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Stay in your lane: experiences in colour-blind love in colour-conscious South Africa: 1949 to 1994

Thomas, Maria Magdalena

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Stay in Your Lane

Experiences in Colour-Blind Love in Colour-Conscious South Africa: 1949 to 1994

Maria M. Thomas

A dissertation submitted to the University of the Witwatersrand, Johannesburg, in fulfilment of the degree Master of Arts in History by Course Work.

Declaration

I declare that this is my own original work. It is submitted in fulfilment of the degree Master of Arts at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other university.

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Maria M. Thomas

24 February 2020

Abstract

The Prohibition of Mixed Marriages Act was one of the first pieces of apartheid legislation to be passed in 1949. In 1957, the amended Immorality Act included section 16, which worked in conjunction with the Mixed Marriages Act and together were known as the "sex laws". The two acts served to maintain racial purity in South Africa during apartheid. By 1985, these laws were also some of the first pieces of apartheid legislation to be repealed. This paper looks at the experiences and stories of interracial heterosexual couples during the period of 1949 to 1994, under these laws.

The stories and experiences revealed that most, if not all, interracial relationships and families were affected in apartheid South Africa, even when partners could legally get married, due to, for example, the Group Areas legislation. The apartheid government were committed to the sex laws, making sure to close up loopholes in legislation. In fact, South Africa's sex laws serve as suggestive bookends to the commencement and demise of apartheid. As far as the effectiveness of the sex laws, it did not end interracial relationships in South Africa, either casual, short-term or long-term. Furthermore, every article written about the challenges of interracial couples, both locally and internationally, kept apartheid policies firmly in the spotlight and appealed to people's shared humanity and romantic sentiments, thus, further uniting them against the apartheid government.

In order to tell the stories and experiences of interracial couples, and how the laws and social regulation in South Africa impacted on their lives, I conducted several interviews. I also drew on other primary sources including the National Archives of South Africa, the Wits Historical Papers, as well as consulting various newspaper archives.

Acknowledgements

I switched from Theory of Literature to History when I applied to do a Master of Arts degree at Wits University, so, I had a lot of catch up to do within the discipline. This was, however, made most enjoyable, even if at times challenging, by the skilled and deeply knowledgeable professors, lecturers and staff in the History Department and the Wits History Workshop. Every class that I attended and conversation with fellow classmates, served to widen and deepen my knowledge and understanding of the field of history. The year of fulltime classes also gave me much greater insight into the complexities and history of South Africa in particular. I am very grateful for this experience of having my thought horizons expanded.

My thanks in particular to Prof. Clive Glaser for deftly guiding me through this project and providing much input and helpful feedback to complete my dissertation for examination. I greatly appreciated his focussed time amidst all his other commitments.

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Chapter One: Introduction

"'Stay in your lane. Don't date Indian boys. Don't date white boys. Stay away from the fatherless.' We were always told that, 'Stay in your lane.' And my [white] grandfather was very strict about it."

– R. H., born 1973

These few lines reflect the essence of the intention of apartheid South Africa's notorious "sex laws" and other race legislation: stay in your lane. Not everyone in South Africa, however, stayed in their designated "racial lane" during apartheid. What the research in this paper offers, with the various race laws as backdrop, are different snapshots of what happened, and the implications, when the designated colour lanes were crossed in an attempt to run together on the most intimate level. It reveals what life was like, in other words, ordinary, daily life, for those who crossed racial lanes under South African law and with regards to social regulation in the country.

The Prohibition of Mixed Marriages Act of 1949, which was supposed to help achieve racial purity, was one of the first pieces of apartheid legislation to be passed after the National Party unexpectedly came to power in 1948.[1] This act would eventually work hand-in-hand with section 16 of the Immorality Act of 1957. The Prohibition of Mixed Marriages Act and section 16 of the Immorality Act of 1957 are widely acknowledged as part of the essential underpinnings of apartheid law in South Africa – one of the "four pillars" of apartheid legislation articulated by Hendrik Verwoerd (1901-1966). Together, these laws were frequently referred to as the "sex laws" and I will also often refer to it as such in this paper.

[1] Saul Dubow writes, "Nationalist leader D. F. Malan was almost as surprised by his victory as his old opponent, [Jan] Smuts, who suffered the additional humiliation of losing his own seat in the rural heartland of Standerton." *Apartheid, 1948-1994* (Oxford: Oxford University Press, 2014): 1.

Broadly, my research looks at the experiences of heterosexual interracial couples and the awareness that they gained from their experiences and choices under the Prohibition of Mixed Marriages Act of 1949 and section 16 of the Immorality Act of 1957 in apartheid South Africa. It also takes into consideration that after the repeal of the sex laws in 1985, such legislation as the Group Areas Act stayed in place until June of 1991, which continued to make interracial intimate relationships and family settings practically difficult. As the report of Wilmot James for the African Studies Institute argues, "The Group Areas Act minimised the opportunities in spatial terms for inter-racial [sic] sex and marriage to occur and maximised opportunities for unique racial populations to emerge, each with their own culture and social identity."[2]

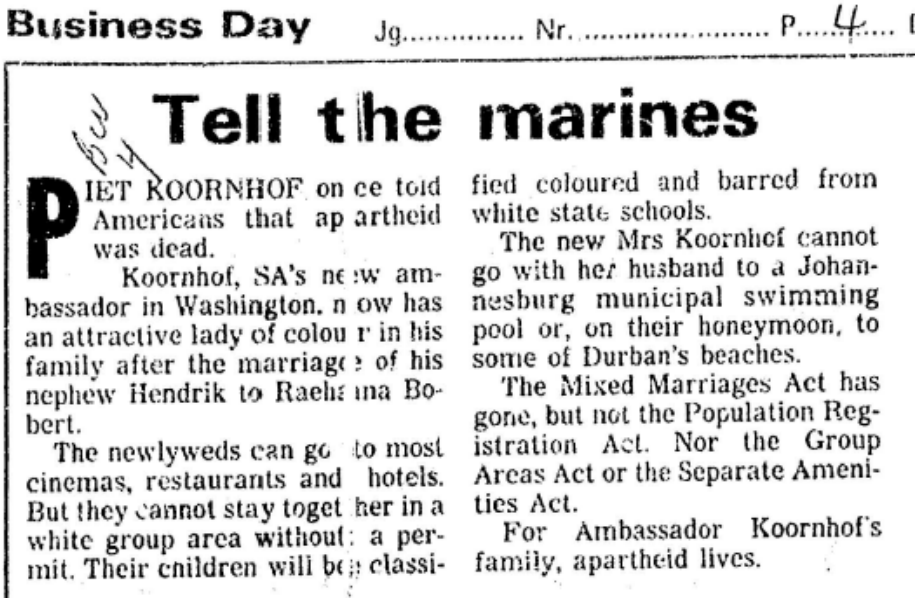
By the time the law prohibiting mixed marriages was passed in 1949, an established way of thinking about it was already in place in white South African politics. After all, when this law was first passed, the opposition United Party's argument and position did not oppose the legislation outrightly, but rather underscored that they too were against mixed marriages, as per South African "tradition" or social dictates. The crux of their argument came down to their belief that the passing of the law was not necessary and that it would be complicated to enforce – in fact, that it would be unenforceable. Significantly, in debate, Smuts referred to the law as having a "Nazi-like" quality about it, and it undeniably brought to mind the Nuremberg Laws, which were enacted in September 1935 and which, for example, legislated against sexual relations and marriage between Germans and Jews. In the nationalistic political context of South Africa, Smuts did not push this point nearly as far as he could have after World War II.[3]

This established way of thinking about interracial relations, however, had not in the history of South Africa kept people from different race groups from seeking to share their lives together in family settings. Sometimes they got married, where possible, before 1949, or lived in unobtrusive, in-between spaces, after 1949, or even left South Africa altogether. This paper

[2] Wilmot G. James. 'T. E. Donges and the Group Areas Act'. Working Paper, 1 June 1992. http://wiredspace.wits.ac.za/handle/10539/8815. 10.
[3] 'How Race Will Be Decided, Smuts on S.A. Tradition'. *Rand Daily Mail*, 20 May 1949, sec. In the House of Assembly. Rand Daily Mail Online Archive: 1902-1985, p. 11.

shows how these couples met and stayed together. It also highlights the challenges posed by the attitudes of their families, communities and the broader South Africa.

In the 1980s, when the scrapping of the sex laws came under consideration, Chris Freimond wrote on 15 April 1985 on the front page of the *Rand Daily Mail* (RDM), "The scrapping of the laws forbidding [interracial] marriage and sex would be widely regarded as the most significant step so far in the Government's reformist drive away [from] old-style apartheid."[4] As I will show, however, there was still a long and rather rough road ahead for interracial relationships between 1985 and 1994. The scrapping of the sex laws did not change apartheid thinking overnight and there is some debate about the actual jolt that it provided.



Business Day Jg..... Nr..... P....4.... 1

Tell the marines

PIET KOORNHOF once told Americans that apartheid was dead.

Koornhof, SA's new ambassador in Washington, now has an attractive lady of colour in his family after the marriage of his nephew Hendrik to Raeha ma Bobert.

The newlyweds can go to most cinemas, restaurants and hotels. But they cannot stay together in a white group area without a permit. Their children will be classified coloured and barred from white state schools.

The new Mrs Koornhof cannot go with her husband to a Johannesburg municipal swimming pool or, on their honeymoon, to some of Durban's beaches.

The Mixed Marriages Act has gone, but not the Population Registration Act. Nor the Group Areas Act or the Separate Amenities Act.

For Ambassador Koornhof's family, apartheid lives.

['Tell the Marines'. *Business Day*, 22 June 1987. SA Media Online.]

After 1985 and the scrapping of the sex laws, legislation such as the Group Areas Act and Population Registration Act continued to act as a buffer in South Africa's race relations until 1991. See, above, for example, the pointed article from *Business Day* regarding the Koornhof family.

[4] Chris Freimond. 'Scrapping Sex Laws Will Jolt Apartheid'. *Rand Daily Mail*. 15 April 1985, Late Final edition. Rand Daily Mail Online Archive: 1902-1985, p. 1.

It is noteworthy, as one considers race mixing in other contexts, such as the Antebellum South of the United States of America, the overlap in attitudes and legislation compared to South Africa. In the growing divide between blacks and whites in America, one of the first expressions of this, in law, was the passing of laws against intermarriage.[5] The removal of anti-miscegenation state laws in the USA only occurred in the 1960s after the Loving case from Virginia was won at Supreme Court level. In South Africa the role players in the repeal of the Mixed Marriages Act were various and included Chris Heunis, F. W. de Klerk, and a select committee appointed by De Klerk, as well as the churches in South Africa, which were exerting some significant pressure in favour of the scrapping of the laws by the late '70s and early '80s. There was also increasing foreign pressure on South Africa to repeal these and other apartheid laws.

My interest in this topic began during an exploration of Ingrid Jonker's life and poetry for my literature studies.[6] Jonker was part of the *Sestigers*[7], which also included Breyten Breytenbach. I learned of Breytenbach's marriage to a French woman of Vietnamese origin, which made her persona non grata in South Africa – she was declared an undesirable alien so that the Minister of the Interior could stop her from entering South Africa.[8] The *RDM* reported speculation on its front page in 1967 (below) that the proposed amendment to the Prohibition of Mixed Marriages Act, to make it illegal for South African men (citizens) to marry non-whites outside of South Africa, was as a result of Breytenbach's marriage while living in France – so, not resident in South Africa at the time, but still a citizen.[9]

[5] John H. Franklin & Alfred A. Moss. *From Slavery to Freedom: A History of African Americans*. (New York: McGraw-Hill, Inc, 1994) 157.
[6] Maria M. Thomas. 'A Close Reading and Comparison of Selected Poems by Ingrid Jonker and Sylvia Plath'. MA, University of Pretoria, 2014.
[7] The *Sestigers* were a group of prominent Afrikaner writers, which was started by André Brink and Breyten Breytenbach. Much of their writing aimed to confront and resist the apartheid state and its censorship laws.
[8] H. Suzman. HANSARD, House of Assembly Debates, 1968. Prohibition of Mixed Marriages Amendment Bill, 2nd Reading, (22 February 1968), column 999.
[9] The law assumed that wives would adopt the domicile of their husbands and, thus, were excluded in the wording of this proposed amendment in 1967. See: P. C. Pelser. HANSARD, House of Assembly Debates, 1967. Prohibition of Mixed Marriages Amendment Bill, 2nd Reading, (21 April 1967), column 4713.



Mixed marriage law to apply overseas

OWN CORRESPONDENT

CAPE TOWN.—The Government will introduce an amendment to the Prohibition of Mixed Marriages Act to make it illegal for South African men living abroad to marry a woman of a different race group.

The measure is thought to be a result of the marriage of Mr. Breyten Breytenbach, a White South African poet living in Paris, to a Vietnamese woman.

Red helicopters

PARIS. — France has sold 15 Alouette 111 helicopters to

[Own Correspondent. 'Mixed Marriage Law to Apply Overseas'. *Rand Daily Mail*. 24 March 1967, Morning Final edition, sec. front page. Rand Daily Mail (1902-1985).]

Although the Prohibition of Mixed Marriages Act and other pieces of legislation are now accepted as foundational to apartheid South Africa, it does not appear that the experiences of those who transgressed these laws, and the various attitudes and pressures at play during its existence and beyond, have been explored in great depth. The impact of the Group Areas Act and Population Registration Act, which remained in place until 1991, on lived experiences and how these complicated normal life for interracial couples and families are also shown. Such legislation still offered significant barriers after the repeal of the sex laws in 1985. My research also explores the transgression of the sex laws and its relation to internal and individual resistance, particularly when not politically motivated, to the oppressive apartheid regime.

The Institute for Justice and Reconciliation in South Africa argues that: "Intergroup marriages are considered an important measure of the dissolution of social and cultural barriers, therefore of social and cultural integration. … These elements are seen to be enabling of social cohesion in multicultural societies. However, not only the odds of interracial marriages, but also attitudes towards interracial marriages are of importance when considering intergroup

marriages as a measure of integration."[10] In an ever globally integrating and diversifying world this history of attitudes and laws in South Africa is surely worth a deeper look.

Born and raised in South Africa myself as apartheid was coming to an end and frequently confronted by what being a South African means in the transition from race separation to integration, the historical questions and thought about race interest me deeply. Those that cross the constructed racial identities or boundaries, in the face of race laws and racist attitudes, shed light on how we see and construct race and how we interact based on skin colour. It is this historical experience in apartheid South Africa that I wished to explore, through getting into the lived experiences under South African law and social regulation after 1949 and briefly considering its impact on post-1994 South Africa.

This research focuses on apartheid laws, which forbade the mixing of all races, but especially of "European" (white) and "non-European" (all other races), through such laws as the Prohibition of Mixed Marriages Act, section 16 of the Immorality Act and the Groups Areas Act. The Mixed Marriages Act prevented heterosexual couples of different races, particularly when one of them was white, from legally getting married and forming a family. The Immorality Act went even further and explicitly forbade white persons and "coloured" (as defined by the act) persons to have intercourse. Couples did, however, still meet and form "marriages" and families of a type. As Trevor Noah puts it in *Born a Crime*, "If you ask my mother whether she ever considered the ramifications of having a mixed child under apartheid, she will say no. She wanted to do something, figured out a way to do it, and then she did it. She had a level of fearlessness that you have to possess to take on something like she did. … Still, it was a crazy, reckless thing to do. A million things had to go right for us to slip through the cracks the way we did for as long as we did."[11] This research delves deeper into these choices and lived experiences, as Noah shared, of figuring out the daily life of race mixing in a racially segregated South Africa. When

[10] Samantha Kambule. 'Attitudes towards Interracial Marriages in South Africa'. *IJR* (blog). Accessed 21 March 2019. https://www.ijr.org.za/2017/07/03/attitudes-towards-interracial-marriages-in-south-africa/.
[11] Trevor Noah. *Born a Crime: Stories from a South African Childhood*. (London: John Murray, 2016). 30.

and how was this accomplished, especially with regards to South Africans that were not living in the social or political spotlight, as, for example, Breytenbach did?

The Immorality Act did also regulate homosexual acts and relationships, and in progressively more harsh ways, so that when the act was amended in 1969, although sex between men had already been prohibited under the common law crime of sodomy, the 1969 act made it a statutory crime for a man to have sex with another male person under the age of nineteen. It also introduced section 20A, which made any sexual activity between men at a party illegal. A "party" meant that more than two male persons were present. For the purpose of this research, I will be looking at transgressive heterosexual relationships, as including transgressive homosexual relationships during apartheid would have made the scope of this project unmanageable. The topic warrants its own focus.

Forming a "normal" interracial family life together was not straightforward, as R. H. (quoted at the beginning of the introduction) made clear by explaining that she grew up confined to her house because she was light-skinned and stood out in the context of her group area. Noah also highlights this experience with regards to his black mother and white father: "So the three of us formed a kind of family, as much as our peculiar situation would allow. I lived with my mom. We'd sneak around and visit my dad when we could."[12]

I also consider the experiences related to leaving South Africa in order to, in some cases, get married and establish relatively normal family lives. Again, as Noah's autobiography makes clear, "Traveling around the world today, I meet other mixed South Africans all the time. Our stories start off identically. We're around the same age. Their parents met at some underground party in Hillbrow or Cape Town. They lived in an illegal flat. The difference is that in virtually every other case they left. The white parent smuggled them out through Lesotho or Botswana, and they grew up in exile, in England or Germany or Switzerland, because being a mixed family under apartheid was just that unbearable."[13]

[12] Noah, *Born a Crime*, 35.
[13] Noah, *Born a Crime*, 38-39.

I conclude by looking briefly at post-apartheid South Africa in which racial groups still tend to remain homogenous. In the words of Cardell Jacobson et al., "In addition to being a multiracial society, South Africa is a polylinguistic society with ten major indigenous languages being spoken as well as Afrikaans and English. These linguistic barriers along with cultural factors present natural barriers to outgroup marriages."[14] Also still present in South Africa is ongoing, informal spatial separation of various economic, cultural, and racial groups, which continue to influence the degree to which South Africans meet and integrate with one another, including on the most intimate level, after many, many decades of race grouping and classification.

Research methods

I was able to conduct three oral interviews for this research project. One interview is with Lily M. Born in 1953 in South Africa. Her life experiences, both in terms of family and romantic relationships cover the period in question to a large extent and offers some of the richest historical material to draw on. The interviews sought to gain a greater and deeper understanding of the choices made and the lived experiences of those in interracial families or long-term romantic relationships in South Africa between 1949 and 1994. The interview candidates were identified through personal networks.

The close relationship between memory and identity is continually kept in mind, specifically for this topic, in which race classification and identity form an inextricable bond with regard to South Africa's past and present. Thus, classified as a white South African myself, raised Afrikaans, and a female, I did my best in researching and writing up this topic to be aware of what is at play in the specific space or context with regard to race thinking for myself and the interviewees while they shared their oral accounts and their memories. Also, while I am trying to trace the individual's or couple's or family's lived experiences as South Africans, I keep in mind that memory works on at least two levels: the individual level and the collective level, which very much influence the individual experience and the individual's making sense of their

[14] Cardell K. Jacobson et al. 'Inter-Racial Marriages in South Africa'. *Journal of Comparative Family Studies* (35, no. 3 (2004)). 445-446.

experiences – particularly under apartheid in South Africa. We need to bear in mind that we are accessing these memories in the present in a South African context free of apartheid laws, but not of all apartheid attitudes.

I am aware of simple forgetting, of the silences in memory and "false" memories, as well as nostalgia. The machinations of apartheid were not always questioned or openly talked about, especially when a person or family was not politically active or aware, and, thus, at times, simply accepted as part of "normal" daily life for the sake of survival. This, however, was not an insurmountable obstacle since, "As oral historians, we have frail but precious tools: attention to language and form, to how things are remembered, or forgotten; and not only to the contents of memory, but also to what is not remembered, to silences."[15] Thus, I observed the silences, for example, and offer possible interpretations of its significance, along with identifying the memories shaped by the collective narrative or propaganda or under the blackouts of external information under apartheid.

Aside from these interviews, I made extensive use of newspapers, the National Archives of South Africa, and the Wits Historical Papers Archive. The National Archives, for example, provided files with race reclassification requests, often related to marriage. Via the Wits Historical Papers, I could access Helen Suzman's personal papers and files from the Legal Aid Bureau in Johannesburg. Oral accounts, along with written sources need to be read alongside each other to do history better. So, as much as it was available and I could find it, I also drew on individual or family experiences as portrayed in various South African newspapers and other written sources, such as, for example, that of Ian (white) and Sherin Whiteley (Indian) in the early 1980s. Their specific circumstances and experiences were covered by a wide range of South African newspapers (both English and Afrikaans), and gives some insight into the various social attitudes toward the couple's struggle to live together as a family, while husband, wife and their two children together, each received different race classifications under South African law. Most of the articles concerning the Whiteleys are from 1981, when they were trying to return to South Africa, and it is a time, as I have shown, that the sex laws, and reform in

[15] Luisa Passerini (ed.). *International Yearbook of Oral History and Life Stories: Memory and Totalitarianism*. (New York: Oxford University Press, 1992) 15.

general, were receiving a lot of attention. Lastly, biographies or memoirs such as Trevor Noah's first-hand account in *Born a Crime* were also consulted.

Outline of dissertation

The dissertation is organised largely chronologically. First, however, in chapter two, along with the literature review, I take a closer look at the Mixed Marriages Act, the Immorality Act, and social regulation in a South African context. I also look more closely at the Population Registration Act and the Group Areas Act. This followed by three chronological chapters. The first part (chapter three) focusses on the effects of the National Party's win in 1948 on interracial relationships, also noting a decline in interracial marriages, which preceded National Party legislation. Through different accounts I explore the obstacles the passage of the Mixed Marriages Act in 1949 brought about and how the obstacles became greater when even interracial sex was no longer allowed with the passage of the amended Immorality Act in 1957.

The second part (chapter four) considers the amended Mixed Marriages Act, which makes it even "stricter" in 1968, while the USA, with similar laws in place, repealed mixed marriages legislation by 1967. South Africa's race legislation in 1968 was, thus, unique in the context of the time. The stories in this part, the lengthiest in the dissertation, explore interracial marriages and relationships, which continued to be disallowed and was made more difficult through the amending legislation that closed any possible loopholes to interracial marriage. It also tells stories of how race and group areas classification affected almost all interracial relationships and families, including the children born of such unions.

The last part (chapter five) of the dissertation looks at the repeal of the Mixed Marriages Act, along with section 16 of the Immorality Act, in 1985 – 36 years after implementation. Apartheid aimed to avoid race-mixing and to advantage the white race as "superior", thus, the Mixed Marriages Act's implementation and repeal possibly form more significant bookends to the apartheid ideology. The significance of its repeal, though it did not yet provide all South Africans with the right to vote, for example, rested in how it undermined apartheid ideology. In repealing this legislation, the door was opened for the repeal of all apartheid race legislation. I

look at the first interracial marriages after repeal, while race and group areas classification, along with racial attitudes, remain an obstacle. Lastly, in chapter six, I briefly look beyond 1994 to the effects of historical race legislation and attitudes on interracial relationships in South Africa, before concluding remarks about the research.

The stories that I have chosen to tell, variously offer insight into the impact of the different laws that worked together (Mixed Marriages Act, Immorality Act, Registration Act, Group Areas), the involvement of the police and citizens (anonymous complaints, for example), arrests and court cases. It highlights how people met and where they married and lived ("homelands", neighbouring countries, leaving for overseas). Another aspect that the stories highlight is the impact specifically on children from what was considered mixed-race unions. The accounts also reveal the impact on unions where one partner was not considered to be white or European, but where the Race Registration Act and Group Areas Act still made family life difficult or even impossible. A number of the stories, likewise, offer insight into some of the bureaucratic processes, such as applying for reclassification in order to be able to get married or live in the same group area in South Africa.

To better understand the categories of race classification, which in apartheid South Africa determined everything from where you could live to whom you could marry, your salary and pension, etc., I rely on Gerhard Maré's description of the Population Registration Act which stipulated three main categories, later adding "Indian" and "Asian" as sub-categories of "Coloured". The three main categories were, thus: "White"; "Native" (which became classified as "Bantu" and then "Black"); and "Coloured". This last category, "Coloured", was eventually further split into seven subcategories: "Cape Coloured"; "Malay"; "Griqua"; "Chinese"; "Indian"; "Other Asiatic"; and "Other Coloured". The criteria for classification were not applied consistently, but were generally decided by appearance, acceptance and/or decent. Maré reveals how deeply problematic classification was and that by 1958, "altogether 52,598 problem cases arising in the course of the first classification under the Act had been dealt with, but nearly 100,000 remained." And significantly that,

> It was along the borders of these categories that the greatest confusion – and, hence, absurdity, misery and tragedy – was created. There, on the *skeidslyn* (the dividing line), and where the borders were crossed by individuals who refused to abide by all the restrictions that accompanied the labels, the horror of race classification was felt most personally and intimately.[16]

Most of the stories I have chosen to tell occurred on this *skeidslyn*.

[16] Gerhard Maré. *Declassified: Moving beyond the Dead End of Race in South Africa*. (Auckland Park, South Africa: Jacana Media, 2014). 37.

