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1 A man and wife are one person in law; the wife loses all her rights as a single woman, and her existence is, as it were, absorbed in that of her husband. He is civilly responsible for her wrongful acts, and in some cases for her contracts; she lives under his protection or cover, and her condition is called coverture.

5 In theory, a married woman's body belongs to her husband; she is in his custody, and he can enforce his right by a writ of habeas corpus; but in practice this is greatly modified.

The belief that a man can rid himself of his wife by going through the farce of a sale, and exhibiting his wife with a halter round her neck is a vulgar error. This disgusting exhibition, which has often been seen in our country, is a misdemeanor, and can be punished with fine and
10 imprisonment.

The author of a recent publication asserts that a man may lend his wife; a man may not lend, let out, or sell his wife; such transactions are considered as being against public decency, and are misdemeanors.

15 A wife's personal property before marriage (such as stock, shares, money in hand, money at the bank, jewels, household goods, clothes, etc.) becomes absolutely her husband's, unless when settled in trust for her, and he may assign or dispose of it at his pleasure, whether he and his wife live together or not.

A husband is liable for the price of such goods as he allows his wife, as his agent, to order; she may have more power than any other agent, but her power is of the same kind; for if a wife orders
20 goods without the knowledge of the husband, it is not at all certain that a legal decision will oblige him to pay for them; it mainly depends on what the jury thinks are domestic necessaries, or requisite for the position of the family.

Neither the Courts of Common Law nor of Equity, have any direct power to oblige a man to support his wife. But the Divorce or Matrimonial Court, on granting a judicial separation may
25 decree that the husband shall pay *alimony* to the wife for her support, and when a wife becomes chargeable to the parish, the magistrate may, upon application of the parish officers direct the husband to pay for her maintenance. A wife, whose husband without valid reason refuses to support her, may rent lodgings, take up goods etc., suitable to her station, for which the creditors can compel the husband to pay.

30 A husband has the possession and usufruct of his wife's freehold property during the joint existence of himself and her; that is to say he has absolute possession of them as long as they both live. If the wife dies without children, the property goes to her heir, but if she has borne a child capable of inheriting, her husband holds possession until his death, when it passes to her heir; but on surviving her husband, her freehold reverts to her.

35 Money earned by a married woman belongs absolutely to her husband; that and all sources of income, excepting those mentioned above, and included in the term personal property. And her receipt for the earnings is not legal. The husband can claim the money notwithstanding such payment.

40 By the express permission of her husband, a wife can make a will of her personal property; for by such a permission he gives up his right. But he may revoke his leave at any time before *probate* (i.e., the exhibiting and proving a Will in Court).

The legal custody of children belongs to the father. During the life-time of a sane father, the mother has no rights over her children, except limited power over young infants, and the father may take them from her and dispose of them as he thinks fit. If there be a legal separation of
45 the parents, and there be neither agreement nor order in Court, giving the custody of the children to either parent, then the *right to the custody of the child* (except for the nutriment of infants) belongs legally to the father.

50 A married woman cannot sue or be sued for contracts, nor can she enter into them except as the agent of her husband; that is to say, neither her word nor her deed is binding in law, and persons giving a wife credit have no remedy against her.



THE POLITICAL LADY-CRICKETERS.

Lady Cricketer. "A THING or two over? I should think so! If we've done enough to knock you out, what business's we have a word or two left!"

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I 1 Now then for the first time in English history an educated man's daughter can give her brother one guinea of her own making at his request for the purpose specified above* without asking for anything in return. It is a free gift, given without fear, without flattery, and without conditions. That, Sir, is so momentous an occasion in the history of civilization that some celebration seems

II 5 called for. But let us have done with the old ceremonies - the Lord Mayor, with turtles and sheriffs in attendance, tapping nine times with his mace upon a stone while the Archbishop of Canterbury in full canonicals invokes a blessing. Let us invent a new ceremony for this new occasion. What more fitting than to destroy an old word, a vicious and corrupt word that has done much harm in its day and is now obsolete? The word 'feminist' is the word indicated. That word,

10 according to the dictionary, means 'one who champions the rights of women.' Since the only right, the right to earn a living, has been won, the word no longer has a meaning. And a word without a meaning is a dead word, a corrupt word. Let us therefore celebrate this occasion by cremating the corpse. Let us write that word in large black letters on a sheet of foolscap; then solemnly apply a match to the paper. Look, how it burns! What a light dances over the world!

15 Now let us bray the ashes in a mortar with a goose-feather pen, and declare in unison singing together that anyone who uses that word in future is a ring-the-bell-and-run-away-man, a mischief maker, a groper among old bones, the proof of whose defilement is written in a smudge of dirty water upon his face. The smoke has died down; the word is destroyed. Observe, Sir, what has happened as the result of our celebration. The word 'feminist' is destroyed; the air is cleared; and

20 in that clearer air what do we see? Men and women working together for the same cause. The cloud has lifted from the past too. What were they working for in the nineteenth century - those queer dead women in their poke bonnets and shawls? The very same cause for which we are working now. 'Our claim was no claim of women's rights only;' - it is Josephine Butler who speaks - 'it was larger and deeper; it was a claim for the rights of all - all men and women - to the

25 respect in their persons of the great principles of Justice and Equality and Liberty.' The words are the same as yours; the claim is the same as yours. The daughters of educated men who were called, to their resentment, 'feminists' were in fact the advance guard of your own movement. They were fighting the same enemy that you are fighting and for the same reasons. They were fighting the tyranny of the patriarchal state as you are fighting the tyranny of the Fascist state. Thus we

