeyr, but also with the Minister of Justice, Harry Lawrence, and the Minister of the Interior, C.F. Clarkson. An urgent request for legislation against miscegenation both within and outside marriage met with the usual UP response that mixed marriages, as a social evil, could not be combatted through legislation.(73)

After the close of the Second World War, attention was clearly being focussed once again on race relations. The Cape NG Synod reiterated its earlier requests for a mixed marriages law in 1945(74), while in 1947 the Federal Council adopted a report by E.P. Groenewald on Scripture and Apartheid. The circumstances surrounding the compilation of this report are considered later in this chapter in the discussion of literature on mixed marriages. It is sufficient here to note that it was sufficiently influential to serve also as a paper before the Transvaal Synod in 1948 and caused considerable debate on its hermeneutical procedure in the months following its

71) Raad van die NG Kerke, 1945, Handelinge, pp.76-7

72) R.T.F. Lombard, 'Die Nederduitse Gereformeerde Kerke en Rassepolitiek met Spesiale Verwysing na die Jare 1948-1961', (Unpub. D.Litt. et Phil. Thesis, UNISA), pp.82-3

In addition to the Federal Council, or Council of the Churches, the supreme body of the four white NG churches, there were further federal bodies such as those dealing with missionary matters or social evils. These dealt with specific concerns and were subject to the Federal Council.

73) cf. Cape NGK Synod, 1949, Handelinge, p.297 and OFS NGK Synod, 1948, Handelinge, p.129

cf. also Natal NGK Synod, 1948, Handelinge, p.82

74) Cape NGK Synod, 1945, Handelinge, p.353

appearance in the latter forum. The version adopted by the Council included one section which did not appear in that presented to the 1948 Transvaal Synod. This went beyond opposition to marriages across the 'colour line', warning against marriages between people of different religions or nationalities, in view of the tensions which tended to arise in such unions.(75)

In April 1948 the Natal, Transvaal and Free State synods met and all directed their attention to miscegenation. The Natal Synod saw the task of church and state with regard to 'verbastering' in the following way:

Van die Kerk se kant moet beoog word: die inherente opbou van die volk wat ons nasie bewuste Christene sal maak. Van die staat se kant moet daar beskermend opgetree word om sodoende ons nasiebewussyn te beskerm en te behou.(76)

The Transvaal Synod discussed Groenewald's report at considerable length, a report which paid much attention to biblical attitudes towards ethnically mixed marriages, but the synod could agree on no more than the view that its policy of apartheid arose not merely from circumstances, but had its basis in Scripture.(77)

The Free State Synod, which had been perhaps the most ardent of the NG churches in pressing for legislation against mixed marriages, reiterated its stand, providing an interesting motivation: (a) the current rate of nearly a hundred mixed unions per annum; (b) the threat to the preservation of 'white civilization; (c) the fact that most people who entered such unions were outside the sphere of influence of the Afrikaans churches; and (d) the stream of immigrants into South Africa, people who were less critical with regard to the colour bar. Finally, (e) miscegenation had already become a 'volksprobleem'. This resolution was sent to the leaders

75) Raad van die NG Kerke, 1947, Handelinge, p.56

76) Natal NGK Synod, 1948, Handelinge, p.197

tr. On the part of the church there should be aimed at the inherent building up of the volk which will make our nation self-conscious Christians. On the part of the state protective action should be taken in order to guard and maintain our national consciousness.

77) Transvaal NGK Synod, 1948, Handelinge, pp.382, 446

Ten delegates declared that they were not yet persuaded for or against the scriptural basis of apartheid.

of all (white) political parties.(78)

In contrast with the NGK in the forties, the Gereformeerde Kerk had been relatively silent on mixed marriages, paying more attention to questions such as communism and Christian National Education. Although the 1945 synod had made a passing reference to Smuts's personal opposition to miscegenation, as shown by his earlier writings(79), it was not until 1949 that the matter of mixed marriages was specifically brought up in Synod. The Deputies for the Combatting of Social Evils reported that they had asked ds. P.J. Coetzee of Cape Town to act on their behalf in a joint interview together with the NG Federal Council for the Combatting of Social Evils. In an interview with ministers Colin Steyn and Harry Lawrence on 'evils in the life of our volk', mixed marriages had been discussed. The Deputies were in the process of gathering information on mixed marriages and had placed an article in the press on the subject.(80)

By the time of the 1949 GK Synod, Malan's government had come to power and a mixed marriages law was a key element in the new rulers' legislative programme. This implied a radical change in the nature of the ongoing lobbying of the Government by the Afrikaans Reformed churches. This change was symbolized by a massive final deputation, consisting of representatives of the Council of the NG Churches, the Federal NG Council for the Combatting of Social Evils and of the other white susterkerke, thus involving also the NHK, which met Eben Dönges, the new Minister of the Interior on 18th February 1949 to press for legislation.(81) In the light of the commitment of the new regime to prohibitory legislation, it must have proved a most harmonious occasion. Indeed the GK Synod of that year decided to send a telegram to Dönges, assuring him of their support in introducing such a measure.(82) It did not have

78) OFS NGK Synod, 1948, Handelinge, p.472

79) cf: Gereformeerde Gemeentes in S.A. Sinodale Vergadering, 1945, Handelinge, p.145. This included a reference to Smuts's Africa and Some World Problems (p.93)

80) cf. Gereformeerde Gemeentes in S.A. Sinodale Vergadering, 1949, Handelinge, pp.183, 186

81) Cape NGK Synod, 1949, Handelinge, p.298

82) Gereformeerde Gemeentes in S.A. Sinodale Vergadering, 1949, Handelinge, p.313

to wait long for that.

6. Attitudes in Published Literature: 1936-1949.

While effective unanimity in Afrikaner nationalist circles (or at least among those associated with Malan) on the central thrust of their race policy made for unity of action in respect of issues such as miscegenation, their opponents, by contrast, lacked the unifying ideology and the singleness of purpose necessary to combat the growing campaign for systematic segregation in all spheres of life.(83) This disparity was reflected in the literature of the thirties and forties on the subject of miscegenation. A survey of just a few of the most important of these demonstrates this point.

The communist George Findlay treated statistics in such a way as to suggest that not only was there coloured blood in at least one third of the white South African population, but that the colour bar was actually hastening the process of miscegenation because of its encouragement of 'passing for white'.(84) Exactly the opposite argument was propounded by the prominent liberal academic, Alfred Hoernlé, who in delivering the 1939 Phelps-Stokes Lectures at the University of Cape Town, concluded that only total separation would prevent miscegenation and white domination over Africans!(85)

83) After the outbreak of World War II, Afrikaner nationalists were divided on constitutional issues and on Anglo-Afrikaner relations, but there were very few differences on colour policy. Their opponents, however, ranging from pro-imperialist Dominion Party supporters, through various shades of liberalism to outspoken communists, advocated widely differing approaches to race relations.

84) cf. G. Findlay, Miscegenation: A Study of the Biological Sources of Inheritance of the South African European Population(1936) and Bloedvermenging: Swart en Wit in Suid-Afrika: die Faktore wat Bloedvermenging vertraag of versnel(ca.1941)

Findlay was a member of the South African Communist Party (SACP), a hard-line orthodox Marxist organization which tended to follow the Soviet party's policies. This needs to be distinguished from the many South African organizations which at various periods adopted elements of Marxist or socialist thought in their programme.

85) A.R.F. Hoernlé, South African Native Policy and the Liberal Spirit (1939; pub.1945)

This may be compared with the British liberal Cedric Dover's work Half-Caste (1937), which attacked the 'scientific' literature on which many Afrikaans intellectuals based their philosophy, as pure racism. From his point of view, condemnations of miscegenation based on concepts such as biological disharmony in hybrids and the use of necessarily subjective intelligence tests were objectionable both from an intellectual and a moral viewpoint.(86)

In the forties Harry Sonnabend and Cyril Sofer used statistical analyses to demonstrate that the alleged threat to whites of miscegenation was largely imaginary. They argued that there were no persuasive scientific grounds for the view that race mixture led to physical deterioration and infertility.(87) Sofer was able to show that the proportion of coloured-white marriages had actually decreased relative to the sizes of both groups during 1925-46. Coloured-African marriages, however, showed a definite increase, which implied that it was the black population which was most 'threatened' by mixed marriages.(88)

There was a divergence of opinion among all these non-Nationalist writers. For Findlay segregation encouraged miscegenation and therefore the former was evil. For Hoernle segregation was necessary to prevent miscegenation. Again, miscegenation was the evil to be avoided, even if this was coupled with the prevention of continued white domination. Even Sofer's analysis was directed at minimizing the 'threat' of miscegenation to whites. While all of these abhorred racial prejudice, the question of race mixture itself was not being tackled head-on by the liberals and radicals.

Afrikaner nationalist writers of the forties showed no such embarrassment. They claimed that miscegenation was an evil per se and as such was to be outlawed. G. Eloff attempted in Rasse en Rassevermenging (1942) to show 'scientifically' the physical

86) C. Dover, Half-Caste, Chapter One

87) H. Sonnabend and C. Sofer, South Africa's Stepchildren(ca.1948) pp.11-14, 29

88) C. Sofer, 'Some Aspects of Inter-Racial Marriages in South Africa, 1925-46', in Africa, July 1949, pp.192-4, 196-9
Race statistics for marriages appeared in Union records only from 1925.

inferiority of mixed races and the particular biological fitness of the Afrikaner for the God-given mission to promote white Christian civilization. The theme of 'trusteeship' (voogdyskap) over black people also appeared here.(89) According to Eloff, Findlay's work was mere 'communist propaganda', while the agents of miscegenation were visiting soldiers and sailors as well as irreligious, 'liberalistic' local elements.(90)

Eloff's findings were used by Prof. Geoff Cronjé in his 'n Tuiste vir die Nageslag, which was equally concerned with the 'Bolshevist' desire to destroy all racial differences. Findlay's thesis in particular was vociferously condemned.(91) Cronjé was a prominent proponent of neo-Fichteanism in the thirties and forties, an outspoken foe of Jewish immigration and, most interestingly, linked to the Ossewabrandwag (OB), the wartime pro-German organization.(92) Dunbar Moodie points out that 'n Tuiste vir die Nageslag was published by the OB press and that it seems to have been based on the deliberations of a 1942 OB-organized conference and on articles published by other Afrikaner intellectuals in the OB organ Wapenskou.(93)

Although historians are careful today to distinguish between the war-time thinking of the National Socialist-influenced OB and the Calvinist-influenced Malanite NP, Cronjé's affiliations exemplify the need to be wary of over-simplification here. The links between Malan's National Party, the Broederbond and assorted right-wing Afrikaners under the spell of the Third Reich, which became temporarily unravelled in 1941, were complex and, beneath the surface of personal conflicts, remarkably permanent.

89) G. Eloff, Rasse en Rassevermenging, esp. pp.50-61, 74ff.

90) Ibid., pp.98, 102-3 and 93-4

91) G. Cronjé, 'n Tuiste vir die Nageslag - Die Blywende Oplossing van Suid-Afrika se Rassevraagstukke (1945) pp.8, 36, 66-71

92) D.T. Moodie, op.cit., pp.154, 166, 274

93) Ibid., pp.274-5. Moodie points out that the 1942 conference or 'Studielaer' was attended by Broederbond intellectuals who were sympathetic to the OB.

Thus the neo-Fichtean OB sympathizer Cronjé, far from fading into the background once Malan re-emerged as the unchallenged champion of Afrikaner nationalism, remained a key figure in the promotion of systematic segregation or apartheid. Cronjé was invited to present a paper to the 1944 Volkskongres on Afrikaner racial policy, organized by the Federasie van Afrikaanse Kultuurvereninge (FAK), the cultural front of the Broederbond.(94)

His book Voogdyskap en Apartheid (1948) was hailed by the influential NG theologian G.B.A. Gerdener, who today would be labeled a 'verligte' or 'enlightened' Afrikaner.(95) Most significantly, Cronjé co-authored perhaps the single most influential book on apartheid of the period, Regverdige Rasse-Apartheid, brought out by the Christian Student Union of South Africa in 1947, the year in which the Church Volkskongres in Johannesburg specified miscegenation as an essential target of the proposed apartheid programme.(96) In this work he collaborated with two major Afrikaans theologians - Dr. W.M. Nicol, Moderator of the Transvaal NGK and later Administrator of the Transvaal under Malan, and Dr. E.P. Groenewald, Professor of New Testament Exegesis and Theology at the University of Pretoria.

Here Cronjé developed further the ideas expressed in 'n Tuiste vir die Nageslag, particularly the view that racial segregation was scripturally-based and part of the Divine Plan, although unity in Christ was still possible on a 'spiritual' level:

As algemene beginsels is vasgelê dat Gods vloek op die opheffing van die grense rus, maar Sy seën op die eerbiediging daarvan;

94) Ibid., p.248

In addition to Moodie, the substantial power of the Afrikaner Broederbond in South African society and especially its links with the NP and the Afrikaans Reformed churches are dealt with in two useful journalistic accounts, one from a liberal, the other from a far-rightwing perspective:

cf. I. Wilkins and H. Strydom, The Super-Afrikaners and B.M. Schoeman, Die Broederbond in die Afrikaner-politiek.

For an 'official' history of the Bond, cf. A.N. Pelzer, Die Afrikaner-Broederbond.

95) Die Kerkbode, 10.11.1948 - Review by G.B.A. Gerdener, p.1123

96) G. Cronjé et al., Regverdige Rasse-Apartheid, pp.41-2

...die oorskryding van die grense in diens van Christus beteken geensins 'n opheffing van die grens nie.(97)

These statements appeared in Groenewald's contribution to the book, a contribution which, as alluded to earlier, was considered to deal so well with the relationship between the Bible and apartheid that it served as a report before the Transvaal NGK Synod in 1948, arousing considerable opposition from 'moderates' such as Dr. Ben Marais. Although it was referred by Synod back to the Commission for Current Affairs for further study, the Federal Council of NG churches had accepted its recommendations at its 1947 meeting.(98)

Cronjé, whose ideas Moodie describes as the 'racist strain' in separate development theory(99), was therefore no isolated figure, and through his work the ideas of Eloff were brought before a wider audience, including some of the most influential circles in the Afrikaans Reformed churches.(100) At the heart of Cronjé's thought

97) E.P. Groenewald, 'Apartheid en Voogdyskap in die Lig van die Heilige Skrif', in G. Cronjé et al, op.cit., pp.57,60

tr. As general principles it was established that God's curse lay on the removal of (racial) boundaries, but His blessing on the honouring of them;
...the transcendence of the boundaries in the service of Christ means in no way the removal of the barrier.

98) cf. Transvaal NGK Synod, 1948, Handelinge, pp.279-84, 378, 382. Also Raad van NG Kerke, 1947, Handelinge, pp.53-7

For an account of the protracted theological debate which centred around this paper, cf. my unpub. paper 'Apartheid and Scripture: A Study of Trends in Afrikaans Reformed Thought with Especial Reference to the Debate in 1948-1950 in the NGK' (1982)

99) D.T. Moodie, op.cit., p.274

100) Cronjé's, Voogdyskap en Apartheid was highly recommended in Die Kerkblad, official organ of the GK, by the editor, J.D. du Toit. Du Toit evidently did not regard Cronjé's ideas as racist. On the contrary, he regarded the emphasis on trusteeship as a valuable counter to liberal claims that Afrikaner support for apartheid was based on the desire for pure 'baasskap' (mastery). (cf. Die Kerkblad, 4.2.1949, p.5)

was an unremitting opposition to miscegenation as a most serious offence against the white race, undermining its survival, a crime typical of degenerate South Africans and low-class immigrants.(101) His programme to combat miscegenation virtually amounted to Malan's colour policy (kleurbeleid) in the 1948 election: the upgrading of white living standards and total segregation politically, residentially, socially and in labour matters, as well as the development of self-management for other race groups.(102) His advocacy of measures to silence agitators against apartheid was equally paralleled by Malan's declaration that 'Kerke en genootskappe wat die beleid van apartheid ondermyn en volksvreemde beskouinge propageer, sal hierin teengegaan word.'(103)

The writings of Afrikaner nationalists in these years propagating a systematic theory of apartheid tended to make the combatting of miscegenation the logical centre of their efforts, whether expressly or only implicitly. Nicol wrote in Regverdige Rasse-Apartheid that the sanctity of the existence of a people (as a creation of God with a determined goal), compelled Afrikaners to protect that existence.(104) This implied steps against race mixture. The 1947 Church Volkskongres reiterated this type of argument, asserting that a thoroughgoing policy of apartheid was necessary to remove friction between the races and miscegenation, and in order to preserve the biological and cultural identity of all sections.(105)

7. Assessment.

The kind of thinking on race relations prevalent in Afrikaner nationalist circles prior to Malan's victory in the 1948 general

101) G. Cronjé, 'n Tuiste vir die Nageslag, pp.39-63

102) Ibid., pp.80-8

103) Die Burger, 29.3.1948

tr. 'Action will be taken against churches and associations which undermine the policy of apartheid and propagate views alien to the volk.'

104) G. Cronjé et al, Regverdige Rasse-Apartheid, p.21

105) Ibid., pp.41-3. The Congress resolved as follows:

Met die bedoeling om die belangebotsing tussen blankes en nie-blankes te beëindig, bloedvermenging uit te skakel en in die algemeen, die identiteit - biologies en kultureel - van sowel die blanke as nie-blanke rassegroepe te behou, stel die Kongres dit as sy besliste standpunt dat doelbewus 'n omwattende beleid van rasse apartheid op elke gebied van die lewe deurgevoer moet word.

election, clearly drew widely on theological arguments. Drawing equally on the 'sacred-historical' experiences of Afrikanerdom in key events such as the 1652 'Volkstigting', the Great Trek, the Anglo-Boer War and the 1914 Rebellion, Afrikaner intellectuals' theorizing on race relations was in harmony with what Moodie, following the American sociologist Robert Bellah, calls the 'Afrikaner civil religion'.(106) The latter comprised an intricate web of inter-connecting political and historical symbols, stories, ideas and rituals (such as the Geloftedag ceremonies) which by 1948 had attained a pseudo-religious status among Afrikaner nationalists. The Afrikaans Reformed churches had a great deal to do with the promotion of this civil religion, as even a casual perusal of their journals at this time will reveal.

It may in fact be said that there was a growing identity of interests between the National Party and these churches during the thirties and forties, notwithstanding NG protestations that race relations in particular should be 'above party politics'.(107) This was partly because ethnic-based churches such as these tended to become the natural bearers of the civil religion of the Afrikaner volk, a civil religion which provided the ideological spearhead of the Afrikaner nationalist movement. It was Malan's National Party, however, which by 1948 had become the unchallenged political voice of this nationalism.

There was another reason, however, for the identity of interests which increasingly characterized the NP and the Afrikaans Reformed community, especially the NGK. This was their increasingly similar race relations policy. Systematic segregation had long characterized Afrikaans Reformed church life. A church which sprang from a particular ethnic group naturally identified with the perceived aims of the rising nationalist mood within that group. This was accentuated

106) T.D. Moodie, op.cit., provides a particularly useful analysis of the development of Afrikaner civil religion from a primarily sociological viewpoint.

A valuable series of papers given at the 'S.A. Civil Religion' Summer School course held at the University of Cape Town in January 1977 was published in JTSA nos.19 and 20, June and September 1977.

107) cf. for instance 'Report of Committee on Race Relations' in Cape NGK Synod, 1949, Handelinge, p.458

when the objectives of the nationalist movement at the party-political level harmonized with the traditional 'missionary' policies of the church, such as segregated worship. When church leaders took up the banner of broad Afrikaner nationalism, it was easy to build links between 'church apartheid' and 'political apartheid' at the level of ideology, that sphere in which religious leaders are most comfortable.

It was also most natural for these leaders to attach greatest importance to those aspects of the political apartheid programme which fell into areas of traditional concern to the churches - education, living conditions, sexual behaviour and, above all, marriage. Mixed marriages legislation therefore became an aspect of Afrikaner nationalist aims which the Afrikaans Reformed churches made peculiarly their own, for here was a sphere in which theologians could move most easily. When Hertzog failed to make this a key issue in his own programme, it fell to the Malanite variety of nationalism to propagate such legislation in the party-political arena. It was natural that those churches which had been most enthusiastic in propagating apartheid laws such as mixed marriages legislation, found themselves increasingly identified with this more virulent variety of Afrikaner nationalism. Therefore whether as promoters of the civil religion or as propagators of Afrikaner nationalist race relations in their most systematic form, the Afrikaans Reformed church leadership became effectively the religious arm of Malanite nationalism. This impression is confirmed by the examination of the nature of the debate surrounding the actual inception of the Mixed Marriages Act in 1949, particularly when Nationalist and Afrikaans Reformed responses are compared with those of opponents of this legislation.

CHAPTER THREE: THE NATURE AND PURPOSES OF THE BILL,
AND RESPONSES TO IT.

1. The Mixed Marriages Bill: Its Purpose.

It has been shown how persistent the forces in favour of mixed marriages legislation were, particularly in the ranks of the Afrikaans Reformed churches, and how the developing 'theology of separation' espoused by these bodies increasingly coincided with the race policy propagated by Malan's Nationalists. Malan's accession to power in the 1948 elections therefore heralded the introduction of measures in keeping with the views of the Afrikaans churches. By the end of 1950 all of the key laws propagated by these churches, particularly the NGK, had been enacted, namely measures to combat mixed marriages, extra-marital intercourse across the colour line and residential integration. A fourth cornerstone of apartheid, the Population Registration Act of 1950, was a logical corollary of these laws, since racial boundaries had to be clearly demarcated if they were to function efficiently.

The first of these measures, however, was Eben Dönges's Prohibition of Mixed Marriages Bill, which passed its first reading in the House of Assembly on 28th April, 1949.(1) On 19th May the Minister of the Interior duly introduced the second reading with an exposition of the purpose and nature of the Bill.(2) This merits some elaboration.

Dönges closely followed the arguments set forth by the 1938 Mixed Marriages Commission, which provided an important focus of debate in the subsequent discussion. According to the Minister, the Bill aimed at checking blood mixture and promoting racial purity, but was necessarily incomplete until supplemented by Justice Minister C.R. Swart's Bill to amend the Immorality Act of 1927. The provisions of the latter would be extended to include coloureds and 'Asians' as well as Africans.

Previous attempts at curbing miscegenation had, Dönges averred, failed, as had the pressure of public opinion. Nor was the Transvaal solution (i.e. separate marriage laws for the different races and no provision for mixed marriages) satisfactory, because of a

1) House of Assembly Debates, 1949, col.4695

2) Ibid., cols.6164ff.

court ruling regarding the validity of marriages by proxy in that province. A more direct measure was necessary.

The Minister argued that despite the historic ability of the whites to maintain their racial purity in an overwhelmingly black country, public opinion had been an insufficient curb on mixed marriages, especially in respect of 'weaker brothers and...sisters'. Legislation would give concrete expression to this general feeling, while the philanthropic aspects of such a Bill had also to be considered, namely the cruel social results of mixed marriages, particularly with regard to the children, and the 'family dissension' which he alleged was characteristic of such unions.

Making much of purported black support for such a law in the evidence before the 1938 commission, Dönges argued that the Bill was not racist, since it applied equally to all races. Above all, the number of such marriages showed a 'steady increase' (from 1928 to 1937, 912 mixed unions; from 1938 to 1947, 913!)(3) If this continued, the public might grow to accept them. This needed to be related to the problem of similar socio-economic conditions (presumably among poor whites and the bulk of the black population), a reference to mixed white-coloured residential areas among urban workers.

The economic argument, which had always featured in parliamentary discussions (and indeed in NG documentation) was no doubt significant, but more at the level of symbol than of socio-economic reality. The 'steady increase' in mixed marriages quite patently was not based on the available statistics, which Dönges wilfully misinterpreted. Cyril Sofer showed in an article on mixed marriages that the proportion of coloured-white marriages (the great majority of mixed unions) to all marriages involving whites had steadily dropped from 0,8 percent in 1925 to 0,4 percent in 1930, 0,3 in 1940 and 0,2 percent in 1946.(4) Strict residential segregation would have been more effective than mixed marriages legislation in dealing with the problem of impoverished whites mixing with people of colour; but that had to wait for another year.(5)

3) Ibid., col.6171

4) C. Sofer, 'Some Aspects of Inter-Racial Marriages in South Africa, 1925-46', in Africa, July 1949, p.193

5) cf. The Group Areas Act of 1950

It is therefore necessary to seek elsewhere for the reasons for making the Mixed Marriages Bill the pilot measure of the apartheid programme. Probably the answer lies in a complex web of factors, both party-political and at the level of symbolic effect. Politically this was an inexpensive measure, limited in scope, the workings of which, as will be seen, were left to marriage officers, but its symbolic impact would be out of all proportion to the number of people whose lives it would directly affect. The Afrikaans Reformed community would be pleased and the electorate would be shown the first of the fruits to be expected from a government that had come to office preaching a veritable gospel of separation. The official opposition would be vulnerable during the parliamentary debate to the charge that it tolerated (or even favoured) miscegenation. Most important, Malan was serving notice as to where social boundaries were to be drawn before his social engineers began to work on the details of the brave new world of racial exclusivism.

Slogans, symbols and the central myths of apartheid and white 'self-determination', as is now the favoured term, were as important here as political expediency. This suggests an obvious relationship with that domain of symbol and myth par excellence, theology, which will be considered in chapter five.(6)

2. The Character of the Bill.

Dönges did his best to present his Bill as a perfectly ordinary humane measure, with the interests of the community as a whole borne carefully in mind. He argued that it was no more an infringement

6) Hermann Giliomee argues that 'white self-determination' has historically been no more than a synonym for 'white supremacy'. cf. The Parting of the Ways: South African Politics 1976-82, p.xvii 'Myth' will be considered here as patterned verbal symbolism, that is, symbols, whether in written or spoken form, which exist in a sufficiently extended guise to constitute a story, a doctrine or a simple message such as a one-sentence political slogan that bears with it a number of additional symbolic associations, whether consciously or unconsciously recognized by the hearer. Myths are not necessarily 'incorrect' in the sense of bearing no relationship to experienced reality; what is more important is their effectiveness.

upon individual freedom than restrictions on the sale and use of liquor. In the event of an injustice against a woman (e.g. a woman being left with responsibility for the children of a mixed union) restitution would remain available in the form of a financial contribution, even if no longer in the form of legitimating a sexual indiscretion. In any case, such a problem would be reduced with the Immorality Amendment Bill.

Although his Bill prevented the solemnization of a mixed marriage, it punished the offending marriage officer, not the couple themselves, he claimed. Provided that marriage officers acted in good faith, they would not be penalized. School principals had long had to make similar decisions in admitting pupils. The problem of definition of race did not arise, he argued, since no definition had been included in the South Africa Act itself, which included racial provisions for the franchise. Appearance, social contacts and actual descent, in that order, would be the criteria, while the forthcoming population register would obviate any further difficulties in determining race.(7)

If the Minister was to be believed, Nationalist social engineering was a straightforward, uncomplicated and morally unproblematic programme, acceptable to all proponents of 'white Christian civilization.' It is surprising that he did not realise that, apart from practical difficulties in ascertaining race, he was imposing upon ministers of the gospel, perhaps the majority of marriage officers, a duty which many would find distasteful if not painful. More than that, not only was his government interfering in the affairs of the church, but it was creating a diriment impediment to marriage which had never been recognized by the great majority of church bodies. The Bill was pregnant with theological difficulties, yet Dönges's presentation implied that these had completely escaped him.

It appeared that in his view marriage was in the first place a communal matter, and that in a society which could only conceive of ethnic-based communities on völkisch lines, there could be no reasonable objection to the state regulating marriage in ethnic terms. At the same time, it was puzzling that only marriages between whites and blacks were subject to this consideration. The

7) Assembly Debates, 1949, cols.6172-5

Opposition certainly did not lack material for debate.

3. Responses to the Bill.

3.1 The Debate in Parliament.

At the time of the second reading debate, party representation in the Assembly was such that the Government had a very small majority, so small that Mrs. Ballinger was able to push through the house a motion reducing the salary of Dr. Jansen, Minister of Native Affairs. The success of this motion unexpectedly precipitated the second reading debate on Dönges's Bill.(8) Malan could muster eighty members, seventy-one Nationalists and nine Afrikaner Party members, while the Opposition totalled seventy-three members, sixty-four representing the United Party, six the Labour Party and three 'Native Representatives', including Sam Kahn, a member of the South African Communist Party, which was banned in the following year.(9) Not only could the Opposition have met the Mixed Marriages Bill with a formidable barrage of arguments, but their Whips could have succeeded in at least blocking the passage of the Bill through ensuring a full mustering of forces.

When Smuts moved that the Assembly decline to pass the Bill, his opposition was shown to be strictly on practical grounds. One Opposition speaker after the other rose in support of his view that, while 'all South Africans' were agreed that racial blood mixture was an evil, this was a moral problem, not susceptible to legislative treatment, and that any legislation would face the difficulties of defining people of different race.(10) The possibility of blackmail and the suffering in 'borderline' white families if such a law was enacted, were among the other main objections. Mr. W.H. Stuart

8) Cape Times, 20.5.1949

9) Statistics compiled from lists in Hansard and the Parliamentary Register 1910-1961, which indicates MPs' party affiliations.

In 1936 Hertzog's government removed African voters in the Cape from the common roll. Henceforth they voted separately for three white 'Native Representatives'.

10) Ibid., cols.6175ff. See for instance the speeches of Dr. Jonker (Cape Town-Gardens) and A. Davis (Pretoria-City).

This parliamentary debate, as well as the ensuing debate in the Cape Press and among community organizations, is dealt with more fully in my monograph, The Mixed Marriages Act, Chapters 3-5

(Transkei), a Native Representative, emphasized the opposition of his constituents to miscegenation, but asserted that mixed marriages fell into a different category, involving 'more decent people' who constituted a very small percentage of those who engaged in such inter-racial activities.(11)

Three exceptions may be mentioned. R.J. du Toit (Cape Flats), representing a mainly coloured constituency, repeated most of the earlier arguments, reiterated opposition to mixed marriages as such, but pointed out certain religious problems. All but the 'Dutch Reformed Church' (he clearly meant the Afrikaans Reformed churches as a whole) were opposed to this legislation, he asserted, suggesting that the indissolubility of Christian marriage in certain churches would raise difficulties, since people married in church might be regarded as unmarried in the eyes of the law, but not in the eyes of their denomination.(12) His closing charge that the Bill was the 'most disgraceful, un-Christian and unnecessary Bill ever introduced in a Union Parliament' distinguished an otherwise unexceptional speech from those of his fellow UP representatives and won him the gratitude of the conservative coloured newspaper The Sun.(13) Mrs. Ballinger, a liberal Native Representative, elaborated upon the religious argument, stressing the opposition of her church (the CPSA) and the Roman Catholics in particular to the Bill, because of their sacramental attitude to marriage.(14)

Sam Kahn was more forthright. With little concern for traditional white susceptibilities, he dismissed the 'reprehensible superstition' of the 'myth' of racial superiority as unscientific, uncivilized and indecent - the idolization of a chemical substance. He argued that the real evil lay not in mixed marriages, but in the social pattern of South Africa. Most 'white' families in the Union were in any case not racially 'pure'.

11) Ibid., cols.6199ff.

12) Ibid., cols.6350-8

13) Ibid., col.6359;

The Sun, 27.5.1949

14) Assembly Debates, 1949, cols.6440ff.

The question of sacramentality is considered in detail in chapters one and five.

Kahn asked if anybody could point to any product of a mixed marriage which was bad because of reasons inherent in that marriage. Surprisingly, he praised those churches that had issued 'a strong dignified protest' against the Bill, citing their argument that the contracting of such marriages was 'not contrary to the Law of God as declared by Jesus Christ.' He was not overly disturbed by a member who asked how much he knew about Christ, but went on to the heart of the matter as he saw it, namely that the basic conception of marriage was that based on the love of the partners. None of his constituents had expressed the wish to have his choice of partner limited by legislation similar to Hitler's anti-semitic Nuremberg Law.(15)

Kahn's speech warrants extensive consideration because it was so utterly removed from the general tone of the debate, and because, despite his politics, he raised moral issues which Christian leaders could have been expected to face, but which were likely to have been considered inexpedient by mainstream parliamentarians of the day. Although some government supporters such as Dr. J.H. Steyn (Afrikaner Party-Potchefstroom) approached the debate fairly pragmatically(16), others justified Kahn's comment that the 'remarks made on the Government benches this afternoon could have been lifted bodily out of speeches made in the past by men like Goebbels, Streicher, Rosenberg and Hitler.'(17) Mr. W.A. Maree (NP-Newcastle) was most explicitly in this tradition. His conclusions included statements such as 'mixed marriages are undesirable because they do not solve the primary object of marriage,...the propagation of the species', 'a mixed marriage is not the synthesis of the social, ethical and religious ideals of the community' and 'legislation...must ensure

15) Ibid., cols.6414ff. The churches which issued this protest were the Anglicans (CPSA), Methodists (Methodist Church of South Africa), Presbyterians (PCSA), Catholics, Congregationalists, Salvation Army and the Baptist Union of South Africa.

Mr. F.B. Allen (UP-Roodepoort), despite 'opposing mixed marriages', alluded to this protest at some length. cf. cols.6479-81

16) Ibid., cols.6391ff. He agreed that there were practical difficulties, but favoured the 'symbolic worth' of the Bill.