Chapter Two: Delineated Love: Sex Laws and Social Regulation in South Africa

South Africa's "sex laws" in context

It is helpful to take a longer historical view in order to better understand the moment in 1949 when the Prohibition of Mixed Marriages Act was passed. Rebecca Sherman and Melissa Steyn provide a broad and very helpful historical overview of anti-miscegenation in South Africa.[17] They argue that "[i]ntimate encounters between people of different caste, tribe, faith, race and nation have been recorded, mythologised and condemned since long before the era of imperialism."[18] By implication, this started long before any apartheid law saw the light of day in South Africa. They also speak of how world exploration and colonialism brought about encounters between diverse people: "a new frontier for sexual relations between remarkably different people." These differences came to be politically exploited in numerous ways in South Africa – eventually, nothing was to be left off the table. In Sherman and Steyn's words, "Intimate relations – sex, love and marriage – are often viewed as the most private and personal matters in one's life. Within the colonial realms, however, the private became political. In South African history, intimate interactions between members of different race groups have been deeply politicised. Public, religious and political discourse on interracial intimacy was and remains imbued with notions of hierarchy, race, gender and morality."[19]

In fact, this last point that they make is significantly underscored by the South African parliamentary debates of 1938 and 1949 where almost all the debaters, even when opposing the proposed legislation, framed mixed marriages as an "evil" and "undesirable". One of the exceptions was Sam Kahn[20] who "compared the Bill to Hitler's anti-Semitic Nuremberg Laws." As the only communist, though, in that particular political climate, "[a]rguments against the Bill

[17] Rebecca Sherman & Melissa Steyn "E-race-ing the line: South African interracial relationships yesterday and today" in *The Prize and the Price: Shaping Sexualities in South Africa*. Melissa E. Steyn & Mikki Van Zyl, eds. (Cape Town, South Africa: HSRC Press, 2009) 55.
[18] Sherman & Steyn, "E-race-ing the line", 55.
[19] Sherman & Steyn, "E-race-ing the line", 55.
[20] Sam Kahn (1911-1987) was a South African Communist and MP from 1949 to 1952 – he represented native African voters in the Cape Province. He was later expelled from parliament because he was a Communist.

were stigmatised as liberal or communist, linking the UP to these 'un-South African' groups".[21] Kahn's argument was basically ignored, while the UP, as I mentioned in chapter one, did not take advantage of pushing the moral high ground that the argument offered – possibly out of fear of losing further voter support.

Sherman and Steyn explore the development of miscegenation and anti-miscegenation attitudes and laws from the period of early Dutch settlement in the Cape, including how early British missionaries (almost always male) were encouraged to come to South Africa unmarried and find an indigenous wife amongst those they were sent to evangelise.[22] This arrangement was not to the Dutch settlers' liking, as it subverted patterns of white dominance, and it eventually resulted in British missionary organisations instead sending families or married people to South Africa. Miscegenation, however, along with anti-miscegenation attitudes, which were closely connected with power relationships, were part of the settler colonial landscape in South Africa from very early on and remained part of it.

Even before British missionaries arrived in the early 1800s in the Cape, though, it is noteworthy that marriage could bring about a change in status for slave women. Being a *burgher* (citizen) and enjoying the rights and privileges of citizenship in the Cape Colony was directly tied to baptism in the church (such as the Dutch Reformed Church). Thus, as Richard Elphick et al. explain, "For a [slave] woman, the shortest route to her and her children's freedom was a Christian marriage." [23] Furthermore, the marriage of a slave woman to a *burgher* was always preceded by her conversion to Christianity and followed by gaining her civil freedom. This way of gaining freedom from slavery through marriage was available from the establishment of the colony. These marriages initially took place quite frequently as there were, to begin with, many more European males compared to European females in the Cape. This was, thus, a route that female slaves or political exiles (there are no records of male slaves being set free for the

[21] Sherman & Steyn, "E-race-ing the line", 65.
[22] Keeping in mind that the concept of race had not yet been fully constructed at this stage of South African history. The differences between settlers and indigenous people did not fundamentally come down to race at first, but more often to religion or belief, free or slave, etc.
[23] Richard Elphick & T. R. H. Davenport, eds. *Christianity in South Africa: A Political, Social & Cultural History*. Cape Town: D. Philip, 1997. 272.

purpose of marriage to a European female) could follow to freedom and the privileges of citizenship. Another route to freedom was the purchase of brides by Muslim men. Muslim marriages, however, were not recognised by the laws of the colony; Muslim wives could easily be divorced again and gained no legal benefits in the process.[24]

Also notable from this early part of South African history and matrimony is that after emancipation in 1834, some women, including Christian women who left Europe for South Africa, preferred to marry Cape Muslim men and adopt the Islamic faith because these men had a reputation for being both hardworking and sober. Thus, "In principle, both Islamic and Christian marriages offered the prospect of a trans-racial community, but this promise was always constrained by the exigencies of the European-dominated colonial administration and its legal system, which reserved most privileges in the colony for people of European descent."[25] At the same time, after the abolition of slavery in 1834, which then undercut the association of particular races or skin colours with a particular social standing in the community, miscegenation started to become more and more distasteful and, "South Africans of European ancestry became increasingly concerned with preserving the purity of the white race in the face of a huge African majority. Marriage between 'pure stocks' in particular was socially denounced[.]"[26]

From these early accounts of marriage between people from quite different cultural backgrounds and class status, etc., and what we refer to as race today, in terms of skin colour, some patterns seem to emerge. Some of the stories that I tell in this research underscore these patterns. From early on in South Africa, marriage could be a way to both change your status and access to certain privileges, while marriage between people from quite different backgrounds and beliefs also took place for the sake of a stable and/or secure home space. It is important throughout the reading of this research to keep in mind that "what love means, how love is expressed, and what constitutes the purpose of marriage vary according to social class

[24] Elphick & Davenport, *Christianity in South Africa*, 273.
[25] Elphick & Davenport, *Christianity in South Africa*, 274.
[26] Sherman & Steyn, "E-race-ing the line", 58.

and particular economic circumstances."[27] One has to consider both love and the material benefits of marriage while looking at the stories of mixed marriages in South Africa. The novelty of marrying or entering a romantic relationship in defiance of social taboo – the sense of transgression that accompanies dating or marrying somebody that your social group disapproves of – which is a much older story than those of *Romeo and Juliet* and *Tristan and Iseult* (Isolde).

It is clear, from the above, that miscegenation was not foreign to the South African settler colony, and even the early Union landscape, although it increasingly came to be seen as socially undesirable, especially between "pure stocks" as Sherman and Steyn highlight. Considering that "[u]ntil the 1930s, mixed marriages between all races were fully legal in three of the four provinces of the South African Union[,]"[28] what then brings about the moment in 1949 when the law is passed?

Pierre van den Berghe, writing in 1960 argued, "The feeling of aversion that most white South Africans manifest at the mere mention of miscegenation did not exist before the 19th century. … Beginning in the 19th century, and becoming even more sharply defined in the 20th century, a new and much more virulent phase of race relations was entered in South Africa."[29] To understand this "feeling of aversion" it is firstly important to consider the prevalence of segregationist thinking globally as well as in South Africa in the late nineteenth and early twentieth century and its relationship to apartheid ideology. Saul Dubow makes it clear that segregation and apartheid are not the same thing, though segregationist thinking and policies certainly informed apartheid and laid the groundwork for apartheid ideology. Thus the, "[p]seudo-scientific doctrines of social Darwinism and eugenics exerted [an] important influence on South African social commentators of the 1920s and 1930s. It was these theories which lay behind the concern to preserve 'racial purity', … an unquestioning acceptance of the

[27] Jennifer Cole & Lynn M. Thomas, eds. *Love in Africa*. Chicago ; London: The University of Chicago Press, 2009. 21.
[28] Sherman & Steyn, "E-race-ing the line", 62.
[29] Pierre L. van den Berghe. 'Miscegenation in South Africa'. *Cahiers d'Études Africaines.* (1, no. 4 (1960)) 83.

'evils' of miscegenation …. Explicit theories of racial science were relatively muted in South Africa, but they were nonetheless widely evident in implicit forms."[30]

In this period of segregationist thinking, before the start of apartheid, one should also consider Cole and Thomas's point that even as black leaders and intellectuals condemned racism and how racism informed segregationist policies and white fears, they also condemned interracial intimacy. It is likely that they did so because of their own assimilation of eugenics, "racial uplift" beliefs, and black nationalism. Thus, "Within this political context, anthropologists as well as *Bantu World* writers rarely discussed sex and love across racial lines. Likely, a related sense of respectable and objectionable relations also caused them largely to ignore same-sex intimacy."[31]

During the Great Depression, when segregationist thinking prevailed, poverty drove a lot of white people off their farms or land holdings to the cities to find work, especially women. As Jonathan Hyslop notes, "In I924, 48 per cent of the total manufacturing workforce in Johannesburg were white women, and this figure had risen by 1935 to an astonishing 73 per cent."[32] The significance of this growing workforce, Hyslop argues, was twofold. Firstly, the great number of white women leaving home or farms for the city to find work changed the family dynamics and hierarchy of especially many Afrikaans families – women, in many cases, became the breadwinners in their family. Secondly, in Johannesburg, for example, particularly in the slum areas and boarding houses, racial segregation was not maintained, so a lot of social race mixing occurred. Both of these led to great anxiety amongst better-off Afrikaans-speaking leaders about the maintenance and growth of a national Afrikaner identity for the purposes of political gain by the *Gesuiwerde Nasionale Party* (GNP), led by D. F. Malan. Thus, with segregationist thinking and politics as the backdrop, preventing "mixed" marriages emerged as one of the key campaigning points for the GNP after 1935 in order to maintain racial purity and

[30] Saul Dubow. *Racial Segregation and the Origins of Apartheid in South Africa, 1919-36*. St. Antony's/Macmillan Series (London, England). 1989. 7.
[31] Cole & Thomas, *Love in Africa*, 34.
[32] Jonathan Hyslop. 'White Working-Class Women and the Invention of Apartheid: "Purified" Afrikaner Nationalist Agitation for Legislation against "Mixed" Marriages, 1934-9'. *The Journal of African History*. (1995, 36: 1) 62.

patriarchal structures (white dominance), as well as to protect white Afrikaner women from what was framed as the "black peril".

Ironically, when the panic about interracial marriages was at its peak, only a few mixed marriages were taking place in reality:

> The De Villiers Commission, appointed by anti-miscegenationists, found that between 1930 and 1937 the number of mixed marriages fluctuated between 72 and 100 per year. White and African marriage was extremely rare; the great majority of mixed marriages were between white women and coloured men. The Commission found three cases of marriage between white women and African men between 1929 and 1931, and none in the following five years […]. [L]ess than one in a hundred of all European marriages were to other races between 1925 and 1946, and the rate declined during this period […].[33]

The position of the GNP regarding racial mixing was further bolstered by the traditional Afrikaner churches of South Africa (known as the three-sister churches), most notably the Dutch Reformed Church, working together with the GNP and later the National Party in much the same way as large parts of the Protestant Church did in Nazi Germany. These churches had by the early twentieth century experienced a shift in theological thinking and influence compared to its early existence in South Africa. It is also noteworthy, as Patrick Furlong points out, that a number of National Party politicians started out as *dominees* (church ministers) and that their syncretistic theological convictions greatly influenced their political actions, particularly with regards to race thinking and a view of the Afrikaners as the *uitverkorene volk* (chosen nation).[34] Further, "Though anti-miscegenation discourse did trigger resistance in the church, the legislature and popular thought, the powerful influence of the Dutch Reformed Church propelled the drive for anti-miscegenation legislation […]."[35]

[33] Sherman & Steyn, "E-race-ing the line", 63.
[34] Patrick J. Furlong. The Mixed Marriages Act: An Historical and Theological Study. *Communications 8*. (Cape Town: Centre for African Studies, Univ. Of Cape Town, 1983).
[35] Sherman & Steyn, "E-race-ing the line", 62.

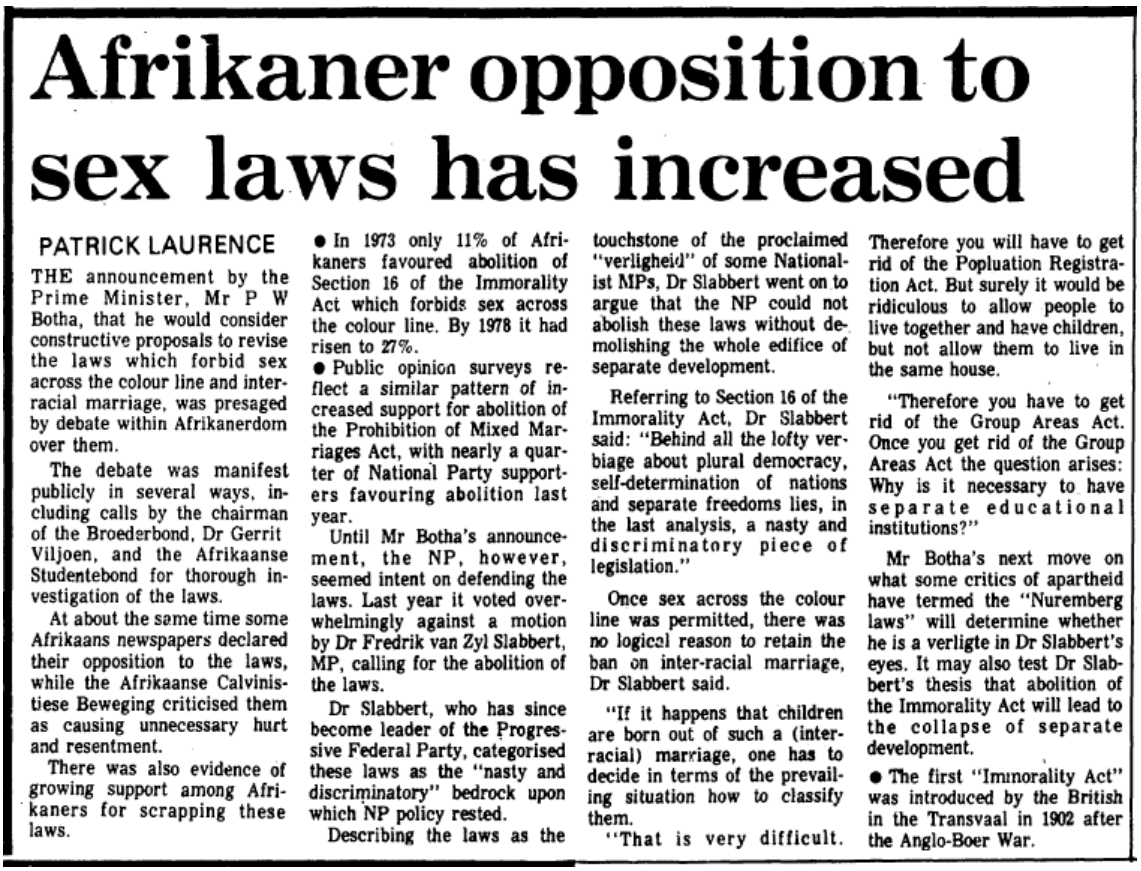
It is then perhaps no surprise that the Prohibition of Mixed Marriages Act (No. 55 of 1949) was a priority once the GNP took power in 1948. In Sherman and Steyn's words, "At the top of the GNP's agenda was the systematic elimination of the possibility of equal-status contact. Beginning with the maximum degree of intimacy, the renamed Nationalist Party (NP) proposed the Prohibition of Mixed Marriages Bill in 1949."[36] Other apartheid legislation followed soon after, such as the Population Registration Act (No. 30 of 1950) and the Group Areas Act (No 41 of 1950). Such legislation all worked together, "creating serious implications for intimate relations across the colour line."[37] These "serious implications" are underscored by the accounts in the coming chapters.

Once the Mixed Marriages Act passed, the Population Registration Act became essential for its enforcement, in fact, for the enforcement of all racial legislation. As Dubow indicates, the bureaucracy around race regulation kept growing, "A burgeoning government bureaucracy developed in order to record a full national racial register, with direct implications for citizenship, employment, residential, and social rights. In disputed cases – *often relating to marriage* – local Race Classification Boards were established to adjudicate."[38] [Emphasise mine.] Dubow does not provide any examples of individual lived-experience of people trying to challenge their race classification, probably because of the particular scope of his book. These cases are an important focus of the following chapters.

By 1979 P. W. Botha announced that he would consider revising what had become known as the sex laws in South Africa – the Prohibition of Mixed Marriages Act along with section 16 of the Immorality Act. This was influenced by the growing internal and international pressure on the apartheid state as well as the conservative Afrikaner Churches changing their stance on the matter. In fact, by "1983, the Western Cape synod [of the Dutch Reformed Church] adopted a

[36] Sherman & Steyn, "E-race-ing the line", 64.
[37] Sherman & Steyn, "E-race-ing the line", 65-66.
[38] Dubow, *Apartheid, 1948-1994*, 38.

resolution declaring that the Mixed Marriages and Immorality Acts were contrary to scriptural and ethical principles of marriage."[39]



Afrikaner opposition to sex laws has increased

PATRICK LAURENCE

THE announcement by the Prime Minister, Mr P W Botha, that he would consider constructive proposals to revise the laws which forbid sex across the colour line and inter-racial marriage, was presaged by debate within Afrikanerdom over them.

The debate was manifest publicly in several ways, including calls by the chairman of the Broederbond, Dr Gerrit Viljoen, and the Afrikaanse Studentebond for thorough investigation of the laws.

At about the same time some Afrikaans newspapers declared their opposition to the laws, while the Afrikaanse Calvinistiese Beweging criticised them as causing unnecessary hurt and resentment.

There was also evidence of growing support among Afrikaners for scrapping these laws.

● In 1973 only 11% of Afrikaners favoured abolition of Section 16 of the Immorality Act which forbids sex across the colour line. By 1978 it had risen to 27%.

● Public opinion surveys reflect a similar pattern of increased support for abolition of the Prohibition of Mixed Marriages Act, with nearly a quarter of National Party supporters favouring abolition last year.

Until Mr Botha's announcement, the NP, however, seemed intent on defending the laws. Last year it voted overwhelmingly against a motion by Dr Fredrik van Zyl Slabbert, MP, calling for the abolition of the laws.

Dr Slabbert, who has since become leader of the Progressive Federal Party, categorised these laws as the "nasty and discriminatory" bedrock upon which NP policy rested.

Describing the laws as the touchstone of the proclaimed "verligheid" of some Nationalist MPs, Dr Slabbert went on to argue that the NP could not abolish these laws without demolishing the whole edifice of separate development.

Referring to Section 16 of the Immorality Act, Dr Slabbert said: "Behind all the lofty verbiage about plural democracy, self-determination of nations and separate freedoms lies, in the last analysis, a nasty and discriminatory piece of legislation."

Once sex across the colour line was permitted, there was no logical reason to retain the ban on inter-racial marriage, Dr Slabbert said.

"If it happens that children are born out of such a (inter-racial) marriage, one has to decide in terms of the prevailing situation how to classify them.

"That is very difficult. Therefore you will have to get rid of the Popluation Registration Act. But surely it would be ridiculous to allow people to live together and have children, but not allow them to live in the same house.

"Therefore you have to get rid of the Group Areas Act. Once you get rid of the Group Areas Act the question arises: Why is it necessary to have separate educational institutions?"

Mr Botha's next move on what some critics of apartheid have termed the "Nuremberg laws" will determine whether he is a verligte in Dr Slabbert's eyes. It may also test Dr Slabbert's thesis that abolition of the Immorality Act will lead to the collapse of separate development.

● The first "Immorality Act" was introduced by the British in the Transvaal in 1902 after the Anglo-Boer War.

[Patrick Laurence. 'Afrikaner Opposition to Sex Laws Has Increased'. *Rand Daily Mail*. 27 September 1979, Morning Final edition. Rand Daily Mail Online Archive: 1902-1985.]

Come 1985, "[F. W.] de Klerk [Minister of Home Affairs and of National Education] announced that it was time to remove the issue [meaning the sex laws] from the political realm. At the same time, he stressed the preservation of group identity and community life, emphasising that other legislation would not be abandoned. "[40] The Conservative Party (CP) was firmly against these changes. They did not see them as superficial changes and feared that the scrapping of even one piece of apartheid legislation would be followed by the scrapping of more legislation and eventually that they would have to give up "white power to the black majority". This latter is of particular importance when I look at the accounts of mixed race couples after 1985, but

[39] Sherman & Steyn, "E-race-ing the line", 66.
[40] Sherman & Steyn, "E-race-ing the line", 67.

before 1994. Although the sex laws were removed, social dictates and attitudes remained in different shades, from wary to hostile, toward mixed race couples.

Even as they discuss the overall system of apartheid and its many and various moving parts and role players, few commentators on apartheid, for example Dan O'Meara[41] and Philip Bonner et al.[42], refer to the formulation and repeal of the sex laws in any depth. This may perhaps indicate a gap in apartheid literature concerning the significance of the legislation regulating intimate race mixing to the apartheid ideology. To my mind, the sex laws should be weighted in terms of their significance as far as priority of place is concerned at the outset of apartheid and the dismantling process that started in the 1980s. These laws seem to have represented a significant psychological barrier in race relations and the raising of this barrier as well as its removal might have meant more than the attention given to it so far indicates, especially with regards to the beginning and end of apartheid.

Perhaps part of the reason for the treatment thus far is, as Dubow highlights, that the repeal of the sex laws was seen as "cosmetic" by many and that the National Party was simply reacting to pressures without any constructive or determined intentions toward reform. In Dubow's words, "It was relatively easy to dismiss as irrelevant the abandonment of so-called 'petty apartheid' measures. The repeal of highly offensive legislation, like the 'immorality' and 'mixed' marriages Acts (1985) or the deracialization of sport, was denounced by the political right. On the left, critics mostly dismissed such changes as 'cosmetic'."[43] To conclude with Sherman and Steyn, despite the denouncements that the scrapping of the sex laws were superficial, "the move to legalise interracial relationships was an important political gesture *towards anti-racist politics*. Just as anti-miscegenation laws of the earlier twentieth century set

[41] Dan O'Meara. *Forty Lost Years: The Apartheid State and the Politics of the National Party 1948-1994*. (Randburg, South Africa: Ravan, 1996).
[42] P. L. Bonner, Peter Delius, & Deborah Posel, eds. *Apartheid's Genesis, 1935-1962*. (Johannesburg: Ravan Press : Witwatersrand University Press, 1993).
[43] Dubow, *Apartheid, 1948-1994*, 199.

the scene for apartheid legislation, the repeal of such measures cleared a path for the future dismantling of the apartheid regime."[44]

Issues of race and identity

The question of race needs to be addressed in this study and how race has historically been constructed in South Africa, as well as how race continues to be constructed in South Africa.

My personal observation is that, in general in South Africa, a lot of assumptions about race at street level seem to have been made and continue to be made, based almost exclusively on the prevailing metanarratives, personal experience and perspective, rather than engaging in considered thinking or in what the biology of human beings reveals. We also tend to view one another in South Africa through the glasses of our own racial experience. We continue to classify and are classified, including in many cases officially, on the bases of our skin colour even after 1994.[45] This continues in spite of the removal of laws drawing racial distinction. Those that claim "not to see colour" in South Africa are likely to find themselves mocked for ignorance or for being socially unaware and downright naïve. In many cases, cultural and socioeconomic differences might play a much greater role than race, though we often continue to, even unconsciously, attach cultural and socioeconomic significance to skin colour in South Africa.

Race, it has to be kept in mind, is a modern phenomenon and a social construct "that justified the growing ascendancy of the West over other peoples," as John Tosh highlights. In his own words, "[I]t has been most strongly developed as a means of reinforcing political and economic control over subordinate groups (as in colonial Africa and Nazi Germany). The way in which an earlier generation of historians wrote about Western global expansion strongly implied that the 'native' peoples at the receiving end were inferior both in their indigenous culture and in their capacity to assimilate Western techniques; and these negative stereotypes served in turn to

[44] Sherman & Steyn, "E-race-ing the line", 68.
[45] Maré, *Declassified*, 28-29.

sustain a flattering self-image of the British – or French or German – 'race'."[46] It is also this construct of race that has driven and continues to drive nationalist movements, groups, and politics in the modern world. Though a sense of nationalism can instil a feeling of group pride, it tends to function best in spaces of comparison with other groups, and of necessity having to win the comparison.

As we continue to grapple with South Africa's apartheid past and try to shape a coherent South African identity, or are giving up on shaping such an identity, this conversation about race remains a part of the fibre and texture of political, social, academic, etc. discussions. Gerhard Maré forcefully underscores how much race and race thinking still pervades:

> To call races social constructs means that we reproduce and maintain race as a valid category through our own socialisation, our own agency in common sense-making. This despite the scientific trashing the term 'race' has received; despite the moral and reasoned rejection of the notion through international agreements; despite knowledge of the horrors inflicted by some on other human beings, because they had been grouped as despised races. We are directly, even if not consciously, involved in constructing and reconstructing the existence of races.[47]

Since "coloured"[48] and "mixed race" identities play an important role in my study, it is perhaps important, at this juncture, to highlight that identifying as "mixed race" and identifying as "coloured" in South Africa might mean two completely different things for South Africans. As Anthony Marx notes, "A distinct 'coloured' identity developed gradually in South Africa."[49] So, if a South African is of "mixed race" the assumption cannot be made that they automatically identify as "coloured". Thus, I have also engaged with Mohamed Adhikari, who argued that "In

[46] John Tosh. *The Pursuit of History: Aims, Methods, and New Directions in the Study of Modern History.* 5th ed. (New York: Longman/Pearson, 2010). 43.
[47] Maré, *Declassified*, 28-29.
[48] I have chosen to write all race categories in lower case in this paper, but exceptions do occur where I quote from other authors and archival documentation.
[49] Anthony W. Marx. *Making Race and Nation: A Comparison of the United States, South Africa, and Brazil*. (Cambridge Series in Comparative Politics. Cambridge: Cambridge University Press, 1998). 71.

one sense, coloured identity is a product of European racist ideology which, through its binary logic, cast people deemed to be of mixed racial origin as a distinct, stigmatised social stratum between the dominant white minority and the African majority. In colonial society, effect was given to this ideology through both official and customary discrimination."[50]

In the next chapter, I focus on the effects of the National Party's win in 1948 on interracial relationships, noting, as a starting point, the decline in interracial marriages, which preceded National Party legislation. After that I begin zooming in on particular stories.