III 30 are merely carrying on the same fight that our mothers and grandmothers fought; their words prove it; your words prove it. But now with your letter before us we have your assurance that you are fighting with us, not against us. That fact is so inspiring that another celebration seems called for. What could be more fitting than to write more dead words, more corrupt words, upon more sheets of paper and burn them - the words, Tyrant, Dictator, for example? But, alas, those words

35 are not yet obsolete. We can still shake out eggs from newspapers; still smell a peculiar and unmistakable odour in the region of Whitehall and Westminster. And abroad the monster has come more openly to the surface. There is no mistaking him there. He has widened his scope. He is interfering now with our liberty; he is dictating how you shall live; he is making distinctions not merely between the sexes, but between the races. You are feeling in your own persons what your

40 mothers felt when they were shut out, when they were shut up, because they were women. Now you are being shut up, because you are Jews, because you are democrats, because of race, because of religion. It is not a photograph that you look upon any longer; there you go trapesing along in the procession yourselves. And that makes a difference. The whole iniquity of dictatorship, whether in Oxford or Cambridge, in Whitehall or Downing Street, against Jews or against women, in

45 England or in Germany, in Italy or in Spain is now apparent to you. But now we are fighting together. The daughters and sons of educated men are fighting side by side.

* Virginia Woolf has received a request for a guinea to help prevent war and to 'protect culture and intellectual liberty.'

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Tom Jackman, US Black leader, with G. R. Tando to his right (front) addresses the 'March Against Apartheid', Trafalgar Square, London, November 1985
Photo: Gerry Dubrovski

TALK TO THE PEOPLE

THERE'S A BRAWL IN A LONELY WHITE'S ONLY BAR
 A LEKKER GROOVE IN A CLASSY SHEBEEN
 SOMEONE BETRAYED IN A GOVERNMENT CAR
 A SILENT MOVEMENT ON THE STOCK MARKET SCREEN
 A WATCHMAN PLAYING ON A ZULU GUITAR
 A WHITE SOLDIER'S BLUES IN CAMOUFLAGE GREEN
 A MIGRANT WORKER WHO CAME TOO FAR
 A SAILOR AGROUND IN A SUBMARINE
 PHENDULA WENDODA

(Answer, Mister)

LENDELELA SIZOFIKA KANJANI
 (This way, how will we arrive?)

CHORUS

TALK TO THE PEOPLE
 WALK THROUGH THE COUNTRY
 LISTEN TO THE CHILDREN
 DO YOU KNOW THE DREAMS THEY DREAM AT NIGHT
 ONLY YOU, ONLY YOU CAN FREE ME
 ONLY YOU, ONLY YOU CAN SEE ME
 ONLY YOU, ONLY YOU BREATH LIFE INTO THE LAND
 TOUCH ME WITH YOUR HEALING HAND

THERE'S A TOWNSHIP MONGREL ON THE SCROUNGE
 A TRIBAL FEUD IN A MUNICIPAL 'POUND
 A SQUATTER WITH AN OX BUT NO LAND TO PLOUGH
 A SHIPMENT OF A.K.'S ON THE UNDERGROUND
 A THROW OF THE DICE ON A SOWETO TRAIN
 A WAITING KNIFE IF YOU SHOULD WIN THE GAME
 A HUMAN RIGHTS LAWYER WITH A TORTURE CLAIM
 A UNION ACTIVIST NEVER EVER SEEN AGAIN

Johnny CLEGG

Song from « shadow man » 1988

1 Everyone is aware that we have been assigned a delicate task whose execution, successful or otherwise, will have critical and far-reaching consequences for our land and nation. It is an awesome responsibility.

It is important to bear constantly in mind the title of the act that has
 5 brought us into being — the Promotion of National Unity and Reconciliation. What a happy coincidence, how providentially significant, that our very first meeting takes place on the day designated in our calendar as the Day of Reconciliation. Absolutely central to our concern in the work of our Commission is helping our land and people
 10 to achieve genuine, real and not cheap and spurious reconciliation. Some view the Commission with considerable misgiving and indeed suspicion and even hostility because they have convinced themselves that the Commission is going to degenerate into an Inquisition, a witch-hunt hellbent on bringing miscreants to book and the assumption is that
 15 it would be miscreants from one side only.

We must scotch that rumour or suspicion from the outset. We are meant to be a part of the process of the healing of our nation, of our people, all of us, since every South African has to some extent or other been traumatised. We are a wounded people because of the conflict of the
 20 past, no matter on which side we stood. We all stand in need of healing. We on the Commission are no superhuman exceptions. We too need forgiving and to forgive. I hope that our churches, mosques, synagogues and temples will be able to provide liturgies for corporate confession and absolution.

25 We are privileged to be on this Commission to assist our land, our people to come to terms with our dark past once and for all. They say that those who suffer from amnesia, those who forget the past, are doomed to repeat it. It is not dealing with the past to say facilely, let bygones be bygones, for then they won't be bygones. Our country, our
 30 society would be doomed to the instability of uncertainty — the uncertainty engendered by not knowing when yet another scandal of the past would hit the headlines, when another skeleton would be dragged out of the cupboard.

We will be engaging in what should be a corporate nationwide process
 35 of healing through contrition, confession and forgiveness. To be able to forgive one needs to know whom one is forgiving and why. That is why the truth is so central to this whole exercise.

But we will be engaging in something that is ultimately deeply spiritual, deeply personal. That is why I have been appealing to all our people —
 40 this is not something just for the Commission alone. We are in it, all of us together, black and white, coloured and Indian, we this rainbow people of God. That is why I have appealed to our different communities of faith (Christian, Muslim, Jewish, Hindu etc) to uphold the Commission in fervent prayer and intercession that we may be showered
 45 with the divine blessings of wisdom, courage and discernment. (...)