17) Ibid., col.6419

that every social act within the community...serves the interests of the community.' As he put it, 'the super-personal (sic) element in marriage must be taken into account before the personal element. (18)

Maree's views are striking only because he had attempted to systematize and explicate many basic assumptions of whites and not only Afrikaner Nationalists.(19) Central here was the concept of a group ethic and an abhorrence of anything which threatened white socio-cultural homogeneity. Something that was most offensive to blacks was the identification of 'whiteness' with 'humanity'. It was this association that made it possible for Maree to confuse 'propagation of the race' with 'propagation of the species.'

It was perhaps to be expected that Kahn's speech aroused a reaction which confirmed his assertions. Mr. J.H. Abraham (NP-Groblersdal) found Kahn's defence of the churches particularly objectionable, attacking his 'ethically filthy' ideas, and asserted that 'it is scientific to hold yourself aloof from a race with a lower civilisation and less education and more limited intellectual powers.'(20)

Apart from the overtly racist nature of Maree's speech, his comments also reinforced Dönges's argument that marriage was above all an ethnic-communal matter. Hence, in Dönges's terms, 'weaker brothers and weaker sisters' had to be supported by those who recognized the priority of the needs of the white (and especially the Afrikaner) group over merely private feelings of affection. The Minister's use of the image of the threatened Voortrekker laager in this speech demonstrated forcibly to his listeners that personal

18) Ibid., cols.6380-1

19) The near-obsession of the United Party with reiterating its opposition to miscegenation reflects many of these assumptions at the level of unspoken fears and prejudices, even if party-political expediency was also important here. W.H. Stuart's jovial references to various racial 'tests' in respect of fingernails, hair and nose-texture were made less bizarre by the parliamentary environment which made such discussion acceptable from an Opposition member representing Africans.

20) Ibid., cols.6424-6

needs had historically had to be sacrificed in favour of preserving the 'white tribe', 'a small band separated from their motherland... encircled by black hordes', as he put it.(21) Mr. Abraham expressed this view quite bluntly, arguing that the Bill was necessary, because self-preservation was the first law of nature and 'self-preservation in the human race supplied the urge for the consummation that today we call the State.'(22)

The parallels with the fertility-lineage understanding of marriage discussed in the first chapter are striking. Marriage was regarded in the first place as a social act which therefore, as Maree argued, should serve the interests of the community. Mixed marriages, however, failed to achieve a synthesis of communal 'social, ethical and religious ideals.'(23) The key elements of the fertility-lineage model are present here: the primacy of the group and the centrality of the preservation of the blood-line. If these premises were granted, Abraham was correct in perceiving that in a modern society the state (rather than the clan authorities) was responsible for enforcing legislatively the principle of group preservation. In a more complex society than that of the biblical patriarchs, however, the 'group' was not a close-knit clan, but the Afrikaner volk in particular and the 'white race' in general. It was natural that a perceptive observer such as Kahn, unfettered by a conservative white constituency, should recognize the similarities between such views and those espoused by that movement which more than any other had idolized the primacy of group and blood-line, German National Socialism.

Dönges, however, replied to the arguments of the Opposition with considerable confidence, applying his courtroom talents to religious objections at some length. He referred to the 1946 request of the NG Federal Council and attempted rather tortuously to demonstrate that the Anglicans, Catholics and Seventh Day Adventists supported his Bill in terms of their responses to the 1938 commission. For instance he charged that the Anglican bishops

21) Ibid., col.6167

22) Ibid., col.6425

23) Ibid., col.6380

had rejected a measure which would 'criminalize' mixed marriages, but that his Bill avoided precisely this problem, since the mixed couples themselves were not legally penalized. He explained that this made it difficult for him to understand the attitude taken up by the Anglican (CPSA) Church.(24)

He argued that Mrs. Ballinger had confused divorce and nullity, claiming that while some churches did not permit divorce, they nevertheless accepted certain grounds for nullity, such as bigamy. The Bill simply provided for a further ground which invalidated marriage. The joint church protest was 'a document that amazes me', he asserted, since 'certain churches (were) arrogating to themselves the position of saying what is Christian'. He was especially offended by their effectively labelling the 'Dutch Reformed Churches' as un-Christian in their attitude. This he found shocking.(25)

When the House voted on a division at the close of the second reading debate, the results were remarkably close, with fifty-nine votes for the Bill and fifty-six against it.(26) This suggests a surprising apathy on both sides of the House. With a maximum of seventy-three votes at its disposal, the Opposition was in a position to have blocked the Bill at this stage. The apparent lack of interest in mustering these forces suggests that the Opposition was either reconciled to the Government's forcing this measure through regardless of its small majority, or that the Opposition failed to recognize the centrality of this measure to the NP philosophy of apartheid.

Dönges for all his external confidence, was not unaware of some of the more bizarre effects of his Bill and consequently during the committee stage introduced several minor amendments, which validated 'mixed' marriages where solemnized in good faith, where the appearance of both parties was 'obviously' 'European' or 'non-European', or where their social habits were 'obviously' similar. Children of mixed marriages born before they were nullified were to be legitimate.(27) The only further alterations which he accepted during the committee stage concerned the extension of

24) Ibid., cols.6507-8

25) Ibid., cols.6508-10

26) Ibid., cols.6512-13

27) Ibid., cols.7341ff.

the legitimacy clause to include children conceived before a marriage was nullified and the limitation of the clause which nullified mixed marriages solemnized abroad, to South African males only.

The third reading debate was marked by apparent weariness and lack of interest on the part of the Opposition. This was shown not only by the nature of the speeches, but in the results of the final division. The Bill passed on a vote of seventy-one to fifty-one, a still more disappointing effort than that which had marked the second reading debate.(28)

Under these circumstances Dönges's Bill enjoyed a surprisingly difficult passage in the traditionally more sedate Senate, although the Bill once again passed its third reading on a notably unrepresentative vote of thirteen to twelve votes. There were over forty senators at this time.(29)

The 'practical' arguments which had been used by the Opposition in the Assembly re-appeared in the Senate, but significantly the religious aspect was aired more fully than previously. Edgar Brookes commented on the fact that the Government might come into conflict with certain churches, because of their views on the nature of marriage, to which (as before) Dönges replied by citing the churches' evidence before the 1938 commission.(30)

Senator Browne, a Roman Catholic, attempted to present his church's views, describing the Bill as 'blasphemous' and 'un-Christian', although insisting that he was not personally in favour of mixed marriages.(31) In the third reading debate he discussed the problem of the possible clash of conscience between what an ordained marriage officer believed and what was the law of the land. He argued that Catholics would not consider themselves morally bound by such a statute, and that any marriage solemnized by a priest in

28) Assembly Debates, 1949, cols.9064ff.

29) Senate Debates, 1949, col.6328

cf. also list of senators in published debates

30) Ibid., cols.6081ff., 6110ff.

These churches had, as explained in chapter two, not expressed support for mixed marriages, but only the Afrikaans Reformed churches had actually advocated legislating against them.

31) Ibid., cols.6061ff.

accordance with Catholic canon law, would remain canonically valid. He was not impressed by the argument that the clergyman, rather than the mixed couple, would be prosecuted.(32) Although Dr. Bremer responded with charges that Browne was threatening South Africa with papist triumphalism(33), an attack which was condemned by several Opposition senators, the religious dimension of the debate on the Bill had been competently, even if not comprehensively outlined in the upper chamber.

Nevertheless it is striking that this aspect was not taken advantage of more fully. In both chambers the debate became bogged down in 'practical' issues such as the problem of race definition in the Cape Peninsula, with its disproportionately large 'mixed' population.(34) So great was the concern of most parliamentarians to distance themselves from any 'personal approval' of mixed marriages, that an apologetic atmosphere permeated the entire parliamentary debate, with the exception of Sam Kahn's fiery speech in the Assembly. There was a general failure openly to support the right of any person to choose his spouse, without any racist-inspired barriers against the exercise of this right, whether by way of legislation or social ostracism. If this point of morality had been conceded, opponents of the Bill would have been in a stronger position ethically in addressing the further problems of government interference in church matters, the possible clash between law and conscience, and especially the manner in which the Bill attacked the very nature of marriage as the overwhelming majority of Christians understood it.(35)

In the deeply conservative white party-political arena, it was perhaps unrealistic to expect that such a moral viewpoint could be openly espoused. White parliamentarians had grown up in an environment which frowned on miscegenation. The negative effect on one's constituency in moving radically away from such attitudes was quite predictable. Native Representatives, who lacked such political constraints, were to a lesser extent subject to similar influences.

32) Ibid., cols.6291-7

33) Ibid., cols.6297-8

34) cf. for instance the argument of Brookes, noted in his day for his 'liberal' political views. (cols.6086ff.)

35) This last issue is discussed in greater detail in chapter five

The fact that liberals such as Margaret Ballinger and Edgar Brookes were unable publicly to take a clear stand against popular white attitudes to miscegenation at this time, indicates the moral scandalousness of such 'radical integrationist' ideas at the end of the forties.

3.2 The Public Debate.

An examination of the responses of community organizations and 'non-racial' bodies active in the Western Cape (the area most severely affected by the Bill) shows that these considerations were valid outside Parliament, including liberal and even some black organizations. The protests of community organizations such as the Civil Rights League, the Cape Town branch of the National Council of Women and the Institute of Race Relations, reflected a similar pattern of attitudes.(36)

These bodies opposed the Mixed Marriages Bill less because of a concern for those who chose to marry across the colour line, than because it smacked of a draconian attack on 'human rights', an inroad upon the English-speaking 'liberal' tradition. The Council for Human Rights was more forthright. Its spokeswoman, Mrs. B. Lavoipierre, declared that the Bill should be vigorously opposed by all who loved freedom and believed in the equality of man, adding that South Africans would do well to realize that all were members of 'one race'.(37) Despite the omission of the usual caveat expressing opposition to miscegenation as such, even here the argument was strictly in terms of liberal-human rights theory, although this was to be expected in an organization specifically devoted to this cause.

The South African Communist Party also saw the Bill as an attack on individual freedom, an insult to blacks and as comparable to Nazi legislation.(38) As the Central Committee put it:

The Communist Party regards marriage as a private contract between the two people concerned, who

36) Cape Times, 28.5.1949

Cape Argus, 18.5.1949, 27.5.1949

37) Indian Views, 1.6.1949

38) cf. protest to Dönges by Cape District Secretary cited in Cape Argus, 2.5.1949 and statement by Central Committee in The Sun, 20.5.1949

should be free to choose whatever partner they desire in marriage without interference by the State.(39)

In contrast to the ideal expressed by this professedly atheistic organization, a paper by Dr. G. Eloff presented at the Stellenbosch Afrikaanse Studentebond Congress upheld eugenic theories which had been popular in National Socialist Germany. He argued that inter-breeding might cause detrimental physical tendencies such as lung diseases, claiming that it had also been ascertained that the intelligence quotient of Africans was below that of whites. A more benevolent presentation of apartheid was given by L.P. (40) van Breda of the University of Pretoria, who while rejecting racial superiority as the basis of apartheid, supported the latter, and miscegenation legislation in particular, so that whites could retain their identity. He said that apartheid should be based on the Christian principles of justice. He neglected the fact that the measures necessary to attain this 'Christian apartheid' would entail discrimination and enforced separation of those who preferred to live together.(41)

The more 'radical' sections of the coloured population, which was bound to be hardest hit by the Mixed Marriages Bill, showed considerable doubts about the purportedly 'Christian' aspect of apartheid. The African People's Organization dismissed the Bill as a measure directed against 'non-Europeans'(42), while The Torch saw it as a hurtful, insulting measure aimed at intimidating the most enlightened elements of the white population, who were able to overcome their colour prejudice. This newspaper condemned the English press as well as the joint statement of church leaders (referred to earlier) for their muted language in opposing the Bill. The joint statement was dismissed as 'lip-service to Christianity'; it was claimed that for a long time white clergymen had refused to marry mixed couples.(43) The Torch was still more acid in its comments on the role of the Afrikaans Reformed community in pressing for the Bill:

39) The Sun, 20.5.1949

40) Cape Times, 29.7.1949

41) Burger, 28.7.1949

42) The Torch, 6.6.1949

43) Ibid., 2.5.1949, 16.5.1949, 25.7.1949

In the name of false gods - race purity, race superiority, the Voortrekker ideal, and the narrow, crushing, suffocating cant of the mediaeval, black-frocked, bigoted, arrogant and ignorant dominees who preside over events in South Africa as a Roman Emperor at a feeding of the Christians to the lions - one more freedom is sacrificed at the shrine of Herrenvolkism, one more brand of inferiority cut deep into the flesh of the Non-Europeans.(44)

The Executive of the Coloured People's National Union, which supported the UP, condemned the Bill on practical grounds, but argued that such legislation should be extended to protect the coloureds against all types of inter-racial marriage (including with Africans).(45) The Sun, another supporter of the UP, was more ambivalent. It argued that blacks also wished to see an end to miscegenation with whites, because of the hardships involved.(46) On the other hand it regarded the Bill as humiliating for all blacks and felt that marriage should be left to individual choice. In an unusual departure from its usually conservative tone, The Sun demonstrated the particularly sensitive nature of such a measure in the eyes of its readers. Claiming that the UP would 'never have stooped to such treachery', it declared:

The Nationalists, on the other hand, believe that the non-Europeans are akin to the man-like beasts of the jungle, whose freedom to choose for themselves wives must be severely limited, so as to preserve the purity and chastity of the white people. The idea is not only revolting but laughable.(47)

That a newspaper such as The Sun could be moved to use such language, indicated how differently coloured people saw the Bill, in comparison with the muted tones of most white organizations. Most coloureds were less concerned with the human rights issue per se (although they did not underestimate this factor) than its essentially racist nature. The Sun also recognized the difficulties posed by the Bill for clergymen, commenting that they would now have 'the distasteful and unenviable task of separating the chaff from the corn'. It recognized equally that deep theological issues were involved, even if it was not in a position to elaborate on this

44) Ibid., 2.5.1949

45) The Sun, 20.5.1949

46) Ibid., 10.6.1949

47) Ibid., 6.5.1949

aspect, attacking the Nationalist government for 'arrogating unto itself a divine right to dispense its own interpretation of the Christian doctrine.'(48)

This brief examination of some public responses to the Bill shows that it fell on the churches at least to attempt to adjudicate in an area which so patently involved moral and theological issues. White political parties were bound by the prejudices of a conservative electorate and, to a lesser extent, these prejudices were reflected also in the statements of community organizations, including 'liberal' ones, as well as some coloured bodies. While most coloureds saw the Bill as an insult, neither they nor the small number of mixed couples were in a position to make their views felt at a national level. It was to be expected that at least those churches which had supported the joint protest against the Bill would both vigorously make their views known to their members and to those in power, and that they would translate these views into appropriate action. Similarly it was to be expected that those churches which had pressed for such legislation would both express their appreciation for such a measure and provide a comprehensive and theologically sound justification of their position.

3.3 The Response of the Churches.

As it happens, the responses of the churches, while numerous, were far less vociferous and far more limited in scope than might have been the case. The Cape Argus classified the churches into two groups: those who had condemned it - and those who had remained silent.(49) This was perhaps an over-simplification, for condemnations were often delivered in muted tones, while at least some of those who remained silent were in favour of the Bill and at length expressed their appreciation for the measure. In broad terms, however, this classification fairly accurately demarcated the division in the churches on this subject.

3.3.1 The Afrikaans Reformed Churches.

Considering how persistent the Afrikaans Reformed churches had been in pressing for mixed marriages legislation, it is surprising that they were not more vocal in welcoming its inception. At

48) Ibid., 20.5.1949

49) Cape Argus, 26.5.1949

official level, expressions of gratitude were few and far between.

(50)

The Cape NGK Synod met in October 1949 and adopted an unusually comprehensive resolution on the Mixed Marriages Act in particular, and on apartheid in general. It is so illustrative of the convergence of interests between the NGK and the Nationalist government that it is given in full:

In verband hiermee stel ds. P.W. Jordaan en oudl. J.G. du Toit voor en die Vergadering besluit dat die Sinode die dank en waardering van die Kerk aan die Regering oorbring vir sy moedige optrede teen gemengde huwelike; en verder beleefdlik versoek dat die Regering, ten einde rassevermenging in al sy vertakkinge aan bande te lê, die volgende stappe sal doen:

- (a) Wetgewing indien om ook buite-egtelike verkeer tussen blankes en nie-blankes te verbied;
- (b) Die segregasie van blankes, naturelle en kleurlinge in aparte woonbuurte so spoedig moontlik verpligtend maak;
- (c) Die aanwakkering van 'n gesonde rassetrots by blanke en nie-blanke rasse in alle blanke en nie-blanke staatskole aanmoedig.(51)

As the Synodal Missionary Commission of the Transvaal Synod

50) Sources under consideration here are the provincial synodal and Federal Council records of the NGK, the GK synodal records and the official journals of the white susterkerke.

The infrequency of synodal gatherings naturally was a contributory factor here, but between these the ASK of each synod was the responsible body. Important ASK decisions were reported in the official church organs.

51) Cape NGK Synod, 1949, Handelinge, p.29

tr. In this regard ds. P.W. Jordaan and elder J.G. du Toit propose and the Meeting resolves that the Synod transmits to the Government the gratitude and appreciation of the Church for its courageous action against mixed marriages; and furthermore respectfully requests the Government, with a view to checking all forms of miscegenation, to take the following steps:

- (a) Introduce legislation to prohibit also extra-marital intercourse between whites and non-whites;
- (b) Make compulsory as soon as possible the segregation of whites, natives (sic) and coloureds in separate residential areas;
- (c) Encourage the awakening of a healthy racial pride in white and non-white races and all white and non-white state schools.

put it in 1951, 'our policy of apartheid is to a large extent (grotendeels) also that of the state.'(52)

The Federal Council for the Combatting of Social Evils met Minister Dönges on 22nd March 1950, during which interview the mixed marriages question was raised along with questions such as horse-racing and obscene publications.(53) In the report of this council to the synods meeting in 1951 and 1952, satisfaction was expressed at government legislation on sporting pools, mixed marriages and extra-marital miscegenation.(54) The Synodal Commission for Combatting Social Evils of the Free State Synod recommended that sincere thanks be expressed to the government for its firm (kragtige) action against 'evils' such as dog-racing, failure to observe the sabbath, and 'bloedvermenging en verbastering tussen blank en nie-blank' (miscegenation and bastardization between white and non-white').(55) The response of the NGK to the Mixed Marriages Bill at an official level was therefore protracted and less enthusiastic than might have been expected, but on the other hand Malan's government was made fully aware of the appreciation and support of the church.

In an ironically interesting coincidence, the year 1949 saw the marriage of Seretse Khama to Ruth Williams, an event which elicited much unfavourable comment both from the NGK and the wider public. Such disparate voices as those of Malan, the South African Bureau of Racial Affairs (SABRA) and The Cape Argus were raised in disapproval of this marriage.(56) The Johannesburg Ring of the NGK was so perturbed that a special meeting was called to discuss the matter, resulting in the sending of a telegram to Malan requesting him to make representations to the British government that Seretse be prevented from accepting the chieftainship of the

52) Transvaal NGK Synod, 1951, Handelinge, p.196

53) Natal NGK Synod, 1951, Handelinge, p.174

54) Transvaal NGK Synod, 1951, Handelinge, p.193

cf. also OFS NGK Synod, 1952, Handelinge, p.74

55) OFS NGK Synod, 1952, Handelinge, p.75

56) cf. Die Burger, 29.9.1949

Cape Argus, 27.6.1949, 30.6.1949

Bamangwato.(57) Die Kerkbode, mouthpiece of the NGK, and Die Gereformeerde Vaandel, the NGK theological journal, added their voices of protest(58), as did the Synodal Commission of the Natal NGK, which provided an interesting motivation for its viewpoint:

- (a) Deur erkenning van die huwelik deur die outoriteite sal die sosiale en maatskaplike gelykstelling tussen blank en nie-blank stilswyend regverdig.
- (b) Die Kerk se beleid is ook in die sendingwerkzaamhede, apartheid en suiwerheid van rasseverhoudings. So 'n nuwe koninklike basterslag sal onmeetlike sedelike en geestelike invloed uitoefen op die naturellevolke en 'n ondermynende gevaar vir die blankedom wees.
- (c) Genoemde huwelike, indien geregverdig van owerhiedsweë en derhalwe aangemoedig, sal geleidelik lei tot vernietiging van die suiwerheid van rasseverhoudings en sal uiteindelik nie alleen die blanke beskawing nie, maar veral ook die blanke Christendom in S.A. in ernstige gedrang bring. Hiermee is ook die onbelemmerde bestaan van ons blanke Kerk gemoeid.

(59)

57) Ibid., 30.6.1949. As SABRA put it, 'Approval of this step would be a direct encouragement and furtherance of miscegenation, and would open the possibility that in future the chieftainship of the Tswana would be in the hands of a mongrel lineage (bastergeslag), a state of affairs which must influence the other Bantu tribes...' (Cape Argus, 30.6.1949)

58) Die Kerkbode, 21.9.1949, p.626

Die Gereformeerde Vaandel, June 1949, p.12

59) Die Kerkbode, 21.9.1949, p.626 (f. 'Verkorte Notule van die Vergadering van die Sinodale Kommissie', 11-12th August 1949);

cf. also briefer reference in Natal NGK Synod, 1951, Handelinge, p.25

- tr. (a) Through recognition of the marriage by the authorities, social and communal equality between white and non-white will be tacitly justified.
- (b) The policy of the Church is also in its missionary activities that of apartheid and purity of race relations. Such a new royal mongrel dynasty will exercise immeasurable moral and spiritual pressure on the native peoples and be an undermining danger for whites.
- (c) This marriage, if justified by the authorities and thus encouraged, will gradually lead to the destruction of the purity of race relations and will eventually seriously threaten not only white civilization, but also white Christianity in South Africa. In this connection the unhampered existence of ourselves as a white church is also at stake.

The key categories in this statement are the preservation of racial inequality (the opposite of 'gelykstelling')(60), and the maintenance of the white race, 'white civilization', 'white Christianity' and a white church. The first three are clearly non-theological categories, while although the maintenance of a group might conceivably be justified politically, 'white civilization' and 'white Christianity' are questionable as internally consistent categories. If, as is likely, 'Western civilization' were at issue, there was no reason to link a particular race or colour of skin to the preservation of such cultural values. As will be argued in chapter five, ethnic or racial qualifications are irrelevant to the proclamation of the Christian gospel. This is also true of a concept such as 'church'. While there is no reason why the gospel should not be preached in terms of a particular cultural milieu, the church, as the bearer of that gospel and as the community of those who have accepted it in baptism, may comprise any number of ethnic groups. As was shown in chapter one, the kingdom of God is the primary concern, rather than the maintenance of a particular clan, tribe or people.

This does not necessarily mean the eradication of differences between people, but it does mean that to absolutize differences at the expense of human dignity and personal, loving relationships such as those sanctified in marriage, is unacceptable to Christians. This will be dealt with in more detail in the final chapter.

It was perhaps to be expected that the small, extremely conservative Natal NGK, ^{bearing the traditions} ~~the descendants~~ of the victors of Blood River and a minority in a province dominated by Zulu- and English-speakers as well as a large Indian community, should favour the use of such blunt language. They were not, however, quaintly rustic in holding such views. In discussing the forthcoming Johannesburg church congress on social evils, a major event on the Afrikaans Reformed calendar, the Natal editor of Die Kerkbode, ds. H. Flemming, expressed the gratitude of his church that the government was paying such serious attention to mixed marriages and 'immorality'.(61) When the congress met, it expressed views fully in harmony with these, condemning Seretse Khama's marriage as a momentous event

60) Contemporary advocates of apartheid would probably prefer 'racial differentiation'.

61) Die Kerkbode, 22.6.1949, p.1471

which church and state could not passively ignore, since it destroyed the purity of racial relationships and would eventually lead to the downfall of white civilization in South Africa.(62)

The Free State NGK had been perhaps the most persistent synod in pressing for mixed marriages legislation. It was therefore appropriate that in June 1949, while the Bill was going through its final stages, the 'Uit die Vrystaat' columnist in Die Kerkbode, in referring to the manner in which the government was implementing the century-old NGK policy of apartheid, declared that the church should speak as one man on the mixed marriages question, searching the scriptures, and giving direction to the state.(63)

At a similarly unofficial level, various columnists propagated racially pure marriages. On 22nd June ds. J.P. Liebenberg wrote on the theme 'Vir my seun 'n vrou uit my land en my familie (Gen.24)' in his Kerkbode series 'Raad vir Jongmense'. He focussed on the view that greater care had to be taken in this regard, because of a changing and sinful world.(64) The older National Socialist-style arguments appeared in an article by Dr. T.C. de Villiers, with a eugenic twist:

Vermy moet...word 'n huwelik met enigeen van jou eie of van 'n ander volk wat ten gevolge sal hê 'n nageslag wat liggaamlik of verstandelik swakker sal wees. Gods volk moet opgebou word.(65)

The 'poor white' theme continued to provoke fears of Afrikaner socio-economic deterioration, and consequent integration and miscegenation. As Dr. J.R. Albertyn put it:

Hoe kan gelukkige gesinne gevorm word; hoe kan hulle eerbaar bly en hul bloed suiwer hou as hulle in vuil agterbuurtes saamgehok word met kleurlinge, koelies en naturelle?(66)

62) Die Gereformeerde Vaandel, June 1949, p.12

63) Die Kerkbode, 8.6.1949, pp.1360-61

64) Ibid., 22.6.1949, pp.1472-4. Liebenberg was concerned with homogeneity not only in race, but in class and religion.

65) Ibid., 7.12.1949, p.1053

tr. Avoid a marriage with anyone of your own or another people which will result in descendants who will be physically or intellectually weaker. God's people must be built up.

66) Die Kerkbode, 1.6.1949, p.1302

tr. How can happy families be formed; how can they remain virtuous and keep their blood pure if they are cooped up in filthy slums with coloureds, coolies (sic) and natives?

Other themes, related to the older ones, but reflecting the fears of post-World War Two society, included the belief that the rise of Communism would secularize marriage, resulting in persons seeking marriage partners regardless of their compatibility in terms of race, personality and religion. J.D. Vorster, later moderator of the Cape NGK, stressed this argument, claiming that miscegenation typified the Communist wish to reduce marriage to the level of the animal world.(67)

Anxiety in the face of a changing world which threatened to disrupt traditional social patterns was perhaps not simply a reason for demanding anti-miscegenation laws, but may provide one of the most fundamental reasons for the accelerated recourse to legislated segregation in all areas of life from the thirties onward, reaching a peak in the decade following Malan's accession to power. The traditional Calvinist view of marriage as something holy (albeit not a sacrament), the formerly predominantly rural background of most Afrikaners, and the customary practice of racial paternalism and segregation on the part of whites, were all threatened by changing socio-economic patterns in South Africa and by the rumbblings of African nationalism, further north.

'Swart Gevaar' and 'Rooi Gevaar' (literally 'Black Danger' and 'Red Danger') were themes which were especially explicit in the attitudes of the conservative smaller susterkerke at the end of the forties. The Voortrekker Monument celebrations of 1949 led A.J.G. Oosthuizen to warn in Die Hervormer, mouthpiece of the NHK, against the threat of integration with blacks and the consequent victory of 'Shaka-ism and Dingaan-ism', resulting in the creation of a 'kaffir state'. With reference to the preservation of white racial purity, he wrote:

As die Voortrekkergelofte en die oorwinning op
16 Desember nie 'n klug was nie, is dit ons
Godsgegewe taak en roeping om in Suid-Afrika 'n
volk te hê wat blank en christelik (sic) is.(68)

67) Die Gereformeerde Vaandel, Nov. 1949, pp.3-5

68) Die Hervormer, Feb. 1950, pp.1,8

tr. If the Voortrekker vow and the victory on
16th December were not a farce, it is our
God-given task and calling to have a people
in South Africa which is white and Christian.

The editor of Die Hervormer was still more blunt, claiming that the Christian Council of South Africa (the ecumenical body to which most non-racial Protestant churches belonged) was agitating for the kind of social 'gelykstelling' which Dr. Philip had advocated a century before. This would lead to miscegenation, moral decline and friction.(69)

The GK, which in the forties had paid particular attention to the threat of 'Communism'(70), saw 'separate development' as the bulwark against this movement.(71) The 'missionary theme', according to which a distinctly 'white' race was necessary to evangelize Southern Africa, was reiterated by H. du Plessis in the GK organ Die Kerkblad. He argued that one of the reasons for the collapse of Christianity in ancient North Africa had been miscegenation. In contrast the Afrikaner had preserved his white identity, but the threat of race mixture remained unless total segregation was implemented.(72) Here was a theme around which to build a theological justification for apartheid - a theme resting on an analogy with the Israel of the Old Testament which churches outside the Afrikaans Reformed community found biblically unacceptable. In a report published in 1952 by a commission appointed by the Christian Council to investigate biblical teaching on race questions, it was stated that it was not permissible without qualification to apply to other races or peoples the relationship of Israel to the Gentiles, for no divine calling could be compared to that of Israel:

The justification for the separation of Israel, which is neither rigid nor complete, lies in its vocation to be the channel of the true revelation of God with a view to its fulfilment in the Incarnation. This same justification cannot be assumed of any other race or people...Israel is the chosen people, and no other people has the right to assume that it is chosen of God in the same way.(73)

69) Ibid., March 1950, p.3. 'Gelykstelling' appears to have been understood here in the sense of assimilation, rather than racial equality as such.

70) cf. Gereformeerde Gemeentes in S.A. Sinodale Vergadering, Handelinge, 1942, pp.61ff. 1945, pp.68ff. 1949, pp.194ff.

71) cf. Die Kerkblad, 17.3.1950, p.17. 23.6.1950, p.5

72) Ibid., 9.9.1949, p.6. 21.10.1949, p.17

73) Race - What Does the Bible Say? pp.14-15

As was pointed out in the second chapter, there was a lull in GK interest in the mixed marriages question until the January 1949 Synod, when it emerged that this church had joined the other susterkerke in pressing the Government for legislation. The first comprehensive official GK statement on miscegenation appeared before the 1952 Synod, which received a report from the 1950 regional Synod of the Free State and Natal. This report reiterated the 1920 resolution on mixed marriages, outlined in chapter two, and extended its application to extra-marital relationships across the colour line. In both cases the white person involved in such a liaison was either to transfer to the nearest coloured congregation of the GK, or was to sever all connections with his partner and any children born from this relationship.(74) It is significant that this measure, specifically, enabled the church to exercise its own form of control in areas such as Bechuanaland (now Botswana) where apartheid legislation did not apply. Equally interesting was the satisfaction expressed in this report about the changed legal situation compared to 1920. The South African government had purportedly fallen into line with church policy, which considered mixed unions to be 'sinful', through enacting the 'immorality' laws of 1927 and 1950 (the latter had just been passed, extending prohibition of extra-marital miscegenation to white-coloured liaisons), the Mixed Marriages Act and the 1950 Group Areas Act. In the words of the report, in tabulating these measures, 'ons... kan hier met dankbaarheid melding maak van die feit dat daar groot vordering in ons wetgewing in hierdie opsig gemaak is.'(75)

Because of certain legal complications, the commission of the GK national Synod responsible for this matter recommended that it be referred to a committee for legal advice. The position of the

74) GK in S.A. Sinodale Vergadering, 1952, Handelinge, pp.201ff.

75) Ibid., p.202

tr. 'We can mention here with gratitude the fact that great progress has been made in our legislation in this regard.' The report stated that a person involved in miscegenation could be reinstated in his congregation if he showed repentance (berou betoon) and broke with his sin (met sy/haar sonde breek). For a discussion of attitudes toward miscegenation (p.202) in the GK and NGK Ghanzi congregations of Botswana, cf. M. and M. Russell, Afrikaners of the Kalahari, pp.68ff.

synod can, however, be inferred from its rejection of the recommendation of this commission that the half-caste congregation of Rusplaas in Bechuanaland (a group which dissociated itself from the local coloured community) be permitted to receive special consideration. The Synod simply referred to the 1920 resolution on mixed marriages and insisted that Rusplaas be treated as a 'non-white' congregation.(76) The GK position at this time therefore remained that upheld thirty years before: not only were mixed unions impermissible, but they were as far as possible to be treated as though they had never happened, through a process of ecclesiastical 'racial reclassification' of those involved as coloureds.