[50] Mohamed Adhikari, ed. *Burdened by Race: Coloured Identities in Southern Africa*. (Cape Town: UCT Press, 2009). ix.

Chapter Three: The Control and Legislation of Interracial Intimacy

As I wrote in the introduction, after the National Party's win in 1948, one of the first pieces of apartheid legislation to be passed was the Prohibition of Mixed Marriages Act. Interracial marriages were, however, actually taking place at the lowest rate in the history of South Africa up until that time. In this chapter I discuss some of the reasons for the decline. I also look at the passage of the Mixed Marriages Act and the obstacles its passage created for interracial couples and how the obstacles became greater with the passage and implementation of the amended Immorality Act in 1957.

By examining Anglican marriage records, a recent article by Johan Fourie and Kris Inwood empirically explores the decline of interracial marriages before 1949 and draws conclusions for the Cape, as well as generally for the broader South Africa.[51] They state their purpose in the article to be, not a concern with the political aspects of interracial marriage, but rather "documenting the changes in the different types of interracial marriages over time, and the reasons for these changes."[52]

They accessed more than 23 000 Anglican marriage records from Cape Town between 1911 and 1964 to offer possible explanations for this low point in interracial marriages. As a starting point they propose several explanations for the decline. Ultimately, their evidence suggests that "structural factors, notably the level of segregation, help to explain the decline in interracial marriages. As housing in Cape Town became more racially segregated, churches were more likely to only marry couples of the same race. Less interracial mixing resulted in lower interracial marriage rates."[53] They explain that their research was only a first effort to understand the reasons for interracial marriages in the first half of the twentieth-century in South Africa. They also acknowledge that their study is limited to the Cape Town area. Nevertheless, they conclude that "Social segregation happened prior to the 1949 Prohibition of

[51] Johan Fourie & Kris Inwood. 'Interracial Marriages in Twentieth-Century Cape Town: Evidence from Anglican Marriage Records'. *The History of the Family* 24, no. 3 (3 July 2019): 629-52.
[52] Fourie & Inwood, 'Interracial Marriages in Twentieth-Century Cape Town', 633.
[53] Fourie & Inwood, 'Interracial Marriages in Twentieth-Century Cape Town', 646.

Mixed Marriages Act, and even before the 1938 election in which interracial marriages became a national point of discussion. The frequency of interracial marriages did not primarily decline as a result of these debates; instead, opportunistic nationalist politicians of the 1930s exploited an already existing downward trend for their own benefit."[54] In essence, in fact, a lot of unnecessary panic and emotion was created by the nationalists around the issue of interracial marriage and exploited to gain political power. The research does show that "white men and women of a lower social status were more likely to intermarry." But they do not find "evidence that this was as a result of what sociologists have called social exchange theory.[55] … But it does corroborate the anecdotal accounts of the time, and help to explain why nationalist politicians were using interracial marriages as a political tool to win populist votes."[56] They were deeply concerned about slum areas in the cities where interracial mixing was occurring along with the "poor white problem".

In light of the above, Minister of the Interior Dönges's words during debates about the passing of the Mixed Marriages Bill sound even more disingenuous:

> It is interesting to see what the position is if one takes as a central point the report of this commission[57]. It gives figures up to 1937. If one takes ten years before this Commission's report was produced – that is from 1928 to 1937 – compared with the position from 1938 to 1947, the second ten years, one finds that the total number of mixed marriages in the ten years before the commission sat amounted to 912 and the mixed marriages in the ten years after the commission sat amounted to 913. Therefore

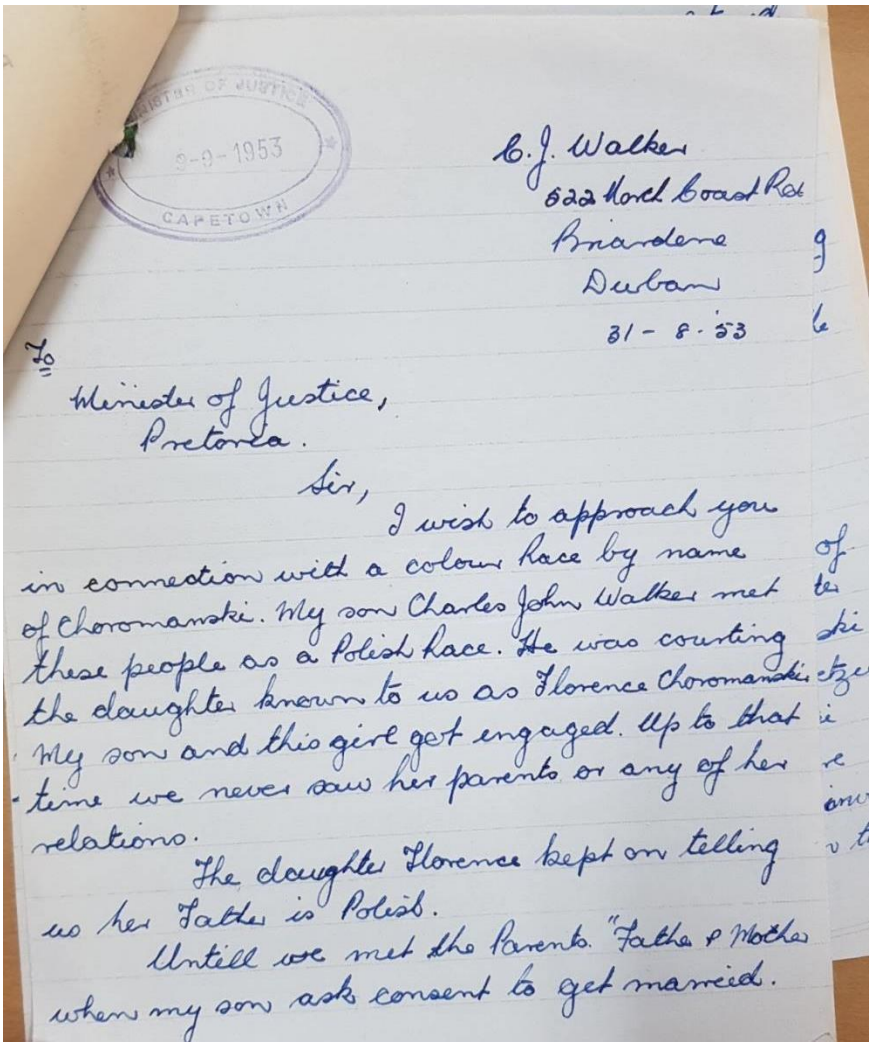
[54] Fourie & Inwood, 'Interracial Marriages in Twentieth-Century Cape Town', 647.
[55] Fourie and Inwood explain, "Social exchange theory can be applied to interracial marriages too. If whites are believed to be at the top of the social hierarchy, as social exchange theorists argue, whites will be seen as incurring a social cost for interracial marriages […]. Following this line of thinking, white husbands would therefore have had to be compensated for 'marrying down' through other redeeming qualities of the wives, like attractiveness or higher education. Similarly, we expect that black husbands who 'married up' would have had plausibly superior qualities, in the eyes of contemporaries, in comparison to black men who chose a black partner." 'Interracial Marriages in Twentieth-Century Cape Town', 634.
[56] Fourie & Inwood, 'Interracial Marriages in Twentieth-Century Cape Town', 646-647.
[57] The 1939 Report of the Commission on Mixed Marriages in South Africa.

> as far as the total is concerned *there has been a steady increase*. During that period of twenty years 1 825 marriages of this kind were entered into.[58] [Emphasise mine.]

The main concern was obviously with race-mixture of any kind – prevention of it was crucial to the apartheid project – no matter how insignificant in terms of numbers, because of a growing number of children from these unions.[59] It would prove difficult to classify these children during the apartheid period and their existence also challenged the "unquestioning acceptance of the 'evils' of miscegenation."[60] Also, I can only speculate that if interracial intimacy was left unlegislated, it is possible that, as segregationist thinking receded again worldwide in the twentieth century, that interracial marriages in South Africa may naturally have started to increase. This would also have largely depended, though, on other pieces of legislation along racial lines.

Four years after the passage of the Mixed Marriages Act a police case in Durban demonstrated its impact. In a South African Police (SAP) file at the National Archives, I found the following letter, dated 31 August 1953:[61]

[58] T.E. Dönges. HANSARD, Union House of Assembly Debates, 1949. Prohibition of Mixed Marriages Bill, 2nd Reading, (19 May 1949), column 6171.
[59] It is striking how some of the parliamentary debaters talk in absolutes when it comes to categories of race in South Africa. Even racial mixture, as far as coloured South Africans were concerned, were rigidified by placing coloureds in their own race category.
[60] Dubow, *Racial Segregation*, 7.
[61] 'Mixed Marriage Act No. 55 of 1949'. South African Police File. Johannesburg, 1954-1952. SAB, SAP. National Archives and Records Service of South Africa.



C. J. Walker
622 North Coast Rd
Briardene
Durban
31-8-53

To
Minister of Justice,
Pretoria.

Sir,

I wish to approach you in connection with a colour Race by name of Choromanski. My son Charles John Walker met these people as a Polish Race. He was courting the daughter known to us as Florence Choromanski. My son and this girl got engaged. Up to that time we never saw her parents or any of her relations.

The daughter Florence kept on telling us her Father is Polish.

Untill we met the Parents. "Father & Mother when my son asks consent to get married.

[The letter from a C. J. Walker to the Minister of Justice in 1953, four years after the passage of the Prohibition of Mixed Marriages Act.]

This letter by a C. J. Walker, from Briardene, Durban, was directed at the Minister of Justice in Pretoria (though the letter seems to have been redirected to Cape Town). It complained about Florence Choromanski, the woman to whom Walker Snr's son, Charles John Walker (20 years old), was engaged and living with. Charles had previously, unsuccessfully, tried to marry Florence. Mr Walker's letter raises a number of questions, including why he was directing it at the Minister of Justice? And why were the South African Police involved in this case related to the Mixed Marriages Act?

Noteworthy from Mr Walker's handwritten letter on blue paper, and typed up for the official record, was that he wrote race with a capital "R" throughout the letter. To my mind, this

indicates how large this issue of race was in South Africa, as well as being classified under the "right" race category. The Population Registration Act was passed in 1950 and it is probable that most South Africans would have been even more aware of racial classification and separation by 1953. Racial identity was so important for this father that he was asking for the help of the police and the law to break up his son's relationship with Florence Choromanski, who was also known as Dolores Coetzee, according to the father and the police investigation.

In his letter, Walker Snr noted his son's engagement to Florence and that they (I assume he and his wife) had never met her parents or any of her relatives until Walker Jnr asked permission to marry Florence. They had previously understood from Florence that her father was Polish. The letter then referred to "the Magistrate" who refused to marry the couple because Florence's birth certificate indicated her race as "mixed" and that both her and her parents were South African.[62] The said magistrate, according to Walker Snr, laid a charge against Mrs Choromanski (Florence's mother) for tampering with her daughter's birth certificate. My assumption was that Mrs Choromanski tried to change the race classifications on the birth certificate. Walker Snr went on to write that his son was "of pure European decent" and that the magistrate refused to marry the couple because of the "New Law" – here I assumed the Mixed Marriages Act.

After all the revelations about the Choromanski family, Walker Snr explained that he tried everything to get his son to give up Florence. It is noteworthy, however, that the relationship got as far as an appearance before the magistrate with the intent to marry before the father wrote to the Minister of Justice with his complaint. In his own words to the minister, "We cannot build a white South Africa when people like this do not want to live with their own Race." Which race he meant, was not clear from the letter. From the way that the letter was written, though, the father sounded perturbed that Florence's mother was trying to get her daughter's papers "fixed up" in Pretoria and was not also intervening in the relationship to end it. The father then provided the addresses of the Choromanskis for a police investigation and

[62] As I elaborate in chapter four, in order to get married, a couple had to supply their birth certificates to the relevant marriage officer, especially when they claimed to be white.

adds that Mrs Choromanski "[f]or investigation always try to hide the relatives." His letter concluded with his expressed hope that the minister would "put a stop in this matter urgently."

A letter from an A. I. Pretorius, private secretary to the Minister of Justice, on the 10th of September 1953, acknowledged receipt of Mr Walker's letter and it was indicated that the matter was receiving attention. The case, it seemed, was then forwarded to the Deputy Commissioner of Pietermaritzburg in Natal for investigation.

On the 20th of October 1953, the office of the Deputy Commissioner of Pietermaritzburg reported back to the Commissioner of Police in Pretoria regarding the Florence Choromanski/C. J. Walker complaint. This reply or report indicated that Walker Snr had already reported to the police on the 26th of June 1953 that his son was living with Florence, that his statement was taken and the matter investigated. The police's feedback on the investigation indicated that Florence's mother, Hendrika Choromanski (born Davids) "is obviously a European and her birth was registered as such." She claimed that her daughter was an illegitimate child and her father a European. Florence was born after she married Mr Choromanski, whom the police stated claimed to be of Polish descent, but "has the appearance of a Coloured." Hendrika Choromanski's statements indicated that she was admitted to the coloured section of Addington Hospital with Florence's birth and that the baby was, as a result, registered as "coloured" or "mixed" by the hospital authorities. The report then concluded by stating that Florence "is of fair complexion and has the appearance of a European" and that she "received her education at European schools in Durban and was also accepted as a European at the different firms where she was employed after leaving school." These words in the report indicated that someone from the police traced Florence's school records as well as probably visited previous and current places of employment and asked questions to determine if there was enough evidence for a criminal case.

Typed correspondence on the 6th of November 1953 indicated that the Attorney-General of Natal "has declined to prosecute in this matter." A handwritten note on the letter of the 6th of November became a letter dated the 10th of November 1953, from the Commissioner of the SAP, C. I. Rademeyer, which was addressed to Mr Walker to say that the matter was "fully

investigated" and that the Attorney-General "declined to institute a criminal prosecution and under the circumstances it is regretted that this Department is not empowered to render [Mr Walker] any further assistance." With this, the correspondence in the file concluded.

Several questions have been left unanswered in the historical record. Did Florence and her mother succeed in getting her birth certificate altered? Did Florence know that Mr Choromanski was not her biological father, but rather one Jack Vivitoni? Did Florence and Charles eventually get married? This would have only been possible if her race on her birth certificate was amended. Did the final correspondence from the police settle the matter for Mr Walker Snr and how did he get on with Florence's family, especially the stepfather, who "has the appearance of a Coloured."

A criminal case would have been doubtful from the beginning and, thus, the fact that the police, "declined a criminal prosecution" was not surprising at all. Contravention of the Mixed Marriages Act did not imply an act of criminality, but rather that a marriage could not be performed or could be declared void. Criminality only became an issue under section 16 of the Immorality Act of 1957, four years after this incident. Minister Dönges stressed more than once during debates in 1949 that entering into a mixed marriage would not be considered a crime, but, rather, that it would have no legal recognition. A crime only became of consequence under the Immorality Act, brought forward by the Minister of Justice. In 1953, the law was still very new and the stakeholders were still grappling with its implications.

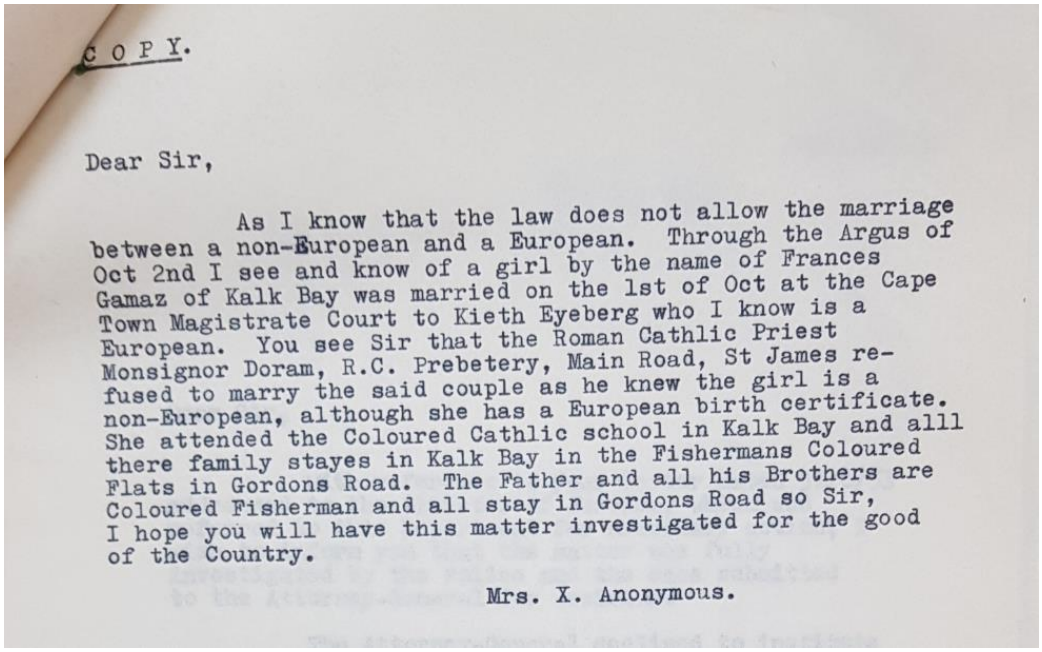
This case tells us that some South Africans embraced the Mixed Marriages Act and that they were prepared to follow its provisions. Mr Walker Snr, indeed, was so prepared that he got the police involved to have his son's relationship broken up. He appeared proud of his classification as white and was clearly not prepared to tolerate "racial mixture" in his family. It is also worth emphasising that this case was not prosecutable. Criminal charges were only possible if it could be proved that a person deliberately lied about their race to the marriage officer. Or, as in this case, against Florence's mother if it could be shown that she tried to alter the birth certificate. Should Florence not have managed to get her birth certificate sorted out, she and Charles would have been free to live together as a couple without fear of criminal charges until 1957.

Their other possible hurdle, of course, would have been the Group Areas Act. At the time that Walker Snr wrote the letter, though, it was clear that Charles and Florence were living together and had no intention of separating.

In the assembly debates of 1949 regarding the Mixed Marriages Bill concerns were raised about the possibility of anonymous complaints by Mr Davis, amongst others, "When a young man or young girl wants to get married, the poisonous, libellous tongues of the gossips will start wagging. There will be anonymous letters and reports sent to the marriage officer before the marriage is contracted."[63] The Minister of the Interior countered that, "If it is anonymous he [the marriage officer] need take no notice of it. If he considers that the letter comes from someone to whose word weight is attached he can observe the appearance carefully and, if doubt exists, he can apply the other test."[64] Thus, the final act allowed for anonymous complaints to be made and left the following up of such complaints to the discretion of each marriage officer.

Anonymous complaints, as Mr Davis predicted, did follow the passage of the act. Frances Gomez and Keith Eyberg, from Cape Town, were the victims of such a complaint in 1954. This is another case, out of the same police file as the previous one, at the National Archives.[65] The case was instigated by an anonymous complaint sent on the 12th of October 1954 to the Minister of the Interior and forwarded to the police for investigation on the 2nd of November 1954. The letter, "For the good of the Country," (capital "C") was signed by Mrs. X. Anonymous:

[63] A. Davis, HANSARD (19 May 1949), column 6189.
[64] T.E. Dönges, HANSARD (8 June 1949), column 7352. The other test, apart from appearance, to which the Minister of the Interior referred here was acceptance.
[65] 'Mixed Marriage Act No. 55 of 1949'. South African Police File. Johannesburg, 1954-1952. SAB, SAP. National Archives and Records Service of South Africa.



C O P Y.

Dear Sir,

As I know that the law does not allow the marriage between a non-European and a European. Through the Argus of Oct 2nd I see and know of a girl by the name of Frances Gamaz of Kalk Bay was married on the 1st of Oct at the Cape Town Magistrate Court to Kieth Eyeberg who I know is a European. You see Sir that the Roman Cathlic Priest Monsignor Doram, R.C. Prebetery, Main Road, St James refused to marry the said couple as he knew the girl is a non-European, although she has a European birth certificate. She attended the Coloured Cathlic school in Kalk Bay and alll there family stayes in Kalk Bay in the Fishermans Coloured Flats in Gordons Road. The Father and all his Brothers are Coloured Fisherman and all stay in Gordons Road so Sir, I hope you will have this matter investigated for the good of the Country.

Mrs. X. Anonymous.

[The style and spelling of the original letter were reproduced in this photo of the typed-up version.]

Progress regarding the investigation was asked for from the Deputy Commissioner of the SAP by the commissioner of the SAP, G. J. Joubert, on the 6th of December 1954 and received a response on the 9th of December. The response made it clear that enquiries were made about Mrs Gomez and her daughter, Frances Gomez, and that both had birth certificates that indicated their race as “European”. Mr Gomez, upon questioning, indicated that he was of Portuguese descent and explained his dark complexion as daily exposure to the sun because he worked on fishing boats. It seemed clear that the parts of his body not exposed to the sun, were scrutinised and found to be “quite white”. The report did not indicate how willing or unwilling Mr Gomez was during questioning to show them his unexposed skin.

Even the Rev. Doran was questioned (the Roman Catholic Priest referred to in the anonymous complaint) and he stated that he was “quite willing” to conduct the marriage of Frances Gomez and Keith Eyberg. The Rev. Doran, however, apparently also received an anonymous letter from “one ‘Smith’ of Woodstock, wherein he was warned of the possible consequences if the couple is married by him.” As a result, he said he was scared of becoming embroiled in a possible court case and opted to refuse to conduct the marriage, which meant the couple had to go to a magistrate in Belville to get married. The Roman Catholic Church, far smaller in size

in South Africa, had not as much clout as in other places and countries and tended to rather not stir the waters on certain issues, even if the Catholic Church's theological stance was in opposition to the law.

The police report indicated that the marriage certificate described both husband and wife as "white". Again, one assumes that someone from the police either visited the magistrate's office in Belville or asked the couple to produce their marriage certificate. The letter reporting back concluded, "Although the Gomez family resides in the Fisherman's Flats, Kalk Bay, owned by the City Council, where all the occupiers, except for two other families, are Coloureds, they are accepted as Europeans, not only by general acceptance and repute, but also as their general appearance obviously are those of Europeans." This, apparently, was the end of the matter as no further correspondence about the case appeared in the file.

This "obviousness" of race can certainly be further interrogated, as well as the wording of the Mixed Marriages Act, "habitually [consorting] with Europeans as a European" as a test of race. In any case, what this police file made clear was the superficiality of race, the constructed notions of race in South Africa, and how race was differently interpreted in different settings and by different people, even those in positions that were supposed to apply classification with objectivity. It also revealed the real disruption that anonymous complaints effected in terms of families' lives and marriages, not to mention the police resources probably expended to investigate such claims. One wonders what motivated the complainant, in apparent service of the country, to put pen to paper in such a spiteful way. First writing to the Rev. Doran, who opted to err on the side of caution (something which I suspect most marriage officers would have done), and then to the Minister of the Interior, resulting in a police investigation, which could not have been pleasant for Keith, Frances and her family.

Already during the assembly debates of 1949, Dönges said that "the minister of Justice has given notice to introduce a Bill to amend the Immorality Act of 1927, and the content of that Bill are in agreement with what I have stated here, namely a second step for the

discouragement of miscegenation and for the promotion of racial purity."[66] The Mixed Marriages Act and the amended Immorality Act were, thus, clearly meant to work together to prevent race mixing in South Africa. Accordingly, on the 3rd of April 1957, the amendments to the Immorality Act of 1927 were ratified and became law. Sexual intercourse between white persons and coloured persons, as defined by the act[67], had now become a criminal offence in South Africa with the inclusion of section 16 in the amended act.

Soon after, in 1958, Ernest Wheeler and Augusta Jacobs from Wellington found themselves charged under the provisions of the act. According to *JET*, an American weekly magazine that published general interest topics for their African-American audience, in 1949 Ernest (24) and Augusta (19) had published an announcement for their marriage in the Dutch Reformed Church, but the minister went on a holiday and their wedding was postponed. The next time that they planned to get married, the police apparently intervened under the provisions of the Mixed Marriages Act, but they stayed together and had children together.[68] Under the heading, "Pardoned Couple Want to Marry", the *RDM* Correspondent from Cape Town also reported about Ernest Wheeler (classified white) and Augusta Jacobs (classified coloured) who was arrested and sentenced under section 16 of the Immorality Act.[69] I could only find one article in the *RDM* about the couple and, in the National Archives, the official record related to their pardon by the Executive Council of South Africa. The couple was arrested in the early morning of the 10th of January at 03:30 a.m., according to the *RDM* report, but the pardon indicates that they appeared in the Magistrate's Court, in Wellington, on the 9th of January 1958 where they were found guilty and sentenced to four months in jail. A jail sentence which would include forced labour. The official pardon was signed on the 13th of February 1958 and includes the signature of J. G. Strijdom (Prime Minister of South Africa from November 1954 to

[66] T.E. Dönges. HANSARD (19 May 1949), column 6164.
[67] The act defined a "coloured person" as any person other than a white person and a "white person" as any person who in appearance obviously is or who by general acceptance and repute is a white person. The criteria of descent were not referred to in the amended act.
[68] 'Mixed Couple with 4 Children Unable to Marry in S. Africa'. *JET* 14, no. 4 (29 May 1958): 22-23.
[69] RDM Correspondent. 'Pardoned Couple Want to Marry'. *Rand Daily Mail*. 23 January 1958. Rand Daily Mail Online Archive: 1902-1985, p. 9.

August 1958). This official pardon, however, the *RDM* correspondent made clear, did not mean that the couple's future actions would be overlooked.

The couple's three children Johnny (3), Winnie (5), and Henry (7) were asleep when their parents were arrested. The parents then spent four days in jail, while the children were looked after by Augusta's sister, who apparently could not look after them all the time and so the children often went without food. The *RDM* was clearly sympathetic towards the couple based on the details of the story that they printed (even if on page 9 of the edition and at the bottom of the page). The article stated, for example, that both Ernest and Augusta "were taken back by their employers, who described them as a respectable, honest and devoted couple." Ernest was a handyman and Augusta a waitress.[70] The *RDM* correspondent began the article by writing that all Ernest and Augusta "wanted in life was to get married and make a home for their children." But this would have been impossible after the Mixed Marriages Act's passage in 1949. It is further reported that the couple "did not know much about the law, but they hoped their marriage would eventually be possible." It is clear from the report that Augusta was pregnant at the time of the arrest with their sixth child (two babies having passed away) and that she and Ernest had no intention of separating after the arrest, sentencing, and official pardon.

Many men and women were prosecuted and sentenced under section 16 of the Immorality Act, so Ernest and Augusta's case is a curious one, because a Detective-Sergeant Van den Heever, according to the newspaper article, said that the Wellington police's intentions were to leave the couple alone. The law, however, prevented them from getting married, and living together as a white man and coloured woman meant that they could face future arrests under the amended Immorality Act[71], unless one of them managed to change their race classification or if they were able to live in a community that did not ask too many questions or take spiteful action against them. Still, it probably would have been a sword hanging over their heads, as well as their children. For the children, their parents' classification would have decided where they went to school and eventually which jobs they could take and at what salary. As

[70] 'Mixed Couple with 4 Children Unable to Marry in S. Africa', *JET* 14, 22-23.
[71] The Group Areas Act might also have presented them with further problems.

discriminatory as the race classification system was, remaining unclassified caused even more difficulty as I illustrate in the next chapter.

I was especially curious about how the couple's pardon came about. Did they know someone influential who could speak up on their behalf? Did Detective-Sergeant Van den Heever favour them in saying that the police would not arrest them again in future or was he influenced by someone higher up in authority in this regard? Did their pardon and the attitude of the police have anything to do with where they lived in South Africa? It is possible that where they lived was key: in a community that accepted them, which offered a degree of protection. The *JET* article concluded, "The press raised a concerted howl, editors wrote indignant stories, questions were asked in Parliament, and 10 days later, the couple was freed, pardoned by South Africa's governor-general, Dr. [sic] Ernest George Jansen."[72]

The Prohibition of Mixed Marriages Act did leave couples intent on getting married with one loophole, which was how Charlotte and Syrub Singh got married in 1961. Their story might still be remembered by some as it was widely covered in the international press and in South Africa. They were married on the 29th of December 1961 in Salisbury, Rhodesia (Harare, Zimbabwe); "But three weeks after the couple returned to South Africa and set up housekeeping in Durban, two detectives knocked at the door and took them off to the police station."[73] At the time of their arrest Charlotte was 22 years old and Syrub, 28 years old.

On the 31st of January 1962 the *RDM* reported that Charlotte insisted on being charged under her married name during court proceedings in Durban, Natal.[74] The prosecutor, a Mr P. H. Spies, countered that, "This State does not recognise the marriage between the accused. As far as this State is concerned she is still Miss Bloem." The judge, however, a Mr Cowan, agreed to

[72] 'Mixed Couple with 4 Children Unable to Marry in S. Africa'. *JET* 14, no. 4 (29 May 1958): 22-23.
[73] 'Sex & Color'. *TIME Magazine* 79, no. 6 (9 February 1962): 26.
[74] 'Singhs Are Not Married – State'. *Rand Daily Mail*. 31 January 1962, Morning Final edition. Rand Daily Mail Online Archive: 1902-1985, p. 9.

her name being entered into the record as Mrs Singh. This was possibly a small victory for the defence and the couple even as the proceedings continued.

The indignities of being arrested under the Immorality Act are well known, because of many news articles, books, plays, such as Athol Fugard's *Statements After an Arrest Under the Immorality Act*, etc. These indignities are also illustrated by the Singh case. The court proceedings, as reported by the *RDM*, described how a Det. Sgt. E. W. J. Morris, visited the Singh-flat at 05:00 in the morning on January 26 – how he knocked, stood on a wall, and looked into the home through a fanlight.



[This photo of Charlotte and Syrub Singh appeared in a 2016 online article by the *Cape Times* and was apparently originally taken by Ranjith Kally who passed away in 2017.]

The prosecutor, Spies, asked the court not to recognise the Singh marriage and to convict them of contravening the Immorality Act because, "They have sought to circumvent the laws of this country." His case insisted that their marriage was not recognised by the laws of South Africa and therefore their charge was under the Immorality Act. The case was fought and decided around what the word "domicile" in the Mixed Marriages Act meant in terms of the legality of a marriage contracted outside the borders of South Africa when both were South African citizens.

TIME Magazine, reporting on the Singh case, stated that "[a]s a deterrent, the Immorality Act has worked none too well over the years. In the past decade, about 4,000 mixed unmarried couples have been convicted. Victims need not be caught in the act; they can be jailed if discovered in suspicious circumstances. Last summer John Rudd, 34, a prominent

Johannesburg businessman, was arrested in his home with Dottie Tiyo, a dark-skinned 21-year-old professional dancer; when the police came in, Rudd wore only a towel, and the girl had his bathrobe on. Each drew six months in prison."[75] Ironically, however, this article made no mention of the laws in the USA concerning interracial marriages, making it illegal in more than half of the country's states by the 1950s. The example of the USA was also held up by Dönges during his speeches in 1949 to justify the Mixed Marriages Act and to underplay it as unique.[76] The Loving case in Loving v. Virginia was only decided by the US Supreme Court on June 12, 1967, ruling that interracial marriage laws was in contravention of the 14th amendment of the US constitution.[77] Thus, in 1961, South Africa's laws concerning interracial marriage were not quite so singular.

On the 3rd of February 1962 the Singhs were on the front page of the *RDM*. The paper's reporting now referred to Charlotte as Singh and no longer Bloem – her maiden name.[78] Mr R. I. Arenstein (defence) was reported as saying that the case was the first of its kind in South Africa, "It was in the nature of a 'test' case." And that "[t]he decision of the court would be important to numerous South Africans outside the country who had contracted mixed marriages." The report reiterated that the question of domicile was at the heart of the court's decision. The state was relying on information in Singh's passport to prove that he was domiciled in South Africa. The defence countered, however, that information in the passport could not be held to prove domicile. As the *RDM* reports, "Mr Arenstein quoted several legal authorities and decided judgments of the Supreme Court and submitted that domicile and permanent residence were not the same thing."

The prosecution asked, "the court to bear in mind the great ease with which the law could be contravened should judgment be given in favour of the accused." On the 3rd of February, the judge reserved judgement until February 10 and the bail of R10 was extended.

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[75] 'Sex & Color', *TIME Magazine*, 26.
[76] T.E. Dönges. HANSARD (25 May 1949), column 6493.
[77] Editors, History com. 'Loving V. Virginia'. HISTORY. Accessed 3 January 2020. https://www.history.com/topics/civil-rights-movement/loving-v-virginia.
[78] Own Correspondent. 'Immorality Case – Test for Many Mixed Marriages'. *Rand Daily Mail*. 3 February 1962, Morning Final edition. Rand Daily Mail Online Archive: 1902-1985, pp. 1, 2.

The story of Charlotte and Syrub was picked up again on the 21st of February 1962, after their acquittal of immorality charges, which I could not find covered in the *RDM*.[79] The story on the 21st related to a brouhaha concerning another police visit to the home of Charlotte Singh at 04:30 in the morning. The incident apparently received a lot of overseas publicity and occurred a few nights after Charlotte and Syrub had been acquitted of the Immorality Act charge. The Minister of Justice, Mr Vorster, defended the police action in the House of Assembly (20 February 1962) by saying that the police were not "investigating any alleged offence." Apparently the police's intention was to serve a warrant of arrest on Singh for not paying child support (to the mother of an illegitimate child of his). It may, of course, have been all above board, but one cannot help but feel suspicious of the police's timing in the matter.

The *RDM's* reporting on the Singh story concluded on the 10th of March 1962[80] in reference to the case of David Song, a Chinese business man who successfully managed to be classified as white, by speculating whether "Charlotte Rose Singh, a 22-year-old White wife of Syrub Singh, an Indian, [could] apply for race classification as an Indian? She and her husband were found not guilty of a charge under the Immorality Act by a Durban magistrate some weeks ago." Interestingly, the paper did not consider whether Syrub might be able to receive a white classification. It also did not consider what the racial classification of any future Singh children might be in South Africa if they remained citizens.

The ruling in the Singh case may have augured hope for South Africa's interracial couples, but Helen Suzman noted, during an assembly debate in 1968, that the Singh couple eventually left South Africa because life in the country was just too difficult for them to manage normally. They apparently went to live in another African country where interracial marriage was not prohibited.[81] In chapter four I look at how even this one loophole was closed.

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[79] Political Correspondent. '4:30 a.m. Call Was "In the Interest of Justice"'. *Rand Daily Mail*. 21 February 1962, Morning Final edition. Rand Daily Mail Online Archive: 1902-1985, p. 2.
[80] Pretoria Reporter. 'Spate of "White" appeals expected'. *Rand Daily Mail*. 10 March 1962, Morning Final edition. Rand Daily Mail Online Archive: 1902-1985, p. 3.
[81] H. Suzman. HANSARD, House of Assembly Debates, 1968. Prohibition of Mixed Marriages Amendment Bill, 2nd Reading, (22 February 1968), column 998.

Chapter Four: There Was No Apartheid in the Dollhouse

The 31st of May 1961 marked the Republic of South Africa coming into existence, with H. F. Verwoerd at its helm. The goal of becoming a republic had been one that the National Party had been aiming for since coming to power in 1948. Apartheid ideology and the implementation of apartheid policy showed no signs of abating, despite such incidents as the Coalbrook disaster and the Sharpeville Massacre.[82] In fact, if anything, such events seemed only to spur on the desire and rationalisation of the "need" for white domination in South Africa. In the words of Dubow, "Far from deflecting the government from the republican cause … Sharpeville brought this prospect closer."[83] Dubow further explains that, "The pro-republican campaign slogan, 'To Unite and Keep South Africa White', amply reflected fears of black domination and lessened long established ethnic rivalries [between English- and Afrikaans-speaking South Africans]. Sufficient English-speakers were convinced of this argument to endorse the republican proposal with a 'yes' vote of 52 per cent."[84]

During this period, apartheid was taking greater and more extensive shape in the country. It is often described as the era of "high apartheid". In this chapter I consider the amended Mixed Marriages Act, which made segregation even "stricter". I also look at stories of how race and group areas classification affected almost all interracial relationships and families, including the children born of such unions. There were, however, also spaces where apartheid receded and this chapter looks at some of those spaces and circumstances.

[82] Dubow, *Apartheid, 1948-1994*, 74.
[83] Dubow, *Apartheid, 1948-1994*, 84.
[84] Dubow, *Apartheid, 1948-1994*, 85. Dubow further explains, "The narrow margin of victory indicates that by no means all Afrikaans speakers, who constituted more than 55 per cent of the white electorate, voted with the government. Some must have opposed the republic …. But English-speakers were shifting their allegiances. At the general 1961 election … the National Party significantly strengthened its position and won a majority of votes for the first time. One of the factors in this victory was the support for the government of English speakers, responding to the call for 'national unity'."

Largely in response to the Singh case and Breyten Breytenbach's marriage, the Nationalists forced an amendment (first proposed in 1967) to the Mixed Marriages Act in 1968. The final amendment read:

> "(2) If any male person who is a South African citizen or is domiciled in the Republic enters into a marriage outside the Republic which cannot be solemnized in the Republic in terms of subsection (1), such marriage shall be void and of no effect in the Republic."

Whereas the previous wording in the 1949 act read:

> "(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."

The amendment was brought forward by Minister of Justice and Prisons, Mr P. C. Pelser, MP for Klerksdorp. I am uncertain as to why it was the Minister of Justice that brought forward this amendment and not the Minister of the Interior because, again, the contravention of the Prohibition of Mixed Marriages Act was not a criminal offence – such marriages could be declared null and void but did not carry any criminal penalty. The only possible crime involved was the crime of perjury if one of the parties contracting the marriage deliberately lied about their race classification. One reason might have been the connection between the Mixed Marriages Act and section 16 of the Immorality Act, which could be criminally prosecuted.

The problem with the 1949 act, according to the Nationalists, was the loophole it contained allowing a South African male citizen who gave up residence (domicile) in South Africa, but not citizenship, to marry a South African female citizen of another race classification and, if they were both South African citizens by birth or descent, to return to South Africa legally married. The definition of "domicile" decided the outcome of the Singh case, as explained in chapter three – the Singhs having contracted their marriage in Rhodesia (Zimbabwe). In Pelser's words, in 1967, "Such a situation cannot be allowed to develop, and consequently timeous measures

are now taken in this regard."[85] Basically, if it was not allowed at home, it could not be allowed abroad. The alternative would be for a South African to give up his or her citizenship or to leave the country, as the Singhs eventually did. The fact that not many such marriages were entered into were raised again in debate, but discarded by Pelser who said, "I am not so much concerned with the numbers as with the principle and the consequences such mixed marriages may involve."[86] The amendment seemed to smack strongly of pettiness and of a desire to control South Africa's citizens beyond reason, even outside the borders of the country.

The UP was still unable to galvanise any coherent moral argument to oppose the act as a whole, leaving aside the amendment, still stating that "the country as a whole is against mixed marriages because of the blood mixture."[87] Whether or not the country as a whole was truly against mixed marriages was not given any substantiation by the UP during debate. What is known is that there were more and more grumblings about section 16 of the Immorality Act as the *RDM*, for example, recorded, "A little while ago 'Die Burger' ventilated the question in its correspondence columns and it was clear then that there was a large body of opinion, at least in the Cape, in favour of repeal."[88] The UP's main concern with the amendment related to overseas women marrying South African men and the men then having the option to have the marriage declared void on their return to South Africa. They were also concerned about the status of children from such a marriage, whether they would be legitimate or illegitimate. The minister's response was, "I readily concede that if a South African citizen who has not given up his South African citizenship wants to have such a marriage dissolved he can return to this country and he will be at liberty to enter into a second marriage in this country. That is the position and I do not want to find fault with it. In South Africa we do not regard the first marriage as a proper one."[89] And because the UP did not effectively oppose the principle of the

[85] P.C. Pelser. HANSARD, House of Assembly Debates, 1967. Prohibition of Mixed Marriages Amendment Bill, 2nd Reading, (21 April 1967), column 4713.
[86] P.C. Pelser, HANSARD (22 February 1968), column 990.
[87] T.G. Hughes, HANSARD (22 February 1968), column 992.
[88] See, for example, 'This Act Should Go'. *Rand Daily Mail*. 9 October 1961, Morning Final edition. Rand Daily Mail Online Archive: 1902-1985, p. 8.
[89] P.C. Pelser (The Minister), HANSARD (22 February 1968), column 1016.

act, they once again, as in 1949, did not have a leg to stand on in terms of their forwarded objections to the amendment.

Like Sam Kahn in 1949, Helen Suzman, MP for Houghton, opposed the act in its entirety during the speeches. Suzman had, in 1962 already introduced a bill which proposed repealing section 16 of the Immorality Act and the Mixed Marriages Act. She would again introduce a similar bill in 1971.[90] Thus, she was quite unambiguous in her language, "Sir, I think it is just absurd in this day and age for South Africa to be legislating in this way at all. To be increasing the penalties for inter-racial [sic] marriage in 1968, when every other civilized country in the world is moving right away from this concept of racial discrimination, seems to me to be an absolute anomaly, to put it at its mildest. The only other countries which until recently at any rate had actual laws on the Statute Book forbidding marriages across the colour line, were the southern states of the United States."[91]

Returning to the Singh case, Suzman highlighted the bad press that South Africa had received, "That Singh case brought South Africa into the most awful disrepute. I did a little count at the time to see what happened, and I remember that one of the newspapers mentioned that 95 inches of space had been devoted in one day in British newspapers to this famous or infamous or notorious or ridiculous Singh case. 95 inches of space in British dailies and a page-long column in *Time* magazine with its vast readership of two million people. Honestly, Sir, was it worth it because an Indian man and a white woman decided to get married, married in Rhodesia, and come back as they wanted to live in South Africa?"[92] Suzman was possibly trying to appeal to the national pride of the Nationalists with this speech, but it is interesting to note as well how keen international papers were to cover such stories from South Africa – stories of opposed interracial marriages received almost universal sympathy from readers outside of South Africa. More importantly, it kept South Africa's racial policies in the spotlight as there

[90] Helen Suzman. *In No Uncertain Terms*. Johannesburg: Jonathan Ball, 1993. 122.
[91] H. Suzman, HANSARD (22 February 1968), column 996. In Suzman's memoir she writes, "It gave me much satisfaction, incidentally, to remind smug American audiences that, although there had been no prosecutions for many years, a law against mixed marriages existed in the state of Mississippi until 1988." (*In No Uncertain Terms*, 123.)
[92] H. Suzman, HANSARD (22 February 1968), column 998.

seemed to be an enduring interest in the stories of star-crossed lovers, especially in Britain, as the coverage of Seretse and Ruth Khama in the 1940s also proved.

Nationalist policy and principals remained unbending, however, no matter the low frequency of such marriages – the examples given during the speeches were very few indeed. As the Minister of Justice and Prisons concluded, "I feel that since this loophole has always existed in our legislation, since we are prohibiting miscegenation step for step, I do not hesitate for one moment to ask this House to expand the provisions so that South African citizens who are not domiciled here will also be affected."[93] The amendment was then passed with 82 "ayes" to 32 "noes".

Since the Mixed Marriages Act made marriage between whites and other races impossible and it was even more firmly upheld in 1968, one way that some South Africans could get around it, and other race legislation, was to go through the arduous, and often unsuccessful, process of getting reclassified. If successful, however, an interracial couple was able to marry, to live in the same areas and move in the same circles.

As I discussed earlier, apart from the Mixed Marriages Act and section 16 of the Immorality Act, acts such as the Population Registration Act (No. 30 of 1950) and the Group Areas Act (No 41 of 1950) made life difficult for all interracial relationships and families. Thus, it affected not only interracial relationships where one of the partners was classified as white. Though South Africans from the other racial categories could legally get married, even when classified differently, the Population Registration Act and Group Areas Act still made living together and managing a family life difficult or even impossible in some cases.

The reclassification case files at the National Archives, which I could access, as well as secondary sources, make it clear that reclassification was not a straightforward endeavour or

[93] P.C. Pelser (The Minister), HANSARD (22 February 1968), column 1017.

necessarily a largely successful one.[94] Getting reclassified could also be a very expensive exercise, especially if applicants opted to go to the courts after an unsuccessful application to a relevant Population Registration Board.

The process of race classification under the Population Registration Act often had devastating consequences. For one thing, it was the source of malicious action and created a space in which South Africans policed both one another's constructed racial category, reinforcing it, and movement in and around society. As Muriel Horrell wrote, "Mr. J. Hamilton Russell, M.P., told the 'Cape Times' [issue of 1 March 1958] that an official had informed him that an investigation into a person's race was often started by an anonymous letter."[95] It is, thus, helpful to understand some of the mechanics and effects of the act.

As already mentioned, and generally understood amongst South Africans, classification via the Population Registration Act influenced almost every aspect of daily life, not just who you could or could not marry. It also encouraged people to improve their overall life circumstances by seeking to change their classification or by "passing" as part of another race group. As Horrell observed, "Even if it meant breaking with their families, there was every inducement for Coloured people to try to 'pass' as Whites. They could then send their children to better-equipped schools, could qualify for skilled jobs reserved for Whites, could visit select hotels and cinemas, could qualify for pensions at higher rates." She continued, "there was even more to be gained by Africans who could 'pass' as Coloured, since they then became free of the whole system of passes, influx control, registration of service contracts, and extremely restricted residential and freehold rights."[96]

The Population Registration Act and Group Areas Act did also often create more confusion rather than clarity about race classification, as, for example, the definition for each race group differed across the various acts related to race. This meant that interpretation and

[94] The files at the National Archives, which I was able to trace, contained a concentration of race reclassification requests and cases from between 1966 to 1971. The number of unsuccessful applications far outweighed the number of successful applications in these files.
[95] Muriel Horrell. 'Race Classification in South Africa: its effects on Human Beings'. SA Institute of Race Relations, Fact paper 2, 1958. (Accessed via Helen Suzman Papers 1944-2009, Wits Historical Papers, Johannesburg.) 36.
[96] Horrell, 'Race Classification in South Africa', 4.

enforcement largely depended on individual officials, without consistency. Anyone claiming even the possibility of consistency cannot be acquainted with the basic historical record. As former MP Catherine Taylor notes in her autobiography, "In the fifties the Minister of the Interior, Dr Dönges, appointed a departmental committee of civil servants charged with drafting a definition that would apply to all race discrimination and would prove foolproof in court. After labouring for 2½ years the committee had to admit that the task was impossible."[97]

As I have noted, the Mixed Marriages Act did not prevent other race groups from marrying, but women who were married to or lived with men from different racial groups could be classified differently under the two acts, thus, "A Coloured woman married to an Indian, for example, is an Indian under the Group Areas Act, in order that she may live in her husband's area, but she remains Coloured under the Population Registration Act."[98] The position of a white woman who was married to a coloured man before the Mixed Marriages Act was passed, was different again in that, "She becomes a Coloured for the purposes of the Group Areas Act and proclamations issued under this. Presumably she cannot visit a European cinema, restaurant or club, or be employed as an executive or supervisor in a European trading concern. But apparently, unlike her husband, she may sit in the European part of a bus or train, and may be employed at European rates of pay, except in a senior position in a commercial firm."[99]

When they tried to get married, couples sometimes ran into race classification problems that they had previously been unaware of. In order to get married, the couple had to supply their birth certificates to the relevant marriage officer, especially when they claimed to be white. This requirement could be waived for the other race groups. Thus, as Horrell explains the situation in 1958, "If two persons claiming to be White want to get married, the marriage officer is required to send both birth certificates to the Director of Census before the marriage can be registered; the object presumably is to enable census officials to check the certificates

[97] Catherine Taylor. *If Courage Goes: My Twenty Years in South African Politics*. Johannesburg: Macmillan, 1976. 121.
[98] Horrell, 'Race Classification in South Africa', 9.
[99] Horrell, 'Race Classification in South Africa', 13-14.

against their records in order to ensure that the persons concerned are in fact registered as being White. Birth certificates need not be submitted to Pretoria if both the man and the woman claim to be Non-Whites, whether Coloured, Asian or African."[100]

In her fact paper Horrell also provides various examples such as the following:

> In its issue of 19 February 1958, the *Cape Times* told of one such case. Mr. B, it reported, fell in love with a European girl but could not marry her because his birth certificate was "not in order". The only way he could get his birth certificate changed was through the Population Registration Office in Cape Town. The officials there scrutinized him and noted the colour of his hair, eyes and skin. They sent the details to Pretoria for a decision, but nothing happened. In desperation, Mr. B went to Pretoria himself. "I was desperate and humiliated and I can't tell you the misery I and my fiancee [sic] have been through", he said. "Finally I managed to get an affidavit from an influential man to the effect that I was a European. They changed my birth certificate and now we can get married.
>
> "But I am afraid to say anything because something might happen. They told me that if any complaint was made against me they could reconsider my case and change their decision."[101]

Mr B's last stated fear was also presumably why he opted not to provide his full name for the newspaper article, so I could not trace his story further.

The requirement of producing birth certificates meant that some people acquired theirs for the first time when desiring to get married and discovered that their race was recorded as "mixed". As Horrell explains, however, "This entry may be quite misleading: the Minister of the Interior quoted a case in which the intention had been to indicate that one of the parents was Afrikaans-speaking and the other English-speaking. Or it may be an error. Births are often registered by a nurse, rather than the parents, and cases have occurred in which the nurse gave

[100] Horrell, 'Race Classification in South Africa', 23.
[101] Horrell, 'Race Classification in South Africa', 24.

incorrect information. But again, an investigation by the Population Registration officials becomes necessary."[102] In the interim, engagements were sometimes broken off or the couple that still proceeded to get married once birth certificates and classification could be sorted out, sometimes shunned by their families. In the greater scheme of things, it has to be said that these cases were the exception rather than the rule, but being the exception made the experiences no less painful for the individuals and families involved.

The goal posts for appealing one's classification also moved after the passing of the act in 1950, possibly because of the number of appeals that had to be dealt with once the Population Registration Act came into effect and South Africans fully started to realise what classification meant for their daily lives. So, at first, a person who considered themselves wrongly classified could object to the classification, in writing, at any time. By June 1956, though, a person only had 30 days to appeal a race classification after it was provided.[103]

As I pointed out, apart from the Prohibition of Mixed Marriages Act, which had whites[104] specifically in its sights, the other acts impacted on the marriages of other race groups as well. Horrell speaks of the smaller towns and cities, such as Bloemfontein, where strict residential segregation between coloured and black people was not imposed until the Group Areas Act came into effect in 1950. This meant that there were many cases of interracial marriage. The *Cape Argus* records:

> One of the men affected in this way is Mr. Henry Hawkins, a Coloured man whose grandfather was a European. He is married to a Native woman, and his children have been classified as Natives. Mr. Hawkins has not been told what the authorities concerned intend doing about his case. According to the Group Areas Act, he, as a Coloured person, will have to live in the Heathdale Coloured Township, while his family will have to remain in the location.