The position of the white susterkerke was therefore clear: full support for the policy of apartheid as it applied to social and residential segregation. The position of the NG Sendingkerk on the introduction of the Mixed Marriages Act was remarkably quiet, judging from the lack of response in Die Ligdraer, the church journal. An exception to this position in a church still dominated by white 'missionary' clergy, was the stand taken by the Ring (presbytery) of Wynberg, headed by the controversial coloured minister J.D. Morkel. It condemned apartheid as a policy destructive of the spirit of Christ and also condemned the new Act. The reasoning behind this response was, however, less than clear, harking back to some of the UP arguments in Parliament. Although mixed marriages were considered as not beneficial to anyone, the Act was undesirable because it encouraged extra-marital miscegenation.(77)

3.3.2 The English-speaking and Roman Catholic churches.

The Afrikaans Reformed community approached the mixed marriages question from a position which, even taking into account minor historical points of difference, was rooted in a common tradition:

76) GK in S.A. Sinodale Vergadering, 1952, Handelinge, p.204

77) Cape Times, 24.9.1949

The indecision on this matter in the Sendingkerk may also have reflected a lack of consensus on a response to apartheid in general: cf., for instance, the diverse responses of the rings of Malmesbury, Oudtshoorn, Wellington, Williston and Wynberg, as reported in 'official' columns in Die Kerkbode, 20.10.1948, 10.11.1948, 24.11.1948

Calvinism interpreted through Dutch thought in the context of the Afrikaner historical experience. This was a tradition which stressed antipathy to liberal individualism in all its forms and which favoured exclusivist trends in the Bible and elements of the group ethic which could be culled from the writings of Calvin and the Dutch statesman and theologian Abraham Kuyper in particular. This community could therefore share a broad consensus on race questions which the English-speaking churches could not enjoy. Thus when miscegenation was not presented as a threat to Afrikaner Christian identity, it could be treated, as it was by Dr. A.A. van Schalkwyk at the important 1950 Congress on the 'Native Question', as a social illness. Miscegenation suggested, as he put it, that 'Die samelewing is siek en tot sterwens toe siek', a threat both to whites and blacks.(78) This shift of emphasis merely reflected the transition from crude proto-apartheid to a more sophisticated philosophy of 'separate development', advocated most enthusiastically in the early fifties by progressive elements in the Afrikaans Reformed fraternity.

Outside this community were churches rooted in a variety of theological traditions: Scots Calvinist, English 'high church' and English nonconformist, Anabaptist, Wesleyan and Roman Catholic, to name just some of the more important ones. These churches which had come to South Africa at the high tide of British liberalism in the nineteenth century, tended to find their common denominator in the much more general values of social and economic individualism, limited government, and the gradual extension of democratic rights to all considered appropriately 'westernized'. There was also a professed attachment to enlightened, if somewhat paternalistic, treatment of the underprivileged, always characterized by a perceived sense of 'fair play'. The response of these churches to the Mixed Marriages Act to a large extent reflected these beliefs, the values of a liberalism which had long before been forced to compromise itself in the face of white South African

78) Die Kerkbode, 26.4.1950, pp.818-19

This 'Naturellevraagstukongres' was arranged by the NGK, but was attended by members of all three susterkerke. It propagated a policy of full-scale territorial partition, such as was later advocated by Dr. Verwoerd.

prejudice and socio-economic privilege.

The initial response of these churches to the Mixed Marriages Bill was one of concern at the new role given to clergymen. The day after the first reading, clerics of many denominations telephoned the Assembly to inquire about buying copies of the Bill.(79) The Action Committee of the Christian Council met early in May for the special purpose of ascertaining what the appropriate response of member churches should be. In discussion, it was clear that most clergymen discouraged mixed marriages on account of their 'inexpediency' in the contemporary state of South African society, but that apart from practical considerations, the chief objection to the Bill was that it made criminal an act lying within the natural law and which therefore threatened the basis of 'the Christian democratic way of life'(80), a phrase redolent of English-speaking liberal values.

In the short time available it was decided that a public statement of protest should be drafted and submitted to leaders of the larger denominations for approval. The result was the joint statement mentioned earlier in this chapter. It is appropriate to give this statement in full, because in essence the same arguments were to be repeated in the protests of individual denominations and churchmen. It is interesting to note how closely they parallel the arguments of more liberal elements of the parliamentary Opposition, and how they share the same shortcomings as well as the same strong points: cautious language, judiciously chosen terms, concessions to white public opinion, and a stress on practical difficulties, with not the slightest hint of an active response should these fine words prove ineffective.

With respect to the Prohibition of Mixed Marriages Bill now before Parliament we, representing the Christian churches cited below, affirm:

- (1) That the contracting of marriages between partners of different races is not contrary to the law of God as declared by Jesus Christ;
- (2) That we regard such marriages as inexpedient and likely to produce unhappy results for the children, but not as themselves forbidden;
- (3) That hitherto public opinion has been sufficiently

79) Cape Argus, 29.4.1949

80) The South African Outlook, 1.6.1949, p.88

effective to reduce such unions from 133 out of 14,135 marriages of Europeans in 1925 to 77 out of 28,385 in 1946.

In view of the above we maintain that the proposed legislation is unChristian and unnecessary, and in respect of the duties devolving upon ministers of religion who are marriage officers, are of the opinion that the provisions of the Bill create enormous practical difficulties.

(signed by seven high-ranking churchmen)(81)

Radical coloured opinion rejected this response as a cowardly rendering 'unto Dönges the things that are Dönges's.'(82) Despite its limitations, however, a statement had been published at great speed which reflected the views of a wide range of denominations which were not supportive of this legislation. The statement was followed by various denominational resolutions. In church organs such as The Presbyterian Leader and The Congregationalist there was no comment on the Bill, but the General Assembly of the Presbyterian Church of South Africa, meeting in September, expressed its support for the joint statement. It nevertheless declared mixed marriages to be 'an evil' because of the suffering of the children of such marriages.(83)

This declaration displayed a remarkable failure to distinguish between cause and effect, bearing in mind that the children of mixed marriages suffered ostracism essentially because of the social conditions prevalent in South Africa. These conditions could be considered evil along with the suffering of the children, but this did not mean that the marriages out of which these children were born were 'an evil'. The Presbyterian statement demonstrated a trend detectable in other denominations: an excessive caution (albeit marked by much purported concern for the suffering of children) with regard to mixed marriages, which contrasted

81) Cape Argus, 6.5.1949

These comprised the Anglican (CPSA) Archbishop and the Roman Catholic Apostolic Vicar of Cape Town, and leaders of the PCSA (Presbyterian), Methodist Church, Congregationalist and Baptist Unions of South Africa, and the Salvation Army.

82) cf. The Torch, 16.5.1949

83) PCSA General Assembly 1949 Proceedings, p.85

sharply with the forthright condemnation of apartheid in general. Thus the same Presbyterian Assembly adopted a report which labelled the attitude of the churches to apartheid a 'mental fog', condemned the 'non possumus stand' of politicians, and expressed alarm at current political trends.(84)

In the same way while The Congregationalist remained silent on the mixed marriages issue, it condemned the refusal of Malan to see a deputation from the English-speaking churches, recalling the Prime Minister's professedly Christian outlook. It declared that what was at stake was not merely a political theory, but the interpretation of the Bible itself. 'The Christian doctrine of Man leaves, in our mind, no room for differentiation between varieties of human beings...'(85) Rev. Basil Brown, chairman of the Congregational Union of South Africa, was still more blunt in his address to the 1949 Assembly of his church, but he, too, gave no specific consideration to the Mixed Marriages Act:

We dare not render unto Caesar, the things which are God's! We cannot compromise our Christian ideals with the sub-Christian policies of the state. Apartheid, this disastrous doctrine of division, is killing the very soul of South Africa, dividing its peoples into camps of distrust, misunderstanding and despair. It is the soil erosion of the human mind and spirit.(86)

The Methodist Church of South Africa did not adopt a resolution on mixed marriages until its 1950 Annual Conference. Conference expressed dismay at the suffering caused by anti-miscegenation legislation and, while reassuring its members that the church 'does not favour a general racial admixture', it did not believe that mixed marriages broke 'any law of God'. The Act was considered an unnecessary restriction of individual liberty and the responsibility which it placed on marriage officers was labelled 'unfair'.(87) This mild language may be compared to the direct, practical terms in which the 1949 Conference expressed its opposition to apartheid in general, a policy 'which has emphasized the things that divide

84) Ibid., pp.79ff.

85) The Congregationalist, April 1949, p.21

86) Ibid., Dec. 1949, pp.120ff.

87) Methodist Church of South Africa Annual Conference, 1950, Minutes, p.146

rather than those which unite', a policy which had to be rejected because it ignored human rights and blocked the road to liberty and progress for large sections of South African society.

The effect has been to transfer the determination of human relationships from the moral sphere, to which it rightly belongs, and to make it a political issue.(88)

The language was admittedly cast in terms of 'human rights' and liberal individualism, which made little sense to Afrikaner Calvinists(89), but its message was both clear and simple, without concessions to white opinion or 'social circumstances'.

The Baptist response to the Bill was similar in spirit to the joint statement, albeit a little more vociferous in tone. There were references to practical difficulties and to the burden placed on ministers who were marriage officers ('an almost intolerable burden repugnant to their calling'), and a declaration that 'while Christian opinion generally deprecates mixed marriage as undesirable on grounds of social expediency, the present measure is contrary to the spirit of the New Testament and antidemocratic.'(90)

There was a similar, but more detailed response from the CPSA (Anglican) Provincial Synod in 1950. Unlike the muted language of Archbishop Clayton's earlier letter in the Cape Town diocesan magazine, which simply repeated the old arguments about the impracticability of the Bill and the advantages of leaving the issue to the domain of public opinion(91), the Synod showed considerable sensitivity to theological aspects of the problem. While declaring mixed marriages to be undesirable, it did so more delicately than the other churches, emphasizing that their undesirability was linked to 'the conditions determining the interrelationship of races in Southern Africa.'(92) The resolution described the new Act as 'an unwarrantable interference by the State with a Divine means of grace', an important theological

88) Methodist Church Annual Conference, 1949, Minutes, p.150

89) cf. for instance report of Synodal Commission for Current Affairs on U.N. declaration on human rights, before Transvaal NGK Synod, 1951, (Handelinge, pp.189-192)

90) Baptist Union of Southern Africa Assembly, 1949, Proceedings, p.126

91) Cape Argus, 21.5.1949

92) CPSA Provincial Synod, 1950, Acts and Resolutions, p.53

point for those belonging to a tradition which saw marriage as a sacrament, but which meant little to a government steeped in the Reformed tradition.(93)

Dismay was expressed at the prohibition of hallowing by marriage a relationship between two people who were living together and at the cruelty and hardships imposed by the enforced separation of a couple and their children. The latter objection provided an interesting contrast with the usual pleas for compassion towards the children as 'victims' of mixed unions.

Perhaps the most objectionable feature of the Act, however, was one identified by most churches opposing this measure: the choice for the clergy between disqualification as marriage officers and functioning as the agents and instruments of a policy which they might well regard as inconsistent with the will and law of God.(94) Archbishop Clayton put it very simply in addressing the summer school of the Institute of Race Relations:

Christianity has never been interested in purity of race. A man who is free to marry may be married to whom he will; only in the Lord. That appears to mean that he should marry another Christian. The New Testament says no more than that.(95)

In theory the situation was clear even to as mild a man as Clayton.(96) The question of moving from theory to practice

93) In light of the discussion on 'broad sacramentality' in chapter one, a different assessment of this position may be possible in the more ecumenical climate of today. This will be considered in chapter five.

94) CPSA Provincial Synod, 1950, Acts and Resolutions, p.53

95) Race Relations, Vol. XVII no. 1, 1950, p.10

This was far more direct than the nuanced approach evinced by Clayton in his letter to the Diocesan Magazine, reflecting greater ease in more strictly theological discourse than in socio-political debate.

96) His charges to Provincial and Diocesan Synods reflect a stout personal opposition to apartheid, yet always presented in carefully measured tones and with great concern to be fair to his opponents. cf. C.T. Wood, ed. Where we Stand: Archbishop Clayton's Charges 1948-57.

proved far thornier a problem. This was compounded by the unwillingness of churches which openly rejected apartheid to take too public a stand on as controversial an issue as mixed marriages, apart perhaps from reference to infringements on individual rights and the imposition of an awkward duty on marriage officers.

The response of the Rosettenville Conference, held by the Christian Council in July 1949, demonstrates this point. The theme of this conference was 'The Christian Citizen in a Multi-racial Society' and the stand taken, while gradualist, was in favour of a far more 'open' approach to racial integration, at least in the political and economic fields. This position met an unfavourable response from the Afrikaans Reformed churches.(97) There was however a tendency either to remain silent on the mixed marriages issue or to sidestep the issue at the conference, a point noticed by T.N. Hanekom of the NGK, who charged those present with inconsistency for advocating integrationist practices such as joint prayer and education, yet rejecting miscegenation.(98)

There was no mention of mixed marriages in the findings of the conference. Individual speakers were more forthcoming, but displayed many of the prejudices of their lay fellow-Christians on the miscegenation issue. E. Lynn Cragg, a Methodist theologian, sidestepped the problem by claiming that he could see no religious reason against either separation or racial mixture, but that these matters were for biologists, anthropologists, sociologists and economists to decide.(99) H.A. Junod, the well-known missionary, despite arguing that the New Testament emphasized what united men and that the Christian citizen should eliminate in himself the 'colour-complex', reassured his listeners that this did not mean that he should encourage miscegenation or oppose 'simple natural racial separation through different residential townships.' In his words, 'Co-operation does not mean miscegenation.'(107) Rev. Leslie Hewison argued along similar lines that forms of racial co-operation had to be encouraged which would create circumstances

97) cf. Die Kerkbode, 12.10.1949, pp.714-15. 11.1.1950, pp.34-5

98) Ibid., 11.1.1950, p.34

99) The Christian Citizen in a Multi-Racial Society
(Report of Rosettenville Conference), pp.20-1

100) Ibid., pp.39-40

that would be 'likely to reduce to a minimum both the practice and the objectionable features of miscegenation.'(101)

The extraordinary fear of miscegenation which had marked even the more liberal responses of parliamentarians in the debate on the Mixed Marriages Bill was therefore intrinsic to the thinking of both opponents and proponents of apartheid among white South Africans in the Malan period, with the possible exception of a tiny minority of socialists and 'leftist liberals'. This attitude had permeated the ranks of the churches just as it had the Opposition political parties. This naturally coloured understanding of the theological issues involved, so that the perception of the universalism of the New Testament was muddled by extra-religious considerations such as public opinion, political expediency and psychological fears. 'Co-operation does not mean miscegenation' seemed to be a most appropriate summary of thinking in many liberal church circles.

Alternatively, like Lynn Cragg, the conflict between social prejudice and theological principle could be avoided by relegating problem areas to non-theological specialists, as though Christianity had no word to pronounce on these issues. It was perhaps inevitable that such an argument should emerge in English-speaking liberal circles, with their Newtonian vision of a mechanical universe in which God was called upon merely to fill the gaps of science. An examination of neo-Calvinist writings would have shown that such an attitude was incomprehensible to most Afrikaans Reformed churchmen, who, steeped in the tradition of Kuyper and his Free University in Amsterdam, linked science intimately to the Reformed vision.

A tradition which, like the neo-Calvinism which dominated so much NGK and GK thinking, distanced itself from liberalism, especially its nineteenth century utilitarian and individualist manifestations, was that of Roman Catholicism.(102) The response of this church to the Mixed Marriages Bill could therefore be expected to

101) Ibid., p.66

102) For an official presentation of the deeply conservative trends in the Catholicism of this period, cf. Pius XII's encyclical Humani Generis (tr. False Trends in Modern Teaching), 1950

be different from that of the 'English-speaking' churches. As it happened, the Catholic sources recognized the implications of the universalism of the Catholic tradition for a response to the Bill. The Southern Cross (the official Catholic journal in South Africa) included in its regular 'Topics of the Week' column the remark that 'The Catholic Church still holds that marriage is to be ruled by God's Law rather than man's'(103), and Bishop Hurley of Durban stated in an address to the Catholic Action movement 'There is nothing more foreign or more alien to the Catholic way of thinking than the rigid social and economic barriers erected to protect the purity of race...of Europeans in South Africa.'(104) The view that the church was the guardian of the sacrament of marriage, and that it had never questioned the validity of a racially mixed marriage, was expressed by a member of the Johannesburg Catholic Graduate Association at a meeting in December 1949 during which the new Act was discussed.(105)

These statements were, however, exceptional. At this same meeting of the Graduate Association some members openly supported the Act as a measure to prevent wholesale miscegenation. A belated editorial appeared in The Southern Cross in early October. The editor expressed dismay at the suffering caused by the Act, but proceeded to provide an apologia for doing nothing about it. He conceded that 'the marriage of a baptized person is a matter more for the Church than the State, the latter being concerned with its civil aspect, not its essence', a statement reflecting the general trend of Catholic teaching at the time.(106) It was recognized that many felt that Catholic teaching implied that

103) The Southern Cross, 1.6.1949, p.10

104) Ibid., 20.7.1949, p.3

105) Ibid., 28.12.1949, p.3

106) Ibid., 5.10.1949, p.4

For some major expositions of Catholic teaching on marriage operative in 1949, and reflecting especially the church-state problematic in this respect, cf. Council of Trent, Canons on the Sacrament of Matrimony(1563), in J. Neuner and J. Dupuis, The Christian Faith, pp.495-6; Leo XIII, Arcanum Divinae Sapientiae(1880), and Pius XI, Casti Connubii(1930), loc.cit., pp.496-501

priests should ignore the Act, but the editor commented that 'the Church preaches good citizenship, and so strives to avoid open defiance of authority even when it considers that authority is overstepping its boundaries.' (my emphasis) Perhaps more important, there was the fear that marriage licences might be withdrawn from recalcitrant marriage officers, which was considered particularly threatening because of the purported ease with which a man could be recognized as a minister of religion in South Africa.

This editorial aroused a howl of protest from at least one outraged Philippi reader, who wrote in scathing terms of the conformity of its message to that of the secular press, asking how valid the editor's arguments were where a couple was interested not in the civil effects of marriage, but only in sanctifying their union before God. This reader pointed out that the withdrawal of authorization to act as marriage officers would not be catastrophic, since couples could, where their marriage was in keeping with the race laws, continue to be solemnized in court after a church ceremony. (107)

The attitude of The Southern Cross to relationships with the state was, however, mirrored in an address to the Catholic Lunch Club in Cape Town in February 1950, by the Apostolic Delegate, Archbishop Martin Lucas, urging prudence in dealings with government:

As a rule, it is not by making statements and holding protest meetings that the Church expresses her attitude, but by trying as long as possible to come to a favourable settlement, discussing matters in a friendly way with those in authority.
(108)

A century of seeing its powers in the secular sphere being gradually stripped away by the state, and equally important, the sense of being permitted to operate in South Africa only on sufferance (109) had perhaps left the Roman Catholic Church in the Union in particular, and in the West in general, feeling vulnerable, especially after the Second World War, during most of which the Vatican had been a tiny island in fascist-controlled territory.

107) The Southern Cross, 19.10.1949, p.4

108) Ibid., 22.2.1950, p.1

109) cf. J. de Gruchy, 'Catholics in a Calvinist Country', in A. Prior, ed. Catholics in Apartheid Society, pp.67ff.

The sense of being the unwelcome stranger in a Calvinist-controlled country subject to recurrent spasms of 'Roomse Gevaar' propaganda(110) understandably made Catholics, especially high-ranking clergy, deeply aware of the dangers of taking steps which were rooted in a theology strange to most South Africans and not supported by other churches. In addition the hierarchy in South Africa at this time consisted almost entirely of foreigners, who for reasons of language alone, were often unable to grasp the direction being taken by the new Afrikaner Nationalist government.(111)

At least one important Catholic theologian, Oswin Magrath, despite his strong opposition to apartheid, felt more inclined to sympathize with the theology of the Afrikaans Reformed churches, than with the individualistic liberalism of the English-speaking Protestant churches, especially as represented in the pronouncements of the Christian Council.(112) Catholicism was therefore somewhat peculiarly situated in the politico-religious context of South Africa, which affected its response to political issues.

On the other hand the muted response to the mixed marriages issue in 1949-50 paralleled much of the opinion expressed in the English-speaking Protestant churches, with the use of the familiar arguments about impracticability and the usual reluctance to be associated with approval of miscegenation. As the 'Topics of the Week' columnist put it, men and women had so many differences, 'that they can well do without a difference of race to add further complications'(113) or, more dogmatically, 'The Church does not consider marriage between people of very different racial stock desirable'.(114) His 'pragmatic' argument about the inability of racially 'distant' couples to live harmoniously in marriage was itself questionable and might have been more convincing if it had

110) NGK Synodal documents and Die Kerkbode reflected a recurring preoccupation with this 'problem' at this time.

111) The writer wishes to thank a senior Catholic churchman (who prefers to remain anonymous) for pointing out the problems faced by Catholic prelates in this period. The S.A. Catholic hierarchy was only 'formally' established in 1950.

112) Southern Cross, 21.12.1949, p.4. 11.1.1950, p.5

113) Ibid., 11.5.1949, p.10

114) Ibid., 28.9.1949, p.8

been phrased in terms of cultural distance. Even more questionable, however, was his dogmatic assertion of the church's views. This was no more than a projection of local prejudice. The Catholic Church had always been particularly wary about marriages between partners of different faiths, but, as witnessed by the widespread racial intermixture (not always outside the framework of marriage) in Catholic-dominated colonial areas, race had never been an inhibiting factor. This is not to say that racism did not exist in these areas, but race was at no stage recognized as a diriment impediment to marriage in terms of Catholic canon law.

3.4 Assessment.

The caution and fears of South African Catholicism in the matter of mixed marriages are not to be accounted for in terms of continuing nineteenth century English liberal influences, although no doubt those living in the ambit of English-speaking South African society must have assimilated some of these values. What Catholics and English-speaking Protestants shared were the fears, prejudices and privileges of ordinary white South Africans outside the Afrikaners Reformed community. Afrikaner Nationalist fears of 'swamping' were shared by English-speakers and other white South Africans. Non-Afrikaners, however, were perhaps less concerned about preserving the identity of a specific volk, and lacked a unifying theological tradition and concomitant civil religion such as that of Reformed Afrikaner Nationalists. They therefore lacked the ideological impetus (as well as the perceived need to mobilize on ethnic lines) which impelled their Afrikaner compatriots to press for mixed marriages legislation.

On the other hand, many non-Afrikaners, reared in a tradition which frowned on social intimacy across the colour line, may well have welcomed the Mixed Marriages Act, at least in private. As an attack on individual human rights and as an imposition on their clergymen, the Act appears to have been a little disturbing to English-speakers, and for marriage officers was considered at the very least something of a nuisance. Miscegenation, however, seems to have been regarded as still more shocking or, at best, something which most whites (including liberal ones) wished would disappear of its own accord. The same factors which led most non-Afrikaner whites increasingly to acquiesce in participation in the overall

system of apartheid, despite initial protests (particularly in the period up to the mid-seventies), led them quietly to acquiesce in the implementation of the Mixed Marriages Act. Despite the many statements of protest (limited as they were in scope), theory was rarely transformed into practice even among those churchmen who felt most strongly about apartheid.

This was the pilot law of systematic apartheid, yet even those churches which recognized how it assaulted certain of their central principles, such as the reconciliation of men in Christ, conformed largely to the views of the white opposition establishment. The identity between church and political establishment was still more complete in the case of the Afrikaans Reformed community, although in the Malan era churchmen from this community were often ahead of the National Party in pioneering apartheid theory. There was quite patently a gap between professed theological principles and their application to the realities of political life. This remains true regardless of confessional differences between churches. As was shown in chapter one it is possible to establish an inter-confessional internal identity to marriage at a theological level. This however needs to be related to the actual life of the churches.

A survey of the responses of the churches at the time of the passing of the Mixed Marriages Act shows that this did not happen in the Malan period. Attitudes change however. Even conservatives are sometimes forced to reformulate older approaches to race relations. Theological differences have also become more flexible in a more ecumenically-minded age. It therefore remains to be seen how attitudes to the mixed marriages issue have changed in more recent decades, particularly in the context of the renewed debate since the late seventies. It needs to be seen whether the gap between theory and practice remains and, if it does, whether the nature of this gap has changed, before it can be considered whether an ecumenical model of marriages sheds light on possibilities for thinking and action on this subject.

CHAPTER FOUR: DEVELOPMENTS SINCE 1949.

1. Introduction.

In the period since the passing of the Mixed Marriages Act in 1949, opposition to the retention of such legislation has both waxed and waned, both in church and party-political circles. While on the one hand the Government sought repeatedly to close loopholes in existing miscegenation legislation, on the other hand continual criticism from some sections of the Afrikaner elite - academics, journalists and churchmen - created an atmosphere of ferment which forced Prime Minister Botha in the late seventies to talk of reconsidering the Nationalist position on these laws.

Similarly, while the Afrikaans Reformed establishment has repeatedly engaged in rearguard actions to suppress dissent on this issue and salvage as much as possible of its traditional viewpoint on mixed marriages, it too has been forced to modify its position in the face of searching criticism from within the ranks of the white Afrikaans churches, Reformed and other ecumenical organizations, and from other churches in South Africa. Particularly significant here has been the increasing criticism from the black Afrikaans Reformed churches, while at the end of the seventies the non-racial, English-speaking churches moved from a position of merely requesting the repeal of the miscegenation laws to a willingness to consider disobeying them.

The nature of this continual flux in attitudes, and more especially the historical background to the ferment of the late seventies and early eighties on the subject of mixed marriages, is the focus of this chapter. The changes in attitude, sometimes marginal and sometimes radical, naturally affected the nature of the theological debate on this issue and therefore need to be examined in some detail before returning to a more strictly theological analysis in chapter five. At the same time, as will be shown in the final chapter, there are significant threads of continuity between the Afrikaans Reformed stand of the forties and that of the seventies. This enables theological reflection on the modern debate on the Mixed Marriages Act to throw light on those same fundamental issues which were raised at the time of the passing of the Act.

2. Legislative Action: The Ever-Widening Circle, 1950-1968.

The two decades following the introduction of the Mixed Marriages Act as the pilot measure of the apartheid programme, saw a proliferation of segregationist laws which covered almost every sphere of human activity. Legislation during these years tended toward the closing of loopholes and the shifting of emphasis from the crude segregation of the Malan era to the more sophisticated 'positive' 'separate development' of Dr. Verwoerd, the aim of which was the granting of autonomy to the former African reserves.

The Mixed Marriages Act had provided a key-stone of this programme, because social apartheid legislation was a prerequisite for political segregation, but as Dr. Dönges had pointed out, it had to be supplemented by legislation against extra-marital intercourse across the colour line.(1) In consequence Justice Minister C.R. Swart introduced his Immorality Amendment Bill, which extended the provisions of the 1927 Immorality Act to coloured and Indian people, at the close of the 1949 parliamentary session. It was not, however, debated until the following year. There was very little that was new in the debate. Both the Government and the Opposition raised old arguments, agreeing that miscegenation was abhorrent to 'most South Africans'.(2)

The chief significance of the new law, apart from its prohibition of casual liaisons, was that couples whose marriages were invalidated in terms of the 1949 Act could now be prosecuted on the grounds of 'immorality'. In the context of the 1950 Act, it could therefore no longer be argued that mixed marriages legislation penalized only the offending marriage officer, and the two laws must be viewed as an entity if their social effects are to be understood.

It was not until 1957 that the Government, under its new Prime Minister, J.G. Strijdom, moved to extend this legislation still further in a consolidating measure, the Immorality Act of that year, which was directed primarily at prostitution, sexual abuse of minors and the keeping of brothels. Clause 16 was of

1) House of Assembly Debates 1949, cols.6164ff.

2) House of Assembly Debates 1950, cols.2163ff.

quite a different nature, however, for it dealt with miscegenation. The amending legislation increased the penalties for miscegenation, including the possibility of lashes for males. It prohibited not merely acts of carnal intercourse across the colour line, as in the 1950 Act, but even attempting intercourse or (and this was the key addition) 'any immoral or indecent act' between whites and non-whites.(3)

Although the Labour and Liberal Parties opposed this clause as a draconian measure, the Official Opposition (the United Party) was only prepared to suggest technical improvements. It favoured a select committee to review the effects of the 1950 Act.

The practical effect of the amending legislation was to double the ~~proportionate~~ number of prosecutions (and convictions) under the Immorality Act during the next four years.(4) As Helen Suzman of the newly-formed Progressive Party was to point out in 1962, the lack of definition of an 'indecent act' enabled policemen to interpret the 1957 Act very widely indeed, so much so that people claimed to be frightened of driving motor cars with their black servants sitting in them.(5)

Black sympathy for mixed couples was increasing in these years. 'Japie' Basson (UP, Namib) alleged in Parliament in 1962 that blacks saw the Act as a trap to catch the best members of the white community, who were regarded as 'heroes' by African newspapers.(6) In an article in Drum in 1959, a Miss M.K. Jeffreys pleaded for more honesty in accepting the mixed racial ancestry of most 'white' South Africans, arguing that the Mixed Marriages Act was incapable of preventing physical attraction between people of different groups. Mrs. Cissie Gool, daughter of Dr. Abdurahman, expressed full approval of miscegenation, since she was herself an example of such mixing.(7)

3) Senate Debates 1957, col.2380

4) cf. Helen Suzman's introductory speech in moving second reading of Immorality Amendment Bill, Assembly Debates 1962, cols.1533-4

5) Ibid., col.1533

6) Ibid., col.3150

7) cf. H. Weber 'Die liberales staan bloedvermening voor, maar, die deskundiges hou voel; as die bloed meng? Sterf ons' in Die Brandwag, Vol.23, no.26., 7.8.1959, p.15

This unashamed openness was in stark contrast to the ambiguity of most English-speaking whites or to the disgust expressed by Afrikaner Nationalists such as the Brandwag columnist, Hein Weber, who responded to the Drum article by interviewing several white academics who roundly condemned mixed marriages. The eugenic argument of the thirties and forties was apparently still respectable. Prof. Herman Venter, a criminologist of Pretoria University, argued that it was usually the 'weaker types' of both groups who engaged in miscegenation:

Dit beteken dat twee groepe swak selle uit albei ouers verenig wat nie anders kan as om 'n swakkere karakter by die nasaat tot gevolg te hê nie.(8)

In the early sixties, despite the survival of such pseudo-scientific views in certain circles the unpleasant publicity resulting from prosecutions under the Immorality Act resulted in leading Nationalist newspapers such as Die Burger, Die Vaderland and Die Transvaler (Prime Minister Dr. Verwoerd's own mouthpiece) calling for 'improvement' in this legislation. There were rumours that the Government itself was considering limiting press coverage of such prosecutions.(9)

In this atmosphere Mrs. Suzman introduced a private Immorality Act Amendment Bill, in March 1962, to repeal clause 16 of the 1957 Act (and therefore also the 1950 Act). While avoiding the issue of 'supporting' or 'opposing' miscegenation as such, she aimed her barbs at the inhumane effects of the Act, the hardships caused for families, the recurring suicides among men charged under the Act, and the sensational publicity given to such prosecutions, both at home and overseas.(10)

Although Mr. Japie Basson of the UP had previously given notice of a similar motion(11), his party seemed to favour the appointment of a commission of inquiry. Mr. Douglas Mitchell

8) Ibid., pp.64,67

tr. This means that two groups of weak cells from both parents are united, which cannot result in anything but a weaker character in the offspring.

9) Assembly Debates, 1962, cols.1541, 3143-5

10) Ibid., col.1538

11) Ibid., cols.3142, 1550

(UP, Natal South Coast), who led the UP in expressing its support for the view that the Act was undesirable, nevertheless repeated the old arguments from impracticability, prefaced by the traditional caveat that the UP was 'absolutely opposed to miscegenation'.(12)

Under the circumstances the Minister of Justice, B.J. Vorster, was able to expose the inconsistency of these traditional arguments with considerable skill. He stressed an argument which was increasingly to be heard in defence of these laws in future years, namely, that black parents needed them to protect their daughters from unscrupulous white men. He claimed that several appeals had come from coloured and African parents for similar legislation to protect their daughters from African and Indian men respectively.(13) Apart from the clearly paternalistic nature of such a response, it was in keeping with the fully-developed philosophy of separate development and the declared aim in the sixties of developing the coloured and Indian communities as separate political entities.(14) In any case, Mrs. Suzman's bill lapsed shortly afterwards because of lack of time for debate, and never reached a vote.

Despite the adverse publicity and the continuing stream of 'hardship cases' and suicides, it was felt, when Vorster came to power in 1966, that social apartheid had to be tightened still further. A loophole had been discovered in the Mixed Marriages Act, exposed by the notorious Singh case. Mr. Singh, an Indian South African, had married a white South African in what was then Rhodesia. When they returned, they were promptly arrested under the Immorality Act, but were acquitted on the technicality that the Mixed Marriages Act did not cover the marriage of a South African whose domicile lay outside the country.(15)

The result was a Mixed Marriages Amendment Bill which was pushed through Parliament in 1968. This measure sought to invalidate in South Africa the marriage of anyone who had taken up

12) Ibid., col.1542

13) Ibid., cols.1558-9

14) For a discussion of this issue in relation to the coloured community, particularly concepts such as the coloureds as a 'nasie-in-wording' in Vorster's terms, cf. Pierre Hugo Quislings or Realists? A Documentary Study of 'Coloured' Politics in South Africa. It is particularly useful for the period 1961-77.

15) cf. Assembly Debates, 1968, cols.998-9

domicile in a foreign country and who had married across the 'colour line' there. Such persons were to be prevented from living freely as man and wife if they returned to South Africa.

With the passing of the 1968 Act, the circle was complete, with no possibility of escape. Since it was impossible to develop social apartheid still further, there were two options: to maintain a static policy of total separation in a world which increasingly rejected such ideas, possibly bolstered by an updated undergirding philosophy, or to move away from social apartheid. It was in this context that the Afrikaans Reformed churches, in many respects isolated from their former international contacts and increasingly on the defensive at home, were forced to re-examine their traditional positions on apartheid. This meant above all else a re-examination of their stand on racially mixed worship - and on mixed marriages.

3. The Afrikaans Reformed Churches and Cottesloe.

The efforts of the Afrikaans Reformed community, and particularly the NGK, to update their attitude to the mixed marriages issue, were in many respects due to the pressures exerted by the Reformed Ecumenical Synod. The RES was a conservative Calvinist body, the last ecumenical organization (apart from the World Alliance of Reformed Churches) in which these churches continued to take an active role.(16) It could hardly be accused of theological 'liberalism', and it was thus difficult for the Afrikaans churches simply to dismiss its views. The RES had first figured prominently in the debate on apartheid when it met at Potchefstroom in 1958. The resolutions of the Potchefstroom RES (particularly that on mixed marriages) were to be of considerable importance in the next few years, not least because Afrikaans Reformed churchmen participated in the RES investigation into race matters.(17)

The Potchefstroom resolutions may be linked to the Cottesloe

16) The Gereformeerde Kerk never joined the World Alliance of Reformed Churches (WARC), while the theologically more flexible NHK was not a member of the RES.

17) The RES Committee to study race relations in the light of Scripture consisted at this meeting of dominees W.J. Snyman and B.J. Marais of the NGK and S. du Toit of the Gereformeerde Kerk. cf. Potchefstroom RES, 1958 Acts, pp.128ff.

Consultation of December 1960, held under the auspices of the World Council of Churches (of which the NGK - Cape and Transvaal synods - and the NHK were still members) to bring together the major Protestant churches in South Africa at a time of severe racial tension in the aftermath of the Sharpeville shootings. The Cottesloe Consultation produced a statement, signed by all participants except the NHK delegation(18), which although rather mild and in many respects non-committal by today's standards, aroused great controversy in Afrikaans-speaking circles. The clause on mixed marriages was probably one of the vaguest parts of the whole statement, but was interpreted by many people (both liberals and Afrikaner Nationalists) as a rejection of the Mixed Marriages Act.

Significantly, this clause was in many respects identical with the RES recommendation on mixed marriages, which had found its way into the Cottesloe Declaration by way of a memorandum submitted to the consultation by the Cape NGK delegation.(19) However, it was precisely this that now caused controversy - the RES had agreed on a carefully nuanced recommendation which could be acceptable to all but the most right-wing Afrikaans theologians:

No direct Scriptural evidence can be produced for or against the intermixture of races through marriage as a statement of principle. The well-being of the Christian community and also pastoral responsibility require that due consideration be given to legal, social, and cultural factors which affect such marriages.(20)

In the Cape NGK memorandum, however, this decision had been altered in a way which was to provide the basis for all later NG resolutions on the subject. State interference in mixed marriages was more specifically addressed, and the reference to direct Scriptural evidence was omitted. Although the memorandum referred to pastoral considerations which might make such marriages undesirable (which went further than the RES recommendation), it made another alteration which shifted the entire thrust of the clause.

18) For the NHK statement rejecting the Cottesloe Declaration, cf. Cottesloe Consultation: Report, p.79

19) This delegation admitted the influence of its memorandum on the mixed marriages clause of the Declaration in its report before the 1961 Cape Synod. cf. Cape NGK Synod 1961 Handelinge, p.267

20) Potchefstroom RES 1958 Acts, p.144

Not only did it imply that there was neither direct nor indirect relevant biblical evidence concerning mixed marriages, but it asserted that there was no ground in Scripture for forbidding such marriages.(21)

It was this alteration which was incorporated in the Cottesloe Declaration, and which suggested that the signatories opposed statutory prohibition of mixed marriages. Other writers on Cottesloe seem not to have detected that the storm which ensued around this clause of the Declaration might have been still greater had the opponents of Cottesloe realised that the NG signatories had not only approved of it, but had directly contributed to its actual formulation.(22)

The eventual phrasing of the Cottesloe clause was a slightly abbreviated form of the Cape NG version:

There are no Scriptural grounds for the prohibition of mixed marriages. The well-being of the community and pastoral responsibility require, however, that due consideration should be given to certain factors which may make such marriages inadvisable.(23)

This was intended to be the kind of non-committal formulation to which both English-speaking 'liberals' and the verligte ('enlightened') NG delegates could subscribe without too much difficulty.

21) The relevant clause of the memorandum reads:

T.o.v. die gemengde huwelike tussen individue van die verskillende rasse-groepe, moet ons verklaar dat daar geen grond in die Skrif is om dit van staatweë te verbied nie. Die welsyn van die Christelike gemeenskap, asook pastorale verantwoordelikhied vereis egter dat deeglike aandag aan wetlike, sosiale en kulturele faktore gegee moet word wat sodanige huwelike in ons situasie onwenslik maak.
cf. Cape NGK Synod 1961 Handelinge, p.251

22) The central work on the Consultation is Abraham Lückhoff's Cottesloe.

Other useful discussions are found in:

J.W. de Gruchy, The Church Struggle in South Africa, pp.62-9

F. Gaum, Die Kerk en die Toekoms van Suid-Afrika, pp.48ff.

B.M. Schoeman, Die Broederbond in die Afrikaner-politiek, pp.113-22

F.E. O'Brien Geldenhuys, In die Stroomversnellings, pp.48-61

P. Randall, ed., Not Without Honour: Tribute to Beyers Naude, pp.

P. Walshe, Church versus State in South Africa, pp. 17-24, 51-4

23) Cottesloe Consultation: Report, p.75 10-19, 22-4

It is clear, however, that it lent itself to the interpretation which most Afrikaner Nationalists, led by the NHK delegation, read into such a statement. When read alongside the support in the Cottesloe Declaration for direct parliamentary representation for coloured people, opposition to job reservation and to the migratory labour system, the clause on mixed marriages seemed to be pleading for 'integration'.

Consequently the Cottesloe Declaration was soon roundly condemned by the Afrikaans press (except for Die Burger, which was more sympathetic), by all the branches of the white Afrikaans Reformed churches, and by the Prime Minister himself, Dr. Verwoerd. Verwoerd, with the assistance of the Broederbond, sought by every means to discredit what he described in his 1961 New Year message as foreign interference in domestic affairs. In his words, 'The voice of the Church must still be heard....'(24)

This implied that the NG delegates at Cottesloe, who included the Transvaal and Cape moderates as well as most of the leading theologians of these churches, were unrepresentative of ordinary NG membership. The delegates, while insisting that their views be tested against Scripture alone, rapidly back-tracked on certain issues by way of 'clarifying' statements. In a joint statement issued by the two delegations, it was asserted that the interpretation placed on the mixed marriages clause in certain quarters as support for mixed marriages, was directly in conflict with the declared policy of 'differentiation' of the NG churches. It was stressed that the relevant clause had pointed to the need to give due attention to those factors which, in relation to the welfare of the Christian community, and in terms of pastoral responsibility, would make mixed marriages undesirable.(25)

24) A. Lückhoff, op.cit., p.116

25) 'Nadere verklaring' in Cape NGK Synod, 1961, Handelinge, p.273

The Transvaal NG delegates were cautiously apologetic in expressing the view in their report before their synod that the Cottesloe clause was a 'weaker formulation' of the very principle accepted by the 1958 RES, which they read in terms of the viewpoint adopted by the Transvaal Synod in 1951. Tv1. NGK Synod, 1961, Handelinge, pp.379-81. The 1951 Synod had adopted the principle that separate development was in accordance with Scripture (Handelinge, p.161).

It is difficult to judge to what extent this clarification represented a genuine explanation of the delegates' understanding of a viewpoint which they themselves had formulated, or whether they were simply emphasizing the second part of the statement on mixed marriages at the expense of the first, which was clearly too contentious at that time. It is conceivable that the successive contractions which the original 1958 RES recommendation underwent had had no particular significance to the NG delegates during the Consultation, but they apparently rapidly recognized the differences afterwards.

The reaction which was building up in the wake of the Cottesloe Declaration was in fact such that the RES recommendation itself was shown to be too 'liberal' for some circles. The Broederbond circulated a document which shifted the blame onto the shoulders of the World Council of Churches, which allegedly was not satisfied with 'total equality and brotherhood' in the social sphere, but pressed their 'levelling process' (nivelleringsproses) further to encourage wholesale bastardization (algehele verbasteringe).(26)

The issue had become so emotional that it was impossible even to return to the neutral position of the RES. The reasoned plea of the Nationalist 'think-tank', SABRA (South African Bureau of Racial Affairs), just before Cottesloe, that the (Afrikaans) churches critically investigate the Mixed Marriages and Immorality Acts in the light of their prejudicing the white-coloured relationships(27), was left by the wayside. In contrast the Free State NGK responded to the Consultation in a statement by its ASK (Algemene Sinodale Kommissie) with an argument that simply ignored the thrust of the Cottesloe view that Scripture had no Word on racially mixed marriages.

The ASK bluntly asserted that this was not only a question of whether Scripture addressed itself to the problem. It was also a 'volksvraag', a question of civilization, religion, of social and cultural structures, and of biological and psychological adaptability. The words used by the ASK, with reference to God allegedly wanting

26) B.M. Schoeman, op.cit., pp.119-20

27) Ibid., p.112

a helper suitable for Adam (Gen.2:18b),(28) 'n hulp wat by hom pas', is strikingly similar to the official definition which the NGK has applied to marriage for several decades, 'a most intimate love relationship between one man and one woman who should be suited to one another in every respect.'(29) To start with the premise that marriages which do not include such compatibility are unbiblical is, regardless of the qualifications which follow, to render all further debate fruitless.

Some found such arguments compatible with the RES position. The South African deputies on the RES inquiry into race relations argued that, while the Old Testament nowhere regarded individual racially mixed marriages as sinful, it could not be considered sinful if a people strove to maintain its identity, especially if others' rights were unaffected. This had to be seen in the light of the divine Word, according to which different races were to remain in existence until the end of time. Furthermore it could be said, it was averred, that it was actually sinful for a people to surrender its national identity, thereby abandoning its calling and doing violence to the idea of variety (verskeidenheid).(30)

There were others, however, who could not agree with the view that the Bible made no pronouncement on mixed marriages. Ds. W.A. Malherbe argued before the Transvaal Synod that Scripture dealt with this issue by implication, in view of Gen.2:18 (the 'definition' of marriage based on total compatibility). He claimed that from this it could be inferred that Scripture condemned marriages where (a) there was a large gap in culture between husband and wife, (b) the boundaries between separate peoples were eradicated or (c) the culture ordinance (kultuuroopdrag) which God gave to peoples was lost, for instance when a civilized people intermarried

28) OFS NGK Synod, 1964, Handelinge, p.53

The ASK declaration, given in full in these synodal records, was approved on 22nd February 1961

29) Ras, Volk en Nasie (1974/5) (Eng. tr.), par.62. My emphasis.

The same stress on compatibility appears in a major report on Race Relations and Scripture, which served before the NG Raad van Kerke in 1955. Citing Gen.2:18, the report makes an exception only where assimilability was possible through the acceptance of a joint (gemeenskaplike) lot in life, fatherland and religious conviction. cf. NG Raad van die Kerke, 1955, Handelinge, p.40

30) Transvaal NGK Synod, 1961, Handelinge, p.273

with a primitive people.(31)

Ds. J.D. Cilliers and Ouderling J.I. Nel went still further, claiming that Scripture quite clearly forbade Israel to intermarry with certain peoples, that the post-Exilic Israelites were positively forbidden to enter mixed marriages since they were a small minority surrounded by heathens, and under exceptional circumstances, God had ordained that Israel maintain its 'volksidentiteit' as the bearer of the message of salvation.(32)

The use of such apparently crude parallels in a manner favoured by Afrikaner theologians of the forties (cf. chapter two) had clearly not been totally eliminated. The debate around Cottesloe demonstrated that traditional 'biblical' themes such as the Afrikaner missionary concept, the Christian nation surrounded by alien foes, and the principle of the maintenance of different peoples 'in accordance with Scripture' were still of great importance to Afrikaans Reformed theology.

The rejection of Cottesloe by one synod after the other and the departure of the NHK and the NGK in the Cape and Transvaal from the World Council of Churches(33), ushered in a period of isolation for these churches. Critics within these bodies were either silenced or, as in the case of Beyers Naudé of the NGK and Albert Geysler of the NHK, forced out of office.(34) To all intents and purposes the NHK in particular ceased to move at all on political issues, so that its position on mixed marriages in the late seventies could have been lifted from a statement made in 1960.(35) Even more than the NGK, the NHK saw the Cottesloe Declaration as an attack on the Government and on the policy of separate development which, since it had been accepted by the church for a century,

31) Transvaal NGK Synod, 1961, Handelinge, p.385

32) Ibid., pp.386-7

33) A. Lückhoff, op.cit., pp.128ff.

34) cf. J.H.P. Serfontein, Apartheid, Change and the NG Kerk, pp.99-107

35) cf. 'Getuienis' of NHK General Commission, supplement to Die Hervormer, Feb. 1977, which just as in 1960, condemned ecumenical bodies which allowed themselves to be used as church forums for the condemnation of South Africa and its government, and expressed complete support for separate development as 'the best' in the South African situation.

was beyond suspicion.(36)

The Cottesloe Declaration was not, as Peter Walshe points out, a particularly radical document, but a cautiously conceived attempt at some degree of consensus among the white-dominated churches.(37) This was inevitable since, whatever else the NG delegates may have been, they were not liberal-individualists in the English-speaking mould. Included in their ranks were men such as E.P. Groenewald, who had collaborated with Cronjé in the classic theological justification of apartheid, Regverdige Rasse-Apartheid. The memorandum presented at Cottesloe by the 'study commissions' of the Transvaal NGK subscribed strongly to the group ethic and the fertility-lineage approach to marriage outlined in chapter one. Mixed marriages and 'immorality' legislation were described as measures which had been necessary to combat 'the action of irresponsible people and groups of people who did not take cognizance of the common good (welsyn van die geheel), but acted merely in terms of their personal inclinations and tendencies.' It was asserted that in this regard the state acted from the viewpoint that legislation was required to protect the good of the community against the actions of irresponsible individuals.(38)

Yet despite the Nationalist outlook of the Cottesloe NG delegation, the latter had reacted thoughtfully to the crisis which faced South Africa in the post-Sharpeville state of emergency, and 'had taken an initiative which, had it been accepted by the DRC synods, might have moved Afrikanerdom away from its racist policies of apartheid and uncompromising white control.'(39) Had there been real acceptance of the wording of the mixed marriages resolution for instance, instead of at best a hasty retreat on the part of the delegates and at worst sheer hysteria in the NG rank and file, there would have been room for real movement on this issue.

Instead those occasional voices of dissent which had enlivened

36) cf. Lückhoff, op.cit., pp.132-3

37) P. Walshe, 'Mission in a Repressive Society', in P. Randall, op.cit., pp.52-3

38) Transvaal NGK Synod, 1961, Handelinge, p.46

39) P. Walshe, Church versus State in South Africa, pp.15-16

the theological life of the Afrikaans Reformed community in the fifties by suggesting alternative biblical approaches to racially mixed marriages, were effectively silenced. Moreover the reaction against Cottesloe was not only a reaction against longstanding dissidents such as B.B. Keet and Albert Geyser(40), but was in effect a revolt against the very leadership of the Cape and Transvaal NGK, which had been part of the Cottesloe NG delegations almost to a man. Many of these top-ranking NG figures lost their positions at the 1961 synodal gatherings and were severely criticized there, albeit sometimes obliquely, by attacking the positions taken at Cottesloe rather than the leadership itself.(41) In consequence several of the Cottesloe delegates were forced publicly to distance themselves from the Declaration of that consultation.(42)

In future the leadership would be still more cautious than before in its pronouncements, which put paid to any hope of meaningful reform initiatives on the part of the NG establishment. The opinions of the real dissidents of the fifties naturally became still more unacceptable to their churches.

Cottesloe is significant in itself for this study, because it could have signalled the beginning of a real dialogue between the

40) These theologians caused considerable controversy with books such as Keet's Whither - South Africa? (1955) and the anthology, Vertraagde Aksie! (Delayed Action!), published in 1960 by a clutch of dissident Afrikaner theologians, including Keet, Geyser, Ben Marais (famous for his 'liberal' Kleurkrisis in die Weste of 1950, and A.S. van Selms Vertraagde Aksie came under fierce attack at the 1961 Transvaal NGK Synod. cf. Handelinge, pp.13, 345, 460, 465-6

41) Lückhoff, op.cit., pp.138-49

42) F.E. O'Brien Geldenhuys for instance admitted at the Transvaal Synod that errors of judgment could have been made at Cottesloe and that decisions were open to misinterpretation, but reaffirmed his support for separate development and insisted that, while his church had never approved of mixed marriages, it could not be forgotten that Afrikaners were products of the mixing of various European nations. (In die Stroomversnellings, p.55)

Afrikaans Reformed and English-speaking churches on issues like mixed marriages, as these bodies developed further the more general discussions on social justice initiated by the series of NGK conferences on church and society in the fifties. Still more relevant to this study, however, is that it could have marked a break between the NGK (if not the NHK) and the National Party, allowing the church the ideological independence necessary to enter meaningful discussions on a new approach to questions such as miscegenation. Instead the Afrikaner church-state monolith remained for most purposes intact, apart from minor tensions between the NGK and the NHK over the embarrassment caused to NG government supporters by the NHK being the first to pronounce against Cottesloe.(43) In effect neither church nor party could move on something like mixed marriages without first obtaining the other's approval. It was to prove a burdensome legacy, but one which was perhaps to be expected when nearly the entire cabinet and between fifty and sixty percent of Afrikaans Reformed ministers belonged to the Broederbond, an officially 'secret' body which authoritative writers, such as the once-powerful NG figure O'Brien Geldenhuys, allege directed collaboration between church and party.(44)

4. The Case of the Gereformeerde Kerk: To 1970.

The Gereformeerde Kerk, the smallest of the white Afrikaans Reformed churches, was not a party to the Cottesloe Consultation, since it was not a member of the World Council of Churches, which it had always considered too liberal theologically. Nevertheless the GK was a church characterized by many contradictions. Despite its staunch Calvinism and despite the fact that it had a greater

43) cf. Lückhoff, op.cit., Chapter 5

44) cf. In die Stroomversnellings, pp.58-9

Without necessarily adhering to a 'conspiracy theory of history', it is particularly striking that at least half of all dominees of the white Afrikaans Reformed churches, and the majority of the members of their moderatures and theological faculties, have traditionally been Bond members. cf. J.H.P. Serfontein, op.cit., pp.92-3. B.M. Schoeman, relying on sources inside the Bond, maintains that by a conservative estimate, at least sixty percent of these ministers belong to the Bond. (Die Broederbond in die Afrikaner-politiek, p.123)

percentage of Broederbond members among its ministers than its susterkerke(45), it developed a reputation for a sometimes critical outlook on government policy. As John de Gruchy points out, however, this is 'not because it regards the policy (of separate development) as unChristian and therefore wrong, but because the policy is not justly and properly pursued'.(46) In other words, government methods rather than theory have occasionally been condemned. Characteristic of this outlook was the GK association, the Afrikaanse Calvinistiese Beweging (ACB), with its outspoken, yet staunchly Nationalist journal Woord en Daad(47), established in the fifties by a group of ultra-Calvinist academics at Potchefstroom University, the GK stronghold.

It will be remembered from chapter three that by 1952 the GK Synod had incorporated apartheid into its very church structure in the matter of both mixed marriages and extra-marital liaisons across the colour line. In either case, the 'offending' white partner had the choice of renouncing his relationship and any children born of it, or transferring membership to the local coloured GK congregation.(48)

In 1958 a legal wrangle began over this issue, which lasted for twelve years, but had a significant effect on the eventual GK stance on miscegenation. The origins of this dispute lay in a formal letter of objection ('gravam^en' or 'beswaarskrif') which was lodged at the 1958 synod, but was not tabled because of the withdrawal of two of the seven signatories.(49) This 'gravam^en' focussed on a perceived lack of charity in the GK treatment of those involved

45) J.H.P. Serfontein, op.cit., p.128

46) J.W. de Gruchy, op.cit., p.77

47) I. Hexham, The Irony of Apartheid, pp.190-1

This is probably the best English-language text on the contribution of the GK to the formulation of apartheid ideology, particularly useful for the early twentieth century.

48) After referral to a committee of 'Pre-advies', the position advocated in the 1952 GK report was substantially upheld by the 1955 synod.

cf. Gereformeerde Kerk in Suid-Afrika Synod, 1955, Handelinge, pp.144-6

49) GK Synod, 1964, Agenda, p.345

in inter-racial unions.

Before this issue was raised again by dissident individuals, a rather conservative position was taken in a report which served before the 1961 synod, and which bore some striking resemblances to the report of the South African deputies on race relations at the 1958 RES.(50) Mixed marriages were treated as a threat to one's culture and to marital happiness. At the same GK synod, however, a committee was set up to examine the canonical position of the offspring of mixed marriages in the light of the famous 1920 decision.(51)

There were therefore clear signs of dissatisfaction in some quarters with the stand of the GK establishment, dissatisfaction which re-emerged at each successive synod during the sixties. A decision on this issue was repeatedly delayed on technical grounds, suggesting a fear in some quarters of discussing this matter openly.(52) Letters of objection were however lodged against the official GK position on mixed marriages in 1964 and again in 1970, questioning both the canonical correctness of the national synod legislating on local congregational membership and discipline, and the lack of love displayed by a stance which separated parents from each other and from their children.(53)

The 1970 synod reached some significant decisions which temporarily resolved the apparently growing dissension in GK ranks on mixed marriages. Although Synod was unwilling to enter the complex area of the scriptural treatment of racially and credally mixed unions, it upheld the arguments of the 'dissidents' that the official Gereformeerde position was uncanonical and in some cases clearly uncharitable. Most important, Synod supported the view that it was 'unscriptural' to presuppose that mixed marriages per se were

50) cf. GK Synod, 1961, Handelinge, p.67

51) Ibid., pp.561ff.

52) In 1964 the issue was declared sub judice on the ground that the committee appointed in 1961 had not completed its report. In fact a report by this committee appears in the 1964 synodal agenda. cf. GK Synod, 1964, Handelinge, p.456 cited in 'Rapport i.s. beswaarskrif (Acta 1964, art. 197)' in GK Synod, 1970, Handelinge, p.190; also GK Synod, 1964, Agenda, pp.193-4

53) GK Synod, 1964, Agenda, pp.345-51
GK Synod, 1970, Handelinge, p.195

sinful and therefore not permissible in principle even outside the Republic of South Africa.(54) Although the GK had not drastically modified its stand (the position of the Church in relation to the mixed marriage statutes inside the Republic and the 'pastoral' correctness of mixed unions were not addressed), canonical loopholes such as local congregational autonomy in matters such as church membership made a more humane attitude possible, particularly where South African law did not apply. On the other hand, as will be seen in the next section, when the RES met at Lunteren in 1968 and condemned government prohibition of mixed marriages, the GK rejected such a position as 'simplistic' and 'one-sided'.(55)

5. The NGK, the GK and the Reformed Ecumenical Synod: 1968-1978.

The RES of Lunteren resolved in 1968 as follows:

Holy Scripture does not give a judgment 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 a marriage partner.(56)

The GK responded to this resolution in a study report, submitted to the next RES meeting in 1972, that a 'radical' and one-sided conclusion had been deduced 'simplistically' from the scripturally correct first sentence of this decision.(57) The initial sentence of the Lunteren resolution, it will be noted, was a contraction (without affecting the exact sense) of the 1958 Potchefstroom statement discussed earlier. The addition of 'primarily a personal and family concern' was at least superficially unproblematic for the Gereformeerdes.

The GK felt, however, that the primary statement was 'not the only one that limits the rights of an individual in a marriage

54) GK Synod, 1970, Handelinge, pp.188ff.

55) Cape NG Inligtingsburo: 'Studiestuk Geref. Kerk in Suid-Afrika' for 1972 Regional RES Conference (mimeographed, English translation), p.3

56) Cape NG Inligtingsburo: 'Reformed Ecumenical Synod, 1968 Resolutions on Race Relations' (mimeographed), p.2

57) Cape NG Inligtingsburo: 'Studiestuk Geref. Kerk in Suid-Afrika' for 1972 Regional RES Conference (mimeographed, in English), p.3 (cf. also GK Synod, 1970, Handelinge, p.65 for original Afrikaans version of this study report).

transaction', and that although secondary, both church and state had also a 'very definite concern' in a marriage contract. This was a valid point from a Reformed outlook, rejecting wholesale individualism, and noting the concern of church and state with the 'faith and citizenship' of the couple. The GK assertion that the church could not remain passive if its members married with unbelievers was also in the mainstream of Christian tradition, as can be seen from Paul's warnings on this subject (cf. 1 Cor.7:39). A real difficulty, however, arose with the claim that the state should 'take measures' against citizens who married freely with foreigners or with blood relatives, citing Ezra 10 and Leviticus 18:1-17. This claim was accompanied by the assertion that in both cases the 'continuation of the church, and the order and racial composition of the state are concerned'.(58)

The theological problems involved in this assertion are legion and only a few can be mentioned here. Certainly it amounts to quite as 'radical' a view as the extreme individualist position, castigated in the GK report. It is difficult to understand how the same GK report which accepted that the Bible made no judgment on racially mixed marriages could interpret Ezra 10 in so fundamentalist a manner as to regard it as a biblical pronouncement against such marriages.(59) To this should be added the practical question whether a mixed marriage is a threat to good order in a country which is not obsessed by group interests.

The ban on disturbing the 'racial composition' (in the terms of the GK report to the RES) of the Jews in the Book of Ezra deals with Semitic peoples as closely related as Germans and Frenchmen. Yet this report was clearly not objecting to such close intermarriage between related peoples, but rather to mixing between people of different PIGMENTATIONS, since there were no GK objections, for instance, to marriages between English-speakers and Afrikaners.

The very use of a passage such as Ezra 10 in such a context

58) Ibid.

59) In this Old Testament text, Ezra is presented as expressing horror at discovering that his compatriots have married non-Jewish wives. He orders them to abandon both wives and children, an instruction which they enthusiastically obey.

is theologically questionable. As Robert North points out with reference to the abandonment of foreign wives and children in the name of Jewish purity in this passage, in view of the failure of Ezra's followers to observe the minimal obligations of 'justice and decency toward spouses...and utterly innocent children seem never to have entered into the heads of these reformers, excited by a kind of mob psychosis for which Ezra cannot escape blame...'. North's verdict can hardly be dismissed as ethnocentric; the family unit has always been central to Jewish life. He accepts that the need to safeguard Jewish religious truth and duty (the real object of Ezra's reform, rather than racial purity) is always important, 'but the fact that the conduct of those influenced by Ezra is presented in the Bible as praiseworthy and normative does not mean that it is impeccably inerrant'.(60) In other words, the real problem with the GK position here is a fundamentalist attitude to exegesis which accepts that all biblical texts, at least in principle, are equally normative for all times and places.

If the responses of the GK to the mixed marriages question had become somewhat inconsistent, so had those of the NGK, although its resolutions were less sharply at odds with each other than were those of the GK. The Cape NG Synod had long been a source of more 'enlightened' or 'verligte' thinking (to use Willem de Klerk's now general term), especially in matters affecting the so-called coloured population. Just as the Cape Nationalist organ Die Burger undertook a lone campaign in the early sixties for parliamentary representation for coloured people(61), so the Cape NGK, at least from the mid-sixties onwards, tended to take a marginally more flexible view of mixed marriages, (a matter particularly sensitive in the coloured community).

This can be seen from a long and detailed study on race relations submitted to the 1965 Cape Synod by a twelve-man commission, including such verligte luminaries as J.A. Heyns, P.A. Verhoef, W.J. van der Merwe and Dawid Bosch. It reiterated the view of the 1958 RES that Scripture pronounced neither for nor against a prohibition of racially mixed unions and agreed that the ban on 'mixed

60) Jerome Biblical Commentary, Vol.I, p.433

61) A. Lückhoff, op.cit., pp.103-4
B.M. Schoeman, op.cit., p.64

marriages' in the Old Testament had a religious motive. Guidelines set forth in the report included the acceptance of the view that racial purity is a myth, support for 'ethnic variety in accordance with God's will', and for the belief that mixed marriages as such are not sinful and are biologically possible because of 'human unity'.(62) In certain instances, 'of a fundamental nature', a limitation on the freedom to mix could, however, be necessary, for instance where the principle of variety was threatened, as with large-scale miscegenation, or where people could no longer perform their 'calling'. In these extreme circumstances (this point was emphasized), the state was entitled to intervene. In any case, however, (as though to reassure readers that this was not a 'liberal' report) the church had a pastoral responsibility to warn against factors unfavourable to marital happiness. Ideal marriages possessed 'unity of national consciousness and religious community' ('eenheid van volksbewussyn en geloofsgemeenskap').(63)

The bulk of this report, including the section on mixed marriages, was accepted by the Cape Synod. The Cape report as a whole was considered so useful that it was referred to the 1966 General Synod (which had replaced the Raad van Kerke in 1962). Here, however, it ran into considerable difficulties, with Dr. Treurnicht, editor of Die Kerkbode and the only committee member who had signed the report 'with reservations', playing a prominent role in altering considerably the guidelines suggested in that report.

In respect of mixed marriages, the altered report, Human Relations in South Africa, together with certain RES resolutions (such as that of Lunteren in 1968), was to be the principal influence on the later formulations of the well-known Ras, Volk en Nasie(64), which is a focal document in the final chapter of this study. Although, like the 1970 GK Synod, the 1966 NG report granted that Scripture contained no direct prohibition on mixed marriages, it

62) In the words of the report, 'Biologiese en natuurlike verskille tussen mense is nie so groot dat hulle daardeur tot verskillende soorte word wat nie met mekaar kan vermeng nie.'(p.11)

63) Studiestukke oor Rasse-Aangeleenthede van die Nederduitse Gereformeerde Kerk in Suid-Afrika (Cape NGK) (1965), pp.10-11

64) DRC Newsletter, No. 170, February 1975, pp.2-3

pointed to 'Scriptural data' in which such marriages were apparently forbidden.

Similarly while the religious rather than the racial motive behind such data was acknowledged, a new hard-line assertion appeared: 'A mixed marriage cannot fulfil all the essential conditions which Scripture lays down for marriage, and must be rejected as impermissible'.(65) This key statement was to prove central in the succeeding debate. The remainder of the section on mixed marriages in the report of 1965, as amended by the Cape Synod, was incorporated, but with still greater emphasis on unsuitability of partners and great differences 'dooming to failure' a mixed marriage.(66)

The overall impression created by the report of the General Synod was a tough conservatism that was unwilling to do more than make a few pragmatic concessions to contemporary criticisms, and which mirrored the outlook of Prime Minister Vorster in secular politics. The tone of the NG pronunciamento on the 'impermissibility' of mixed marriages in terms of the conditions set by Scripture, paralleled the kind of Nationalist thinking which sought to block the last loophole in legislation through the 1968 Mixed Marriages Amendment Act.

Beneath the surface, however, there was evidently discontent, for the 1968 RES provided the spur for a totally new investigation of race relations under the chairmanship of W.A. Landman. The influence of Lunteren is very much in evidence in the form of frequent quotations in the resulting report laid before the 1974 General Synod after six years of investigation.(67) The amended version of this latter report was published as the much-discussed Ras, Volk en Nasie.

In the interim an important meeting of the RES had been held at Sydney in 1972. The influence of the Cape Synod was evident at this meeting in the form of the 'Studiestuk' submitted by the NGK. This 'study report' indicates that a minority line of thought remained significant in NG circles, despite the conservative victories after Cottesloe and again in 1966. Although the study report

65) Human Relations in South Africa (1966), p.9

66) Ibid., p.10

67) cf. for instance the decisions on mixed marriages (NG General Synod, 1974, Handelinge, pp.246-7)

rejected the Lunteren resolution on mixed marriages as 'one-sided' (that is to say, stressing only the personal rather than the communal dimensions of marriage), it was markedly different from the intransigence of the 1966 report. Dogmatic statements on 'Scriptural conditions' making mixed marriages impermissible were dropped in favour of emphasis on open-endedness in the biblical evidence, the strictly pragmatic right of intervention by the state in 'specific circumstances' alone, and the 'calling' of the church to issue 'pastoral warnings' against such marriages in view of their 'unfavourable complications' in the South African context. It was stressed that this was an 'exceptional situation' and that a prohibition would 'obviously' have to be reconsidered when circumstances justified this.(68)

The conciliatory tone of this study report, coupled with the absence of active participation by the GK because of procedural difficulties, may have helped to produce the mild, if rather empty, resolution of the South African Regional Conference of the RES, preparatory to the Sydney meeting:(69)

Although no direct Scriptural evidence can be produced for or against marriages between people of different racial or national groups, based on colour or race as a statement of principle, the well-being of the community and ordered relations in a multi-racial and multi-national situation may require that due consideration be given to all pastoral, social and cultural and legal factors which affect such marriages.(70)

This rather bland statement was rejected by the Sydney RES in favour of a restatement of the Lunteren resolution, made more hardhitting by specifying that neither church nor state had the right to limit the free choice of a marriage partner 'on the ground of race or colour' (a pointed reference to South African

68) Cape NG Inligtingsburo: 'Study Report Nederduitse Gereformeerde Kerk' submitted to RES Regional Conference 1972 (mimeographed English version), pp.11-12

69) The other South African members of the RES were the NG 'younger churches' and the small Church of England in South Africa. The black NG churches were therefore countered by this conservative English body and the NGK, without the participation of the equally conservative GK delegates.