[102] Horrell, 'Race Classification in South Africa', 30-31.
[103] Horrell, 'Race Classification in South Africa', 61.
[104] Dönges described these whites as "weaker brothers and sisters" who had to be "protected against their own frailty." HANSARD (19 May 1949), column 6167.

He feels that his children should be classed as Coloured people.

Mr. Jim Chatfield claims that his father was a European officer in the South African War. Mr. Chatfield has lived in the Native Location for 37 years. The four children of his marriage to a Native woman have been classified as Natives. He feels they should have been classed as Coloured people.

"If I must move to Heatherdale my family will move with me, or else I will stay in the location until I die", he said.[105]

Many of these race classification issues were highlighted in the records of specific appeal cases to the Population Registration Boards and the Department of the Interior. Next, I take a detailed look at one such case from the National Archives.

Catherine Taylor (1914-1992), a UP representative for Wynberg in the Cape Province, assisted many people in race classification cases. In her memoir she comments, "I dealt with hundreds of cases … The newspapers soon began to refer to me as 'the Opposition's expert on race classification'. Many of my colleagues passed on to me cases … My frequent participation in legislative debates, and my articles and interviews in the papers encouraged the victims to get in touch with me when their own efforts had failed to get through the legal and administrative thickets created by the arrogant ideologists and faceless bureaucrats behind the Government."[106] Her activities in this area did not make her a favourite amongst those on the Nationalist benches – some of the language the Nationalists used about her was quite abusive – but seemed to have left her undeterred in her continued efforts to help those pursuing race reclassification.

On the 16th of August 1969, then, Taylor wrote to the Minister of the Interior in Pretoria on behalf of Myrtle D. Francis of Cape Town, who was engaged to a G. D. Harris. She indicated

[105] Quoted in Horrell, 'Race Classification in South Africa', 73-74.
[106] Taylor, *If Courage Goes*, 124-5.

that Harris made a third-party objection[107] to the Secretary of the Interior regarding Francis's race classification as coloured. She noted that the Department of the Interior acknowledged receipt of the objection on the 21st of February 1967.

Attorneys were also involved in this case as Taylor's letter referred to communication received by them on the 15th of May 1967 from the Department of the Interior. No definite resolution had been reached about Francis's race classification by 1969 – or, at least, not one that had been accepted as final. On the 1st of September the attorneys received notice from the Secretary of the Interior that as Francis's parents were classified as coloured, he was not in a position to alter her classification. This notice indicated that Francis's classification did not rely on appearance or association, but rather descent. Nevertheless, by 28 August 1968 it appeared that the objection was still pending and the Secretary for the Interior communicated that there were "a large number of objections on hand and they are referred to the Board in the order in which they have been received. It may take some time before your Client can be heard."[108] More letters between the attorneys and the Secretary of the Interior followed, the last again referring to the fact that "objections received attention in chronological order and that no useful purpose would be served by communicating with the Chairman."[109] Francis and her fiancé, thus, had no choice but to patiently await the board's decision or to appeal to someone like Taylor to intercede on their behalf.

As Minister of Police fell under the portfolio of Minister of the Interior at the time, Taylor's letter also objected to the way in which the police had treated Francis. "On three separate occasions during the past year[,] two members of the police force demanded entry at Miss Francis's place of residence in the early hours of the morning and made it quite clear that they were concerned to obtain evidence against her in terms of the Immorality Act."[110] Francis was residing in the same house as her fiancé, his mother and a younger adopted brother, even

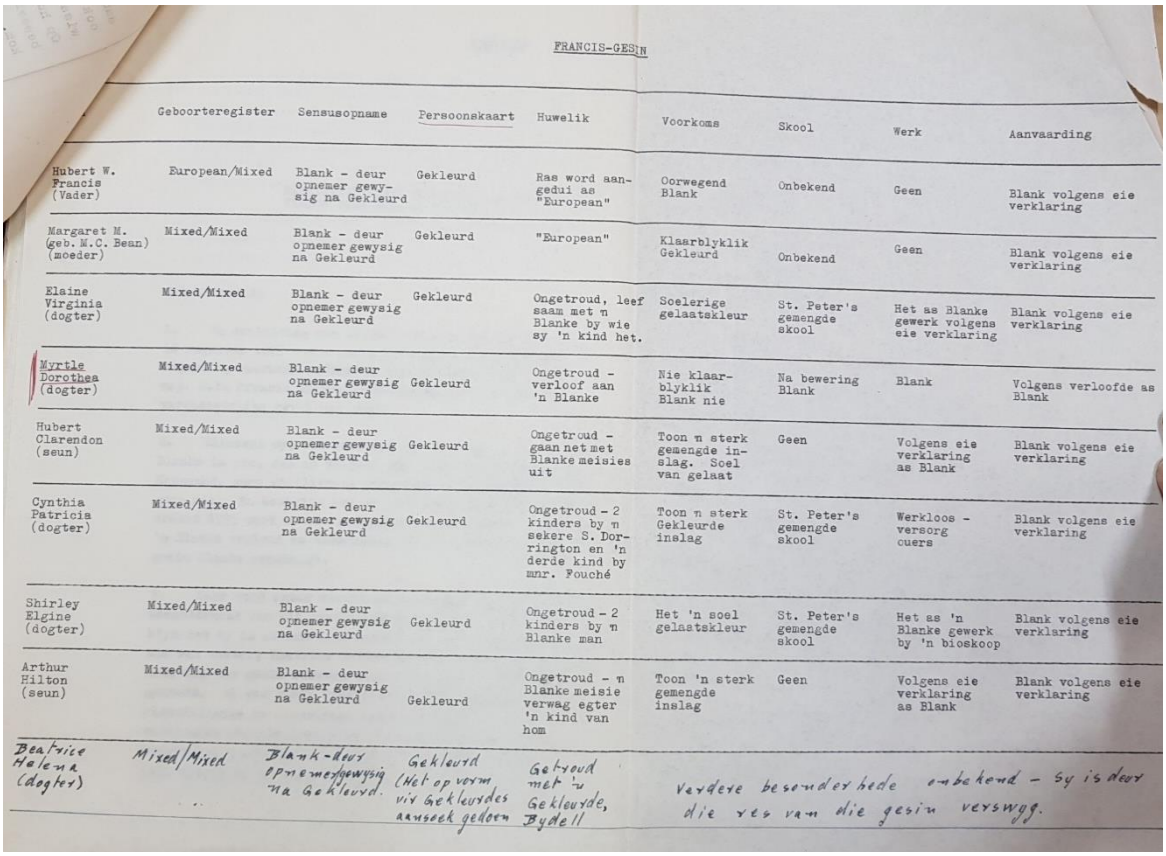
[107] The right to lodge third-party objections before a race appeal board or court of law was amended in 1967 to be abolished and in 1969 completely abolished, striking off even pending cases before the classification boards, according to information provided in Taylor's memoir.
[108] Catherine Taylor, MP. 'Letter to the Minister of the Interior', 16 August 1969. SAB, MBN. Rasklassifikasie: Algemeen. National Archives and Records Service of South Africa.
[109] Taylor, 'Letter to the Minister of the Interior', 16 August 1969.
[110] Taylor, 'Letter to the Minister of the Interior', 16 August 1969.

though she was classified as coloured at the time. The first police visit apparently took place at 01:30 in the morning and when Harris answered the door, "he was told ... that they had received information that the maid in the house was sleeping with European men."

Fourteen days later the police were back and told Mrs Harris that they had reason to believe that Francis was in possession of an unlicensed firearm. Francis was not home at the time, but the police received permission from Mrs Harris to search her bedroom – no firearm was found. Then another 10 days later the police were apparently back at 01:45 in the morning and forced their way in the house as soon as the door was opened. One of their questions to Mr Harris was, "Waar is die meid[111], jy slaap mos met die meid." ["Where is the maid, you know you are sleeping with the maid."] Harris's reply was to ask the police if they came to the correct address and he was informed, "Ja – jy slaap mos by Francis." ["Yes – you know that you are sleeping with Francis."] The police then proceeded to Francis's room (her own room – Taylor's letter was at pains to explain that Harris was sharing a bedroom with the younger brother) and shone a torch in her face. The policemen, Taylor wrote, were surprised to find that Francis did not look like a coloured person and then was also told that her reclassification was pending before an appeal board. After this third visit, the police indicated that they would not visit the house again. Taylor described Francis as "thoroughly frightened and intimidated" by the police visits. She concluded by asking that Francis be given a fair chance and "refer the case again to the Appeal Board, or using your discretionary powers under Section 5 of the Act to have her declared a European."

This invasion of privacy by the police and using various pretexts such as an unlicensed firearm to gain access to a private residence by no means only happened in the case of Francis and Harris, as other stories such as the Singhs' story (chapter three) have shown.

[111] 'Meid' is a dated and derogatory term in Afrikaans for a female domestic helper.



FRANCIS-GESIN

	Geboorteregister	Sensusopname	Persoonskaart	Huwelik	Voorkoms	Skool	Werk	Aanvaarding
Hubert W. Francis (Vader)	European/Mixed	Blank - deur opnemer gewysig na Gekleurd	Gekleurd	Ras word aangedui as "European"	Oorwegend Blank	Onbekend	Geen	Blank volgens eie verklaring
Margaret M. (geb. M.C. Bean) (moeder)	Mixed/Mixed	Blank - deur opnemer gewysig na Gekleurd	Gekleurd	"European"	Klaarblyklik Gekleurd	Onbekend	Geen	Blank volgens eie verklaring
Elaine Virginia (dogter)	Mixed/Mixed	Blank - deur opnemer gewysig na Gekleurd	Gekleurd	Ongetroud, leef saam met 'n Blanke by wie sy 'n kind het.	Soelerige gelaatskleur	St. Peter's gemengde skool	Het as Blanke gewerk volgens eie verklaring	Blank volgens eie verklaring
Myrtle Dorothea (dogter)	Mixed/Mixed	Blank - deur opnemer gewysig na Gekleurd	Gekleurd	Ongetroud - verloof aan 'n Blanke	Nie klaarblyklik Blank nie	Na bewering Blank	Blank	Volgens verloofde as Blank
Hubert Clarendon (seun)	Mixed/Mixed	Blank - deur opnemer gewysig na Gekleurd	Gekleurd	Ongetroud - gaan net met Blanke meisies uit	Toon 'n sterk gemengde inslag. Soel van gelaat	Geen	Volgens eie verklaring as Blank	Blank volgens eie verklaring
Cynthia Patricia (dogter)	Mixed/Mixed	Blank - deur opnemer gewysig na Gekleurd	Gekleurd	Ongetroud - 2 kinders by 'n sekere S. Dorrington en 'n derde kind by mnr. Fouché	Toon 'n sterk Gekleurde inslag	St. Peter's gemengde skool	Werkloos - versorg cuers	Blank volgens eie verklaring
Shirley Elgine (dogter)	Mixed/Mixed	Blank - deur opnemer gewysig na Gekleurd	Gekleurd	Ongetroud - 2 kinders by 'n Blanke man	Het 'n soel gelaatskleur	St. Peter's gemengde skool	Het as 'n Blanke gewerk by 'n bioskoop	Blank volgens eie verklaring
Arthur Hilton (seun)	Mixed/Mixed	Blank - deur opnemer gewysig na Gekleurd	Gekleurd	Ongetroud - 'n Blanke meisie verwag egter 'n kind van hom	Toon 'n sterk gemengde inslag	Geen	Volgens eie verklaring as Blank	Blank volgens eie verklaring
Beatrice Helena (dogter)	Mixed/Mixed	Blank-deur opnemergewysig na Gekleurd	Gekleurd (Het op vorm vir Gekleurdes aansoek gedoen	Getrouud met 'n Gekleurde, Bydell	Verdere besonderhede onbekend - sy is deur die res van die gesin verswyg.			

[A list of Myrtle Francis's family members, indicating appearance, relationships, schools attended, places of work, etc. appearing in the National Archives file of race reclassification requests.]

What looked like a memo dated the 2nd of October 1969 from the Secretary of the Interior to the Minister sums up Myrtle Francis's case and the representation made by Catherine Taylor.[112] The secretary acknowledged that viewed in isolation the case had merit, although Francis was not "'n klaarblyklike Blanke nie" [an obvious white] the regional representative for Cape Town indicated that she would not have any problem being accepted as white. What an "obvious white" looked like was not expounded on by the secretary. There was reference to the fact that she attended a school for whites and that she had been working as a white since 1955. The memo acknowledged her engagement to a white man and that she was living in a "goeie" [good] white neighbourhood. The trouble with granting her reclassification seemed to crop up

[112] 'Rasklassifikasie: Algemeen', 1968-1971. SAB, MBN. Vol. 34, Ref. B13, Part 4. National Archives and Records Service of South Africa.

when the secretary referred to her other family members. A list of the family members, along with descriptors pertaining to their appearance, relationships, schools attended, places of work, etc. was included in the file (see above).

All the family members except one, a sister who was married to a coloured man, made objections to their classification – this sister was the last handwritten entry on the list (above) and the rest of the family did not openly acknowledge her as a family member. The secretary's concern about reclassifying Francis related, in the main, to opening the door for further reclassification in her family. He then went on to describe the other family members as of "sterk Gekleurde inslag tot gangbaar" [appearing strongly Coloured to passable]. He also referred to the illegitimate children of white fathers and mothers becoming an issue – though relevance of the reference to illegitimate children in considering this particular case was unclear to me – and based on all of the above that Taylor's request should not be granted.

On the 8th of October 1969 Catherine Taylor was then sent a reply from the Department of the Interior, Pretoria. The letter was short and indicated that Myrtle Francis's classification would not be amended as, "the Department has at its disposal certain fact which leave no doubt that the classification of Miss Francis as a Coloured person is correct." What these "facts" were, were not shared with Taylor as far as I could determine. The only other letter in the record pertaining to Francis was dated the 10th of November and related to Taylor's objection regarding how the police acted in the matter. The letter explained that Francis and Harris were visited by the Station Commander at Lansdowne and heard their statement about the policemen visiting them in the early hours of the morning during December of 1968. Curiously, the Station Commander indicated that the visits were not conducted by policemen from his station and one got the impression from the letter that he was in doubt about whether or not they were visited by policemen. The phrasing in the letter was, "were visited by two persons who claimed to be policemen." The Station Commander's report back indicated that Francis and Harris "bear no grudge against the police" and that they understood that the police did not play a role in race classifications.

I do not know if this was the end of Myrtle Francis and her fiancé's efforts to get her reclassified as white to be able to get married. I could not find further information in the archive, in newspapers such as the *RDM*, or Taylor's memoir. I can, however, imagine the frustration at such a conclusion after years of waiting and dealing with administrative processes and officials that you often never met in person, as well as lawyers and the associated expenses.

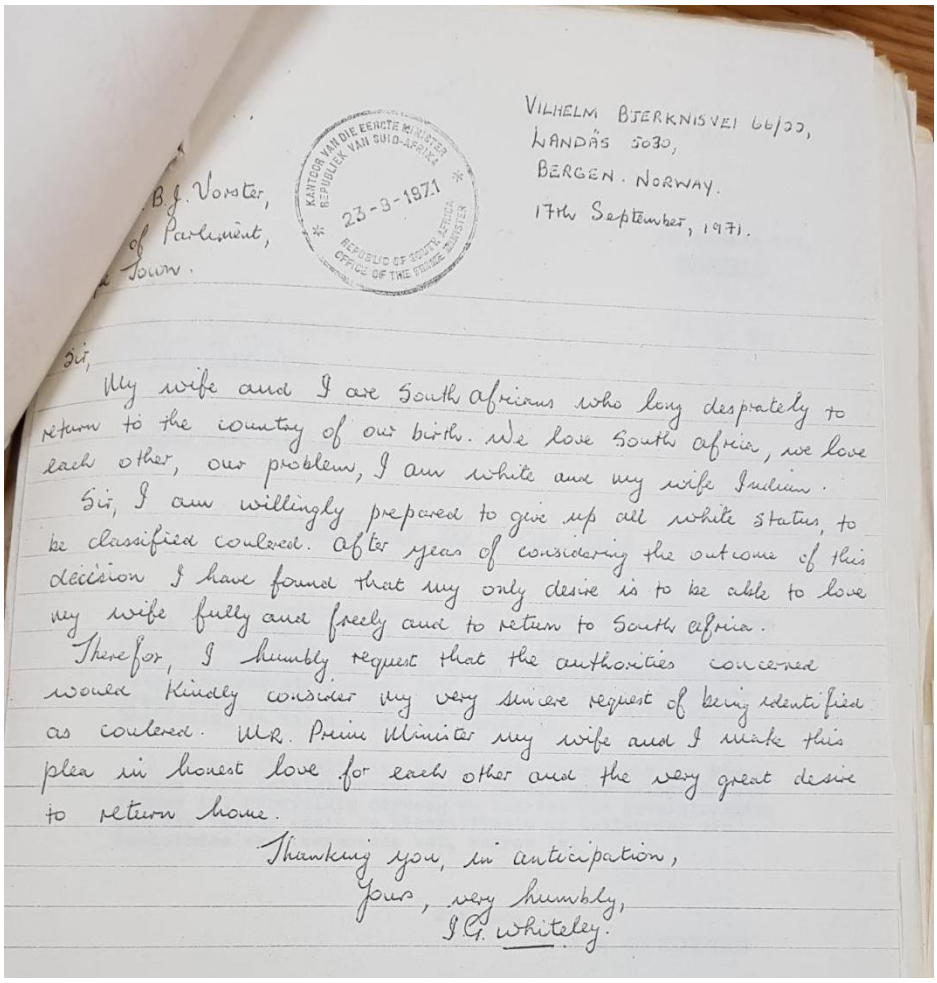
Here Taylor's memoir provided a little more insight regarding her experiences with such cases, not just those who desired to get married, "Some of the hundreds of cases I handled were won outright and a few individuals were given a little security. Some were lost outright and I could offer only sympathy. In some a middle course could be found. The Group Areas Act could be circumvented; I could help to find a job without requiring the production of identity cards, or I could help with passports and visas to ease the journey to a new life in another country. The requests were endless."[113]

I do not know if to Myrtle and her fiancé Taylor could offer only sympathy or something more practical, such as a way out of South Africa, in order to get married. Whatever the end of the matter, I must reiterate Horrell's conclusion of, "… how impracticable it is to try to classify human beings, for all time, into definite categories, and how much suffering has resulted from the efforts made to do this."[114]

As I mentioned in chapter one, the story of Ian and Sherin Whiteley, trying to return to South Africa, was broadly covered by South African newspapers in the early 1980s. Theirs is another story that people tend to still remember today, because of the wide and sympathetic media coverage. The coverage was especially concentrated around 1981, before they eventually settled in a non-white area in Pietersburg (Polokwane) towards the end of 1981.

[113] Taylor, *If Courage Goes*, 125.
[114] Horrell, 'Race Classification in South Africa', 77.

The Whiteleys got married in Botswana and left South Africa in 1969 after Mr Whiteley was arrested under the Immorality Act, after their marriage. Preserved at the National Archives was a letter that Whiteley already wrote to the Prime Minister, B. J. Vorster (1915-1983) in 1971:



Vilhelm Bjerknisvei 66/33,
Landås 5030,
Bergen. Norway.
17th September, 1971.

KANTOOR VAN DIE EERSTE MINISTER
REPUBLIEK VAN SUID-AFRIKA
23-3-1971
REPUBLIC OF SOUTH AFRICA
OFFICE OF THE PRIME MINISTER

B.J. Vorster,
of Parliament,
Cape Town.

Sir,

My wife and I are South africans who long desperately to return to the country of our birth. We love South africa, we love each other, our problem, I am white and my wife Indian.

Sir, I am willingly prepared to give up all white status, to be classified coulored. After years of considering the outcome of this decision I have found that my only desire is to be able to love my wife fully and freely and to return to South africa.

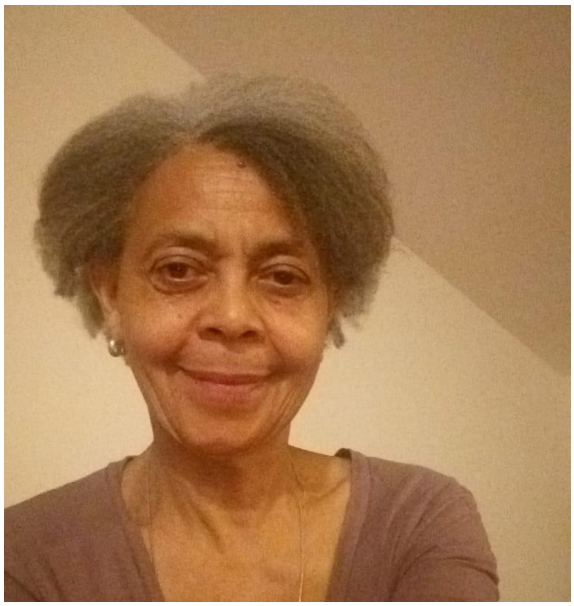
Therefor, I humbly request that the authorities concerned would kindly consider my very sincere request of being identified as coulered. MR. Prime Minister my wife and I make this plea in honest love for each other and the very great desire to return home.

Thanking you, in anticipation,
Yours, very humbly,
I.G. Whiteley.

In the above letter, Whiteley wrote from Norway that he was prepared to give up his white classification and instead be classified coloured so that he and his wife could return to South Africa and live together as husband and wife. In Whiteley's words, "… I have found that my only desire is to be able to love my wife fully and freely and to return to South Africa." On the 27th of September 1971 the office of the Prime Minister answered Mr Whiteley and wrote that his letter was referred to the Minister of the Interior. Then, on the 21st of October 1971 the Secretary of the Interior informed Whiteley, "that your classification for purposes of the Population Registration Act, 1950, cannot be amended as the provisions of the Act are applicable to permanent residents of the Republic only." Three letters in a file with very many

other race reclassification requests, which resulted in a dead-end for the Whiteleys. The couple was between the proverbial rock and a hard place with the government unwilling to change Whiteley's race classification while they were overseas and returning to South Africa as husband and wife would have very likely meant another arrest. It would take another 10 years, before the Whiteleys were finally able to return to South Africa and live together as a family with their two sons.

The archives, of course, do not leave much room for further interrogation and follow-up questions. I was, however, able to get more detailed information from people affected by race classification legislation in their relationships through interviews. One was Lily M. She was born in Somerset West in the Cape Province in 1953. She left South Africa in the 1970s, after she was arrested under section 16 of the Immorality Act more than once. She is now in her sixties and resides in Austria.



[A 2019 selfie of Lily, which I include here with her permission.]

Lily's mother moved to Johannesburg from Cape Town with her three youngest children when Lily, the very youngest, was about two years old. Her mother and father, whom she never really knew, were separated from one another and their relationship was not something that

Lily ever asked her mother about.[115] Her mother worked as a domestic helper and moved with the family, Krieg, that employed her, to Johannesburg when Mr Krieg (a German and his wife South African) found a better job in the city. In Johannesburg, Lily, her siblings, and mother lived on the premises of the Krieg home in the suburb of Westcliff:

> We had, you know, the backrooms like, like servants quarters, that's where we lived[.] Yes, I had, I must say, a very nice childhood there, because the girl of the family that my mother worked for, was like my age, so we were best friends [laughter]. Ja, we were best friends, yes. So that was really nice. And, ja, like beautiful gardens, big pear trees, peach trees and apricot and all sorts of lovely fruits…

The Krieg family had two children, including the girl, Lydia, to whom Lily referred above. Eventually Lily had to go to school and an attempt was made by the Krieg family and Lily's mother to have her go to Jan Celliers in Parkview, when Lydia was on her way to school. In Lily's words, "There was no school for non-whites. So they tried to get me in the school, but, of course, the principal said, no, he can't make an exception, because this little girl [Lydia] was sort of really stressed out because I couldn't go to school." Lily then stayed home another year and went to a boarding school in Protea Glen on the other side of Soweto.[116] She described life at the boarding school as "quite a nice life, strict, very strict, of course, but [it] was nice." She continued:

> [It was] most adventurous, it was absolutely new for me … after having lived there in that garden with the white children, you know, and sort of living a very secluded life, more or less, I came to the boarding school, and it was a girls' boarding school and everybody was sort of coloured, black, and green, and yellow, and so it was such an adventure for me, it was so nice. I saw all these, ja, different coloured coloureds. Lovely, it was nice, we had lots of adventure there, because there was a big field at the

[115] What Lily could recall was that her mother was classified as coloured and that her maiden name was Osbourne. Lily's grandmother was apparently from England and white. Lily's mother never said anything about her own father, so Lily's guess was that he would have had to be black or coloured.
[116] Lily could not remember the school's name, just that it was run by the Good Shepherds Nuns.

> back. There was snakes and scorpions and the nuns and, ja, ja, ja, it was so nice. [Laughter] Yes, and the nuns were very strict, yes.

At thirteen, Lily had to go to a public school, because the boarding school had closed down due to a lack of funds. The public school, Bosmont High in Bosmont, however, was not such a positive experience for her. She said, "[I]t was different, I felt different, I felt quite inferior because it seemed like everyone was so smart and clever and I was this girl from the boarding school who was a bit strange[.] I didn't adapt so well[.]"