70) Cape NG Inligtingsburo: 'Recommendations Regional Conference Reformed Ecumenical Synod, March 22-23, 1972 in Pretoria' (mimeographed), p.7

law as opposed to the previous more general formulation which included marriages between persons differing in language, creed or other factors).(71) The efforts of NG verligtes to influence RES thinking through taking a conciliatory and non-committal line therefore failed, preventing what might have been a useful propaganda coup for those Afrikaner theologians and political thinkers who favoured the presentation of apartheid in a 'modern' and more pragmatic guise. Nevertheless the South African Regional Conference of the RES succeeded in establishing certain points of agreement which at least appeared to clear away much of the dead wood of earlier fundamentalist thinking on mixed marriages.

It was agreed at this latter conference that RES member churches were unanimous in holding that the biblical 'ban' on mixed marriages had a religious motivation, that Scripture did not pronounce for or against such marriages, but that racially mixed marriages may create many social problems 'in certain circumstances'.(72) There was nothing new here, but at least the conflicting elements of Afrikaans Reformed statements in the preceding decade were formally resolved. Exactly the same points of agreement reached by the Regional Conference in Pretoria reappeared in the much more widely-publicized report of the Landman NG Commission, which served before the 1974 General Synod.

The circumstantial argument was important in the Landman report, which strove to dispel the widespread impression that the NGK treated Scripture in an uncritical and unsophisticated manner. The section on mixed marriages attempted a synthesis of much of the thinking on the subject in NG quarters since as far back as the 1958 Potchefstroom RES, and was closer to the verligte Cape 1965 report than to the 1966 General Synod version. Nevertheless it came to the disappointingly traditionalist conclusion that mixed marriages, while physically possible, were 'extremely undesirable' (uiters ongewens) in the circumstances of South Africa, where the

71) Cape NG Inligtingsburo: 'Reformed Ecumenical Synod - Sydney 1972: Resolutions on Race Relations' (mimeographed), p.4

72) 'Recommendations Regional Conference', p.7

particular social structure and cultural pattern would prevent such a marriage from being truly happy.(73)

The 1974 General Synod, as in 1966, found even this formulation unsatisfactory. The reference to such 'circumstances' not necessarily being normative 'for all times and situations' was radically altered to read 'Such marriages are undesirable as long as the impeding factors exist'. The intransigence of 1966 also reappeared when Synod added to the assertion that mixed marriages were merely 'undesirable', the key words 'and impermissible'.(74) An 'undesirable' phenomenon could merely be disapproved of - but if it was 'impermissible', then the NGK would probably favour an appropriate legislative sanction. There remained only one possible opening to a review of this approach in the statement (in reference to the 'right' of the state to prohibit mixed marriages where the social 'equilibrium' might be disturbed): 'But this should at all times be seen as an extraordinary measure and this prohibition should, as a matter of course, be reviewed whenever circumstances permit it'.

The published version of this document, Ras, Volk en Nasie en Volkereverhoudinge in die Lig van die Skrif, remains the official race policy of the NGK (although it is currently under review by a commission appointed after the 1982 General Synod). It has provided the central focus in the debate on apartheid and Christianity in the last decade, and was heavily criticized by theologians within the Reformed fraternity, both in South Africa and overseas. (75)

73) NGK General Synod, 1974, Handelinge, p.248

74) Ras, Volk en Nasie (English version), par.65. The English version is published under the title Human Relations and the South African Scene in the Light of Scripture.

75) cf. for instance D. Bax A Different Gospel: A Critique of the Theology behind Apartheid (response of the Presbyterian Church of Southern Africa), 1979

W. Vorster 'The Bible and apartheid, 1: An interpretative critique of Human Relations and the South African Scene in the Light of Scripture' in J.W. de Gruchy and C. Villa-Vicencio, eds. Apartheid is a Heresy, pp.94ff.

J.J.F. Durand, 'Bible and Race: The Problem of Hermeneutics', in J.T.S.A., No. 24, September 1978, pp.3-11

D. von Allmen, Theology - Advocate or Critic of Apartheid? (Responses of Swiss Federation of Protestant Churches), 1977.

It will provide an important point of reference in the final chapter, where its theological implications will be discussed. Suffice it here to point out that it is precisely because of the importance of this document in relationship to the modern debate on mixed marriages that its historical antecedents have been treated in such detail in this chapter. While the report made an important effort to revise traditional NG arguments (largely under RES pressure, as is clear from the continual references to RES resolutions), the practical effect of this document was to encourage a more 'sophisticated' NG defence of a fundamentally unchanged attitude to the South African political and socio-economic system.

The pressures on the Afrikaans Reformed churches and the Nationalist government continued to increase both in range and intensity. A response such as that of Ras, Volk en Nasie showed if anything that opponents of apartheid had to exert pressure on the segregationists in every possible way to extract even the smallest concessions.

Prompted by the 1972 RES, the 1973 GK Synod appointed a commission to review the race relations resolutions passed at Sydney. With regard to mixed marriages, the resulting report, adopted by the 1976 synod, was an interesting amalgam of staunch Afrikaner Nationalist arguments and a cautious differentiation between biblical requirements and local needs. The most significant conclusions, however, pointed in a totally new direction, which most surprisingly was approved by the synod. The 1970 GK synodal decision to reject the Lunteren RES resolution of 1968 was repealed on the ground that it had confused the preservation of the church with racially mixed marriages in too generalized a manner.

Drawing heavily on the Reformed emphasis on separation of church and state functions, the 1976 synodal report stressed that mixed marriages affected the church only where Christians of one race inter-married with non-Christians of another. The report suggested that immigration laws were preferable to mixed marriages laws as a means of reducing the presence of 'strangers' in the community. The resulting GK resolution was silent on 'pragmatic' requirements for mixed marriages legislation, but compared with earlier GK arguments, suggested a significant opening towards a still more explicit rejection of such a law:

Die Heilige Skrif gee geen regstreekse uitspraak oor rasgemenge huwelike nie en bied geen grond om huwelike bloot vanwee ras - of kleurverskil vir ongeoorloof te hou nie.(76)

This was a resolution which could admittedly be interpreted in several ways. The 1976 RES in Cape Town made a decision which was in many respects equally open-ended and which took account of theological niceties such as the lack of an explicit scriptural judgment on mixed marriages. The traditional RES appeal that church and state refrain from limiting the free choice of a marriage partner was, however, repeated in Cape Town.

It is possible that this latter assertion was preserved because no amount of conciliatory phrases and goodwill could change the fact that the black NG churches had rapidly shifted from being limited in their political statements by considerations of white-controlled finance and manpower.(77) In their reports before the 1976 RES, the Indian Reformed Church in Africa and the African Ned. Geref. Kerk in Afrika joined in appealing to the Government to repeal the Mixed Marriages Act and the racial clause 16 of the 1957 Immorality Act. Both these churches expressed support for the 1972 RES resolution.(78)

Perhaps more important was the changed outlook of the coloured NG Sendingkerk, in which the Mixed Marriages Act was particularly sensitive. In 1962 discussion of the Cottesloe resolutions had been blocked at Synod, while as recently as 1970 the Sendingkerk had been unwilling to condemn the Act.(79) At the 1974 NGSK Synod the Sendingkerk had accepted the 1972 RES decision, rejecting after a long and fierce debate a recommendation that an amended version of the Sydney decision be adopted which would base the case against

76) GK Synod, 1976, Handelinge, pp.380-2

tr. Holy Scripture gives no direct judgment on racially mixed marriages and provides no ground to hold marriages impermissible purely on grounds of colour.

77) They were to a large extent financially dependant on substantial grants from the white NGK and, until the seventies, were in many respects dominated by white 'missionary' clergy.

78) RES, Cape Town, 1976, Acts, pp.317, 319

79) cf. NG Sendingkerk Synod, 1962, Handelinge, pp.263ff.

1970, Handelinge, pp.274-5, 338-9

the enforcement of the prohibition of mixed marriages on the unnecessary suffering which it caused.(80)

The majority of the Sendingkerk had moved so rapidly ahead of even 'verligte' white NG thinking that mere gestures were no longer adequate. The Sydney RES decision, with its plain-speaking opposition to the prohibition of mixed unions on the grounds of race or colour, reflected more clearly the new direction of this church.

The 1978 NGSK Synod completely broke with its traditionally diplomatic language. For some years it had been negotiating with the NGK and the Government to change their attitude to the Mixed Marriages Act.(81) All pleas had, however, been unsuccessful. At the 1978 Synod, although mixed marriages as such were not under discussion, the Sendingkerk clearly asserted its right to address the Government in a prophetic capacity and, for the first time, explicitly condemned the apartheid policy of the Nationalist Party as being 'in conflict with the gospel'. The reasoning behind this was that apartheid, since it was based on the belief in the fundamental irreconcilability of people, was a denial of the reconciling work of Christ.(82)

This was not simply an argument based on practical needs or humane considerations, but on a major theological principle (the reconciling work of Jesus), which had obvious implications for concrete problems such as NG church unity and mixed marriages. The import of such an approach to a 'theology of mixed marriages' will be developed in chapter five.

An increasingly wide gulf was developing between the NGK and the black NG churches, whose silence on concrete political questions had long been taken by the NGK as tacit approval for its race

80) cf. NGSK Synod, 1974, Handelinge, pp.215-8, 376

81) NGSK Synod, 1978, Handelinge, pp.15, 344-5

82) Ibid., pp.399-400, 559, 618

The synod condemned apartheid 'omdat teënoor die evangelie van Christus se gerigtheid op die versoening van die mens met God én met sy medemens, die gedwonge skeiding van mense op grond van ras en kleur ten diepste gebasseer is op die oortuiging van die fundamentele onversoenbaarheid tussen mense wat op so 'n wyse geskei is' (pp.399-400).

policies. The mixed marriages question had provided a major thread of continuity during the preceding decade in the debate on apartheid and Christianity. Its recurrence suggests that it was not only one of the most contentious apartheid laws, but that in Christian eyes it (and the question of integrated worship) provided a cutting edge, the point at which the conflict between apartheid and Christianity was sharpest. Even the limited movement of the white NGK and GK on these issues showed that they appreciated this fact, and sought to make their views on this point of contention more acceptable to the wider Christian community. This limited adaptation at the level of theory exposed these churches to the same problem as that faced by the English language churches at the time of the passing of the Act in 1949: the gap between theory and practice, between acknowledging the theological problems raised by such a law, and doing something about it.

6. The Contemporary Debate since 1978.

6.1 The Botha 'Reform' Movement and the Drive for Repeal.

In 1978 the debate on the Act gained new impetus outside the churches with a call by the Afrikaanse Calvinistiese Beweging (the 'verligte' group associated with certain academics of the GK at Potchefstroom University) for the repeal of this law and section 16 of the Immorality Act. In the same year the Student Representative councils of Potchefstroom and Stellenbosch Universities called for an investigation of section 16, because of its effect on race relations and on foreign acceptance of South Africa. At the same time the Broederbond chairman ~~himself~~, Dr. Gerrit Viljoen, advocated an investigation of these laws, while not personally favouring their outright abolition.(83) While on the one hand the Afrikaanse Studentebond rejected a motion calling for repeal of both laws,(84) they received renewed prominence in Parliament when Dr. Van Zyl Slabbert of the Progressive Federal Party, the Official Opposition, introduced a motion during the 1978 session proposing the repeal of these laws.

The last previous motion along these lines in the Assembly had been introduced in 1971 by Helen Suzman, then an isolated figure

83) Survey of Race Relations in South Africa, 1978, pp.43, 51-2

84) Ibid., p.52

as the lone Progressive Party M.P.(85) She had been easily defeated at the time, enjoying only partial support from the United Party, which favoured a judicial commission of inquiry and reiterated its traditional opposition to the principle of miscegenation.(86) Michael Mitchell (UP-Durban North) had at this time noted the growing concern of individual Afrikaner academics and even some Nationalist newspapers over the problems generated by the miscegenation laws.(87)

By the late seventies a broad current of dissent had entered Afrikaner ranks on this issue, a point admitted by F.J. Le Roux (NP,Brakpan) in replying to Dr. Slabbert's motion in 1978.(88) A key point in this rising tide of dissatisfaction, which was still greater among coloured people, was the publication of the Report of the Theron Commission of Inquiry into Matters relating to the Coloured Population Group in 1976. Inconsistencies between race definitions in the Mixed Marriages Act and the Population Registration Act, the humiliation felt by coloured people at the presence of miscegenation legislation on the statute books, and the many religious and moral objections to such laws, caused the majority of this commission to favour the repeal of such legislation.(89)

The Government rejected this appeal, however, applying reasoning which was remarkably close to the 'pragmatic' element in the Ras, Volk en Nasie report. The Government White Paper on the Theron Commission Report made much of the lack of consensus among the commission members and denied that miscegenation legislation was discriminatory. It was stated that such laws were necessary to prevent suffering among the children of mixed marriages, and to establish a 'socio-cultural equilibrium', a phrase almost identical to that used in Ras, Volk en Nasie.(90)

As long as hard-line Nationalists such as B.J. Vorster and

85) cf. Assembly Debates, 1971, cols.1787ff.

86) Ibid., cols.1804-8

87) Ibid., col.1809

88) Assembly Debates, 1978, col.832

89) Report of the Commission of Inquiry into Matters Relating to the Coloured Population Group, RP 38/1976, pp.487-8

90) cf. White Paper on Report of Theron Commission, W.P.D.-'77, p.6

his brother Koot retained powerful positions in the NP and the NGK respectively, it was clear that such rearguard actions would continue. Indeed it may be said that both party and church tackled these contentious issues in the same way, raising hopes by the appointment of commissions with wide-ranging mandates, and then rejecting their most far-reaching recommendations.

B.J. Vorster was still Prime Minister when Dr. Slabbert introduced his motion in the Assembly. Circumstances had changed considerably since 1971, with the collapse of the UP and the emergence of the liberal Progressive Federal Party (PFP) as the Official Opposition. Although the National Party's huge parliamentary majority ruled out any chance of changing these laws, the presence of a substantial liberal minority enabled important issues to be aired. Dr. Slabbert himself concentrated on the argument that a law was unnecessary to maintain an allegedly generally accepted social code. Other members, notably Helen Suzman and Alex Boraine, emphasized two more significant and less well-known arguments. They stressed the unfavourable impression of South Africa created by such laws and, more important, the inhumanity of these laws.(91)

Dr. Slabbert made much of the internal dissent in the NP on this question, particularly of declarations by 'verligte' Cabinet ministers that they did not need such laws to protect their identity.(92) Evidently the debate in the Afrikaans churches and in Afrikaner society at large had by the beginning of 1978 reached the highest levels of the NP. The absence of verligtes such as Dr. Koornhof, who had hinted at a new approach, showed however that it was an extremely sensitive issue inside Afrikaner society.(93)

The most striking aspect of this debate was that nearly all those who spoke in favour of repeal were among the most well-known 'left-liberals' in their parties. In contrast, amongst the four Nationalist speakers were two (one of them the Minister of Justice) who later joined the ultra-orthodox Conservative Party of Dr. Treuernicht. Thus while the Opposition speakers were at last prepared actually to praise those who were willing to enter mixed unions with those they loved, regardless of the consequences,

91) Assembly Debates, 1978, cols.821ff.

92) Ibid., cols.823-7

93) cf. Ibid., col.867

Government speakers took a strongly traditionalist line.

Nationalist speakers in this debate dismissed the miscegenation laws as non-discriminatory (because whites were also penalized), asserted that they were supported by Africans (because they allegedly had never requested repeal, which was factually incorrect), and claimed that they protected the weak from exploitation (a reference to young black women).(94)

The religious aspect also featured prominently. F.J. le Roux, the ultra-conservative who led the Nationalist response to Slabbert's motion, quoted extensively from Ras, Volk en Nasie to prove that NGK thinking on mixed marriages was identical with Nationalist policy.(95) In contrast, Dr. Boraine, former president of the Methodist Church of Southern Africa, argued that, since the Bible did not speak against mixed marriages, the state, which claimed to be Christian, was bound to abide by this 'teaching'.(96)

Dr. Boraine quoted extensively from the 'Koinonia Declaration', a statement on apartheid signed in 1977 by a group of committed Afrikaner Calvinists from Potchefstroom University. This was no liberal statement; on the contrary, it condemned the principle of parliamentary sovereignty because this made the activities of 'sinful and imperfect people...absolute, final and unassailable'.(97) The declaration asked for the repeal of all laws which prevented people from fulfilling their calling with respect to marriage, and condemned the alleged transgression by the state of its authority in 'continuing to apply the law for mixed marriages, because the Word of God stipulates a shared belief as the condition of marriage instead of identity of race'.(98)

This was the most hardhitting statement yet produced by a group of Afrikaner Christians and it demonstrated, perhaps more forcefully than all of the accompanying discussions in parliamentary circles, synods and academic organizations, the degree of

94) Ibid., cols.832, 836, 879-80

95) Ibid., col.836

96) Ibid., cols.870, 874

97) 'The Koinonia Declaration', in J.T.S.A., No.24, September 1978, p.63

98) Ibid., p.63

ferment on the subject, despite the intransigence of the Afrikaner political and ecclesiastical establishment.

It was in this atmosphere that the new Prime Minister, P.W. Botha, who succeeded Vorster during 1979 in the wake of the 'Information Department scandal', initiated a period of considerable 'reformist' rhetoric. This was epitomized by a BBC interview in May 1979 in which Botha stated that there was no moral or religious objection to racially mixed marriages, but that the problems lay in the difficulties faced by the children of such marriages. He stated that he was willing to review the miscegenation laws once such difficulties had been eliminated.(99)

At the Cape NP Congress that year, he returned to this subject, stating that his government was willing to consider suggestions to change the miscegenation laws, that no Act could be considered a 'holy cow', and that he would not tolerate insulting laws. He opposed mixed marriages from a practical viewpoint (his argument in the BBC interview), while conceding that a problem existed in cases of real love between a couple.(100)

The Prime Minister's statements were welcomed in many quarters - by Dr. F.E. O'Brien Geldenhuys, the verligte Chief Executive Officer of the NGK (but something of an isolated figure)(101), by the NGSK organ Die Ligdraer (102), and by the prominent Potchefstroom GK academic, Prof. J.H. Coetzee, editor of Woord en Daad.(103)

It seemed that the political environment had changed sufficiently for Botha to carry out his promises, notwithstanding the fact that establishment structures like the NG leadership had not changed their views. Mr. Botha raised the matter again at the 1980 Transvaal and OFS congresses of the NP, repeating his assertion that these laws were not 'holy cows' and should be 'improved'. Although leading legal academics argued that 'improvement' of these

99) Survey of Race Relations in South Africa, 1979, p.73

100) Ibid., p.73

101) Ibid.

O'Brien Geldenhuys was a non-Broederbond member (he had resigned after Cottesloe) and soon afterward resigned his position, disillusioned with his own church. cf. J.H.P. Serfontein, op.cit., pp.158ff.

102) Die Ligdraer, 16.10.1979, p.234

103) Woord en Daad, November 1979, pp.6-7

laws was impossible, it was clear that 'improvement' could mean different things to different people. At the Transvaal Congress it was for instance suggested that the Immorality Act be extended to include extra-marital intercourse between whites. Alternatively, as happened that year, special permission was granted for a mixed marriage before the administrative 're-classification' of the 'coloured' partner as white.(104)

Had South Africans listened more closely to Mr. Botha's statement, they would have discovered that much of the euphoria over his alleged desire to change these laws, was completely unfounded. As early as February 1980 he clarified his position in some detail during the No-Confidence Debate. He claimed that in his discussions with church leaders, they had indicated that they understood his view that all immorality was indefensible, that Section 16 of the Immorality Act was not intended to denigrate any group, and that its primary aim was to protect black women from 'exploitation'. He was not prepared 'blindly' to heed the clamour for repeal, but would welcome suggestions for 'improvements' to remove its hurtful character.

The Mixed Marriages Act was, he agreed, of a different nature compared to Section 16, and was implemented 'with compassion', but he appealed for a halt to 'agitation'. He was of the opinion that black people should be shown that it was not discriminatory and, in perhaps the key sentence of this section of his speech, argued that the Act 'gives rise to certain social consequences which cannot simply be ignored in a population structure such as the South African one'.(105) It was the often-heard 'equilibrium' argument yet again, buttressed by the more recent, but equally well-worn paternalistic arguments in favour of 'protecting' black women. Closer analysis shows that Botha desired the impossible: to maintain the essence of inherently hurtful laws, while welcoming proposals to remove the hurtful aspect of this legislation.

Botha's 'reformist' rhetoric not only raised expectations, albeit unjustifiably, but his language was itself the product of a much broader feeling that the time was ripe for a review of miscegenation legislation. His clarifications could not allay this trend in a South Africa which was increasingly isolated.

104) Survey of Race Relations in South Africa, 1980, pp.71-2

105) Assembly Debates, 1980, cols.228-31

A flurry of resolutions on mixed marriages was passed by the non-racial churches, increasingly dominated at Synod by an alliance of outspoken black delegates and sympathetic white liberals. The Methodist Church of Southern Africa had repeatedly called for repeal of the Act, and had expressed its understanding of ministers who, on grounds of conscience, handed in their licences rather than carry out this law.(106) In 1981 it added a call for the repeal of Section 16 of the Immorality Act.(107) The Methodist resolutions were somewhat ironically always prefaced by agreement with the Ras, Volk en Nasie conclusion that the biblical 'ban' on mixed marriages had a mainly religious motivation, showing how this report continued to provide a point of reference in debate with the non-racial churches.

The United Congregational Church of Southern Africa also favoured repeal of these laws(108), as did the Executive Commission of the Presbyterian Church of Southern Africa (PCSA)(109), while Die Ligdraer asked the NGK to support the Sendingkerk in approaching the Government in this regard.(110)

The Prime Minister meanwhile failed to take any action on this matter until August 1981, when he agreed to receive a delegation from the Church Unity Commission (CUC) churches. At this meeting he requested that they seek consensus with other churches before he took any further action.(111) He claimed that such action was difficult until all churches could speak with a united voice on this issue, an apparent reference not only to Afrikaans Reformed conservatism, but also to certain African independent churches,

106) cf. Methodist Church of Southern Africa Annual Conference Minutes, 1977, p.183; 1978, pp.172-3; 1979, pp.183-4; 1980, pp.190-1

107) Ibid., 1981, p.203

108) cf. 'Report of Church and Society Department' to UCCSA 1980 Assembly, p.5

109) Minutes of Executive Commission meeting 24.3.1981 in PCSA, Papers for General Assembly, 1981, p.4

110) Die Ligdraer, 16.8.1980, p.186

111) PCSA, Papers for General Assembly, 1982, p.31

which also allegedly supported these laws.(112) It is difficult to know whether the Prime Minister was sincere in setting this condition, or whether he deliberately erected this proviso because he knew that it would effectively postpone repeal or 'improvement' indefinitely.

It certainly created a major stumbling block, which was not overcome by the efforts of Anglican Archbishop Russell to achieve some sort of consensus at a private meeting in February 1982 in Parktown, which was attended by representatives of most major denominations. The NGK was however unwilling to change its attitude to miscegenation legislation, and agreement could not be reached on the key issue of whether the Government should be approached with a view to a request for repeal.(113)

6.2 From Protest to Action: Civil Disobedience and the Mixed Marriages Act.

Just when the Prime Minister effectively blocked legislative action on the Mixed Marriages Act through the provision of consensus which he had set for the churches, a radically new approach emerged in the non-racial churches, one which by the time of the 1982 Parktown meeting had moved the focus of the debate on the Act among these churches from repeal to a still more controversial area: civil disobedience.

For many years individual ministers had occasionally married mixed couples quietly in a purely religious ceremony, after which these couples, where circumstances permitted it, would live together clandestinely as man and wife.(114) The issue of marrying mixed couples, regardless of the law, and the concomitant question of the separation of church and state in marriage through the returning

112) J.H.P. Serfontein, op.cit., p.144

Serfontein points out that while the Government makes much of the size of such churches, alleging that Bishop Mokoena's group of churches represents three million members, this is a vastly exaggerated figure.

113) Private communication.

J.H.P. Serfontein, op.cit., pp.146-8, also give a fairly detailed treatment of this meeting.

114) cf. Interview with Dean E.L. King (CPSA), 3.8.1983

of clergymen's marriage officer licences to the Government, was one which had occupied South African Council of Churches (SACC) members for several years. The 1977 SACC National Conference had advocated the solemnization of mixed marriages in a purely religious ceremony, but there had been little enthusiasm among member churches for such radical action as the returning of marriage officers' licences.(115) Despite an ongoing SACC investigation into this issue, there was very little response until 1981.(116)

In that year the traditionally conservative, white-dominated Presbyterian Church of Southern Africa (PCSA) voted to call on ministers to marry racially mixed couples who asked them to solemnize their unions. Ministers were asked to complete the marriage registers in such cases and send them to the Secretary of the Interior, if the couple agreed to this.(117) This decision caused an initial furore, although it in fact had little practical impact on the actual level of incidence of mixed marriages. A year later, the PCSA Church and Nation (SA) Committee was still unaware of any such mixed marriages solemnized by a PCSA minister.(118)

A resolution such as this, which raised the possibility of civil disobedience, had nevertheless been long in coming, bearing in mind the increasing willingness to consider limited forms of civil disobedience in several church bodies. Defiance of government attempts to silence discussion on conscientious objection against military service is a case in point.(119) Nevertheless the PCSA decision was severely criticized by government ministers such as Messrs. Louis le Grange, Chris Heunis, and Dr. Treurnicht, the PCSA being accused of seeking confrontation with the state and of trying to embarrass the Government. Threats of a harsh reaction

115) SACC files (various reports)

116) Ibid.

117) PCSA General Assembly, 1981, Proceedings and Decisions, p.202

118) PCSA, Papers, 1982, p.30

119) cf. for instance Methodist Church of Southern Africa Conference Minutes, 1979, p.197; 1980, pp.202-3; 1981, p.216
The conscientious objection debate (and the asserted right of churches to discuss it) is found in most non-racial church records from 1974 onwards.

were hinted at, but Le Grange himself was forced to state in defence of his leader that the Act itself was under 'serious investigation'.⁽¹²⁰⁾

The United Congregational Church of Southern Africa (UCCSA) Church and Society Department, however, favoured similar action to that supported by the PCSA⁽¹²¹⁾, while Dr. Alan Boesak, leader of the reformist wing of the NGSK, asserted that the PCSA decision to challenge the Government on so fundamental an issue was indicative that this church was closer to the Reformed tradition than those who sought to protect an unjust law.⁽¹²²⁾

The Anglican CPSA, which had initially favoured the line of merely pushing for repeal⁽¹²³⁾, moved at its next Provincial Synod meeting (in late 1982) to support the PCSA approach, as did the NG Sendingkerk following its 1982 Synod.⁽¹²⁴⁾ By that time the situation in the churches had changed markedly with the acceptance by the CPSA, NGSK, UCCSA and Methodist Church of the decision by the World Alliance of Reformed Churches (WARC) at Ottawa in August 1982 to declare apartheid a heresy. The NGSK attempted to develop the concrete implications of this by adopting the WARC approach of treating the rejection of apartheid as a status confessionis, that is, a point on which members were not permitted to differ.⁽¹²⁵⁾ As Charles Villa-Vicencio remarked in an article in the Journal of Theology for Southern Africa, there was an emerging consensus that apartheid is heretical, challenging the churches to demonstrate this belief in practice.⁽¹²⁶⁾

It was, however, precisely in attempting to put this consensus into practice that agreement proved more difficult to achieve. The civil disobedience response to the Mixed Marriages Act alone was a contentious question, resulting in at least three lines of approach. The Methodists saw it in terms of marriage officers exercising their

120) Ecunews, 27.11.1981, pp.7-9

121) 'Report of Church and Society Department' to UCCSA Assembly, 1981,

122) Ecunews, 30.10.1981, p.19

pp.20-1

123) cf. for instance its strongly-worded and influential memorandum of 1981 to the Prime Minister.

124) cf. CPSA Provincial Synod, 1982, Acts and Resolutions, pp.50-1
Majority decision of Sendingkerk ASK, 15-17.3.1983, in Die Ligdraer, 1.4.1983, p.77

125) Die Ligdraer, 16.10.1982, pp.273-9

126) C. Villa-Vicencio, 'A Consensus Against Apartheid', in J.T.S.A.
No.41, December 1982, pp.85-7

freedom to return their licences to the Government and, by implication, marry people across the colour line in a strictly ecclesiastical capacity. The CPSA and NGSK followed a policy which many Catholic priests seem to have followed for many years (127): that of retaining their licences, but functioning at two levels. In mixed marriages, they perform a purely religious ceremony, while in racially homogeneous marriages, they perform the civil functions as well. Mixed marriages are kept in a separate register.(128)

The PCSA took a third and bolder stand in 1981, proposing to attempt to register mixed marriages in certain cases, thus challenging the Government in a manner which no church had ever done. The serious legal difficulties to which this could give rise and the fear of many ministers that they would lose their licences en masse forced the appointment of two parallel investigations into the legal ramifications of the 1981 decision, resulting in the decision in 1982 to adopt the line followed by the CPSA and Sendingkerk.(129) Either approach is problematic, however, because it remains unclear whether a minister who performs a mixed marriage in his capacity as a clergyman (and not as a marriage officer) is breaking the law. (130)

The non-racial churches have sought to bridge the gap between theory and practice, although they face serious obstacles, not the least of which is the reluctance of many ministers to lose their marriage licences.(131) In contrast the issues in the Afrikaners Reformed churches remain at the level of theory. The GK has

127) Private communication.

128) Interview with Dean E.L. King, 3.8.1983

CPSA Provincial Synod, 1982, Acts and Resolutions, p.51

Die Ligdraer, 1.4.1983, p.77

129) cf. extensive reports in PCSA Papers, 1982, pp.14, 30-2, 48-62, 187-8; also PCSA General Assembly, 1982, Proceedings and Decisions, pp.185-6, 202

130) Compare findings of Prof. Kerr in PCSA Papers, 1982, pp.50ff., 62 and opinion of Provincial Registrar (Basil Corder) in CPSA Provincial Synod, 1982, Acts and Resolutions, p.71

131) Dean King (Interview 3.8.1983) pointed out that black clergymen in the CPSA have been among the most recalcitrant in this respect, arguing that loss of their licences would cause 'chaos' in the rural areas.

proved the most outgoing of these churches, deciding in 1979 that mixed marriages could not be regarded as scripturally impermissible and that it is the task of the state to combat all immorality, not only that across the colour bar. This view was reiterated in 1982. Prime Minister Botha, however, argued in an interview that, while the GK therefore disapproved of these laws, it agreed that in practice the problems raised by mixed marriages had to be recognized, and the implications pointed out to the prospective couple.(132)

In principle the GK stand was in agreement with the more explicit views of a minority report submitted to the NGK General Synod in 1982. This report showed that the 'Cape' verligte element had made considerable strides in its thinking since the mid-seventies. It was argued in this report that, while practical problems attending mixed marriages had to be pointed out by the church, the Act itself was 'morally indefensible', since it lay outside the competence of the state to prohibit marriages purely on racial grounds. It was held that this was the case because social circumstances had changed since 1949, and also because of the deleterious effects of the Act on race relations. The state should therefore itself decide on what to do about the Act (a pointed reference to Botha's attempt to shift as least some of the responsibility for any changes onto the churches - if and when they reached some degree of consensus).(133)

In contrast the majority decision adopted by the General Synod upheld the miscegenation laws, the right of the state to intervene in special circumstances, and the view that in these circumstances the Mixed Marriages Act was a justifiable measure.(134) In the same way the 1983 Algemene Kerkvergadering of the NHK reaffirmed the 1977 decision of its General Commission, upholding its support for these laws. It suggested that 'improvements' might include the transfer of section 16 to the Mixed Marriages Act and the extension of the latter to prohibit marriages between all population groups. The NHK argued that, where coloured people found such laws offensive, they would simply have to be persuaded that this was not

132) Beeld, 17.12.1982; Rapport, 19.12.1982

133) Minority Report, 1982 NGK General Synod, art.7.2.2
(mimeographed, Cape NG Inligtingsburo)

134) Majority decision of 1982 NGK General Synod (original
Handelinge, pp.311-2)

discriminatory legislation, but was for the good of all.(135) These views were submitted to the Prime Minister as the NHK contribution to improving the miscegenation laws. Whereas in the NGK a significant minority had favoured repeal, in the NHK the drive for repeal had been largely a one-man campaign, embodied by the UNISA theologian, Prof. Jimmy Loader.(136) The chances of a change in official outlook in either of these churches in the foreseeable future were therefore slim. By mid-1983 the only sign of substantially new thinking had been in some of the Western Cape NG congregations, led by the Stellenbosch Moedergemeente (Mother Congregation). The Church Council of the latter decided in April 1983 to ask the Government to consider repealing the miscegenation laws, not because mixed marriages were necessarily desirable, but because the law unjustifiably criminalized them.(137)

In a controversial resolution of the Western Cape NG Synod later that year, it was decided to support this viewpoint, and the Mixed Marriages Act was declared to be in conflict with Scripture, with the essence (wese) of marriage, and with the principle of the God-given unity of mankind.(138) Although this was an important victory for those verligte theologians who had pushed for a similar decision in the minority report before the 1982 General Synod, it should be remembered that historically the Cape has favoured more flexibility on racial issues than the other synods, as has been shown in this chapter. Moreover, support for parties to the right of the NP was negligible in the Western Cape. Therefore, unless the powerful, conservative regional synods in the north made a radical change in position, it was unlikely that the Cape decision would be adopted at General Synod level in the immediate future.

7. Conclusion.

If there was one politically ^{significant} ~~valuable~~ consequence of the PCSA

135) cf. 'Memorandum van die Kommissie van die Algemene Kerkvergadering van die Nederduitsch Hervormde Kerk van Afrika oor die Wet op Gemengde Huwelike en die Bepaling oor Ontug tussen Blank en Nie-Blank' (mimeographed report); also NHK Algemene Kerkvergadering, 1983, Handelinge, pp.367-9

136) Personal communication, Prof. J. Loader, 2.6.1983

137) Die Ligdraer, 1.6.1983, p.137

138) The decision is given in full in Die Ligdraer, 1.12.1983, p.292

decision and similar resolutions of other churches, it was to make the Prime Minister at least consider a line of action which was not dependent on consensus between the churches. In April 1982 he was still playing on this lack of consensus, alleging that whereas the CUC churches represented only twenty four percent of the white population and a minority of blacks, the miscegenation laws were supported by churches representing fifty six percent of whites and two organizations with some eight million members.(139)

By 1983 this argument had worn thin. Although stressing that the churches were divided on the matter, the Prime Minister declared in April that he was willing to refer the issue for investigation to a parliamentary select committee to be considered on a non-party political basis, and in consultation with interested groups such as the churches.(140) He repeated his earlier position that these laws were unnecessary for white survival, but that the Government was 'morally opposed' to abolishing them. He also repeated his earlier request that the churches reach consensus on the line of action which they wished the Government to follow, but it is difficult to ascertain whether such consensus was a precondition for 'improving' these laws.

Perhaps Botha's key assertion was an appeal to the churches not to seek confrontation with the state.(141) He threatened to

139) Assembly Debates, 1982, cols.4635-6

Botha's figures are both questionable and misleading. The black organizations to which he referred were apparently umbrella bodies linking certain African independent churches. Not all of these support the 'sex laws', as was shown at the 1982 Parktown meeting, and by even the most liberal estimate, no more than perhaps thirty percent of blacks belong to independent churches, most of which are extremely small and lacking the kind of stable structures which would lend themselves to making representative political decisions (cf. M. West, Bishops and Prophets in a Black City). Botha did not mention the large Roman Catholic, Lutheran and black NG churches, all of which oppose these laws, nor any figures for coloured church membership.

140) The Argus, 22.4.1983

141) Ibid.

withdraw his offer of a select committee if certain churches continued to disobey the law.(142) It is likely however that it was precisely this threat of direct action by the churches which prompted this renewed initiative; on the other hand no political leader could be expected to accept passively the ongoing defiance of his authority. The best solution in the circumstances was to reduce tension by diverting the energies of opponents to a delaying exercise such as a committee. It was quite a different matter as to whether the Government would actually seriously consider outright abolition, in view of the continued opposition to such action from the establishment of the powerful NHK and NGK, especially at General Synod level.

Nevertheless the positions of the National Party and of the churches, both Afrikaans and English-speaking, had in certain respects shifted substantially since the late forties. Although neither the Nationalists nor the NGK and NHK establishment (with the exception of the Western Cape Synod) had disavowed their traditional support for miscegenation legislation, and although many of the fundamental theological presuppositions which had motivated their support for such laws thirty years before remained with them, there had been significant changes in at least the 'rhetoric of apartheid'.

The English-language churches, which had moved from vague statements of opposition to a mixed marriages law on liberal-individualist grounds, had begun to see how much deeper theological issues were involved, issues which forced them not only to denounce apartheid as a heresy at a time when the ecumenical spirit frowned on the very use of such a word, but also to consider the possibility of civil disobedience in the face of such laws.

For the Afrikaans Reformed community, changes were less radical, but there was an increasing awareness that the mere accumulation of exclusivist texts from Scripture was insufficient to undergird miscegenation laws. In some cases, as with the majority of the NGK, this meant seeking a more sophisticated, updated and 'pragmatic' theological basis for supporting these laws. For some, and this was particularly true of Nationalist 'verligte' intellectuals, it was

142) Cape Times, 22.4.1983

felt that theology should be abandoned entirely in favour of purely pragmatic, 'practical' arguments supporting maintenance of such legislation. Yet for others, a minority of NG theologians, an even smaller minority in the NHK, and substantial elements in the GK, there was an unease which eventually led to a willingness to consider discarding the miscegenation laws entirely because of the theological and humanitarian problems which they posed.

There had been many factors responsible for these changes. The pressure from the World Council of Churches at the start, from the RES over a period of some twenty years and more recently, from the World Alliance of Reformed Churches, was one such factor. The publicity given to the personal tragedies caused by miscegenation legislation was also important, prodding individual prominent Afrikaners in the press, the party and in church and university circles to question the morality of upholding such laws.

There was also the isolation of Afrikaners from their fellow South Africans, as first the English-speaking churches and then the black NG churches became increasingly critical of apartheid in all its dimensions. The role of black theologians inside both the non-racial and the NG churches cannot be underestimated here, as hesitant white liberals were forced to re-examine the validity of their positions.

It remains, however, to consider those theological assumptions which remain fundamental even to an updated theology of apartheid, assumptions which perhaps even some 'liberals' have not entirely discarded. What is required at this point is an exposition of the flaws in such assumptions, and the lines along which a totally different theology of marriage, and more specifically of mixed marriages, can be pursued. The negative props of the theology of separation need more than anything else not only to be abandoned, but replaced by a positive theology which not only demonstrates the impermissibility of miscegenation laws, but which is supportive of mixed marriages themselves as relationships which possess a unique symbolic value in our divided society.

CHAPTER FIVE: THEOLOGY AND THE MIXED MARRIAGES ACT.

1. Earlier and Contemporary Afrikaans Reformed attitudes to mixed marriages compared.

Theology has figured prominently in the preceding chapters, but it is only at this stage, having investigated in detail the nature of the long debate on legislation against mixed marriages, that it is possible to focus specifically on the theological dimension of this debate. It is impossible within the space available to analyze comprehensively all the theological arguments, and the changing nuances in their formulation, which have been brought to bear for or against such legislation. The focus is on the 'theology behind the Act' in the broadest sense, and consequently on the theological arguments and presuppositions of the Afrikaner Nationalists who support the Mixed Marriages Act, and more specifically on those of the NGK, to which the great majority of them belong.

Since this is a question which is intimately related to the great issues of church, state and race relations as they pertain to South Africa today, attention is to be given primarily to the current theological debate, as perceived within the historical context already outlined. This contextual approach shows that the gap between the theological positions of each era is in fact not as wide as many might think, notwithstanding the large-scale growth of 'verligte' responses to race politics, in contrast to the orthodox proto-apartheid theology of the Malan era, with its ready reference to scriptural quotations as a direct basis for a theological legitimation of miscegenation legislation. That is, while the theological methodology has changed, the assumptions and conclusions reached are not fundamentally different.

In the forties, theologians and Nationalist philosophers such as Cronjé and Groenewald could consider as sinful attempts to transgress racial boundaries through, for instance, mixed marriages. A NG theologian such as A.B. du Preez drew on traditional (1) Afrikaner interpretations of biblical passages such as the Babel narrative (Gen.11) to argue that racial integration is sinful, contending that, as a result of the dispersion of peoples following

1) cf. E.P. Groenewald 'Apartheid en Voogdyskap in die Lig van die Heilige Skrif', in G. Cronjé et al., Regverdige Rasse-Apartheid, p.57

the Tower of Babel incident, certain deep-seated spiritual differences between peoples emerged, obstructing intimate social relations, such as marriage between widely differing groups. Mixed marriages were therefore said to be impermissible, because (a) they were physically and spiritually lacking in the unity necessary for a successful partnership, and (b) they were against God's will. In Du Preez's words:

Waar 'n blanke dit bv. waag om met 'n naturel of Chinees te trou, beteken dit dat hy die Godgestelde innerlike sielkundige grense verag, die huweliksgebod van passendheid ongehoorsaam is, en hulle sal vir so 'n onpassende huwelik gestraf word.(2)

Although references to direct parallels between 'apartheid' in the Bible and in modern South Africa have become less common in recent years, other themes have persisted in the literature. The concept of the desire for self-preservation as being a sound Christian principle was propagated by Geoff Cronjé in the forties(3), while E.P. Groenewald argued in Regverdige Rasse-Apartheid that it was unthinkable that God who had established separate races would permit them in time to fuse (saamsmelt) into a single entity.(4) The idea that apartheid allows each group to develop in keeping with the nature given to it by the Creator ('in ooreenstemming met die aard wat die Skepper aan hom toebedoel het') was also of great importance to Groenewald, whose belief in the moral and theological correctness of apartheid led him to dismiss 'integrationists' as 'communists' or Christians who paid insufficient attention to

2) A.B. du Preez, 'Die Skrif en Rasseverhoudinge', in Die Kerkbode, 15.3.1950, pp.502-4

tr. Where a white for example dares to marry a native(sic) or Chinese, it means that he scorns the God-given inner spiritual boundaries, disobeys the marriage ordinance of compatibility, and they will be punished for such an unfitting marriage.

3) G. Cronjé et al., eds., Regverdige Rasse-Apartheid, p.21

4) E.P. Groenewald, 'Apartheid en Voogdyskap in die Lig van die Heilige Skrif', in G. Cronjé et al., eds., op.cit., p.47

Scripture.

Met die oog hierop kan met dankbaarheid gekonstateer word dat die rassebeleid van die Afrikaners 'n bewys lewer van die volk se eerbied vir God en Sy Woord.(5)

The conviction that apartheid can, however indirectly, be justified theologically, and the casting of suspicion on all who disagree with this viewpoint, have remained with the Afrikaans Reformed community, as can be seen from a document such as Ras, Volk en Nasie, or from NG support for the concept of an ideological 'total onslaught' upon South Africa.(6) In the same way, many of the issues which came to the fore in verlig/verkramp squabbling within the NGK in the seventies had been raised in the late forties by B.B. Keet and Ben Marais, who sought at that time to dissuade their church from constant recourse to the Bible as 'evidence' for justifying apartheid.(7)

The language of present-day NG theology, and more specifically of Ras, Volk en Nasie, is more subtle than that of earlier years, but as was shown in the previous chapter, it was the product of a painfully slow evolution in theological formulation, and bears the marks of a real continuity with the thinking of an earlier generation, particularly with the 1965 Cape and 1966 General Synod documents on race relations.

An examination of paragraphs 62-65 of Ras, Volk en Nasie, which deal with mixed marriages, shows that arguments have become more circuitous, while reaching essentially the same conclusions and retaining the same general presuppositions as the older forms of apartheid orthodoxy. Certain important changes in formal

5) Ibid., p.66

tr. In view of this, it can be stated with gratitude that the racial policy of the Afrikaners delivers proof of the volk's obedience to God and His word.

6) The 1982 General Synod of the NGK began its programme with a full day of talks on the 'total onslaught'.

7) For details of the fierce debate inside the NGK which ensued when Keet and Marais raised this issue, see my unpub. paper 'Apartheid and Scripture: A Study of Trends in Afrikaans Reformed Thought with Especial Reference to the Debate in 1948-1950 in the NGK'.

presentation have, however, taken place and these must be both noted and responded to in a serious manner. In contrast with the reasoning of a Cronjé, Groenewald or Du Preez, it is possible to distinguish a more complex line of argument in the orthodoxy of Ras, Volk en Nasie, a change which displays a significant shift both in method and justification:

- i) No direct pronouncement for or against a ban on racially mixed marriages can be found in Scripture - at least not in so many words (a qualification which more conservative souls would hasten to add).
- ii) Although the unity of mankind is a biblical principle, there is another, equally important principle, namely that of the diversity of peoples, which is willed by God.(cf. Gen.10-11). Any action which would threaten this principle (for instance, a large-scale incidence of mixed marriages) is therefore contrary to God's will, since He desires the maintenance of this diversity.
- iii) Usually the state does not intervene in one's choice of marriage partner, but the authority of the state, and the interests of the church, in the matter of marriage, cannot be denied.
- iv) Therefore where in a particular situation, the equilibrium of a multiracial context (the principle of diversity) may be disturbed and disrupt peace and order, the state is entitled to intervene and prohibit mixed marriages.
- v) Regardless of whether these special circumstances exist, major differences impede marital bliss and could eventually destroy the principle of diversity. Therefore these marriages are impermissible, or at best highly undesirable, and the state is justified in acting against them.

There are several dominant motifs here which have long been part of apartheid theology, while it is now acknowledged that there is no explicit scriptural teaching for or against racially mixed marriages. It is clear from the proceedings of the 1974 NG General Synod that this was not easily accepted by more conservative churchmen, who sought to build various provisos into such an assertion, for instance insisting that the ban on mixed marriages in the Old Testament was basically religious ('oorwegend godsdienstig') and

that the Bible does not literally ('letterlik') express itself for or against such marriages.(8) The shift away from simplistic but dogmatic references to Scripture in fact later made it possible for more liberal NG churchmen to discard entirely even a modified theological motivation for supporting the Mixed Marriages Act, as with the significant minority report on this subject to the 1982 General Synod.(9)

Yet, some notable themes have survived from an earlier era, albeit in a new guise, in Ras, Volk en Nasie. They include the centrality of the principle of diversity, the threat of mixed marriages to good order, recognition of state authority, and the inability of mixed couples to be truly happy. Another motif which is increasingly raised (but which featured as far back as Dönges's speeches in 1949) is the suffering of the children of mixed marriages. This, however, is a misleading argument, because, as was pointed out in discussing the responses of the churches to the passing of the Act, this suffering is caused not by mixed marriages as such, but by the prejudices of society. The same prejudices which made the children's lives difficult are those which make the lives of the parents so difficult; it is therefore the prejudices of South African society which need to be eliminated, rather than mixed marriages, which are far less problematic in a community characterized by charity and openness to change.

Similarly the argument that miscegenation legislation is necessary to prevent the exploitation of black women (frequently heard in recent years, but also dating back to the passing of the laws) is patently groundless. Black women are exploited by men of both their own and the white communities. Such problems can be dealt with in ways other than by passing laws to prevent inter-racial sexual contact. The 'exploitation' argument is also redolent of a paternalism which blacks find increasingly offensive, especially when it is used to defend hurtful laws.

Miscegenation legislation is, at best, a palliative which fails

8) NG General Synod, 1974, Handelinge, pp.610-12

9) cf. 'Aanbevelings van minderheid' (Minority Report on Mixed Marriages Act and Section 16 of Immorality Act to 1982 General Synod), art.7.2.2

to deal with the root causes of complicated human problems. This is understandable, because Afrikaans Reformed theology is so often characterized by an unwillingness to concede the ability of human beings to deal with these fundamental problems. It is taken for granted, for instance, that mixed marriages cannot be happy and will inevitably disrupt good order in the South African situation. Under these circumstances, rather than engaging in a campaign to combat the underlying social attitudes and structures which cause this unhappiness and friction, the Government is called upon to prohibit such marriages.

This too is to be expected, because the whole philosophy and system of apartheid is built on these attitudes and structures. This is ironic when it is recalled how both Calvinism in general and NG theology in particular attach such importance to a transformation of social structures and attitudes by the gospel message. Thus Ras, Volk en Nasie commends Calvin's exhortation, 'societas semper reformanda' ('society must always be reformed'), and repeatedly asserts that Scripture must be the basis for determining human relationships, with Christians as the 'salt of the earth and the light of the world in all spheres of life'.(10)

Alternatives to apartheid are, however, considered unrealistic by the Afrikaans Reformed establishment and are regarded as failing to take cognizance of human weakness and the 'principle of diversity'. Under these circumstances it becomes necessary to legitimate this sanctification of the status quo theologically: the principle of diversity is stressed as God-given, at the expense of the principle of unity, while state authority in ordering society according to this principle is similarly undergirded theologically.

2. Principal Themes in Afrikaans Reformed Theology of Apartheid and their Theological Roots.

In order to understand why certain motifs dominate the Afrikaans Reformed attitude to mixed marriages (and to race relations in general) it is necessary to consider their roots in a particular interpretation of the Calvinist tradition, transmitted via the Neo-Calvinist Dutch school of Kuyperian theology in the light of the Afrikaner historical experience. In doing so, certain presuppositions will be exposed - presuppositions which are linked to a further set of

10) Ras, Volk en Nasie (English version), par.45.2, 46.1-2

assumptions, namely those which characterize the fertility-lineage approach to society and marriage, outlined in the first chapter. When set against this ideological framework, the drive for and support of the Mixed Marriages Act by the Afrikaans Reformed community becomes more intelligible.

In addition, when this relatively cohesive complex of ideas is compared with the variety of ideological strains present in the non-racial churches (ranging from Roman Catholic to Scottish Calvinist), it becomes easier to understand why these latter religious groups lacked the unity of purpose to respond clearly and unambiguously to Mixed Marriages legislation. It was only when the emphasis shifted from ideological to practical opposition in recent years that a more unified line of action could be discerned. As will be shown, however, this too has not been as effective as might otherwise have been the case.

Calvinism (and Neo-Calvinism, for that matter), like Scripture, is capable of many interpretations. ~~Hence~~ for every interpretation of central Reformed ideas outlined here, there is probably another which is virtually its opposite. Thus, while recognizing that there is a strongly 'liberal' stream in the Reformed tradition, there is also another much narrower stream which is essential to understanding the ideology of apartheid or separate development. It is interesting that most of the themes isolated in this dissertation have been detected by Daniel von Allmen in the Swiss Reformed response to Ras, Volk en Nasie.(11) These themes may be grouped under the headings of man and the state, church and state, the nature of the church, race, and marriage.

2.1 Man and the State.

Central to the Afrikaner reading of Calvin's thought are the following: the impotence of man, the sovereignty of a God who predestines the course of events, and the radically corrupting influence of original sin - in brief, a deeply pessimistic anthropology.

The opening passages of Calvin's Institutes display the conviction that man seeks God precisely because of his depravity and corruption, recognizing the 'true light of wisdom' contrasted with 'a veritable world of miseries'.(12) In the words of Wilhelm Niesel,

11) cf. D. von Allmen, Theology - Advocate or Critic of Apartheid?,

12) Calvin, Institutes, 1.1

the renowned authority on Calvin, with respect to original sin:

The words 'if Adam had not fallen' are not only the all-inclusive condition governing Calvin's arguments: it would be better to say they are the minus sign preceding the whole sum of what Calvin teaches about man and his relation to God. The fall means that man's whole relationship to God is reversed. Thus it introduces not only a quantitative change but a qualitative one. We are not only blind and deaf with regard to the intimations of God in nature; we are crazy. Our deadness and perversity darkens everything, so that any insight which we gain becomes nothing more than a monstrous deception.(13) (own emphases)

It is this emphasis which Afrikaner Calvinists take up, not only in respect of the knowledge of God (the subject which Niesel addresses here), but in respect of man's ordering of the world. Consequently in a report such as Ras, Volk en Nasie, there is a stress on the 'realistic' recognition of the 'forces of darkness' which limits the possibility of achieving justice in the present dispensation and which largely reduces the effects of Christ's redemption to an essentially 'spiritual' sphere, with the force of circumstance elevated to a supreme law in the governance of the wider community.(14)

Von Allmen succinctly summarizes the practical effects of such a notion of man and sin:

Diversity, separation, discord, indeed sin, prevail in the world - all this in one way or another part of the will of God who has decreed that justice, unity and so on, in their perfection, will only prevail at the end of time.(15)

It is the readiness to compromise with sin that enabled the NGK in 1857 to permit segregated holy communion on account of 'the weakness of some'.(16) It is this same factor which enables those verligte Afrikaner Nationalists who deny that mixed marriages are inherently sinful to support a law which is considered necessary 'in a multiracial and multinational situation' where 'the

13) W. Niesel, The Theology of Calvin, p.46

14) D. von Allmen, op.cit., pp.10-11

15) Ibid., p.10

16) cf. C. Loff, 'The history of a heresy', in J.W. de Gruchy and C. Villa-Vicencio, eds., Apartheid is a Heresy, pp.10ff, for an account of the background to this decision.

preservation of "peace" in the Biblical sense would be of more importance to the authorities than the free choice of marriage partners by certain individuals'.(17) The readiness to use any measures deemed necessary to prevent alleged inter-racial friction (rather than work to eliminate the friction itself) can equally be seen in the 1982 NHK memorandum to the Government on miscegenation legislation. The NHK commission saw the issue as consisting primarily in a choice between the Government's protection of communal identities through such legislation, or the rejection of this 'responsibility' by the authorities, with the 'inevitable result' that public opinion would again come to the fore with its 'inconsistencies and cruelty'.(18)

The black theologian Simon Maimela correctly links the kind of contemporary 'white theology' that delights in condemning social activists for their optimism about human possibilities, to the gloomy anthropology which he detects in the Paul-Augustine-Luther-Calvin theological tradition. A situation of multifarious inter-racial contacts (let alone mixed marriages) is seen not as a challenge to new ways of implementing Christian ethical principles, but as a 'race problem'.(19) While lip-service is paid to the 'divinely ordained' unity of mankind, there remains the all-pervading and unbiblical presupposition (surprisingly reminiscent of Hobbes and possibly Marx, as Maimela notes) that man is simply 'a creature who is dominated by self-centred social drives, seeking to acquire as much wealth, power and prestige as he can for himself or his group or class....'(20)

It was perhaps to be expected that this particular interpretation of Calvin's anthropology was adopted by Afrikaners who perceived themselves to be a continually threatened minority on a black continent, hounded by British imperialist expansionism. It

17) Ras, Volk en Nasie (English tr.), par.64-2

18) 'Memorandum van die Kommissie van die Algemene Kerkvergadering van die Nederduitsch Hervormde Kerk van Afrika oor die Wet op Gemengde Huwelike en die Bepaling oor Ontug tussen Blank en Nie-Blank', p.3

19) S. Maimela, 'An anthropological heresy: A critique of white theology', in J.W. de Gruchy and C. Villa-Vicencio, op.cit.,

20) Ibid., p.51

was made still more inevitable by the growing influence amongst Afrikaner intellectuals of Abraham Kuyper's Neo-Calvinism, partly through the influence of the strongly Neo-Calvinistic GK, and partly (a little later on) through NGK dominees pursuing advanced studies at Kuyper's Free University in Amsterdam.(21)

Kuyper's theology was profoundly theocentric, as opposed to the anthropocentrism of his principal target, nineteenth century liberalism. Inspired by the desire to return his fellow Dutchmen to the faith of their sixteenth and seventeenth century forbears, he sought to propagate a religion for the sake of God - rather than man - as he saw it.(22) His conviction that man had been profoundly corrupted by the Fall led him to the view that, while all men are of one race, sin had broken this organic unity, creating a multitude of states.(23) It is easy to see how this could be linked by Afrikaner theologians to the 'principle of diversity', and how, when Kuyper writes of the mistake of the Alexanders, Augusti and Napoleons in being enchanted with the idea of a One World-empire,(24) this could be associated with one of the central fears of Afrikaner Nationalism - liberal cosmopolitanism. Afrikaans Reformed documents of the forties and fifties abound with references to this alleged threat, linked not to a desire for religious freedom from an ever-encroaching liberal state (as had Kuyper), but to the fear of racial integration.

It was precisely because of Kuyper's obsession with man's fallenness that he attached such importance to Calvin's notion of the authorities or 'magistrates' having been instituted by God, because of sin, as a mechanical means of compelling public order and safety, in contrast with organic sources of authority such as the family. God has instituted the state, in this view, because the alternative would be demonic chaos.(25) The great danger with such a view is that the balance inherent in Kuyper's formulation

21) For the role of Neo-Calvinist theology in GK thought, cf. I. Hexham, The Irony of Apartheid, Ch.IV, VI and VII; also T.D. Moodie, The Rise of Afrikanerdom (a broader study), Ch.4

22) A. Kuyper, Lectures on Calvinism, p.43

23) Ibid., p.80

24) Ibid.

25) Ibid., pp.80-1

is so difficult to maintain: he sees the state as a necessary evil, but it is easy enough to shift the emphasis towards the necessary aspect, a problem in Calvin's own thought. It is easy to forget Calvin's warnings against tyranny and against obeying man before God, when confronted by his repeated injunctions to obey even wicked rulers. The threat of a spiritualizing pietism is ever-present in an exhortation such as 'Let us then also call this thought to mind, that it is not for us to remedy such evils, that only this remains, to implore the Lord's help....'(26)

It then becomes possible to accept the intervention of the 'mechanical' state in an organic sphere such as that of the family (to use Kuyperian terminology), by prohibiting racially mixed marriages, notwithstanding Kuyper's much-vaunted theory of 'sovereignty in own sphere'.(27) In extreme forms, as when certain Afrikaner thinkers came under the influence of German Neo-Fichteanism in the thirties, the special role of the state in a sinful world as envisaged by Calvin and Kuyper, could take on a remarkable soteriological quality. A classic formulation in this tradition was that of Nico Diederichs (later Minister of Finance and then State President) in his Nasionalisme as Lewensbeskouing en sy Verhouding tot Internasionalisme (pp.17-18, 63). Here Diederichs took the natural step of moving from the state as saviour to the nation (of which the state is the embodiment in this kind of philosophy), as possessing a soteriological function: 'The nation is the fulfilment of the individual life....To work for the realization of the national calling is to work for the realization of God's plan'.(28) The shift here from Kuyper's argument is a radical one, but its roots are as much in Kuyperian as in Fichtean philosophy.

Kuyper himself would have found Diederichs's view reprehensible

26) Calvin, Institutes, 4.20.29

27) For a useful summary of this theory, cf. T.D. Moodie, op.cit., pp.52-7
It would be an interesting exercise to attempt to demonstrate whether this theory forbids the kind of state intervention in family affairs characterized by the Mixed Marriages Act.

28) N. Diederichs, cited in C. Villa-Vicencio, 'South Africa's Theologized Nationalism', in Ecumenical Review, Vol.29, no.4, Oct.1977, p.377

and a negation of the sovereignty of spheres, each enjoying its own autonomy. He was no supporter of the volkskirche and similar ultra-nationalist ideas, and there were Afrikaners, such as Professor A.H. Murray of the University of Cape Town, who pursued the group ethic in order to combat tyranny.(29) Murray argued that Calvin had supported a pluralistic corporativism, based on the principle of the autonomy of medieval corporations within the state-at-large, each with a God-given identity under the overall sovereignty of the Law, in contrast with monistic modern liberalism. Similarly, Kuyper held for a dialectical antithesis between the mechanical state and the higher authority of the various organic spheres of society (rooted in creation itself), regulated by law. His theory of 'common grace' (given at creation), as opposed to 'special grace' (the work of the Holy Spirit flowing from the redemptive activity of Christ), also enabled him to modify the otherwise generally pessimistic impression given by his attachment to 'the fatal efficiency of sin'.(30)

The approach of Diederichs, however, was not an isolated one. In 1951 a report of the Kommissie vir Aktuele Vraagstukke of the NG Council of Churches, dealing with aspects of Calvinist politics, asserted 'Alleen God kon red, en in Jesus Christus as Herskeppings-middellaar ontvang ons dan in beginsel ook die staat'.(31) The link between Christ, state and redemption could not have been more explicit. In the past this authoritarian trend has made it all too easy for Afrikaner Nationalists to accept the interference of the state in every sphere of life for the sake of promoting separate development. Examples are miscegenation and population registration laws (which disrupt families), group areas and other mass removals (which disrupt local communities with longstanding historical ties), and the 'church clause' of the 1957 Native Laws Amendment Act

29) A.H. Murray, 'Die Meervoudigheidsbeginsel in die Westerse Staatsopvatting', in Op die Horison, March 1949, pp.21ff.

30) A. Kuyper, op.cit., pp.91ff.

31) NG Raad van Kerke, Handelinge, 1951, p.59

tr. 'Only God could redeem, and in Jesus Christ as the mediator of regeneration we also receive in principle the state'.

(which provides an ever-present threat to non-racial worship in 'white' areas). All of these laws appear to contradict the Kuyperian language of Ras, Volk en Nasie when it states:

The golden rule of sovereignty for each institution in its own sphere, of justice and of love, should be sufficient to preserve the state from revolutionary chaos and political absolutism and tyranny.(32)

It should also be noted that Afrikaner theology has by no means been monolithic in its nature. At least three major trends may be isolated: Andrew Murray's Evangelicalism, Pentecostalism; Kuyperian Neo-Calvinism such as that advocated by H.G. Stoker at Potchefstroom in the thirties or, from a very different political perspective, that of the Koinonia group (described in chapter four); and theological nationalism, reaching its zenith in the writings of neo-Fichteans such as Diederichs.(33) It may well be asked why Afrikaans Reformed theology has, in the main, opted for a combination of Kuyperian thought and theological nationalism, used in such a way as to produce quite a different type of neo-Calvinism from that taught by Kuyper himself. Perhaps the simplest answer is the best one: Afrikaner theologians took from Kuyper what they found most useful in their own socio-political context, that is to say, what confirms the structures and attitudes of a divided society, obsessed by fears of swamping by other groups.

2.2 Church and State.

There is a major difficulty with the Kuyperian theory of 'sovereignty in own sphere', namely that it is all too difficult to draw distinct lines between these spheres in a complex world

32) Ras, Volk en Nasie, par.49.2 In the same paragraph it is stated that 'It is the duty of the state to preserve public order within its own particular area of jurisdiction, to reconcile and regulate the legal interests of the various groups for the sake of public order, to combat evil and to preserve justice'.

33) For the different strands in Afrikaans Reformed theology in the past century, cf. H.T. Asch, 'Afrikaner Nationalism and the Christian Faith' (unpub. paper, 1983), a document obtained by courtesy of Dr. C. Villa-Vicencio.

cf. also C. Villa-Vicencio, 'South Africa's Theologized Nationalism', in The Ecumenical Review, Vol. 29, no. 4, October 1977

characterized by continual tensions between different sources of authority. The consequence of this theory for church-state relationships is that in a situation of potential conflict such as in South Africa, the church may retire to a limited 'spiritual' sphere of influence in order to reduce the possibility of such conflict.

This may lead to a position which in practice is not substantially different from that of the National Socialist volkskirche, in which the church remains silent on socio-political issues. In the latter case this is because the church is the ecclesiastical arm of the state; in the Kuyperian theory it is because of fear of the church's moving outside a carefully circumscribed area. This is not what Kuyper himself intended, since he aimed to limit intervention by the state in church affairs through his theory of 'sovereignty in own sphere'. It is not, however, too difficult to understand how such intentions may be brushed aside when special circumstances, such as those in South Africa, suggest a rather different line of interpreting such a theory.

It may be argued that in South Africa the church has been expected to fit into both of these patterns - when the state requires the theological legitimation of its policies, the church is expected to operate within the political sphere. On the other hand, where conflict threatens, the church is required to limit itself to 'spiritual' matters. In the case of the Mixed Marriages Act, both patterns have been evident.

When Afrikaner Nationalism strove for mastery in South Africa, it found an ally in the Afrikaans Reformed churches in the drive for mixed marriages legislation. Where, as at Cottesloe, or more recently with the controversial decisions of churches such as the PCSA, churches have threatened to withdraw this support, whether implicitly or explicitly, the response of the state has been swiftly to demand submission in political matters.

At the time of the Presbyterian decision to marry mixed couples where required to do so, Dr. Treurnicht (then a deputy minister in the Government) showed clearly how 'sovereignty in own sphere' is interpreted in Nationalist circles:

If a Church develops an obsession about mixed marriages and challenges the Government over the issue, a person can ask if the Church is purely Church, or if it is not moving beyond its power and task by wanting to take over the authorities' functions in certain respects.(34)

2.3 The Nature of the Church.

Treurnicht's reference to the church being 'purely Church' raises the question of the nature of the church itself. Just as Kuyper's theory of sovereignty in own sphere was an attempt to explicate for modern man Calvin's treatment of church-state relations in the last chapter of his Institutes of the Christian Religion, so Kuyper's ecclesiology is modelled on that of the Institutes, particularly chapter I of Book Four.