When she was about 15 or 16 (standard eight, she recalled) she left school to find work, "And then we had already … moved away from Westcliff, I remember …. My mother was getting old, she was 60, and this household was just too much for her and we getting older and, uh, we just couldn't all live there in that place in that little room and so on." At first they lived in Protea Glen and then in Bosmont, closer to Johannesburg. Lily's family, however, stayed in touch with the Krieg family and still saw them regularly – mostly on Saturdays. She and Lydia are, in fact, still friends and in regular touch with one another as both of them now live in Europe.

It sounded like the two little girls had a special friendship growing up. Lily described Lydia's father as a very strict man and in their house Lily was not allowed to sit on the furniture or to eat the family's food off their plates and with their cutlery, but in the garden:

> [Lydia] had this … dollhouse in the garden, which, it was called a dollhouse at that time, but … you could walk in there, you could play in there, you could cook in there, yes, and in there, there was no apartheid like, you know, in that house it was just me and her, and I would sit on the little chairs and we'd do everything together, yes.[117]

Apartheid would eventually, though, intrude upon her life in more unambiguous ways. Her realisation of apartheid and what it meant was slow. One of the reasons possibly being that her mother was mostly silent on the topic and did not directly talk about it to her children. Lily's awareness of apartheid came more indirectly.

[117] I asked Lily if she and Lydia ever spoke again about their experiences growing up together and she said, "No, we didn't, we didn't, we didn't, … somehow it was also embarrassing and somehow it didn't have too big an impact on us, … it was just like, ja, you just knew, you know, ja, I can't explain this, ja, so we never, ever, ever spoke about it."

> She [Lily's mother] just said, like if we went to the Rand Easter Show or we went to the zoo, … and the Zoo Lake then she would say like, you know, uh, "No, you can't sit on the bench, it's for white people." Or if we went to the Rand Easter Show, there used to be things … but, you know, she wouldn't really make a fuss about it and we would just know and we would step back … so we sort of just knew, we just knew where the borders were, we just knew[.] … Or like when we went to town we knew we couldn't go to the toilet in town, so, ja [laughter]. Ja, we would have to go all the way back down to Diagonal Street, … right at the end of Pritchard Street [laughter], yes, and those were the toilets for non-whites. It was way down [the street], ja.

Lily then did find a job. Her first job was at Stuttafords in the accounts department. She mostly remembered it as a fine job, except for more memories about the toilet[118] and her no-nonsense supervisor, a Mrs Forsythe. As she said, "I used to come home sometimes and complain and [laughter], and my mother would say, 'Leave the white people, just, yes, just say, yes.' [laughter] That was … my mother, … 'Just say, yes! Leave the white people, just say, yes.'"

Two other formative experiences from Lily's life stood out for me. The one had to do with her race classification and the other with an incident in a bank queue. Lily was classified as an "Other Coloured" – something that she was mocked about when she was younger. In her own words:

> [B]ut if you were 'other coloured', 'Mmm,' they would say, 'what are you?' … And it was really nasty, you know, and later I realised I don't have to show anybody or tell anybody that I've got 'other coloured' on there, you know, my ID. It was … awful, yes, yes. Like you didn't belong, like you didn't belong anywhere, you had that feeling, ja. … It's also funny, sometimes when I look back, really funny how everything was, you know[.]

I was struck by Lily's early realisation that she did not have to volunteer more information about herself than was necessary in particular situations. This was a rule which, I believe, very

[118] She remembered that she did not go to the toilet very often because it was down a scary, dark passage, with men standing around the door to the toilet. "[I]n most of the jobs that I then had after that, there were no real, sanitary facilities … for non-white people."

many people in apartheid South Africa adhered to. Lily explained that she often felt inferior the more she became aware of the limits that apartheid and people's attitudes imposed on her. She put it very poignantly, "but it was like, ja, you know, like from the outside looking in, you were, you were just looking at lots of things, you were just looking, always looking, always[.]" She also, at times, lived in fear of doing something wrong and having a white person humiliate or shout at her, putting her in her "place". She tried to avoid conflict as much as possible. That is, until one day, when she was standing in the queue at a bank in Rissik Street to cash her weekly salary cheque:

> [A]t the bank there was [always] all these counters where … the tellers were free and there was this one line for non-whites and it would go right to the door, [because] all these messengers … would be doing all the work for all … their offices[.] And … each one had like a big pile in their arms that you would wait, and wait, and wait, and wait, ja, and … white people would come in, do their thing their at the [open tellers] and would go, so they'd come and go and these other three counters would always be unoccupied, ja.

On this specific day she decided that she had had enough of waiting and that she was going to try and cash her cheque at one of the unoccupied tellers. She continued:

> [A]nd this lady refused to cash the cheque and on this day I really got angry, ja, and then I took the cheque and I threw it over the counter and I walked out [laughter], I was really, how do you say, brave, [laughter] but I just thought, my goodness me … how can we all just wait there and these people have all got a pile of work under their arms and them too and them just standing there all those hours, yes, so, I left.

Afterwards, she said she felt worried because she did not know if she would get into trouble on top of which she did not get her weekly paycheque cashed. About an hour after the incident, her boss called her to ask if she had been at the bank. She was scared, but replied, yes. Her boss then explained that the bank had phoned and said that she should come in again and have her cheque cashed.

> I remember that feeling … and I remember my boss at that time was an Irishman[.] So, I went there and the lady wasn't there – there was a gentleman there – and then he gave me my money and was really friendly and all that. Yes, and so from then on [laughter], from then on, I would go to, to one of the other [open] tellers, you know, counters, ja.

What is so interesting for me about the incident at the bank and, which, I believe, was another formative experience for Lily was that she found that she could push back on some of the apartheid boundaries. Apartheid laws were not always strictly enforced. And, after all, she was aware from a very young age that there were spaces where apartheid sometimes receded, such as in the dollhouse with her friend, Lily.

As a young, working woman in the city of Johannesburg, Lily was soon dating. She repeated more than once, speaking of apartheid laws, "… we knew but nobody really spoke to us about it, strangely enough, but we just knew[.]" And when she talked about her interactions with white men:

> [Y]ou'd see all these [laughter] handsome … men, like in town, at your workplace and so on, and you somehow knew, you can't really talk to them or that they can't really talk to you, you know. … not that they can't talk to you, … they would talk to you but like if it was necessary or so. I can't say that anyone was particularly rude or nasty with, ja, like youngish men at that time. But they also just knew, you know, but then they'd be really nice, some of them, and friendly and you'd really think, oh, wow, [he's] so friendly. Like, you know, they were like film stars that you thought, oh, wow, uh, you know, you can never, never have a date with them or something like that, you know. … Because they were white, yes. … you'd feel attracted, because they were nice and you'd see blue eyes, nice blue eyes or nice green eyes and blond hair and they were friendly and so on, you'd be attracted, they were like film stars[.] But you just knew and they just knew, I don't know, I mean, probably in their families they were told, but like I say, my mother never spoke about, you know, it was just like, it was just there like that.

Lily dated a few boyfriends, which included other coloured South Africans and one Zulu boyfriend from Durban. She was, however, twice arrested on charges of trespassing and being

in breach of section 16 of the Immorality Act for dating white men. In both cases, she was dating men from Europe (not South African citizens), working in South Africa. Another interviewee, Veronica C. said that these European men working in South Africa were often referred to as the "continentals" and it sounded like they were the white men, at the time, that were more likely to date across the colour line, compared to white South African men. Lily's reference to them as "film stars" indicated to me how out of reach the possibility of dating them felt to her.

Lily dated one other man who was from Greece but faced arrests with an Italian and an Austrian. She eventually left South Africa in December of 1976, in her twenties, with the Austrian, Fritz G. She was not willing to discuss her relationship and the child she had with Fritz beyond the point of leaving South Africa, but her interview gave me plenty of insight into dating across the racial lines, in particular in Johannesburg, in the late sixties and early seventies. In her own words, when she talked about dating in the seventies:

> [O]n the one hand it was … really adventurous – like, you knew the risk, but you still, you still, ja. What I mean, for me this being jailed [after her first arrest] then was really a shock, but I took the risk again then after that[.] … I took the risk, because they were getting bolder … because in the '70s everybody started getting really bold, you know, … [because] in the '60 everyone was still really scared and very seldom that people, you know, went over the colour bar [laughter]. Then, yes, yes, you could really see, people were getting so bold …

One of Lily's friends worked at a drycleaner and she sometimes visited her during her lunchbreaks or after work. It was here that she met her first white boyfriend, originally from Greece and working in the food industry in South Africa. The two of them never got into any difficulty about their relationship. The places that interracial couples could go to without getting harassed or arrested were limited, so Lily explained that dates would often consist of long drives, "So it was more like driving around like on the outskirts going, you know, … you

[drove] out there to Potchefstroom or Vereeniging or like to far-off places and just drive, drive, drive, drive, and, … it was like an outing[.]"[119]

Other places that interracial couples could visit together, according to Lily, without too much risk, included the international airport, Oriental Plaza, and the Carlton Centre. She once successfully visited the Baragwanath Drive-in with her Austrian boyfriend in disguise, but they were stopped the second time round, "Oooh, it was so embarrassing … Ja, we had to turn around, you know, that long queue and then you drive all the way back past all the cars that stand, you know, they can all see you. So that was so, ja, that was awful[.]" For holidays they could go to Swaziland or Lourenço Marques (Maputo) where the laws concerning interracial relationships were different from those in South Africa. There was also the Johannesburg Zoo and Zoo Lake but interracial couples would rarely make it obvious in these places that they were together, "you know, you wouldn't do anything silly like holding hands or something to, to [provoke], or be too close, or like that because, anyway, we were also shy, I mean, I was also shy, so, … I don't really remember, ja, no, people looking because … I didn't really look their way too much [laughter]."

Trevor Noah, though he was born in 1984, about a year or so before the sex laws were scrapped, shared similar experiences in *Born a Crime*:

> The only time I could be with my father was indoors. If we left the house, he'd walk across the street from us. My mom and I used to go to Joubert Park all the time. … My mother tells me that once, when I was a toddler, my dad tried to go with us. We were in the park, he was walking a good bit away from us, and I ran after him, screaming, "Daddy! Daddy! Daddy!" People started looking. He panicked and ran away. I thought it was a game and kept chasing him.[120]

Though it is unlikely that Noah's parents still would have faced arrest under the sex laws – by the time he was a toddler, it is likely that the laws were no longer on the books – his father's

[119] Lily also explained how even driving in the car made her feel nervous. She also did not always sit in the front of the car, but at the back, so that if the police or somebody stopped them, her boyfriend could say that he was just taking her home after she did some work for him, like domestic cleaning, etc.
[120] Noah, *Born a Crime*, 36.

panic speaks of some of the fear that accompanied interracial relationships, even after the laws were scrapped. After the laws were scrapped, attitudes toward interracial relationships did not instantly change.

Lily explained that when she was dating her Greek boyfriend, he sometimes picked her up at home in the coloured area and dropped her a block or so from his flat where they intended to visit. Once inside the block of flats, "other people could see you when you walked there in the corridor, but there was this wall. So, alright, then I'd crawl … on that floor, so the other people couldn't see me[.]" Though her arrests were awful experiences, she also said that it was fun and something of an adventure to evade prying eyes or to keep from getting caught.

Ironically, the first time that Lily got arrested it was with a man that she was not even sure that she liked. This was Luigi, an Italian, and they had not been dating for too long before their arrest. The relationship, in fact, only got serious after the whole ordeal of their arrests and trial – having entirely the opposite effect to the intention of the laws. In Lily's words this is what happened:

> I went to his flat, we walked in there together and there was this couple who walked in front of us and, so, we didn't pay any attention to them[.] So we went out and we went to the flat and, uh, we sat there and there was some friends there and they had some red wine and I, I didn't drink any alcohol at that time, so, I just sat there very shy and, … so I was very awkward and I just sat there, … and then after some time there was a knock at the door … and then, of course, they all looked at each other, him and a friend and another friend, and I just sat there. I didn't think of anything and then there was another, a really hard knock: doef, doef, doef, and then he opened the door. There were these men and one woman. So they were detectives. … and I later found out, he [one of the detectives] was … called detective Kriel and that they were like sort of watching us. They'd followed us …

Lily and Luigi were then arrested and taken to John Vorster Square police station. Her charges, apart from contravening the Immorality Act, included a trespass charge. The Immorality Act charge was made only on the basis of them being together in suspicious circumstances, as they

were not caught in the act, as it were, and actually their relationship had not yet progressed to being a sexual one.

> [A]nd that was awful, that was really, really awful. Yes, being locked up. I just cried and cried. I couldn't believe it and … then I had to stay there a whole, a whole week. I remember because it was Easter, yes, it was, ja, it was terrible. Ah, I cried and cried and cried. … I was allowed a phone call. And somehow, I, but my mother and them then didn't have a phone, I don't know [remembering] … did I call a girlfriend and tell her to tell my mother[?]

Luigi, on the other hand, was able to call a lawyer and organise bail soon after his arrest. Lily's family took a while to figure out where she was and had to scramble to get the bail, set at about R200, together for her release. In jail too, racial segregation was kept up as illustrated by the food that Lily received. At first she was given pap, or putu pap, but then:

> [A]fter they came to collect the plates again, I'd just eaten a bit, and then this one white guard or [I] don't know what you call them, … he looked at me and said, "Oh, oh this is a "Capey. … we're [going to] get her something else." So they went, ja, I wasn't that hungry anymore because I'd eaten some of the putu, so, they went to get a plonk of rice … there was a tiny bit of yellow in the rice. So, I think, that was supposed to be curry rice. … Yes, so there was that plonk of awful rice and it was just as awful as the pap, you know, nothing to it, nothing, and that bit of colour …

After both of them were out on bail, they then had a lawyer and had to appear in court another two or three times and eventually were found to be not guilty. As stated earlier, though, it was only after the arrest and court case that Lily and Luigi really pursued a relationship and went on holiday together, etc., but eventually drifted apart. I asked Lily if the European men she met were aware of the sex laws and her answer was that they were, but that they did not seem to take it too seriously until they ran into confrontations with the authorities or faced arrest and criminal charges, "they knew the law, but they all thought it was just a little law …" as if they could not believe that it would actually be enforced.



[A recent photo of Veronica, which I include here with her permission.]

From Veronica C. who was born in 1960 in Sophiatown in Johannesburg, and who was classified as a Cape Coloured, I learned that in certain buildings in Hillbrow, if there were enough European men living in the building, they would pay the caretaker to look the other way when it came to their girlfriends (and sometimes also prostitutes). So, in Hillbrow by the late '70s and early '80s it could be a matter of knowing the right people and the right buildings to live in. Veronica explained that there were a number of buildings like this in Hillbrow and said of the caretakers, "You kept quiet, [because] you making money." To such flats, coloured, Indian, Chinese, and even occasionally, black women could go without being too worried about getting caught. Veronica, who is younger than Lily, dated white men closer to 1985, which may account for the fact that she never got arrested, or it may have had a lot to do with whom they knew or paid to keep quiet.

A while after dating Luigi, Lily then met Fritz, the Austrian, at the Carlton Centre and they started dating. Her second arrest was with Fritz under whose name she was renting a flat in Hillbrow while working at a hamburger place, the Great American Disaster, as a cashier.[121] It was at this flat, which she shared with a friend, that she was arrested again. She, Fritz and the flatmate were all in the apartment in the evening when the police again came knocking and this

[121] Lily said of her job at the restaurant, "it should have actually been a white person doing the job, but this chappie who ran the place, also, he didn't care, … it was really beginning to, to, people were beginning to, … [break] the law in small ways, like really beginning to defy it."

time took them off to the Hillbrow police station after searching through the whole apartment. Curiously, after taking their details, the police let them off without pursuing further charges. It may have been because of the flatmate who was also present at the time. What also could have played a role is that Fritz apparently had some or other illegal substance on him and the police became much more concerned about this than the breaching of the sex laws and a case was made only against him. After he had left South Africa he tried to return again in the late '80s but could not because of this arrest record against him. Lily could not remember all of the details clearly and, though she gave me his name, I could also not find any more details about Fritz's arrest and charge. The arrest was a shock for both Fritz and his parents and as Lily explained:

> Then his parents advised him to come back home, because they were afraid, they had gotten other news that we didn't know about, [because] a lot of the news at that time, we didn't get …, it would all come to Europe, but we wouldn't know about it, ja. So, his parents thought there was going to be like a … civil war or something[.] … He kept on telling me his parents wants him to go home and he doesn't want to and then he started asking me if I wouldn't go with him. … I'd have more opportunities [there], there's no apartheid … [I] didn't want to, because I couldn't imagine being somewhere else, like that far away, [I] could just imagine going over the border, being somewhere in Africa, you know, over the borders, but I couldn't imagine flying overseas and being in that world.

Eventually, Fritz, his friends and Lily's friends convinced her that she could not miss the opportunity of going to Austria and Europe and that was then how she came to leave South Africa at the end of 1976. Though she has visited South Africa more than once since, and still has family in the country, she opted to stay in Austria even after her relationship with Fritz ended. I asked her if Austria now felt like home to her, as she mentioned still missing South Africa:

> [It does] somehow, … but somehow I also feel a bit like I am just an onlooker like sometimes, like most of the time. You … just playing a role, you know, … your role is the

> onlooker, … but, of course, I'm used to it, I'm used to this, it's how life is now, … but there's [times] when you are just on your own in your flat and in your world or you with other South Africans that you feel really [inaudible], you know, you feel, then you feel home [laughter]. It is strange …

The interview with Lily, and to a greater extent the interview with Veronica, alerted me to the fact that dating white men could hold material benefits for non-white women, as classified by the act, that were willing to risk arrest under the sex laws. Apart from arrest, the risk included the way that the cases related to the sex laws were sometimes highlighted in the news. For many, even as they transgressed or disagreed with the sex laws, being covered in the media usually brought unwanted attention to individuals, their families and their communities. The greater access to material resources and benefits, however, could outweigh the risks involved in dating or forming a long-term relationship with a white man. Lily and her friend could, thus, as I noted previously, share a flat under her Austrian boyfriend's name, which brought her much closer to her place of employment at the time. This was something that Veronica was also able to do, by living with her Greek boyfriend in the High Point building in Pretoria Street in Hillbrow. Veronica was, and still is, a hairdresser and her boyfriend rented a hair salon for her in his name in the '80s on the ground floor of the High Point building when it would have been impossible for a coloured person to do so in their own name. She was then able easily enough to live and work in the building by, for example, using the stairs between their flat and the salon and even when she did take the lift on occasion, "People used to ask me on the lift, what are you doing here? You're not white. No, I work here, I have a shop downstairs. The caretaker knew. In those days people used to cover up for some people, you know, they keep quiet." Veronica was also able to pass some of these material benefits on to her three boys from a previous marriage, parents and siblings who lived in Westbury.

Next, I look at some of the effects on children born of interracial unions. I draw on an interview and two newspaper articles.

The “evils” of miscegenation

In researching the stories related to South Africa’s sex laws, I quickly realised that the stories of the children born from these unions, which were variously called “forbidden”, “unlawful”, and “evil”, were just as important as the stories of the parents. One of the children that I met and interviewed was R. H. She was born in Johannesburg in 1973 in Coronation Hospital, Coronationville. She was classified as a Cape Coloured and grew up mostly in Ennerdale, next to Grasmere, between De Deur and Walkerville. She is a businesswoman, very professional looking with a light skin and dark blond hair. Before exploring more of her life and experiences it will help to know something about her family history.





[On the left, R. H.’s paternal grandmother (Jewish) who was classified white in South Africa. On the right, her paternal grandfather (Palestinian) who was classified Indian.]

R. H’s father was the son of Jewish and Palestinian immigrants to South Africa who ran away from New York, USA. As I understood it, they ran away because their families did not approve of their relationship. R. H. recalled that her paternal grandmother’s surname was Zietsman and

that she was classified as white and her husband (R. H's grandfather) as Indian. In her own words:

> [M]y grandmother, she wasn't a stupid woman. She knew that if she has [to be] reclassified as a [Indian], then she wouldn't be able to own land. Okay, so that is how they were still able to have money and to buy land, you know, through her… as white, but for him, he was non-white, they classified him as Indian because of his complexion.

R. H.'s paternal grandparents lived in Johannesburg after they arrived in South Africa, but both died at a young age. Her grandmother passed away at age 36 and her grandfather at age 39, after which their children were sent off to orphanages and foster care homes until they turned 18. Her father's official race classification was coloured.



[R. H.'s father and his sisters. They grew up in separate orphanages and foster homes.]

On the maternal side of R. H.'s family, her grandmother was born of a white father and Southern Basotho mother, while her grandfather had a French father and Dutch mother, but his official classification after 1950 was coloured to be able to live in the same group area as his family. He was able to easily pass as white in apartheid South Africa. However, passing as white or "playing white" could often be seen as a betrayal by those in the coloured community.




[R. H.'s maternal grandparents on the left (one of the only photos the family has of them appearing together). On the right, her grandfather and mother.]

R. H.'s maternal grandparents, parents and siblings all lived in Grasmere and Ennerdale and she described it as being a quiet, isolated life. There were only two busses a day in and out of the area: one in the morning at four o' clock and one at eight o' clock in the evening. The houses did not have electricity and there were no streetlights. There were only outside toilets and they had to fetch their own water for household use.

The refrain that R. H. and her siblings often heard from her maternal grandfather was, "Stay in your lane. Don't date Indian boys. Don't date white boys. Stay away from the fatherless. … Stay in your lane." This refrain seems to have been born out of her grandfather's own experience of having lost his family when he married their grandmother. It did not sound like he was disowned or shunned but that it sprang from them being an interracial family and could not live or work together in designated white areas and so lost touch with her grandfather's family. So, he always told them that crossing the racial lanes would make their lives difficult, would cause them to lose their family anchor. Determining which racial group she belonged to in R. H.'s family setting could be, at times, very confusing. She remembered going into the city centre of Johannesburg with her grandfather, to places like Bree Street and noticing how only white buses would stop to pick her and her grandfather up. Usually, before they got on the bus, her grandfather would tell her, "Be quiet, don't talk on the bus." (Talking could give one's

actual race classification away.) When she asked her mother about why only the white buses stopped for her and her "coloured" grandfather, the noncommittal answer was, "Because that's the only bus that will stop for you." She also told the following story about her grandfather, which revealed how she tried to navigate between her family's race identity, the group area in which they lived, and the way that other South Africans perceived or treated herself and other members of her family. The following occurred when R. H. was a teenager in the latter half of the 1980s:

> I remember when there used to be unrest in the township[,] … the army used to come in, you know. And then the 'troepies', well, we used to call them 'troepies', used to patrol and then the troepies used to look for girls. … [O]ne day, I came from school and … the big truck just pulled up, you know, just went past our house and my grandfather was standing outside … [O]ne of the guys jumped off the truck … they were whistling and calling me, and calling me, and my grandfather saw that, and I thought, "Oh, my God, someone's gonna die." … And then my grandfather walked up … [to the troepie] … but my grandfather wasn't scared, look, he was in the war, he was in the army [Second World War] himself. And, I [had] never heard someone speak to a white man like that before. Okay, my grandfather was my grandfather, but after I heard him saying to the troepie, "You see this fist, I'll put it right through your face." … And [the troepie] apologised to my grandfather and he ran back, onto the truck and off he went. So, I looked at my grandfather, and now I'm thinking, "You telling us to be scared of white people and white men, when you literally just threatened one … what are you?" So, it makes you curious. And then I used to scratch on my grandmother and ask her, I mean, she said to me, "Are you stupid? [Can't] you see your grandfather is a white man?" And then I just kept quiet.

R. H.'s experiences with her grandmother, on the other hand, had a different texture. She remembered how, when she was about 10 years old, she would also sometimes accompany her grandmother into the city centre of Johannesburg:

> I remember my grandmother used to … send me with a note and money into the butcher, into the shop, to go and buy goods and I could never understand why? Okay, I used to write it off as, she's tired or she's something, you know, and then afterwards, I used to, I used to ask questions, "Why must I go alone?" And then she would tell me, "Just tell them that you're here with the maid." Okay, I was offended, because it's my grandmother, you know, people must know that's my grandmother. I'm here with my grandmother. And then, you know, coming home from there, I would complain and I would say, "But why? Why that? Why do we do that?" Because, you know, when you are that young, when you are 10 years old, you don't actually see colour. You, you don't see colour.

R. H. also recalled another incident while with her grandmother in the city, which made her see her grandmother's behaviour in another light:

> A police officer actually stopped us in the middle of town and asked me who am I and who is this with me …? And … when a policeman stops you, you feel like you've done something wrong, you know. I'm thinking, is this man thinking we stole something from the shop, … you know, and then there was an African policeman with this officer and my grandmother spoke in Sotho to the officer and then the officer [explained] to the white officer [the] situation and then he just let us go. When I asked [my grandmother], she just said, "I explained to him that you are my child." That's all, "I just explained to him that you are my child, you are my daughter's child, you are my child." You know, and then after that I could understand why, why we weren't allowed to play outside alone. Up until today I can't swim, I can't ride a bicycle, I can't jump skipping rope, anything, because that stuff happened outside, you know, so, we were basically kept in a little cocoon, you know, safe from the world.