Calvin's distinction between the invisible church of the elect and the visible communion of all who profess faith in Christ⁽³⁵⁾ has in some cases led to an invidious distinction between a true 'spiritual' church, characterized by an invisible unity, and a visible, earthly church, characterized by all the limitations of human sinfulness and disunity. Kuyper, for instance, talks of the true present church as being hidden, a mere silhouette on earth of the true sanctuary in heaven. He cites in this regard the Westminster Confession (greatly respected in the Dutch Calvinist tradition) with its vision of the universal church as an invisible entity.⁽³⁶⁾

Without wishing to detail the many possible interpretations of Kuyper, he has come to be treated by 'establishment' Afrikaans Reformed theologians in such a way that a certain 'traditional' ecclesiology is affirmed. In the South African situation this can be used to justify separate institutional churches on the grounds that true unity is enjoyed only at a spiritual level. It is this which enables a report such as Ras, Volk en Nasie to maintain that the unity of the church in Christ transcends all divisions in theory, while in practice supporting racially separate churches. It is only in these terms that it can support ecclesiastical apartheid while insisting that the variety in the church does not detract from its unity, which is 'always of primary importance'.⁽³⁷⁾

It has been argued that the emphasis on grace and the Holy Spirit in Calvin's own writings contributed to a relative failure to appreciate the significance of the incarnation (in Calvinism).⁽³⁸⁾ Whether this alleged defect in the christology of Calvin is correct

35) Calvin, Institutes, 4.1.2-4, 4.1.7

36) A. Kuyper, op.cit., pp.59-62

37) cf. Ras, Volk en Nasie, par.14.2-4

38) cf. Johannes Witte, 'Calvinism', in K. Rahner, ed., Encyclopedia of Theology, p.163

or not, the Afrikaans Reformed christology evinced in Ras, Volk en Nasie has been critically commented upon by the Swiss Reformed theologian Von Allmen, who argues that the report shows 'the absence of any theological reflection on the ecclesiological implications of the doctrine of the incarnation'.(39)

Von Allmen argues that the document fails to recognize the importance of the revelation of God in Jesus in the historical process, and the concrete consequences of this central event in Christianity in calling into question the importance of national diversity for salvation and human relationships.(40) He states that Jesus not only proclaimed the unity of mankind (which the report concedes), but broke all the rules of separation, making this unity a reality in the decisive act of dying for all. In contrast, the NGK, he contends, tends toward a spiritualizing of its ecclesiology, precisely because of the limitations of its Christology, which borders on the heresy of docetism (the belief that since God cannot die, Jesus did not really die on the cross). In consequence, the 'vertical' loyalties of trans-ethnic ecclesiastical fellowship are overshadowed by 'horizontal' ethnic loyalties, in Von Allmen's terms. Since the fellowship established in the church is described in Ras, Volk en Nasie as 'spiritual' (a consequence of a weak christology and therefore an equally weak ecclesiology), it remains purely theoretical (apart from the concession in favour of occasional integrated worship).(41) Attempts to develop a stronger sense of church unity are dismissed as 'horizontalism', that is to say, exaggerated emphasis on 'worldly' rather than 'spiritual' concerns.

Although the issue of 'gesamentlike aanbidding' or racially integrated worship is not central to this study, it is of great importance in its implications. If the unity of the church is not considered practically possible, notwithstanding the confession of man's redemption and reconciliation in Christ, the unity of mankind in other, more 'mundane' spheres, has no hope of being realized. The celebration of the eucharist is the central exposition of the unity of the church in Christ; the entrance into marriage of a couple is generally regarded as the deepest expression of human

39) D. von Allmen, op.cit., p.15

40) Ibid., p.13

41) Ibid., pp.14, 17-18

unity in society-at-large. If it is unacceptable for people of different races to join in celebrating communion on a regular basis, it is out of the question for them to marry across the colour line. It was that great exponent of theological apartheid, E.P. Groenewald, who thirty years ago asserted that the unity initiated by Christ is only 'spiritual' and that the brotherhood of man, far from being universal, need only be sought in the local (white) congregation, precisely because human brotherhood resides primarily in the spiritual body of Christ, the church.(42)

Similarly, in 1939 F.G. Badenhorst argued that the unity of believers referred to in Col.3:11 had, above all, to do with the Kingdom of God, which will be revealed only in the hereafter. The diversity of peoples was therefore allegedly upheld in the New Testament, and since God purportedly desired the maintenance of this variety, mixed marriages were objectionable.(43) The link between a weak ecclesiology and opposition to mixed marriages is quite clear here. This explicit link is present in Ras, Volk en Nasie more in the form of an implicit line of thought which results in the kind of contradictions between theory and practice detected by Von Allmen.

These distortions of Reformed theology are nevertheless rooted in certain lacunae in the thought of Calvin, and later Kuyper, that have invited the form of interpretation applied by Afrikaans Reformed theologians. From outside the Reformed tradition this potential link between Calvinist ecclesiology and apartheid was recognized by the Catholic theologian Oswin Magrath. He charged that in the continual striving of the Reformed faith to eliminate attempts at the materialization of our approach to God, it could come to be regarded merely as 'a spiritual religion reducing its material manifestations to the minimum'.(44)

42) cf. E.P. Groenewald, in G. Cronjé et al., op.cit., p.58; also his 'Die Christelike Broederskap Volgens die Heilige Skrif', in Op die Horison, June 1950, pp.50-62

43) F.G. Badenhorst, Die Rassevraagstuk veral betreffende Suid-Afrika, in die Lig van die Gereformeerde Etiek, pp.110-3

44) The Southern Cross, 3.5.1950, p.3

It was all too easy for Afrikaner theologians to miss Kuyper's caveat, in relation to his view of the church on earth as consisting only of 'regenerated and confessing individuals', that the 'real, heavenly, invisible Church must manifest itself in the earthly Church'.(45) Wilhelm Niesel goes so far as to contend that the visible unity of the church as the body of Christ was so important to Calvin himself that in this regard there are vestiges of Roman Catholic ecclesiology in his thought.(46)

While conceding this point, it may be argued that Calvin held for a functional rather than an ontological view of Christ's activity in the church, an understanding of the link between Christology and ecclesiology which must have contributed to the spiritual notion of the church in Afrikaans Reformed theology. Johannes Witte in effect argues for such a distinction. He claims (correctly, it would seem) that, in Calvin's thought, the glorified body of Christ, remaining subject to the spatial limits of the present dispensation, resides locally in heaven, while the church of sinful men is confined to earth, and the gap is bridged only by the power of the Holy Spirit. According to Calvin, the power of the Spirit does not effect an ontological relationship with the glorified Christ, making him present and active in his church, with important consequences for the Calvinist doctrine of the eucharist. Instead, the power of the Spirit brings about a link with the power of Christ, and it is this power which is used to explain the 'presence' of Christ in the eucharist, in contrast with Catholic teaching. According to Witte, it is for this reason that for Calvin the church is not inwardly sanctified through Christ's presence (an ontological relationship), and cannot therefore 'effectively co-operate in salvation by its own God-given activity'.(47)

Instead, Calvin held for an extrinsic link between Christ and church, according to which the activity of the Spirit is bound to the word of Scripture, the preaching of that word and the correct administration of the sacraments. It is there, in Calvinism, that the true church is to be found.(48) As Von Allmen points out, however, this definition, which found its way into Ras, Volk en Nasie, appears in the confessional documents of the Reformed faith

45) A. Kuyper, op.cit., p.62

46) W. Niesel, op.cit., pp.182ff.

47) J. Witte, loc.cit., pp.164-5

48) Ibid., p.165

in a polemical context, distinguishing between the 'true' and 'false' church with reference to the conditions in the Catholic Church of that time.

Von Allmen argues, however, that this is an inadequate definition, which has been abused in the Afrikaans Reformed tradition, excluding for instance a theology of the church as a fellowship.(49) It is because in this latter tradition the concept of church as fellowship is not thought of as essential to the nature of the church, that it tends not to become a fully developed theological concept, and therefore becomes effectively spiritualized. This, however, it may be argued, is at least partly because it is insufficiently developed by Calvin himself as belonging to the very essence of the church, with all the consequences that this has had for the racially divided Afrikaans-speaking churches.

2.4 Race.

While race as such does not seem to have been an issue for Calvin, Kuyper went so far as to advocate miscegenation (albeit between fairly closely related groups), arguing that Calvinism had been most prevalent in nations with a strong degree of racial mixing, the 'physical basis of all higher development'. Kuyper did, however, express contempt for the 'descendants of Ham' precisely because he felt that blacks had been the most isolated group.(50)

Thus Afrikaner opposition to miscegenation could find no direct basis either in Kuyper's or in Calvin's thought. Indeed, André Biéler goes so far as to argue that Calvin considered 'religious nationalism' (and by implication, all forms of racism) to be 'paganism'.(51) Rather Afrikaans Reformed attitudes to race relations sought indirect justification in the writings of Calvin and Kuyper for a theology of apartheid.

For instance E.A. Venter went to considerable lengths in arguing for a solidly Reformed base on which to build apartheid. Citing Calvin's Opera XXXVI, 399, he centred his argument on the Reformer's alleged opposition to the eradication of class differences and extended this to opposition to racial equality. In this

49) D. von Allmen, op.cit., pp.17-18

50) A. Kuyper, op.cit., pp.34-7

51) A. Biéler, The Social Humanism of Calvinism, p.21

regard he cited sources such as Kuyper and Bavinck, as well as Dutch colonial policy, to 'prove' that Afrikaner racial theories were within the broad Reformed tradition.(52)

His method was simple: if he could demonstrate the opposition of Reformed authorities to a monistic liberalism (which was not very difficult in view of Calvin's running battle with Anabaptist propagators of extreme egalitarianism), he could 'prove' that the fathers of the Reformed tradition would not have opposed apartheid, because it allegedly promoted a commendable diversity in society. In relation to Scripture, this line of thought was developed still further by linking the biblical acceptance of racial diversity to the concept of apartheid as a God-given policy:

'n Apartheidsbeleid is Christelik indien die Skriftuurlike bewys gelewer kan word dat God die bestaan van verskillende eiesoortige rasse en volke, elk met sy eie land en taal, gewil verorden het; en dat Hy met die afsonderlike ontwikkeling voortbestaan van volke 'n heilige doel het. Dan is apartheid in Kerk en Staat nie alleen geoorloof nie, maar inderdaad pligmatig, en elke poging tot gelykskakeling word 'n oortreding van 'n God-gegewe ordinansie.(53)

Similarly A.B. du Preez attempted to use the Kuyperian exegesis of Gen.11 to argue that the Babel narrative was a basis for a ban on mixed marriages, because of the 'spiritual' differences which arose from linguistic differences. He also used Kuyperian philosophy to argue that the punishment described in this story was a blessing from God, since the division of humanity into various groups under their own governments tempered the effects of sin.(54)

52) E.A. Venter, 'Die Heilige Skrif en die Apartheidsvraagstuk', in Die Gereformeerde Vaandel, Feb.1950, pp.5ff.

53) Ibid., p.7

tr. An apartheid policy is Christian if it can be proved scripturally that God willed and ordained the existence of different autogenous races and peoples, each with its own land and language, and that He had a sacred goal with the separate preservation of peoples. Then apartheid in church and state is not only permissible, but in fact compulsory; and every attempt at equality becomes a transgression of a God-given ordinance.

54) A.B. du Preez, 'Die Skrif en Rasseverhoudinge', in Die Kerkbode, 15.3.1950, pp.502-4

Various Calvinist themes were drawn together in the Afrikaans Reformed understanding of race relations - predestination, original sin, the doctrine of the elect, sovereignty in own sphere, and a strong emphasis on the Old Testament.(55) The last of these emphases meant that New Testament themes such as the unity and reconciliation of mankind in Christ (cf. for instance Gal.3:28, Acts 2:5-11, Eph.2) are not permitted to alter the central Afrikaner interpretation of the Old Testament. This exegesis centres on a God of wrath who keeps His people apart in order to fulfil its divine calling, a God who has predestined from all eternity the preservation of the diversity of peoples and, if anything, reinforced this ordinance as punishment for the sins of the tower-builders in the Babel story.

F.G. Badenhorst argued that this process of differentiation would remain in the hereafter, citing Bavinck, each people having its own goal and calling.(56) This was linked to the well-known 'missionary theme', the idea that the Afrikaner, like Israel, had to maintain his 'purity' in order to fulfil his mission of evangelization and civilization in Africa. This idea seems to have been quite popular in the Gereformeerde Kerk in particular at one time.(57)

These stresses have become less explicit in the NGK in recent years, judging by a report such as Ras, Volk en Nasie and the language of recent general synods. On the other hand as recently as 1975, the conservative ex-editor of the NG organ, Die Kerkbode, Dr. Andries Treurnicht, wrote of the 'roepingsgedagte' ('calling idea') in his Credo van 'n Afrikaner, a book which clearly bears the mark of Kuyperian 'sovereignty in own sphere' thought.(58)

55) W. Niesel rejects the view that Calvin's legalistic tendencies led him to blur the boundaries between the two Testaments, but agrees that in Calvin's opinion, 'the Old Testament does not reflect a primitive form of religion lower in degree than that of the New'. (The Theology of Calvin, pp.104-5)

56) F.G. Badenhorst, op.cit., p.107

57) cf. H. du Plessis, 'Geen Muur en Tog 'n Muur', in Die Kerkblad, 9.9.1949, pp.4-6
S. du Toit, 'Ons Calvinistiese Afrika-Roeping', in Die Kerkblad, 21.10.1949

58) A.P. Treurnicht, Credo van 'n Afrikaner, pp.10-11
Treurnicht's doctoral thesis was on Kuyper's theory of church-state relationships.

2.4.1 Some Points of Criticism.

The near-fundamentalist exegesis of earlier years is also less common today, and a wide variety of approaches to hermeneutical method can be discerned in the NGK, although it is generally still extremely conservative.(59) Ras, Volk en Nasie, for instance, concedes that the Bible is not a political handbook for modern man, but then proceeds to treat texts in precisely this way.(60)

Willem Vorster points out that although this report makes important advances on the earlier generally uncritical stance of the NGK (he seems to refer to the NGK of the 'sixties in particular), this is primarily political rather than interpretative. There remains the assumption that the Bible is a book of norms for all spheres of life, an assumption rooted in the purportedly Reformed attitude to Scripture. The Bible becomes in Vorster's words, 'a Mishna and a Talmud', handled in the legalistic rabbinic manner, contrary to the heart of the Reformation tradition. This is combined with a highly selective use of a few texts in a subjective manner, which again directly contradicts the stated opposition to linking Scripture with current tradition, and interpreting the Bible selectively according to what the 'historical situation' prescribes.(61)

Douglas Bax notes that only five texts are used repeatedly in the NG Report and attempts to show that these (Gen.1:28, 11:1-9; Deut.32:8; Acts 2:5-13, 17:26) can be interpreted in exactly the opposite way to that in ~~this~~^{the} report, namely to oppose apartheid in all its forms. Without rehearsing Bax's exegesis, which is beyond the scope of this study, it is appropriate to note his repeated reference to the use of natural theology in interpreting Scripture and to the continual conversion of statements about God's providence into purported commandments for men.(62) Bax argues that this amounts to a bifocal theology, based on the twin pillars of Scripture

59) cf. The fierce debate surrounding Ferdinand Deist's 'liberal' exegesis in Die Kerkbode, 16.2.1983- 19.7.1983; or A. König's comment on F.J.M. Potgieter's fundamentalism in D. Bosch et al., eds., Perspektief op die Ope Brief, p.117

60) A. von Allmen, op.cit., pp.6-7

61) W. Vorster, 'The Bible and apartheid,1' in J.W. de Gruchy and C. Villa-Vicencio, op.cit., pp.94ff.

62) D. Bax, 'The Bible and apartheid,2', loc.cit., pp.112ff.

and the structures given in creation, different only in degree from the Catholic pillars of Scripture and tradition. This, he points out, can be traced to an insertion by French Protestants into the 1559 Gallican Confession of Faith, which found its way into the 1561 Belgic Confession, a fundamental confessional document of the Afrikaans and Dutch Reformed traditions. It is, however, not part of Calvin's theology, but a replacement of the first article of his own draft version of the Gallican Confession.(63)

In the radical tradition of Calvinism to which Bax adheres, the heart of the Reformed vision is its unadulterated adherence to Scripture as the word of a sovereign God to an essentially sinful mankind. In this view, it is the very pessimism of Calvinism that prevents it from idolizing the products of creation, whether natural or human. Hence all is open to continual criticism and change, since all is under God's judgment.(64) This school of Calvinism is worthy of note at this point, because (as with Von Allmen's critique) it shows that the mainstream Afrikaans Reformed tradition cannot claim to be the authoritative heir of Calvin, and that some of the harshest critics of apartheid theology are staunch Calvinists.

2.5 Marriage.

Although it is possible to argue, as Bax does, that Afrikaans Reformed theology perverts Calvin through its emphasis on the blessedness of what God has created in nature (an apparent contradiction of its stress on man's fallenness), Calvin's theology of marriage shows significant traces of a similar stress on the sanctity of marriage by virtue of its place in creation. As was shown in chapter one, for Calvin (and Luther), marriage pertains to the natural life of creation and is no sacrament. Hence, although Calvin always insisted on the right of the church to guide the state in all matters, he conceded that marriage is the responsibility of the state provided that it acts in accordance with Scripture, and the church ceremony as such has no juridical significance for him. Indeed, the latter may be regarded as merely supplementary, without detracting from the nature of marriage as an institution of God. In certain circumstances, divorce is possible, because of

63) D.S. Bax A Different Gospel: A Critique of the Theology behind Apartheid, pp.37ff.

64) This point is clearer in A Different Gospel than in Bax's contribution to Apartheid is a Heresy.

the sinfulness of man.(65)

As so often with Calvin, there is a carefully balanced dialectic here, but in Afrikaans Reformed theology, it is the emphasis on marriage as a part of creation and on state responsibility which is stressed, rather than the aspects of divine institution and the prerogative of the church in guiding the state. The tension between the positive value in creation (Kuyper's 'general grace') and the sinfulness which necessitates God's saving action through Jesus (Kuyper's 'special grace'), is also evident in the Afrikaans Reformed theology of marriage. It is unnecessary to discuss here in any further detail the assumptions on which Afrikaans Reformed theologians base their treatment of marriage. However, a few comments on the basic Reformation view of marriage as it is generally understood in Afrikaans Reformed circles (which it must be stressed is not the only interpretation of the Reformers' thought, nor is it necessarily the most perceptive or comprehensive such interpretation) are appropriate in relation to mixed marriages. If, as Ras, Volk en Nasie argues, mixed marriages tend naturally to be unhappy relationships, and will eventually destroy the 'God-given' diversity of races, then in terms of the presuppositions underlying this report, they are contrary to God's will as revealed in Scripture and in creation.

The state is therefore allegedly fully entitled to act against such marriages, since marriage is within its sphere of responsibility, and mixed marriages are not only not upheld by Scripture (it is averred), but are (at least indirectly) opposed by it. In addition, there are the 'practical considerations' in the South African context, such as the allegedly negative effects of mixed marriages on the racial equilibrium of a 'multi-national society' and on peace and order in such a society.

The state, according to such a simplistic understanding of the Reformed doctrine of marriage, is quite entitled to take action in such a case - even where it threatens the permanence of marriage. In the view of Ras, Volk en Nasie, marriage in any case does not possess an eternal permanence in the present dispensation, because of man's sinfulness.

65) A. Van der Merwe, 'Die Huwelik: 'n Histories-Sosiologiese Studie' (unpub. D.Phil. Thesis, UOFS, 1952), pp.278-9

This particular Afrikaans Reformed view of marriage tends in effect to subsume matrimony within the broader social patterns of the community to a degree which is strikingly similar to the fertility-lineage marital pattern outlined in chapter one. Here the group (and in a complex society, its institutional expression, the state) is decisive in arranging a marriage. It is characteristic of a society in which organized religion (the 'church') is considered to be necessarily in harmony with the needs of the state. If this is not the case, the religion in question may be considered treasonable. The ramifications of such a politico-religious framework for the right of the church to protest against certain kinds of state regulation of matrimony (such as banning inter-racial marriages) are clear.

The subsuming of marriage within group needs, of religion within broad socio-political requirements, is above all characteristic of a society which continually sanctifies its actions theologically. This is especially true of the Afrikaans Reformed community in relation to apartheid. Thus a regular refrain can be detected in church documents which appeal to the 'success' of segregation as an indication of divine approval. For instance in 1949 the Cape NGK issued an official statement of its race policy in which it asserted that since God had blessed its policy and work, this fact inspired it to continue on that road (of apartheid) 'to the glory of God'.(66)

The implicit obverse side of the political coin consists in the potential threat of chaos should apartheid be dismantled. The NHK is less constrained than its sister churches in arguing that separate development is the only means for protecting various groups (and more specifically, the Afrikaans-speaking group), and that the sacrifice of 'identity and culture' in other countries has only led to general misery.(67)

2.6 The Non-Racial Churches.

For the English-speaking churches, it has taken many years to recognize what the prophetic role of the church means in a situation of inter-group conflict. As was shown in chapter three,

66) 'Dutch Reformed Church's Official Race Policy', in The South African Outlook, 1.12.1949, p.183

67) cf. Commission of NHK Algemene Kerkvergadering, 'Getuienis', pp.1-2, supplement to Die Hervormer, Feb. 1977

as far back as 1949 these churches recognized that they were not simply synonymous with the white South African community. Their concern for human rights in protesting against laws such as the Mixed Marriages Act was, however, not translated into action, partly because of a lack of ideological unity between various confessions, partly because of an inadequate understanding of the role of the church in a situation of conflict with the state, and partly because at that stage many opponents of the NP were not yet fully aware of the vast scale of what the Nationalists planned to do. Indeed there were many who believed that the Nationalist victory in 1948 was an electoral aberration which would rapidly be reversed at the next general election.(68) This last point is one which can easily be overlooked today, after more than thirty years of Nationalist rule.

The succeeding generation discovered, however, that the Nationalist regime enjoyed a surprising degree of permanence, while the parliamentary Opposition fell into a long process of fragmentation. A growing spirit of ecumenism, assisted by increasing outrage and frustration on the part of liberal and radical churchmen, encouraged a greater spirit of co-operation in the non-racial churches in opposing apartheid.

The rise of black theology and the effective revolt of the black NG churches against the white 'mother church' in the seventies were also of importance in forcing the non-racial churches at least ^{to} begin to recognize that there was a huge gap between their words and their actions.(69) All of these influences, coupled with the growing anger in the black community (particularly after the 1976 Soweto revolt), encouraged more outspoken actions on mixed marriages by the non-racial churches, as was described in the previous chapter. The decision of the PCSA to encourage its ministers to solemnize mixed marriages in contravention of the law is a case in point. Statements of protest were no longer enough, as in some English-speaking church circles civil disobedience became a subject of widespread debate, as was mentioned in chapter four. This is not to say that racism ceased to be a problem in these

68) Private communication from a senior Catholic churchman.

69) For an outline of these developments, cf. P. Walshe, Church Versus State in South Africa and J.W. de Gruchy, The Church Struggle in South Africa, Chap.2-4

churches, as has been shown by Charles Villa-Vicencio.(70)

3. The Issue of Mixed Marriages as a Theological Problem.

It is in the context of these varied newer trends that it becomes possible to talk about a theology-against-apartheid (in contrast with the theology of apartheid discussed above), a theology such as that developed by Douglas Bax, John de Gruchy, Von Allmen, Charles Villa-Vicencio and numerous black theologians such as Allan Boesak and Simon Maimela.(71)

It is, therefore, possible at this point to analyze critically the specific issue of mixed marriages theologically. The principal reference point in terms of Afrikaans Reformed theology will be Ras, Volk en Nasie (as amended in 1978), since this remains the official policy of the major Afrikaans church.

3.1 A Critique based on the Tri-Confessional Dialogue and Ras, Volk en Nasie.

There have been many documents, either on confessionally mixed unions, such as the Anglican-Catholic dialogue and Paul VI's Apostolic Letter Matrimonia Mixta (1970), or dealing at least in part with racially mixed marriages, such as Bax's A Different Gospel and Von Allmen's critique of apartheid. The tri-confessional Lutheran-Reformed-Catholic dialogue, mentioned in chapter one, is, however, unique in that, although it is addressed to confessionally rather than racially mixed marriages, it is an ecumenical statement from the three major branches of western Christianity. Moreover for most Christians, confessional differences are far more problematic than racial ones. If theologians from such widely differing Christian traditions find it possible to overcome these confessional barriers to marriage, then it can be demonstrated how differences of race or colour are still less of a barrier to a happy and successful marriage.

The Dialogue is also particularly useful for the way in which it goes beyond merely examining theological obstacles to mixed

70) C. Villa-Vicencio, 'An All-Pervading Heresy', in Apartheid is a Heresy, pp.59ff. This theologian shows how the practical implementation of church resolutions is made difficult by continuing conservatism, apathy and even fear in some sections of these churches.

71) cf. for instance De Gruchy, op.cit., Ch.5 or articles by Adrio König, Dawid Bosch and J.J.F. Durand in D.J. Bosch et al., eds., Perspektief op die Ope Brief.

marriages, actually suggesting some positive lines along which to construct an ecumenical 'theology of mixed marriages'. It is for this reason that this document will be the central point of reference in this section in terms of a critique of the Afrikaans Reformed stand on mixed marriages.

The understanding of marriage in the Dialogue not only lends itself to such a critique, but is also strikingly similar to the sacramental-personalist model outlined in the first chapter of this dissertation. In the Dialogue it is argued that, amidst the great variety of marital patterns in different societies, there is a constant common area which involves a 'spiritual community' in which the partners jointly face the fundamental issues of life. Such a community is based on a union of two people rooted in mutual acceptance and support, and operates at three levels: the couple, the family, and the community-at-large. It is essentially permanent and, at least in the western tradition, involves a free union based on reciprocity, but the three levels cannot meaningfully be separated from the complex unity which they form. The reciprocity referred to here entails a one-to-one relationship in which the love and support of each partner is balanced and responded to by that of the other, thus contributing to a real sense of oneness within marriage, a unity which is made all the more mutually fulfilling and therefore lasting by the degree to which each spouse sacrifices his ^{or her} own desires and concerns in the interests of the other. For Christians, despite their differences, marriage also involves a christological and an ecclesiological dimension (the sacramentality question discussed in chapter one). (72)

Participants in the Dialogue found that the principal objections to mixed marriages lay in differing conceptions of the sacramentality and indissolubility of marriage. (73) Physical differences were not considered important, for the real binding factor in marriage was felt to be a communion of belief. Thus for the church which is strictest in this matter (the Roman Catholic Church), a distinction is made between mixed marriages involving baptized persons, and marriages involving a baptized and an unbaptized person. (74) In Catholicism, with the most developed doctrine of marital sacramentality (that is, equating marriage as sacrament

72) Report of dialogue, arts. 6-24

73) Ibid., art. 99

74) Ibid., arts. 72-5

with baptism or communion), baptism is the fundamental bond of union, the basis of the sacramental character of marriage.(75) The community of belief given in baptism, and (from a Catholic viewpoint) strengthened by participation in the life of the Catholic Church, is considered a sufficient basis for the grace necessary to overcome other obstacles in marital life. It seems that it is above all for this reason that Roman Catholicism considers marriage indissoluble, since the command of Christ which it perceives in Matthew 5 and 19 is not regarded as unreasonable in the light of the grace which is given in matrimony.

Protestant Christians do not share the same notion of grace and marital sacramentality in the narrow sense, but as was shown in chapter one, it is possible today to talk of a broader sacramentality which is acceptable to most Christians. Thus Reformation Christians can agree that the model of Christian marriage is in the union of Christ with His Church and that marriage should possess 'in' every possible way.... the quality of fidelity which Christ expects of it'.(76) The Dialogue, in reference to the Reformers' view, makes the following important claim, which is of great relevance to racially mixed marriages

If He (Jesus) spoke....about the indefectible union of man and woman, this was not just in virtue of the lucidity of a legislator, but principally because He is in His person the very source of this requirement of married love. Or better, this requirement flows directly from His way of being in regard to men. In His saving power, in effect, He remains ever-present with them, so that, as He himself has loved the Church and given Himself for her, so too the spouses may be able to love each other faithfully as long as life lasts.

The next article states the issue still more clearly:

This fidelity to God, which was fully revealed by Christ through the crucifixion and resurrection, renders possible and supports the fidelity of the spouses to the love which they have promised and owe one another.... As long as sin exists in the world, conjugal love will remain vulnerable, just as marriage itself is vulnerable. But since the promise made by Christ to the spouses is a promise of fidelity, it is able to make their love durable.

(77)

Unlike the Afrikaans Reformed churches, therefore, the Dialogue participants (including those of the Reformed tradition)

75) Ibid., art. 74

76) Ibid., art. 29

77) Ibid., arts. 35-6

do not see racial or other differences as insurmountable. Sin is real for them, but so is the Covenant and God's promise which goes with it, a promise which art. 36 calls 'both a gift and an expression of God's will'. In other words, grace is given with marriage, and in that sense, it is a sacrament. A developed understanding of sacramentality tends to be closely linked with a developed ecclesiology, which as Von Allmen notes, is inadequate in Afrikaans Reformed theology. Von Allmen notes also the ecclesiological-christological link which is relevant here, and which may be approached in terms of a link between grace, the gift of Christ to the members of His body, the Church, and the building up of the relationship between man and God, which is most evident in the incarnation.

Bonaventure Hinwood's description of grace, drawing on the Franciscan theology of love, is useful here: 'Grace is certainly an offer of love....By grace man is invited to enter, already in some way here below, the life of the Blessed Trinity'.(78) Here there is implicitly a notion of man, of incarnation and of church which is distinctly lacking in Ras, Volk en Nasie, and without which Afrikaans Reformed theology becomes imprisoned by this - worldly fears, pessimism or, at best, complacent acceptance of sinful human structures. The group ethic is sanctified at the expense of individual human happiness because the theological assumptions of Nationalist Afrikaners are fundamentally static and, in certain respects, pre-Christian, precisely because of the failure to make the incarnation meaningful to the rest of theology except in a vague, spiritual-pietist way.(79)

The Afrikaans Reformed failure to develop the notion of church as a 'fellowship' is relevant here. This may be considered

78) B. Hinwood, 'Revelation in Non-Christian Religions - Part I', in JTSA, No. 11, July 1975, p.58

79) It is fairer to talk about pre-Christian rather than anti-Christian theology, since orthodox Afrikaans Reformed theologians are clearly within a broad Judaeo-Christian tradition and attach great importance to the Bible. Their theological inadequacies are certainly in almost every case based less on wilful malice than on an inability to abandon certain, proto-Old Testament assumptions, not least the absolutization of the fertility-lineage ethic.

in relationship to the notion of marriage as a 'spiritual community' in the Dialogue. The closest to this concept in Ras, Volk en Nasie is the definition of marriage as 'a most intimate love relationship between one man and one woman who should be suited to one another in every respect' (par.62). The rider to the primary phrase indicates that the NGK does not really conceive of this love relationship as a spiritual, but rather as a worldly fellowship, limited by the sinful prejudices of the present dispensation.

One reason for this is because the concept of the church as a fellowship - both spiritual and material (conceding at this point the dualism presupposed by most NG theology) - is largely lacking in favour of a legalistic definition of the true church in terms of correct preaching, ministering and discipline. The NGK is willing to concede the existence of a 'spiritual' fellowship in the church which transcends ethnic divisions; it is also willing to support the idea of local (segregated) concrete manifestations of the church in terms of individual congregations. There is, however, a failure to link the worldly and the spiritual, which may at least partly be ascribed to an inability to recognize the significance of the incarnation for all areas of theology, and to an excessive attachment to the most rigid, static and pessimistic elements of Calvinism: a strict doctrine of predestination and election, a negative anthropology, and excessive recourse to 'sin' as an explanation for problematic areas of life.

This is why it is so difficult for Afrikaans Reformed (and especially NG) theologians to discard natural theology. Their natural theology and attachment to the concept of 'general grace' is not a positive affirmation of the capabilities of man to overcome obstacles, but a confirmation of the status quo. Hence there is no movement from a group to an individual ethic; the group must be tightly-knit for reasons of political preservation; an individual ethic is seen as a threat to the Afrikaner volk on a black continent; and, because a theology of hope and of change is lacking, the fertility-lineage ethic remains normative.

3.2 A Note on A Historiographical Issue.

In arguing for this kind of theological analysis, the extra-theological, political and socio-economic background behind the apartheid ideology is not lost from sight. A brief excursus on this issue, which has become significant in South African historiography, is appropriate. It is no longer possible to argue for the

once familiar liberal model of 'primitive Calvinism' as the rationale behind apartheid in the face of so much alternative evidence from social and economic historians.(80) It is no longer tenable to argue that the apartheid ideology was merely the product of an unsophisticated and isolated pastoral people on the frontier between white and black cultures, a people who adhered to a grossly simplified version of Calvinism and of the Old Testament. Quite apart from anything else, the trekboers were not as isolated as many have thought, the frontier was in many respects extremely permeable, with much black-white interaction, and some of the most 'verkramp' racial attitudes were to be found in the more 'liberal' southwestern Cape.(81) Similarly, Englishmen such as Shepstone were ardent segregationists, without supporting a rigid Reformed ethic.

A distinction should, however, be made between segregation which was certainly the product of a complex web of political, social, economic and ideological factors, and the much later, more radically all-embracing philosophy of apartheid. The view that segregation should be applied even to matters such as worship had its origins in the Afrikaans Reformed churches in the nineteenth century and applied equally to the 'liberal' Cape NGK and the xenophobic Transvaal NHK, that is to say, both in the older areas and on the 'frontier'.

There were certainly numerous socio-economic reasons why apartheid emerged at the time that it did as a political philosophy, a point alluded to in chapter two, but some of its most prominent formulators were Afrikaans Reformed theologians and philosophers. In the key matters of mixed marriages and residential and educational segregation, their churches were perhaps the most ^{vigorous} ~~virulent~~ exponents

80) cf. for instance M. Legassick, 'The Frontier Tradition in South African Historiography', in S. Marks and A. Atmore, eds., Economy and Society in Pre-Industrial South Africa, pp.52ff.

A wider survey of related issues is to be found in H.M. Wright The Burden of the Present: Liberal-Radical Controversy Over Southern African History.

81) cf. R. Elphick and R. Shell, 'Inter-Group Relations: Khoikhoi, Settlers, Slaves and Free Blacks, 1652-1795' in R. Elphick and H. Giliomee, eds., The Shaping of South African Society 1652-1820, pp.116-169

of apartheid. Hence detailed theological analysis of Afrikaner attitudes such as that in the present study does not imply a return to the discredited 'primitive Calvinist' explanation of the roots of apartheid, but amounts to a recognition of the need to take very seriously the theological assumptions and patterns of thought of a people as influenced by a religious worldview as the Afrikaners are (compared for instance to the modern European Dutch).

3.3 A Personal Critique.

'General grace' in Afrikaans Reformed thought is not equivalent to the broadly 'Catholic' idea of the 'sacramental universe', of God giving all things a potential for good, because the universe remains static without the dimensions of hope and change. Ras, Volk en Nasie indicates an awareness of this aspect in, for instance, its assertion that 'the church wishes to establish a new philosophy of life and of the world which will transcend the boundaries among peoples and forge strong bonds among them'.(82) This is not translated into practice, however, for fear of 'horizontalism'. There is also a deep suspicion of a 'theology of revolution'.(83)

'Revolution' is understood here as always implying violence and as a threat to society, notwithstanding the support in the report for Calvin's 'societas semper reformanda' (par.4.5.2). This is because of the lack of an eschatological dimension in the theology of the report; more specifically, there lacks the belief that the incarnation implies that there will be a radical change in creation, already inaugurated in the person of Christ. Put differently, there is perhaps an 'over-eschatologization' which places all hope of meaningful change in the end-time when all racial differences will be transcended.

The absolutization of the present order, of the state, of the church as institution, or of the individual group, is not in keeping with the spirit of the New Testament. Where there is conflict between group rights and human dignity and happiness, there can be no doubt which must enjoy priority, contrary to the repeated assertions of Nationalist politicians and NG churchmen. The claim that a law such as the Mixed Marriages Act is necessary to prevent group suicide is untenable. For the Afrikaner, the Mixed Marriages Act aims to preserve what is, which is seen as

82) Ras, Volk en Nasie, par.47.2

83) Ibid., par.44.1-45.2

God-given. Underlying this view is the assumption, mentioned earlier, that theology should affirm socio-political reality (in this case, the maintenance of white Afrikaner 'self-determination'). Not only is this assumption contrary to Calvin's tenet of a 'societas semper reformanda', which the NGK claims to uphold, as was shown earlier, but it is contrary to Jesus's repeated assertions that the values of this world should be radically reversed. (cf. for instance Matt.5:3-11 and 5:38-48).

The Mixed Marriages Act is contrary to Christian values not only because it absolutizes that which is secondary, but because it interferes in highly contentious areas. It forces ministers of the gospel to collaborate with the apartheid system or lose their marriage licences; and, where churches see marriage as sacramental, it interferes with what their adherents regard as a channel of God's grace. In the ecumenical atmosphere of today, with the possibilities of the acceptance of a wider notion of sacramentality, the Act can effectively be regarded as an obstacle to the working out of God's gift of love in every human situation.

This is why the Act can be said to be an abrogation of religious freedom in the strictest sense, and this is why those churches which have latterly chosen to disobey the Act are theologically justified in doing so. Romans 13 (Paul's injunction to obey the emperor) carries no weight here, because the Act is a matter which is not substantially different from interference in freedom of worship and belief. The gospel injunction to render unto Caesar the things which are Caesar's, and to God the things which are God's, is pertinent, since the Act is for many Christians an interference with a channel of divine activity. The matter of church/state jurisdiction in marriage is a sensitive one for Reformed Christians, including black ones(84), but it is not really necessary to revive old Catholic-Reformed disputes in this area, if theologians are willing to open themselves to a broader understanding of sacramentality, such as that in the tri-confessional Dialogue.

In addition, there is the question of the problems which Nationalists associate with mixed marriages. The argument from the suffering of the children of such unions has already been shown to

84) cf. Debate between editor (ds. D. Botha) and ds. P.J. Booy in NGSK organ, Die Ligdraer, 16.5.1983, p.126 and 16.6.1983, pp.152-3

be groundless, as has the contention that the Mixed Marriages Act is necessary to prevent the exploitation of black women by white men. Ras, Volk en Nasie raises two more central objections. The first amounts to the view that wide racial differences make a mixed marriage unhappy and eventually destroy the principle of diversity. The second involves the alleged right of the state to intervene where mixed marriages threaten the peace, order and racial equilibrium of a society.(85)

Unless mixed marriages took place on a very wide scale, there could be no question of an attack on the 'principle of diversity', and clergymen familiar with clandestine inter-racial contacts do not seem to think that this would be the case. They do, however, concede that the legalization of mixed unions would cause a gradual, but marked rise in their incidence.(86) In addition it could be argued that miscegenation, far from destroying 'diversity', actually increases the number of possible physical and cultural permutations, sometimes bringing into being distinct new groups (the Afrikaners are a good example).

The state, if it claims to be 'Christian', cannot assert its right to intervene in a matter with important religious connotations in the way that it can raise taxes or expropriate land. Extremely serious reasons are needed, even from a Reformed, non-sacramental perspective - a point conceded in Ras, Volk en Nasie, albeit with insufficient stress.(87)

The question therefore arises whether, from a Christian perspective, racially mixed marriages really pose a threat to marital happiness and to general peace and stability. If the partners were non-Christians, or non-practising Christians, and therefore lacking a common religious commitment, it could be argued from an Afrikaans Reformed perspective that mutual differences could prevent a successful marriage. Where both partners share in the fruits of baptism, however, such differences should not be insurmountable. In any case mixed marriages threaten the general peace only where racial prejudice is endemic in the wider community: the community is responsible for any ensuing friction, rather than the couple. The concept of a social 'equilibrium' is also vacuous, since the racial composition

85) Ras, Volk en Nasie, par.64.2, 65

86) Information from various confidential sources.

87) Ras, Volk en Nasie, par.64.2

of South Africa varies continually, the greatest hindrance to a static ratio being the high African birth-rate, rather than the perceived threat posed by several hundred mixed marriages per year.

From a Christian perspective, the concept of maintaining a racial balance is also dangerous and immoral, because it is based on prejudice and fear, and lacks Christian hope for a better society based on justice. Peace in South Africa cannot be guaranteed by relying on the size of the white group, which is in any case a shrinking minority.

The opposition to mixed marriages is therefore rooted in racial fears of swamping which are irrational (albeit experienced as very real), and which are based on an attachment to a pre-biblical fertility-lineage attitude to marriage. It is pre-biblical because it is characteristic neither of Jesus's teaching, nor of the personal and covenant themes which are the 'highwater mark' of Old Testament thinking on marriage. The patriarchal clan is replaced by the white folk, which must be maintained, propagated and multiplied at all costs. To reject this model is not to support an extreme liberal-individualist position; rather the object is to reach a greater balance between community rights and personal happiness. From a Christian viewpoint, this happiness is indeed possible in a mixed marriage.

3.3.1 Mixed Marriages as a Positive Good.

It is possible to go further and assert that not only are mixed marriages not impermissible (or 'undesirable') in the light of Scripture and theological reflection, but they may be a positive good in a society rent by sinful divisions. This is where the non-racial churches failed in 1949, and where in many respects they continue to fail: mixed marriages are affirmed as being permissible in terms of the right to choose one's partner, but there remains great caution in encouraging mixed marriages. Fear of the might of the state is one factor, but another is the failure to recognize the sign value of mixed unions.

In the Catholic tradition, the value of celibacy tends to be asserted in terms of such a sign value, of eschatological significance as testimony to the hope of the coming of God's kingdom, and of 'the necessary progress of the People of God towards the final goal of their earthly pilgrimage, and as a stimulus for all to

raise their eyes to the things above....'(88) It does not seem irreverent to claim a similar quality for mixed marriages. Not only are they possible because of the grace given in marriage (grace understood here in the widest sense), but their very existence points to the reality of the Kingdom here and now, that is to say, showing that all divisions are temporary.

As long as a mixed union lasts, it is a sign of reconciliation and of the power of God to heal prejudices, divisions, and mutual suspicions - all of the very things which allegedly prevent mixed marriages from being successful. In the context of a Christian model of marriage such as was outlined in chapter one, this is not a glorification of human abilities (a possibility which makes Reformed Afrikaners suspicious of 'liberalism'), but is built on faith in God's power to heal. This is a universal truth, but in South Africa it is especially vital that it be recognized in the polarized racial atmosphere of our divided society.

It is for this reason that it is insufficient for the NHK to claim that the Nationalist government is perfectly entitled to administer South Africa according to its racial policies, and that the Mixed Marriages Act is necessary for the implementation of this policy.(89) The Mixed Marriages Act itself points to the way in which the NP builds its philosophy upon the sinful antagonisms which already exist in South African society, rather than attempting to bridge these gaps. The policy itself, which has been widely condemned by many churches as heretical (including the Sendingkerk) is itself morally reprehensible to most South African Christians and to virtually the entire Christian community abroad.(90) A better argument is necessary to legitimate the Act than to link its validity to that of the apartheid programme as a whole.

When the NGK insists that in marriage the partners should be suited to each other in every respect, it is requiring the impossible, since obviously this is never the case. The NGK actually is insisting upon an identity of racé (or rather of official racial classification)

88) Paul VI, Sacerdotalis Caelibatus, art. 33-4

89) cf. 'Memorandum van die Kommissie van die Algemene Kerkvergadering van die Nederduitsch Hervormde Kerk van Afrika oor die Wet op Gemengde Huwelike en die Bepaling oor Ontug tussen Blank en Nie-Blank'.

90) cf. Appendices to J.W. de Gruchy and C. Villa-Vicencio, op.cit.

and also preferably of language confession and cultural outlook. The only non-negotiable condition, however, is colour. Bearing in mind that in South Africa, white Afrikaners and brown Afrikaners (so-called coloureds) share language, culture and (except for the 'Cape Malays') religion, it becomes evident how meaningless a colour-bar in marriage is. The NG condition for marriage is not only an impossible and meaningless one, but it characterizes an absolutist group-ethic which contradicts the individualist ethic of its primary definition: a most intimate love relationship between one man and one woman.

The cultural relativism and group-orientation of Afrikaans Reformed theology is not unique to this group. It is possible to argue that these are also characteristics of other nationalist or ethnic theologies such as black or Chicano theology, and that they share the same pitfalls. Unlike these groups, however, the Afrikaner has the power to enact his ethic in legislation and is in the position of defending the status quo. The role of prophet in defending the rights of the voiceless is therefore left to the non-racial churches, which are gradually, albeit tardily, accepting this responsibility and are proclaiming the irrelevance of racial and ethnic qualifications to the preaching of the gospel - and, it may be added, to the tacit proclamation of that gospel by the lives of married couples.

4. An Assessment.

Once the inadequacy of the assumptions underlying a theological justification of the Mixed Marriages Act has been exposed, it is necessary to consider what are in fact the factors necessary from a Christian perspective for a marriage to be happy, lasting and possessing a 'sign value', such as that discussed earlier, for the surrounding community. In the light of the sacramental-personalist model of marriage outlined in the first chapter, and of the critique offered in this chapter in respect of 'theological opposition' to racially mixed marriages, several theses may be considered useful in assessing what constitutes such a 'good and Christian' marriage.

Although in a heterogeneous society marriages between people of different faiths and cultures are inevitable, it may be advantageous for prospective partners to have sufficient areas of common concern and interest on which to build a successful marriage. Although it cannot be discounted that people from widely differing

backgrounds may find their very differences complementary rather than destructive, it is especially helpful if there is something in common in those areas of life about which people tend to feel most deeply, such as in religious matters.

Since marriage, from the perspective of the model upheld in this study, is not only personal, but possesses sacramental and ecclesiological dimensions, it is advantageous if both partners have been baptized, and therefore share in participation in the life of the church. As active Christians, they should also be aware of the sacramental significance of the marriage union, without implying that they necessarily consider it a sacrament in terms of the narrow Tridentine definition.

If marriage has such sacramental qualities, then sufficient grace should be given by the partners' active seeking to build a strong and permanent union, that they will be able to overcome such remaining differences as may exist between them. The support provided by the community of the church, in terms of the ecclesiological and communitarian dimension of marriage, is also important in resolving these differences.

Most important is the commitment of the partners to overcome personal, cultural and other differences. Given a sufficient level of such commitment, and sufficient support from their families, church and wider community, dissimilarity even in areas which may be expected to cause friction, such as wide cultural differences, should not affect the success of the marriage. Education of the community in opening itself to people dissimilar in race, language, creed or culture, is invaluable here, especially in making the children of a 'mixed' marriage feel comfortable about their background. The commitment of the partners in such a mixed union is itself a sign of their willingness to overcome the prejudices and frictions of a divided society, an indication of the valuable fruits of reconciliation and partnership between apparently conflicting groups. Since it is exceptional in a heterogeneous and developing society for both partners to come from identical backgrounds, including, for instance, factors such as one's profession, class or income level, this point is valid even where they share the same language, colour or race, and culture.

Both the needs of the individual partners and of the wider

community are considered significant in terms of the sacramental-personalist model of marriage, although the community cannot, as in the fertility-lineage model, choose one's marriage partner. This latter point does not imply that family and community should not be involved in areas such as arranging the wedding ceremonies or in assisting couples whose marriages are threatened by mutual differences, financial difficulties and similar problems. The priority, however, in determining one's partner for life, lies with the couple themselves, precisely because it is a union based on mutuality, commitment and personal openness to sharing their whole lives with each other, in imitation of Christ's love for his church. The 'reciprocity' which has been discussed earlier is a key concept here, because it presupposes a free and unrestrained choice of the person whose most intimate secret and most annoying habits will have to be tolerated and even accepted for the sake of strengthening one's marriage. The unity which comes from such mutual forbearance and acceptance is itself a sign of what is produced by openness and tolerance in society-at-large. It is also, from a Christian viewpoint, a foretaste of the dispensation brought about through Christ's redemption, of the Kingdom in which personal and other differences cease to have any significance in hindering the promotion of human relationships.

A theological model of marriage such as that developed in chapter one therefore opens up the possibility of constructing a 'theology of mixed marriages' which not only demonstrates the absurdity of legislating against such marriages, but which is also supportive of couples involved in these unions. It is clear that such a model is available to Christians who are willing to transcend the bonds of specific confessional doctrinal formulations, but who nevertheless want to build a theology of marriage which is in keeping with the spirit of the best in their own religious traditions.

The growth of an ecumenical spirit in South Africa, including not only the non-racial churches, but also the Afrikaans Reformed community, would be helpful in encouraging the latter in particular to embark on developing a theology of this sort. As yet, even among those in the Afrikaans churches who no longer support the Mixed Marriages Act, a willingness to develop a full-blown 'theology-against-apartheid' is not evident, judging by a seminal document such as the minority report on the Act before the 1982 NGK General

Synod. Not even the non-racial churches have publicly gone so far as to promote mixed marriages as a 'positive good', notwithstanding recent acceptance of the principle of disobeying the Act on grounds of conscience, as with the well-known PCSA resolution of 1981. It is, however, precisely such an uncompromising and unapologetic stance which is required in order not only to demonstrate finally the untenability of arguments favouring the maintenance of the Mixed Marriages Act, but also to undergird the positions of those who have expressed their willingness to marry mixed couples, regardless of whether the law is changed.

Whether such a change is possible in the near future is beyond the scope of this study, although the survival of strongly conservative elements in the NGK and NHK, as well as the Nationalist Party, suggest that outright repeal will be no easy matter. As has been pointed out, however, it is difficult to see how the Mixed Marriages Act can be 'improved' meaningfully, short of outright repeal. More importantly, the Act was not only the first apartheid law of Malan's government, but is also at the heart of the philosophy of apartheid, as is clear from Afrikaner Nationalist writings on race relations. The implications of repealing the Act for such key areas of legislation as residential and educational segregation have not escaped the notice of, for instance, the NHK.(91)

The significance of the Act for the maintenance of apartheid cannot therefore be questioned, and repeal would indicate a willingness to consider revoking many other contentious laws. From a historical point of view, what is more significant is, however, the way in which the changing nature of the debate surrounding the Act illuminates the changing attitudes of the major churches towards the promotion of apartheid. The Afrikaans Reformed churches, which once were so virulent in promoting this policy, have not rejected it, but have certainly altered their arguments for supporting it. The nature of these changes, although not always in keeping with the pace of similar changes inside the National Party establishment, nevertheless demonstrates the continuing close ties between church and state in Afrikanerdom at large. The 1982 split on the far right wing of the Nationalist Party does not seriously affect this judgment, apart from the growing evidence that the NGK has to assume

91) cf. NHK memorandum to Prime Minister Botha on the Mixed Marriages Act, p.3

the role of an arbitrator where political issues divide Afrikaners. (92)

In the non-racial churches, which once found it so hard to take an unequivocal stand against the Mixed Marriages Act, the late seventies and early eighties saw a growing willingness to take more risks in opposing apartheid, even in particularly sensitive areas. This reflects the change from a fundamentally white 'liberal'-dominated establishment, to churches in which the black community has come to enjoy a more influential voice. On the other hand, racism persists in many quarters in these churches, and fear of 'extremism' appears to be an obstacle to concerted action against apartheid. In this light it is easier to understand why mixed marriages have not been extolled as not merely permissible, but a 'positive good' which should, if anything, be actively promoted in a society as riven by friction and misunderstanding as South Africa.

A historical and theological study of the Mixed Marriages Act therefore is instructive in at least two ways. For the historian, it shows the importance of the Act in understanding the interaction of church and state in relation to apartheid over more than thirty years. It also suggests that a study of changing ideas (especially theological ideas) about apartheid can be a most valuable pursuit in understanding what both the proponents and the opponents of this philosophy have thought about the needs of South African society, and therefore what has motivated their responses to these issues.

For the theologian, this study of the ideas internal to the actions of some of the major participants in the history of apartheid, provides the raw material for an internal critique of apartheid, that is to say, a critique based on the ideas which have motivated these people. Such a critique is in turn important in suggesting possible lines of action for those who seek to build a society different from that envisioned by the architects of apartheid. In a society in which religion remains as powerful a factor as is the case in South Africa, it is appropriate that such a critique be cast in theological terms, particularly since the ideas which are evaluated here have such an overtly theological dimension. If Christianity has been used to justify and promote apartheid,

92) Evidence of this is clear from the repeated requests of NG leaders before the 1983 constitutional referendum that Afrikaners act responsibly and without malice, despite mutual differences on the subject.

it is fitting that Christianity be used to analyze and respond to this system in a constructive way. Nowhere is this more evident than in the case of the Mixed Marriages Act, which uniquely links together politics and theology, and church and state, in a way which is peculiar to what has repeatedly been described as 'a very strange society'.

APPENDIX.Mixed Marriages Act, Prohibition of (No. 55 of 1949).

(Assented to 1 July 1949) Date of Commencement: 8 July 1949

To Prohibit marriages between Europeans and non-Europeans, and to provide for matters incidental thereto.

Marriages between Europeans and non-Europeans prohibited.

1.(1) As from the date of commencement of this Act a marriage between a European and a non-European may not be solemnized, and any such marriage solemnized in contravention of the provisions of this section shall be void and of no effect:

Provided that -

- (a) any such marriage shall be deemed to be valid if
 - (i) it has been solemnized in good faith by a marriage officer, and neither of the parties concerned, or any other person in collusion with one or the other of them, has made any false statement relating to the said marriage amounting to a contradiction of section four; and
 - (ii) any party to such marriage professing to be a European or a non-European, as the case may be, is in appearance obviously what he professed to be, or is able to show, in the case of a party professing to be a European, that he habitually consorts with Europeans as a European or in the case of a party professing to be a non-European, that he habitually consorts with non-Europeans as a non-European.
- (b) where any such marriage has been solemnized in good faith by a marriage officer, any children born or conceived of such a marriage before it has been declared by a competent court to be invalid, shall be deemed to be legitimate.

- (2) If any male person who is domiciled in the Union enters into a marriage outside the Union which cannot be solemnized in the Union in terms of sub-section(1), then such marriage shall be void and of no effect in the Union.

Solemnization of mixed marriages by marriage officer an offence.

2. Any marriage officer who knowingly performs a marriage ceremony between a European and a non-European shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

Presumption of race from appearance.

3. Any person who is in appearance obviously European or a non-European, as the case may be, shall for the purposes of this Act deemed to be such, unless and until the contrary is proved.

False statement to a marriage officer an offence.

4. Any person who makes a false statement to a marriage officer, relating to the question whether any party seeking to have his marriage solemnized by such marriage officer is a European or a non-European, knowing such statements to be false, shall be guilty of an offence and liable to the penalties prescribed by law for the crime of perjury.

Short title.

This Act shall be called the Prohibition of Mixed Marriages, 1949.
(1)

1) Union Statutes, 1949, pp.615-6

NOTES ON SOURCES.

The general historical literature on South Africa is abundant. Much of the older literature, however, is influenced by the ideas of I.D. MacCrone, which nowadays tend to be regarded as simplistic liberalism, and need to be supplemented by more recent works. Monica Wilson and Leonard Thompson's Oxford History of South Africa and especially Richard Elphick and Hermann Giliomee's The Shaping of South African Society, 1652-1820, are good examples of an undated liberal historiography, while a representative selection of studies in the radical tradition is the collection Economy and Society in Pre-Industrial South Africa, edited by Shula Marks and Anthony Atmore. One of the better general histories in the Afrikaner Nationalist school is C.F.J. Muller's anthology Five Hundred Years (the title alone however suggests the Eurocentric orientation of this book).

South African church histories, particularly in English, are more sparse. John de Gruchy's The Church Struggle in South Africa is probably the best introduction. Good case studies of specific traditions include J.H.P. Serfontein's Apartheid, Change and the NG Kerk (journalistic, but filled with information), Andrew Prior's collection, Catholics in Apartheid Society, Peter Walshe's Church Versus State in South Africa (on the Christian Institute) and Irving Hexham's The Irony of Apartheid (a highly contentious work on the early history of the GK, dealing mainly with the period up to about 1920).

Moodie's The Rise of Afrikanerdom remains the best introductory study of Afrikaner ideology and civil religion, but should be supplemented by Dan O'Meara's Volkskapitalisme, which deals with the same subject from a Marxian perspective. In Afrikaans there is O'Brien Geldenhuys's In die Stroomversnellings, an autobiography with some revealing insights into the NG modus operandi. R.T.J. Lombard's thesis 'Die Nederduitse Gereformeerde Kerk en Rassepolitiek met Spesiale Verwysing na die Jare 1948-1961' is characterized by an apologetic right wing bias, but is useful for its detailed treatment of NG history. From the United States there is also Susan Ritner's thesis on the Dutch Reformed Church and its role in the formation of the apartheid ideology, often inaccurate historically (it is a political science dissertation), but showing a good insight into the nature of the church-state interface in South Africa.

Dion Joubert's Met Iemand Van 'n Ander Kleur is a good introduction to the miscegenation issue, while detail on the early history of this question can be found in the opening pages of J.J.F.C. Heydenrych's M.A. thesis 'Die Maatskaplike Implikasies by die Toepassing van Artikel 16 van Wet 23 van 1957'. These studies should be supplemented by relevant chapters in the general historical literature such as the essay on inter-group relations in Elphick and Giliomee's collection. The important new collection, Op die Skaal: Gemengde Huwelike en Ontug, edited by Etienne de Villiers and Johann Kinghorn (published by Tafelberg), appeared too late to be included in the body of this study.

In general, however, the question of miscegenation, and especially the Mixed Marriages Act, has suffered from a surprising lack of thorough scholarship. Much of the relevant material belongs to the thirties and forties, and reflects the influence of the rise of fascist ideologies. Eloff's Rasse en Rassevermenging or, on a slightly broader scale, Cronje's Regverdige Rasse-Apartheid, are good examples of these tendencies, while books and pamphlets by liberals and radicals such as Cedric Dover and George Findlay are examples of work addressed to the overtly racist thinking common at the time in Germany and South Africa.

More recent theoretical material is concerned less with miscegenation than with the much broader issues of the theology of separation and apartheid in general. Examples are the controversial Afrikaans anthologies, Stormkompas and Perspektief op die Ope Brief, and the collection, Apartheid is a Heresy, edited by John de Gruchy and Charles Villa-Vicencio, which was useful for the spectrum of anti-apartheid theological viewpoints which it presents. There have also been many valuable articles in the Journal of Theology for Southern Africa, which is devoted particularly to papers with a contextual orientation.

Literature on the general theological and religious background is vast. Hence only a very small selection could be utilized. In addition to a variety of works on church and marriage in Africa, analyses of the sociology of religion by authors such as Peter Berger and Harvey Cox were useful in thinking through basic conceptual material in relation to themes such as group and individual ethics, and secularization. Of the numerous sources consulted on

the biblical material, perhaps the most valuable were relevant articles in the monumental Jerome Biblical Commentary and Roland de Vaux's treatment of marriage in his Ancient Israel.

Wilhelm Niesel's The Theology of Calvin was an essential tool in understanding Calvin's Institutes, while Kuyper's Lectures on Calvinism provided an easy introduction to Neo-Calvinist Dutch theology. Of contemporary theological works, two stand out in particular in respect of this study: Helmut Thielicke's The Ethics of Sex and Baillie's excellent little book The Theology of the Sacraments, which provides a simple and lucid introduction to Reformed sacramentology for the non-Calvinist.

The primary focus in this study, in terms of time-scale, is the period 1949-1950 (the time of the passing of the Mixed Marriages Act). Secondary foci include the campaign for the Act (from about the mid-thirties), the turning point of the inter-church consultation at Cottesloe (1960) and the reaction which followed it, and the renewed debate on the Act since the mid-seventies. Church journals and certain newspapers were consulted only for the period 1949-1950, with an emphasis on Afrikaans material. The best of these was undoubtedly Die Kerkbode, because of the wealth of discussion on miscegenation, and on apartheid and Christianity which it contains.

Because of the wide range of sources and the lengthy period covered, the consulting of archival collections was not considered feasible, although some very informative unpublished church documents were made accessible by helpful church officials, particularly in the SACC and the Cape NG Information Bureau. Similar restrictions prevented a meaningful analysis of press opinion on the Act and on the debate surrounding it.

The principal primary sources for this study, apart from the records of parliamentary debates, were published synodal records, a major source of information which is almost untapped by English-speaking scholars. Long series of these records were consulted in considerable quantity, the most extended ones being obtained from NGK and GK sources. NHK records were not available in Cape Town, but officials of this church kindly made available some key documents detailing recent pronouncements on the Act, while Braam Lückhoff's Cottesloe provided all of the necessary information on the NHK for the early sixties.

The runs of synodal records in the African Studies Collection

at the University of Cape Town and at the South African Library suffer from intermittent breaks, particularly in the case of smaller churches and synods. Sometimes it was possible to fill these gaps by consulting synodal records in the Cape NG archives, but more often it was necessary to consult alternative sources such as church journals. Individual occasional church reports sometimes proved more valuable than regular synodal records. Noteworthy in this regard were the official NGK report on race relations Ras, Volk en Nasie, the Swiss Reformed response to this document, edited by Daniel von Allmen, and the report of the tri-confessional Lutheran-Reformed-Roman Catholic dialogue on confessionally mixed marriages. Individual papal documents and the collected decrees of the Second Vatican Council were also useful in this regard.

Most church journals, where consulted, were readily available in the South African Library, with occasional breaks similar to those found in synodal documents. The Catholic organ The Southern Cross had to be consulted in the publisher's office.

Oral evidence was often difficult to obtain because of the sensitivity of the topic. Several church officials were nevertheless willing to communicate with me in writing or telephonically or, less often, agreed to personal discussions. Perhaps the most useful of the latter was an interview with the Anglican dean of St. George's Cathedral in Cape Town, the Very Rev. Edward King, because of his willingness to permit the entire interview to be recorded.

SOURCE LIST.

This source list is classified as follows:

I. Research Aids

II. Government Publications

1. Statutes
2. Parliamentary Debates
3. Commissions
4. Miscellaneous

III. Periodical and News Publications

1. Newspapers (extended runs)
2. Institute of Race Relations Publications
3. Church Periodicals (extended runs)
4. Periodicals and News Articles

IV. Church Records

1. Published Church Records
 - (a) Regular Synodal Records
 - (b) Occasional Reports
 - (c) Miscellaneous
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Cape NGK (Ned. Geref.Kerk) Synod,
 Handelinge (2), 1936-1949
 1961-1965
 1975
 1979 (Handelinge only)

Eastern Cape NGK Regional Synod Handelinge, 1975-1979(3)

Gereformeerde Gemeentes in Suid-Afrika (Gereformeerde Kerk in S.A.):
 Sinodale Vergadering, Handelinge, 1942-1952
 1961
 1967-1976
 Agenda only, 1955, 1958, 1964, 1970

Gereformeerde Kerk in Suidelike Afrika: General Synod,
 Handelinge, 1980
 Agenda only, 1975

Indian Reformed Church (now Reformed Church in Africa) Synod,
 Acts, 1968-1970
 Agenda only, 1976

Natal NGK Synod, Handelinge, 1942 (mimeographed 'Notule')
 1945 (mimeographed 'Agenda' only)
 1949-1951

NGK General Synod, Handelinge, 1970 (Handelinge only)
 1974-1978
 1982 (Agenda only)

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- 2) Unless otherwise stated, Handelinge = Agenda, Handelinge, Notule
 3) The Eastern Cape formed a separate regional synod at the beginning of the seventies, followed later by the Northern Cape Region.

Nederduitse Gereformeerde Sendingkerk Synod,

Handelinge, 1962

1970-1974

1978 (Agenda only)

Northern Transvaal NGK Regional Synod,

Handelinge (only), 1975(4)

OFS NGK Synod, Handelinge, 1934-1952

1960-1964

1975-1979

Raad van die NG Kerke, Handelinge (biennial), 1931-1961

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4) In 1962 the Transvaal NGK split into two regional synods. Further such bodies have been established since then e.g. Eastern Transvaal.

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- Memorandum of Commission of NHK Algemene Kerkvergadering on the Mixed Marriages Act and the Clause on Immorality between White and Non-White, submitted to Prime Minister, 1982
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- HEYDENRYCH, J.J.F.C. 'Die Maatskaplike Implikasies by die Toepassing van Artikel 16 van Wet 23 van 1957' (unpub. M.A. Thesis, Stellenbosch, 1968)
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LOMBARD, Roelof Theunis Johannes. 'Die Nederduitse Gereformeerde Kerk en Rassepolitiek met Spesiale Verwysing na die Jare 1948-1961' (unpub. D.Litt. et Phil. Thesis, UNISA, 1974)

VAN DER MERWE, Andries. 'Die Huwelik: 'n Histories-Sosiologiese Studie van die Huwelik as Instelling, met Besondere Verwysing na Suid-Afrikaanse Ontwikkelinge' (unpub. D.Phil. Thesis, UOFS, 1952)

VII. PERSONAL COMMUNICATIONS AND INTERVIEWS.

1. The following people kindly shared information and/or personal impressions with me either by written or telephonic communication, or less often, in formal interviews:(5)

Very Rev. E.L. King, Dean of St. George's Cathedral, Cape Town (CPSA), 3.08.1983

Prof. W.D. Jonker, Member of theological faculty, University of Stellenbosch (NGK), 22.01.1983

Ds. L. Moolman, Director Cape NGK Information Bureau, 28.01.1983

Dr. P. Rossouw, Chief Executive Officer, NGK, 27.01.1983, 31.01.1983

Prof. J. Loader, Member of theological faculty, University of South Africa (NHK), 2.06.1983

Ds. P.M. Smith, Kompilator Kerklike Beriggewing (NHK), 29.06.1983

Dr. D.J.C. van Wyk, Editor, Die Hervormer, 2.08.1983

Rev. A. Massey, General Secretary of Christian Citizenship Department, Methodist Church of Southern Africa, May 1983

Dr. W. Kistner, Director Division of Justice and Reconciliation, South African Council of Churches, January 1983

Rev. R.J.D. Robertson, SACC/Convenor, Church and Nation Committee (S.A.) (Presbyterian Church of Southern Africa), 19.05.1983

Administrative Secretary, Southern African Catholic Bishops' Conference, 16.03.1983

Rt. Rev. S. Naidoo, RC Auxiliary Bishop of Cape Town, 14.07.1983

Rev. Fr. A. Nolan OP, Provincial Superior, Dominican Province of Southern Africa/National Chaplain, Young Christian Students, 8.05.1983

5) It should be noted that due to the particular sensitivity of this subject, not all informants wished to be identified.

Prof. J.J.F. Durand, Vice-Rector, University of the Western Cape,
8.02.1983

Dr. H.F. Heese, Western Cape Institute for Historical Research
(UWC), 8.02.1983

2. SABC English radio service: panel discussion and open forum on Mixed Marriages Act with Dr. Andre Dreyer (Secundus, NHK General Commission) and Mr. P. Poovalingam (ex-President's Council Member) in 'Microphone-In', 13.05.1983 (Personal recording).