Incidents like these meant that R. H. eventually stopped going into the city with her grandmother. Throughout the interview, she often repeated her grandfather's imperative to "stay in your lane" along with her own, "that was the law, you [stayed] in your lane." Her grandparents themselves were careful never to show any affection toward one another in the

public eye and the photo that she had of them, together on the couch, is one of the only ones in the family that shows them physically close to one another. Her grandmother never went anywhere with her grandfather. "She never wanted to be questioned about anything," R. H. explained, and added:

> I remember my mom, like, telling me that if my grandfather used to go to the factory where my grandmother worked, it would make her very angry. Yes, because that'd [mean] that her bosses would be talking about her and … that could make life difficult. You know, so, she never wanted him to fetch her from work or to come there during lunch time, very seldom that she would sit next to him on the bus, things like that.

R. H., herself, said that when she started dating, she tried dating Indian guys, "because, you know, you want to stay in your lane, but then the family would object." The families of some of her boyfriends would be worried that she looked too light, not "Indian" enough, and would worry about what potential children would look like. She elaborated:

> [P]eople would look at you and then be scared or like, uhm, well, each, I think each culture has got its own name for mixed people, you know, so, it made life difficult, because you … Up until today, I can't tell you I identify more with this group or more with another group. To me, I just find my own lane, you know, even though you'd been told, stay in your lane, you'll find your own lane.

R. H. eventually married a man who was classified as Cape Malay and said that they did not experience many problems as a couple. Her experiences, though, revealed some deeper complexities regarding how the historically accepted racial categories still impact on her today. After the end of apartheid, when the group areas restrictions were lifted and South Africans could walk and shop where they wanted, and when they first started visiting the malls, "… I never took note that my husband would never walk with me, because he reckoned we got funny looks. I, I didn't see it. I didn't take notice of it." Her husband, though, as the darker skinned partner, may have been more aware of such looks. She also told that, "Now and again, my husband would go to the police station to … have something certified, and he's got my driver's license and then you will still find an idiot of an officer that would ask him, 'Who's this

woman? Is this white woman your wife?'" As a businesswoman she said, "… I mean, if I want to apply for a tender or something, I literally have to go with my birth certificate, my birth certificate is like, like a treasure to show people that I didn't, I didn't decide one day to reclassify myself. I was born and I was registered as a Cape Coloured, so, I deserve opportunities, you know?"

It was clear from the conversation that R. H. struggled to find and perhaps purposefully resisted finding one group identity to make her own. As her story and experiences revealed, growing up in her interracial family in apartheid South Africa, she never felt that there was one race group that she belonged to. This did not only have to do with how she saw herself, but with how others classified her, to which groups others thought she did and did not belong. If she associated mostly with whites, there could be the stinging accusations of "playing white", but what to do with race identity and classification when you were in town with your grandfather and only the white buses stopped to pick you up? Or when you were with your grandmother and you had to pretend that she was the maid, while you returned to a township that was classified as a coloured area and went to a school for coloured children. R. H.'s school experiences included accusations of not wanting to date a particular coloured boy because he is too dark, because she, herself were accused of being too fair to belong to the coloured race.

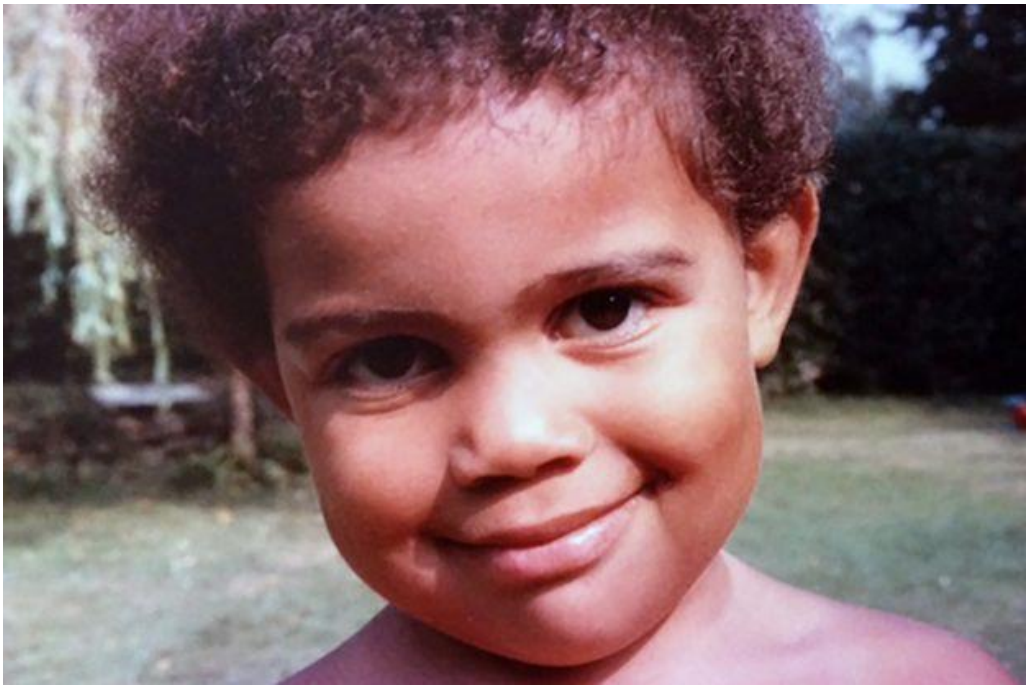
In 1979 Peter Fabricius wrote an article for the *Sunday Tribune* in which he told the story of the "twilight children".[122] He introduced these children as follows, "Anywhere else they would just be a bunch of regular kids, boys and girls, aged from about seven to 13, some coffee-coloured, some cafe-au-lait. But the 35 kids at 'the school' in Kliptown outside Johannesburg are extremely irregular." What made the 35 kids so "extremely irregular" was that amongst South Africa's laws regulating race none of them technically existed. They were not officially classified as belonging to any of the apartheid race categories. The reason that some of the children at the school did not have documentation was that, for various reasons, their population registration documents were either lost or destroyed – these could be replaced, albeit after

[122] Peter Fabricius. 'The Twilight Children'. *Sunday Tribune*, 15 July 1979. SA Media Online.

braving and enduring often unsympathetic bureaucrats. Some of the children were simply never officially registered because they were delivered at home and never needed official papers until they wanted to attend school. The majority of the children, though, belonged to families where one parent was black and the other coloured. The problem for these parents related to the chance that their child might have been classified as black by officialdom and that could have disrupted the whole family's lives, affecting where they could live and work. As I explained earlier in this chapter, just as coloureds could pass as white, so blacks could sometimes pass for coloured, gaining access to better material resources by doing so. The story of 13-year-old Elsie was told as an example, "Her father, a coloured, earns a good wage as an artisan. Her mother has a job in a factory. But she is black. So Elsie's birth was not registered and the government schools would not accept her. While her contemporaries completed their primary schooling, Elsie stayed at home doing domestic chores or roamed the streets getting into trouble."

The news article focussed on "The Women of Troy" who started a school for the "twilight children" in Kliptown, helped by a social worker from the Centre for Social Development at Wits University. The author spoke of the children inhabiting "a tenuous position – between black and coloured." No race category existed to classify them and their parents were not willing to risk a classification of black, even if that meant they would receive no schooling at all. The article refers to the school having been started in the late 1970s, so, my assumption was that before then such children may simply not have received schooling, limiting their future job prospects. As I explained before, there were no laws that prevented their parents' relationships or marriage, but the Population Registration Act and the Group Areas Act caused, possibly unforeseen, problems for the children from such unions. Also, as with R. H., the children did not only run into problems with apartheid bureaucracy, but also endured censure from their peers. When asked, for example, why the "twilight children" were not attending holiday programmes organised by the government schools in Eldorado, the answer was, "The problem is that the other children won't let them join in. They tell them: 'You're not from proper schools[.]'"

The stories and experiences of children affected by interracial intimate relationships in South Africa are still rippling into the present, as Sara-Jayne King's story revealed.[123]



[A photo of the young Sara-Jayne King from the *BBC News* website that told part of her story.]

Sara-Jayne left Johannesburg for London in 1980 as a seven-week-old baby. She then was raised in white, middle-class Britain, "For a long time, Sara-Jayne was the only black girl she knew. Others told her she was different, so she felt different. 'We sort of absorb other people's views of us,' she says." Sara-Jayne did not, at first, know much about her adoption, just that her adoptive mother could not have children and that she came from South Africa.

At age 14, via the discovery of a letter from her biological mom amongst her adoptive mom's things, she learned the details about her adoption. Her biological mom was a white British woman in a relationship with a white man, while she also had an affair with a black man. When the biological mom learned that she was expecting, she was unsure of which of the men would turn out to be the father. When Sara-Jayne was born, she appeared white, but a few weeks

[123] Miriam Annenberg. '"My Parents Told Everyone I Was Dead"'. *BBC News*, 4 July 2019, sec. Stories. https://www.bbc.com/news/stories-48857140.

later the biological mother knew that her baby's skin colour was much darker and that the black man was the father.

Section 16 of the Immorality Act was still very much in force and the baby was proof of a transgression of the law. "So, her biological mother and her husband, along with their doctor, devised a plan. They claimed Karoline [the name her biological mother gave her] suffered from a rare kidney disease and required advanced medical treatment in London. But once there they gave her up for adoption. Returning to South Africa empty-handed, the couple told everyone at home that Karoline had died." It is not hard to imagine the shock the contents of such a letter would have been to a 14 year old who was already struggling with her identity in the mostly white settings of Britain. In Sara-Jayne's words:

> The colour of my skin was so abhorrent, and what my biological parents had done was so disgusting, that I would have to be taken from my homeland and raised elsewhere. I felt this feeling of how dreadful must one be as a person that the one person on Earth who is supposed to love, and care for you, and nurture you no matter what, was able to do what my biological mother had done, which was to give away her child.

Sara-Jayne King eventually returned to South Africa and is presently, amongst other things, a host on the Cape Talk radio station. She wrote a memoir, *Killing Karoline*, which was released in 2017 and which details more of her story of adoption, her struggle for identity and her eventual return to South Africa.

Sara-Jayne's story reminded me of R. H.'s words when I asked her about her awareness of race classification and reclassification:

> Ja, but it's not … stuff that [was] spoken about, you know. If, if a coloured girl or an Indian girl would have a child with a white man or something, then on the birth certificate they would just write "unknown". You know, it's not something that you broadcast, it's not something that you speak about or talk about. But asking questions, they would tell you, "That's none of your business. You don't need to know that." And then sometimes some things would happen and then they would speak out of their

> own, to their own people and then you would listen, so that you can learn something, you know.

The intention of the sex laws was to altogether prevent the birth of R. H., Sara-Jayne and the babies with "unknown" fathers, or, at least, to discourage such births as much as possible. In the words of Minister Dönges in 1949:

> Apart from the urge for the preservation of race purity there is also the feeling that efforts should be made to prevent the social problems that spring from blood mixture, especially in regard to the consequences to the innocent victims, the children. … The social problems created by mixed marriages are realised by all of us, and it is not necessary for me to give a description of them. I would only refer to the many cases of family dissension that has flowed from them, and that in the majority of the cases the children of those mixed marriages are outcasts. Those children have no family traditions of which they can be proud or from which they can derive inspiration for the future.[124]

If part of the intention was, which it seems to have been, in 1949 to prevent the births resulting from interracial unions and to prevent "social problems that spring from blood mixture", it is somewhat understated to say that the sex law legislation significantly failed in this respect. If real concern and compassion existed for the "innocent victims", the legislation that removed the possibility of providing them with a sense of legitimacy (both in terms of a family life and the law) seem counterintuitive. What also, in fact, often happened was that all responsibility in these cases came down to the mother, especially when she was not white. It was a straightforward affair for the white father to wash his hands and walk away in such situations, and even claim slander against the mother, without any fear that she, herself or her family would seek legal recourse or even financial support. As R. H. said, for the most part, such births were hushed up in families and the community.

[124] T.E. Dönges. HANSARD, Union House of Assembly Debates, 1949. Prohibition of Mixed Marriages Bill, 2nd Reading, (19 May 1949), column 6168.

What, then, were the true "evils" of miscegenation in South Africa? There were a number of both intended and unintended consequences of the sex laws that sought to prevent miscegenation. In fact, the sex laws clearly failed to prevent the birth of interracial children, instead succeeding in exposing them to rather precarious existences.

Chapter Five: The Die Is Cast

This chapter looks more closely at the repeal of the Prohibition of Mixed Marriages Act in 1985, along with section 16 of the Immorality Act – 36 years after implementation. The significance of the repeal of the sex laws, though it did not dismantle apartheid in toto, lies in how it undermined apartheid ideology. In repealing this legislation, which directly prevented race mixture on the most intimate level, the foundation of apartheid's race legislation could be questioned. I also look in this chapter at the first interracial marriages just before and after repeal, while race and group areas classification, along with racial attitudes, remained obstacles.

Apartheid as an ideology and a way of governance was not fully formed in 1948 when the National Party won the elections. In the same way, apartheid's dismantling, as a form of governance, did not come about overnight and many factors have to be considered in the process that brought about its end. In the late seventies and early eighties the internal and external pressures on the South African government to reform were mounting. Dubow writes that the anti-apartheid activists were concerned about if apartheid could be reformed and if it could not, how it could be overthrown or transformed. The National Party (NP), under P. W. Botha's leadership in the 1980s, was not oblivious to the pressures, but "calculated that the best chance of securing white domination lay in modernizing the methods by which it was sustained. So long as the government remained in control of reforms its power base was relatively secure; the danger lay in loss of control over the pace and scope of change."[125]

Scrapping the sex laws was then one of the apartheid government's first ways of "modernizing" its methods in a way that they felt they could control. Despite how in control of the reform of methods that the Nationalist may have felt, comparing the parliamentary debates concerning the sex laws in 1949, 1967/68 and 1984/85, revealed that the debates in 1985 stirred up the most emotion and were the most heated amongst MPs discussing the ultimate scrapping of the

[125] Dubow, *Apartheid*, 199.

laws. Outside of the NP, the political parties felt that the scrapping of the sex laws both went too far (Conservative Party) and that it did not go nearly far enough (Progressive Federal Party). Whether the repeal of the sex laws was seen as cosmetic or not, at the time or even in retrospect, it cannot be ignored that their repeal allowed for questioning the whole ideological base of apartheid, which in essence is what those on both sides of the NP were doing, albeit viewing apartheid itself very differently. The official opposition, the Progressive Federal Party (PFP), thus, pressed for the repeal of all apartheid legislation if the sex laws, a significant "pillar" of apartheid, were to be repealed. The CP, though, called it a "sly reform" and saw the repeal of the sex laws as the end of apartheid (or separate development as many MPs from the NP and CP refer to it in 1985). [126]

The NP itself was not ready to let go of power or the concept of separate development, but, at the same time, the ruling party was responding to the pressures inside and outside of South Africa. The sex laws were viewed within the party as a "safe" change, an appeasing change, that allowed the NP to still maintain the status quo. The stories about interracial relationships and arrests under the sex laws, trumpeted internationally and often locally as well, had not abated and kept South African apartheid ideology in the spotlight. The traditional Afrikaner churches had significantly and fundamentally shifted their previous position on interracial marriage in the early 1980s, so there was no longer any moral defence from any churches, bar some disagreeing factions and individuals, for the NP to point at, as the party did in 1949.

The NP held fast, through all the debates around, at first, the possible amendment of the laws and later the repeal of the laws, that such an amendment or repeal be done "with a view to the continued social, educational and constitutional ordering of communities."[127] In the words of the Minister of the Interior, "The NP states loudly and clearly, wherever it happens to be, that it advocates an own community life for every people. That own community life includes own residential areas, own schools and a great deal more that I have already dealt with in a previous debate."[128] Thus, there was no stated intention to abandon keeping the races separate in all

[126] F. J. le Roux, HANSARD, (10 July 1984), column 11067.
[127] P. J. Badenhorst, HANSARD, (12 July 1984), column 11315.
[128] F. W. de Klerk, HANSARD, (22 May 1985), column 6003.

spheres of South African life. In fact, during debates, the NP over and over made the point that removing the sex laws from the statute books would not, in essence, change the status quo of apartheid. Rather, the sex laws, as it related to separate development had done its job and were no longer required. Plus, these laws were continually used to castigate the National Party, its leadership, and South Africa about apartheid and their removal could improve the country's image and appease the critics of apartheid policy.

The NP, when questioned about the effect of the repeal on other apartheid legislation such as the group areas, replied that, "In the case of Whites the provisions of the Act are clear, i.e. the married couple may not live in the group area of the White member of that couple but may live in the group area of the other member."[129] Thus, as far as many other apartheid laws were concerned, the intent was not wholesale change and reform. Raymond and Wilhemina Crevits was one of the first couples to run into the little freedom that the repeal actually allowed them to live as a married couple.

Raymond and Wilhemina sensed that the sex laws were about to change and so took the risk to get married in Bophuthatswana, one of the South African homelands, on the 4th of May 1985. The couple was interviewed by their daughter in 2010 for a BBC programme that was looking at the lifting of the sex laws, 25 years later.[130] Raymond (white) was from Belgium and Wilhemina (coloured) from the Kuruman area in the then Cape Province. They had met a year earlier in Potchefstroom. Raymond argued that most coloured women wanting to marry white men for their money, but that Wilhemina was not like that. It is interesting to note here that even those involved in interracial relationships could be susceptible to pervasive social stereotypes.

Once married, the couple's living arrangements were a challenge. An article in the *Beeld* referred to the couple living in a flat in Baillie Park, an area designated white at the time. [131] Wilhemina recalled living in fear in the flat – not wanting to give her presence away, she would

[129] F. W. de Klerk, HANSARD, (22 May 1985), columns 6005-6006.
[130] *Interracial Marriage Ban in South Africa*. Accessed 21 November 2019. https://www.youtube.com/watch?v=EGxj1nOIsxo&feature=youtu.be.
[131] 'Belg moet "SA se wette eerbiedig"'. *Beeld*. 14 August 1985. SA Media Online.

not watch TV or switch the lights on while Raymond was out. They were constantly worried about the police discovering them. A journalist who lived in the same block of flats apparently did eventually give the couple away to the police.[132] The police duly visited the couple at the flat and told them that they had to go and live in a coloured area or township. They were given a month to leave. Apart from the police visit, the owner of the block of flats also gave them written notice. The MP for Losberg, a Mr Awie Wright, was quoted as saying, "Hy [Raymond Crevits] is nie 'n Suid-Afrikaanse burger nie en as die wette van die land hom nie pas nie, staan dit hom vry om te gaan[.]"[133] ("He [Raymond Crevits] is not a South African citizen and if the laws of the country does not suit him, he is free to leave.") Raymond and Wilhemina then ended up in Promosa, a designated coloured area on the outskirts of Potchefstroom.

Like other interracial couples, especially from this period in South African history, they recall walking apart when they left their house or went shopping to avoid stares and confrontations. They lived in Promosa for a while but were concerned about the amount of violence in the area. According to Raymond someone was killed across the street from their home and that was when they decided to leave South Africa for Belgium. Their first child, the daughter who interviewed them, was born in February of 1986, and she also became a consideration in her parents' decision to leave. She would have been classified coloured as well and her parents would have had to send her to schools for coloured children and, with South Africa's school system under apartheid, she would have received a poorer education. Wilhemina recalled, "The funny thing is, when we got to the airport, everybody, all colours, were allowed to mix together and even on the plane you can sit next to someone of a different colour – something you couldn't do on a park bench in South Africa." Poignantly, the couple conveyed during the interview how much they still savoured, even today, going out and shopping together and being able to be a normal couple. For Raymond and Wilhemina, then, even though they could legally get married and live in South Africa, other apartheid legislation still meant that they opted to leave the country for Raymond's home country of Belgium.

[132] I do not know if this journalist had anything to do with the article in the *Beeld*, but it does seem possible.
[133] 'Belg moet "SA se wette eerbiedig"'. *Beeld*. 14 August 1985. SA Media Online.

The Immorality and Prohibition of Mixed Marriages Amendment Act of 1985 was promulgated on the 12th of June of that year. In 1985, Suzanne Leclerc and Protas Madlala were the first couple from "different historically defined race groups" to get married in South Africa after the implementation of the amendment.[134]



[Suzanne and Protas Madlala, provided courtesy of the family and posted on BBC World Service, Witness History.]

Suzanne is a white American, originally from Cumberland, Rhode Island[135], and Protas a black South African from St Wendolin in Natal. The two met in Washington DC in 1984 but decided to get married in South Africa in Protas's hometown. During an interview broadcasted in 2015, Suzanne explained that their wedding was quite the occasion with many uninvited and curious guests showing up, "We had people at the wedding who said they heard about our wedding in Johannesburg, on the train, and they were headed to Durban and they thought they would just pop in to see if it was true that a white woman was marrying a black guy. So, it turned out that there were hundreds of people at our wedding."[136]

[134] Samantha Kambule. 'Attitudes towards Interracial Marriages in South Africa'. *IJR* (blog). Accessed 21 March 2019. https://www.ijr.org.za/2017/07/03/attitudes-towards-interracial-marriages-in-south-africa/.
[135] Maureen Johnson. 'South Africa's 1st Legal Mixed-Race Couple Allowed to Marry, Not to Live Together'. *Los Angeles Times*, 13 July 1986. https://www.latimes.com/archives/la-xpm-1986-07-13-mn-20744-story.html.
[136] Ashley Byrne. BBC. 'BBC World Service – Witness History, Inter-Racial Marriage in South Africa'. Accessed 21 January 2020. https://www.bbc.co.uk/programmes/p02t8tlt.

Right up to the day of their wedding they were unsure if the amendment would come into effect or if they would still be breaking the law by getting married. In Suzanne's words, when asked if she was scared about the wedding and on the actual day, "Oh yeah, I thought, gosh, you know, we're gonna spend the night in jail and then, then what. I really didn't know what, what was up ahead."[137] They also prepared, as much as they could, for any potential backlash. As the couple remembered:

> Protas: Well, I recall, we, we did something which is an unconventional. We agreed that instead of the bride arriving first, or the groom, the bridegroom […] arriving separately, we agreed that for security reasons we must drive in convoy.
>
> Suzanne: My husband's best friend drove us there through the sugarcane fields. It was a bit frightening because it was very quiet down those roads and, and my husband thought, you know, if there was going to be an ambush, it might just happen around the sugarcane fields.

The couple arrived safely in the end and were met by huge and joyous crowds. They were told, while they were at the altar, that the law had indeed officially been repealed – they got married on the Saturday, the 15th of June – and that notice of it would appear in the government gazette on the Monday. The interest in Protas and Suzanne and their relationship did not abate after their wedding either. They were frontpage news nationally and internationally the next day:

> Suzanne: We were very surprised when we opened the Sunday newspaper the following morning. There was our huge photo on the front page saying, "Our first mixed-race couple."
>
> Protas: From Britain to America to Australia, we had to manage the intern…, massive interviews from all over.

[137] *Inter-Racial Marriage in South Africa*. BBC World Service.

Suzanne: You know, how were we living? Where were we living? Why did we do this? What about the children?

Protas: And also we had to manage the crowds of people who were coming every day. I had to write a letter to some newspapers, asking for the people to give us some space.

Though Protas and Suzanne could get married, like Raymond and Wilhemina, they faced many obstacles in apartheid South Africa. They also rarely, for example, went shopping together. They got too many sideways looks and hostile attitudes in the shopping centres of Pinetown and Durban. So, each would run their errands separately and then meet up again. Other problems included that the black bus drivers of St Wendolin were scared to take Suzanne on board, fearing that they might lose their jobs. This made travel out of and into the community difficult for her. There were also South Africans that were just not friendly towards her as soon as they discovered who she was.

The Group Areas Act forced the couple to live apart for long stretches at a time and Suzanne could only find a university teaching job in Umtata, many kilometres away. After Suzanne received a residential permit from home affairs, she still could not get a work permit, which was part of the reason why she worked in Umtata.[138] They managed to see one another maybe once a month or even less at times. When they had children, Suzanne recalled, "[When I] would go to town with the child in the pram, people would really look at me, up and down, and then, you know, would ask questions like, 'What is this child's name?' And, you know, they found it hard to categorise where I was and could it be true that, you know, she made this child with a black man. So, I would hear them gossiping and saying things like, 'Oh, she must be from Mauritius.' or something very odd." While Protas told a news reporter, speaking of their difficulty in finding a place where they could live together and work, that, "his yearning for privacy was exacerbated by disapproval of black neighbors [sic] because he helps with housework instead of leaving it to his wife, in accordance with African tradition."[139]

[138] Johnson, 'South Africa's 1st Legal Mixed-Race Couple', 13 July 1986.
[139] Johnson, 'South Africa's 1st Legal Mixed-Race Couple', 13 July 1986.

Protas and Suzanne were married for 18 years before the couple separated. Protas still lives in South Africa, but Suzanne moved back to the USA. Suzanne believes that the obstacles they had to face and overcome, paved the way for future generations of interracial couples in South Africa. Especially Protas thought of himself as very politically minded and Suzanne said, in a telephone interview from Umtata, that, "her determination to marry in South Africa last June 15 was a statement against apartheid, whether the law was changed or not."[140] The couple named their first baby Nkululeko, which means freedom, and refused to have the baby classified by race saying that, "our baby belongs to the human race."[141]

In 1987 Dan Dhlamini wrote for *City Press* about two South Africans whose love across the colour lanes had "scandalised" residents in the small town of Odendaalsrus in the then Orange Free State.[142] In fact, various newspaper articles referred to them as South Africa's Romeo and Juliet.



[Newlyweds Jerry Tsie and Annette Heunis from South Africa kiss, 1989. Image by Reuters, CORBIS]

Though the newspaper coverage might give one the impression that Jerry Tsie and Annette Heunis were the only couple that got married in the late eighties and who faced hostilities and

[140] Johnson, 'South Africa's 1st Legal Mixed-Race Couple', 13 July 1986.
[141] Dan Dhlamini. 'Sweethearts, Love Flying in Face of Prejudice'. *City Press*, 20 September 1987. SA Media Online.
[142] Dhlamini, 'Sweethearts', *City Press*, 20 September 1987.

obstacles because of apartheid race legislation, that was by no means the case. Peter Malherbe reported interracial marriage statistics for 1987, for example, in February of 1989 and wrote, "No marriage between a white woman and a black man was recorded [for 1987], while the highest number of inter-racial [sic] marriages were between Indian men and coloured women. … Of the 'mixed' marriages, 292 white men wed coloured women, 77 chose Asian brides and 22 married black women. There were 337 marriages between Asian men and coloured women, while 56 white women wed coloured men and 27 married Asians."[143] Jerry and Annette's story perhaps then particularly struck a nerve because Annette was a white Afrikaner and Jerry a black Basotho. Jerry and Annette, both South Africans and on the opposite and extreme ends of South Africa's race spectrum, represented simultaneously the worst fears of conservative South Africans and the best hopes of liberals and anti-apartheid South Africans. Other interracial couples and their marriages were still shrugged off, but as the amount of press around Jerry and Annette revealed, their story was seen as particularly sensational. Karin Junger, from the Netherlands, and her black husband, Walther, and their son even travelled to South Africa in 1991 to visit Jerry and Annette and to make a film about the couple."[144]

Jerry was 21 and Annette 19 when the two met in a photo shop in Odendaalsrus. They started dating on Valentine's Day of 1987 and were probably not quite aware of what they were about to face as an interracial couple in the South Africa of the late eighties and early nineties. As *People* recorded in 1988:

> Annette's first reaction [to Jerry's advances] was one of confusion. Her father, Tiny [Heunis], a bartender and staunch churchman, and his second wife were both exceedingly strict. Even Annette's romance with Klaas Odendaal, a perfectly suitable Anglican seminary student, had to be conducted on the sly because her stepmother had declared that she could not date until she was 23. A black suitor would be out of the

[143] Peter Malherbe. 'New Figures Reveal 1 393 Mixed-Race Weddings'. *The Sunday Star*. 5 February 1989. SA Media Online. In the same year, 1987, 41 033 white couples got married, but the statistics did not reflect figures for the black community due to registered weddings in the community being low.
[144] Karin Junger. 'Film Mixed feelings |'. Accessed 23 January 2020. https://karinjunger.com/films/mixed-feelings/.

> question. What would you do, she asked her stepmother a couple of weeks after Jerry's declaration, if a black man came to the apartment? The answer was swift: "She said she would first shoot him dead," recalls Annette, then 19, "and afterward give me the biggest hiding of my life."[145]

Annette also recalled that after their relationship became generally known in Odendaalsrus and her dad and stepmother found out about it, they were "furious" and that "black people came from all over the place just to look at us and say hello. They wanted to see us kiss."[146] Jerry and Annette faced the same as what other interracial couples experienced: simple shopping trips where people stared at them all the way through; the loss of friends and family who strongly disagreed with their relationship; taxi and bus drivers in the township who refused to give Annette a lift, fearing the loss of licenses; the challenges of navigating where the two of them would live and build a mutual life and understanding when they came from very different cultural backgrounds. Their cultural backgrounds, for example, viewed the role of men and women in the household quite differently. Mitta Tsie, Jerry's mom, told *City Press* that she would have talked to the Heunis family, if they were Basothos, and asked them how much they needed for lobola for her son to marry Annette. Offering and receiving lobola, however, was a practise which was foreign to most white cultures in South Africa. In general, Annette was better accepted in Kutluanong, the black township, than either herself or Jerry were in Odendaalsrus.

After they were married at the end of 1989 – Annette had to wait until she came of age because her father refused to give his permission for the marriage – the couple ended up in Bophuthatswana according to a report by Johan Strydom in 1990.[147] In Bophuthatswana they were generally better accepted than in the Free State, but lived in the midst of one of the centres of political upheaval and unrest in the late eighties and early nineties. Jerry ran a self-defence school in the homeland, while Annette took a taxi into Pretoria, 30 kilometres away,

[145] Ron Arias, Montgomery Brower & Vivienne Walt. 'Life in the Eye of the Storm'. PEOPLE.com, 20 June 1988. https://people.com/archive/life-in-the-eye-of-the-storm-vol-29-no-24/.
[146] Arias et al., 'Life in the Eye of the Storm', 20 June 1988.
[147] Johan Strydom. 'Allenige witvrou bly woon midde-in Bop-onluste'. *Rapport*, 25 March 1990. SA Media Online.

every workday to get to her job as a bookkeeper – the wages in South Africa being better than those paid in the homeland.

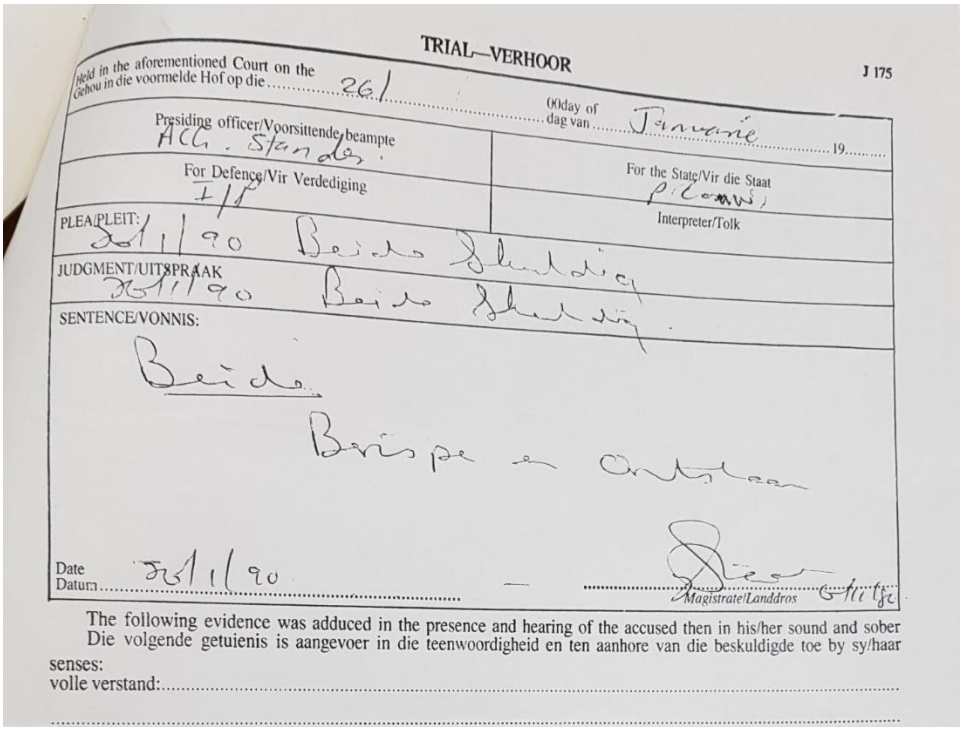
On the eve of South Africa's elections in 1994, Johan Strydom wrote about the Tsie-couple again and of how their first baby, Nairobi, on some nights, was woken up by the sound of gunfire close to their house.[148] Still, they preferred to live where they were, rather than move to other countries such as Australia, even when Australians extended a formal invitation to the couple to move to the country, or the USA. Of the couple's life after 1994 I could not unearth much, only that Jerry went on the become an actor, producer, writer and director of television programmes and documentary films, some of his work focussing on the lesser known stories from the apartheid era.[149]

By 1991 most apartheid legislation related to race matters had been scrapped. In January of 1990, however, Russel (43) and Minah Reyneke (26) still found themselves accused and guilty of contravening the Group Areas Act in Wierdapark in Pretoria.[150] The file on Russel and Minah provided some details including a newspaper clipping from *Beeld*, which was directed at a Mr N. van Rensburg, the directorate of group areas. The clipping's title ran, "KP sê hy het al gekla oor bruin vrou" ("CP says he had already complained about coloured woman") and was dated 30 January 1990.[151]

The news article revealed that the complaint was handed in by the CP chairperson of Verwoerdburg, a Mr Dawie de Bruin. De Bruin was apparently acting on a complaint by the neighbours of the couple that Mrs Reyneke was living illegally in the neighbourhood of Wierdapark. The clipping further read that the couple was found guilty of transgressing the Group Areas Act on the 26th of January of 1990. Minah had been living with Russel in Theuns van Niekerk Street since 1988. The magistrate, a Mr A. C. G. Stander requested that Mr

[148] Johan Strydom. 'Tsie's wil droomhuis bou op koppie in Bop'. *Rapport*, 17 April 1994. SA Media Online.
[149] Sam Mathe. 'Legendary Jerry Tsie's Rich History in Arts, Film & TV', 29 April 2019. https://www.iol.co.za/entertainment/tv/local/legendary-jerry-tsies-rich-history-in-arts-film-and-tv-22164908.
[150] 'Administrasie Volksraad. Groepsgebiede. Klagte. Wierdapark. R.K. Reyneke. Huwelik oor kleurgrens.', 1990. SAB, VBW. National Archives and Records Service of South Africa.
[151] A search of SA Media Online did not reproduce the article or any other articles about the Reyneke couple.

Reyneke find other accommodation for his wife until they could move to Cape Town, which apparently they were planning to do in another month's time. The trial sheet indicates the plea as "both guilty" and the judgement as both "guilty" and then that the couple was "berispe en ontslaan" ("reprimanded and dismissed").



TRIAL—VERHOOR

J 175

Held in the aforementioned Court on the Gehou in die voormelde Hof op die 26/ 00day of dag van Januarie 19

Presiding officer/Voorsittende beampte Acc. Stander

For Defence/Vir Verdediging I/P

For the State/Vir die Staat P. Louw

Interpreter/Tolk

PLEA/PLEIT: 26/1/90 Beide Skuldig

JUDGMENT/UITSPRAAK 26/1/90 Beide Skuldig

SENTENCE/VONNIS:

Beide

Berispe en Ontslaan

Date Datum 26/1/90

Magistrate/Landdros

The following evidence was adduced in the presence and hearing of the accused then in his/her sound and sober senses:
Die volgende getuienis is aangevoer in die teenwoordigheid en ten aanhore van die beskuldigde toe by sy/haar volle verstand:

[The trial sheet related to Russel and Minah Reyneke's case in 1990.]

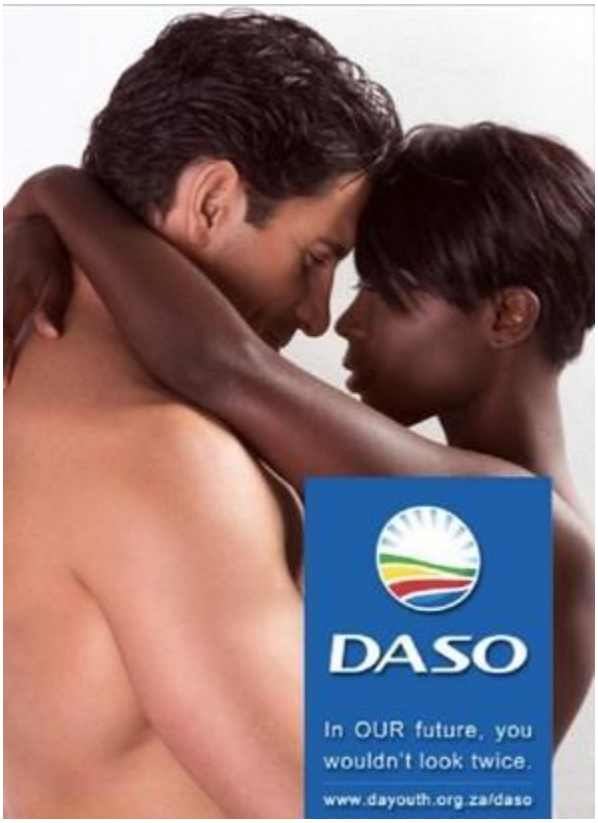
Though the stories of couples such as Suzanne and Protas, as well as Jerry and Annette, might still be well remembered, it is important to see their accounts in the context of the history of the sex laws in South Africa. In this light and realising some of the NP's intentions with scrapping the laws, these interracial relationships hold greater significance than we may attach to them in post-apartheid South Africa. There is an Afrikaans saying, *die koeël is deur die kerk* [the die is cast], which I believe one can aptly apply to the moment of scrapping the sex laws, and other legislation that was considered 'petty' apartheid, in 1985. After the National Party pulled the trigger and scrapped the sex laws, no matter what the underlying intentions, or level of orchestration, concerning reform or holding on to power may have been, a significant shift in apartheid ideology had occurred. Once Jerry and Annette's relationship became possible and

was splashed across the media, South Africans could not engage with it without engaging also with the premise of apartheid ideology.

What the accounts in this chapter also make clear is that the impact of the sex laws and the ideology that the laws helped underpin – though its scrapping allowed for questioning that ideology – was not removed quite as easily. The prejudice and complaints related to the group areas after 1985 is but one illustration of this fact. In my conclusion I will briefly consider the continued legacy of the sex laws in South Africa.

Chapter Six: Conclusion

The year 2020 marks 35 years since the scrapping of the sex laws – almost the same amount of time that the sex laws were on the statute books in South Africa has passed. Today, South Africa's constitution allows South Africans to marry, date and sleep with whomever they would like to (assuming consenting adults). So, in concluding my research, the responses to the release of a Democratic Alliance Students Organisation (DASO) poster in 2012 were interesting to consider in light of the interracial experiences and stories that this research highlighted.



[The poster that was released by DASO in 2012 showing an interracial couple embracing.[152]]

[152] Photo sourced from: 'Echoes of Apartheid? Poster of Interracial Couple Embracing Invokes Racist Backlash in South Africa'. Mail Online, 26 January 2012. https://www.dailymail.co.uk/news/article-2092291/Interracial-poster-South-Africa-sparks-heated-debate.html.

DASO timed the release of the above poster for the beginning of 2012 to coincide with university orientation weeks to create awareness of the organisation and its values and to attract members on campuses throughout the country.[153] Reactions to the poster were immediate and varied and, though the organisation certainly meant to get a response, it far exceeded their expectations, said Aimee Franklin, the leader of the organisation at the time. However the poster was read then or is still read today – as a marketing ploy, too reductive, insensitive, pornographic or racist – the amount of news articles printed about the poster and the social media responses, for example, printed by the *Rapport* newspaper, were insightful:[154]



Só gons dit op Twitter en Facebook

➔ "Daso het dit dié keer te ver gevat. Dis walglik."
➔ "Wel, hulle het daarin geslaag om groot publisiteit te kry."
➔ "Die plakkaat gaan nog meer aandag trek in die volgende verkiesing. Maar dan gaan die opposisie dit teen julle gebruik."
➔ "Hou die DA liberaal. Dis ons konserwatiewe vriende wat belaglike verskonings het om dit te haat."
➔ "Kenny Kunene eet nou soesji van die DA-plakkaat af."
➔ "Ek kan nie verstaan hoekom die DA hul naam in 'n Durex-advertensie het nie."
➔ "Enigiemand wat 'n probleem met die plakkaat het, moet weet dis duidelik hulle is rassisties."
➔ "Ek het nie kinders nie, maar ek sal hulle aanraai om nie met 'n swart mens te trou nie – nie oor ras nie, maar omdat dit belangrik is om met mense van dieselfde klas, geloof en taal te trou. Dié plakkaat moet onttrek word."
➔ "Diegene wat hieroor kla, sê eintlik gemengde paartjies gee hulle aanstoot."
➔ "In ons toekoms wil ons voorspoed, gelyke geleenthede, rykdom en ware mag hê."
➔ "Gaan Zille iets oor die plakkaat twiet?"
➔ "Al wat Daso gedoen het, is om die DA se posisie onder swart mense te verswak, asook onder wit Suid-Afrikaners."
➔ "Ek weet nie waaroor al die bohaai gaan nie."
➔ "Die oproer oor die plakkaat wys net hoe agter die tyd ons land nog is."
➔ "As dit 'n swart man met 'n wit vrou was, sou die wit manlike rassiste te kere gegaan het."

[Social media responses on Twitter and Facebook in 2012 to the DASO poster. Some comments originally appeared in English and was translated by the newspaper.]

One of the above responses reads in English, "I don't have children, but I would advise them not to marry a black person – not because of race, but because it is important to marry people of the same class, religion and language. The poster should be withdrawn." Another reads, echoing the tagline of the poster, "In our future we want prosperity, equal opportunities, wealth and true power."

[153] Shanti Aboobaker. 'DA Campaign Gets Social Media Talking about Prejudice'. *The Star*, 26 January 2012. SA Media Online. p. 3.
[154] Lizel Steenkamp. 'DA-plakkaat 'n "ironiese ramp"'. *Rapport*. 26 January 2012. SA Media Online. p. 2.

Carien du Plessis, a journalist and herself in an interracial relationship at the time of the poster's release, in light of the overwhelming reactions (both positive and negative) to it, reflected on these various reactions and wrote:

> During the ANC's centenary celebrations in Bloemfontein recently, we [she and her boyfriend] raised a glass to the first year of our "friendship of a special type". "So this is what we struggled for over the past 100 years," a friend at our table quipped. It was said in jest, but perhaps love across racial lines is one of the frontiers that a century of struggle hasn't destroyed completely. … Labels like "coconut" are often applied to black people dating whites, while some white people, regard whites who date blacks as "sellouts" [sic] or dating "down". A black friend with a white husband once told me someone mistook her for a prostitute. … It seems many South Africans still live with internalised versions of the oppressive Immorality Act 26 years after it's been repealed.

From the reactions to this 2012 DASO poster alone, it is probably obvious to say that a strong case can be made that South Africa's historical race legislation and the shaping of racial attitudes on the most intimate levels, continue to influence race relations in South Africa, more than three decades after the scrapping of the infamous sex laws.

Even more recently, in 2019, Mpho Mojapelo and his wife Cheryl were profiled in an online article on the *Sowetan Live* website. While the couple said that they had become used to the stares of other people and were mostly well accepted in city settings (they both grew up and went to school in Johannesburg), they told of an incident in a restaurant in northern Limpopo when they heard an elderly white couple mutter "disgusting" about them in Afrikaans. The couple themselves responded differently to the incident, "Cheryl said she was 'shocked' while Mpho nodded. 'It is going to take more than 25 years for things to change. We were in that

stage of turmoil for so many years,' said Mpho."[155] Even the fact that they were profiled, solely because of their interracial marriage, should also not be overlooked.



[Mpho and Cheryl Mojapelo. Image by lightfieldstudios and sourced from the *Sowetan Live* website.]

The same article also quoted researcher, Haley McEwen at the Wits Centre for diversity studies, who said, "Couples who go out are given poor service, they are stared at, people don't take their relationship seriously like their families." Apart from dealing with a wide spectrum of attitudes to their relationship, bureaucracy also still plays a role in interracial relationships in post-apartheid South Africa. Mpho and Cheryl's first child, Camden, arrived in 2018 and every time that they have to complete a form that requires them to indicate Camden's race, they are stumped. Camden is neither black nor white.

The preceding chapters have variously given insight into the impact of the different laws that worked together (Mixed Marriages Act, Immorality Act, Registration Act, Group Areas) to legislatively prevent interracial intimacy from 1949 onwards. I highlighted the involvement of the police and citizens (through anonymous complaints, for example), arrests and court cases. Chapter four in particular highlighted how people met, where they could go on a date in apartheid South Africa, and where they married and lived ("homelands", neighbouring

[155] AFP. 'Interracial Couples Stand out in Post-Apartheid South Africa'. *Sowetan Live*, 23 April 2019. https://www.sowetanlive.co.za/news/south-africa/2019-04-23-interracial-couples-stand-out-in-post-apartheid-south-africa/.

countries, leaving for overseas). The stories also told of the perceived "evils" of miscegenation and highlighted the impact of the sex laws specifically on children from what was considered mixed-race unions. The accounts revealed that most, if not all, interracial relationships were affected in apartheid South Africa, even when partners could legally get married. The Population Registration Act and Group Areas Act affected all interracial relationships, not just those where one partner was considered to be white or European. Through the files from the National Archives I have offered insight into some of the bureaucratic processes, such as applying for race reclassification in order to be able to get married or live in the same group area in South Africa. Finally, I made the case that South Africa's sex laws serve as suggestive bookends to the commencement and demise of apartheid, which differs to the treatment given by many authoritative apartheid histories to date. Whatever the National Party intentions in 1984 and 1985, the scrapping of the sex laws was not merely "cosmetic".

As far as the effectiveness of these laws, the Prohibition of Mixed Marriages Act of 1949 and section 16 of the Immorality Act of 1957, though it certainly made life more difficult for interracial intimacy in many different ways, it did not end interracial relationships in South Africa – either casual, short-term or long-term. As the various accounts that I have provided showed, ways around the laws, as well as social regulation, could be, and were, found. Ultimately leaving South Africa in order to remain together as interracial couples and families was a route that many took rather than obey the laws.

The apartheid government, as I hope I have shown, were committed to the sex laws, making sure, for example, to close a loophole in the legislation in 1968. In 1985 public opinion and international censure of the sex laws were as much present as in 1968, but what had changed by 1985 was the Nationalists' commitment to the sex laws. If the internal and external pressures were not present and if the Afrikaner churches, for example, had not changed their theological stance on interracial marriages, one wonders if the National Party would have been as receptive towards the scrapping of the sex laws in 1985. As this account has shown, although government surveillance occurred at a high level and the arrest record under section 16 of the Immorality Act speaks for itself, there was also a great degree to which South Africans self-regulated when it came to interracial relationships. It is striking how low the occurrence of

interracial relationships was before 1985, especially where both partners were South African. The Group Areas Act, which kept people physically apart, of course also played a role. Also to be kept in mind with regard to self-regulations are the anonymous complaints from the early police files at the National Archive and, as late as 1990, the fact that neighbours still complained about the interracial couple living next door and transgressing the Group Areas Act. I feel certain that there were more occurrences of these sort of incidences than what I could find in the official record.

I have argued in this dissertation that the sex laws, which regulated the most private and intimate spaces of South African life, were fundamentally important to the apartheid project. To tout racial purity, apartheid and separate development, the incompatibility of the races was continually underscored and the "evils" of miscegenation continually held up as deterrent. Thus, because of its centrality to apartheid ideology, I have argued that the scrapping of the sex laws in 1985 carried significant weight – scrapping the sex laws was the beginning of the end in terms of apartheid ideology. By asserting this, I by no means claim that it was the single most significant event in the demise of apartheid, but rather the beginning of the end. This beginning in itself was brought about by various factors, including political struggle, unrest and protest inside South Africa and international pressure, such as through sanctions, from outside the country. Added to this was every article written about the challenges of interracial couples, both locally and internationally, which kept apartheid policies firmly in the spotlight and appealed to people's shared humanity and romantic sentiments. Who does not, after all, like a good love story, especially when there were obstacles to overcome that underscored the strength of the couples' love?

This dissertation has also shown that despite the repeal of the sex laws in 1985, such legislation as the Group Areas Act that stayed in place until 1991 still made the attempt at running the colour lanes together a challenge. The scrapping of the sex laws was only a beginning. Much had still to be done to dismantle apartheid governance and transition to a post-apartheid South Africa. As I have also briefly tried to show in my conclusions, even in post-apartheid South Africa, apartheid attitudes toward interracial relationships and families remain present and complex and flare up to a greater and lesser extent, at various times.

This study was limited by the number of oral interviews which I could conduct and the fact that I only connected with three people that were classified coloured under apartheid race legislation. By adding perspectives from those who carried other race classifications under apartheid, it would have enhanced and expanded the study. The other limitation, however, was that I had to make choices about stories that I considered gave the greatest insight, or offered the most material to work with, in terms of what experiences for interracial couples and families were like. I gathered far more stories and experiences in the research for this paper than I was able to share. There are many more voices to be heard and, indeed, stories that have not even been uncovered. Perhaps this research might even bring more such experiences and stories to light.

Samantha Kambule wrote in 2017 that, "… a study conducted by researchers at North-West University in Mahikeng show that the odds of [an] individual marrying someone of the same race as themselves decreased from 303:1 in 1996, to 95:1 in 2011 – thus, an increase in interracial marriages in South Africa."[156] Though the odds of interracial romance and marriage have increased in post-apartheid South Africa and attitudes toward such relationship have overall become more positive, attitudes have not remained stable. Again in Kambule's words, "Looking at the findings specifically relating to attitudes towards interracial marriage … approval rates initially increased from 47% in 2003 to 53% in 2010, decreasing again to 47% from 2010 to 2015." In terms of further study, I believe the research in this paper could be rounded out by considering interracial intimate relationships in the immediate aftermath of 1994, including same-sex relationships, up to the present day. I do note that some of this research has been done, but it has not always taken the historical material that is available in consideration or looked much beyond the present of a particular study.

[156] Samantha Kambule. 'Attitudes towards Interracial Marriages in South Africa'. *IJR* (blog). Accessed 21 March 2019. https://www.ijr.org.za/2017/07/03/attitudes-towards-interracial-marriages-in-south-africa/.

In post-apartheid South Africa, racial groups still tend to remain socially homogenous. Also still present in South Africa is ongoing, informal spatial separation of various economic, cultural, and racial groups, which continues to influence the degree to which South Africans meet and integrate with one another after many, many decades of race grouping and classification. The research that I have done in this dissertation, I hope, will provide a springboard for uncovering more untold stories between 1949 and 1994, as well as for an exploration of experiences and stories after 1994.

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