

MISCEGENATION, MIXED MARRIAGES AND IMMORALITY

- Some historical and Christian ethical comments

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For the first time in more than thirty years the issue of interracial sexual contact *as such* has been raised in public debate. Ever since the introduction of the Prohibition of Mixed Marriages Act in 1949 and the consequential tightening up by means of article 16¹⁾ of the Immorality Act in 1957 occasional skirmishes on the issue have taken place. But they have never reached the level of a comprehensive, public re-assessment of the fundamental aspects of the issue. Now, however, it seems that the time for such a debate has come. It is hoped that this article may contribute to the debate in a responsible way.

Undoubtedly the issue is highly contentious. Equally undoubtedly, much more than a mere contemplation of intellectual niceties is involved. The sexual aspect of human existence always involves factors which go far beyond the clinically rational. This pertains to interracial sexual relations to an even higher degree. Here, intercultural fears, phobias and emotions add to the already potentially volatile dimension of human sexuality the burden of political, social and even religious stress. However, without discounting the reality of these factors, there can be no excuse for yielding to an irrational approach to the problem. It may be tempting to ride the wave of emotions in the short run, but in the long run one has to bear responsibility for them, which means one has to return to some sort of rationality, even if it is to a mere rationalization of one's emotional reactions. In a sense this is where the protagonists of the marriage laws, and with them all of - at least - white South Africa, find themselves today. In the present situation it will therefore be beneficial to retrace our steps in order to highlight the main events on the road we have come in this respect (I). We will then be in a better position to consider some of the moral issues raised by the fact that these laws had been introduced. This will be done from the standpoint of traditional Christian ethics (II-IV).

1) For the sake of brevity I shall henceforth refer to these laws merely as "the marriage laws".

I

Miscegenative practices started very soon after Jan van Riebeeck landed²⁾ at the Cape and continue to this day. Simultaneously partial opposition to such a practice became evident and mixed marriages between Europeans and black female slaves were prohibited in 1685 - "which is not to say that they did not take place".³⁾ Condemnation of only one type of miscegenation was of course a rather ambivalent stand on the side of the officialdom. This ambivalence is typical of the history of public attitudes concerning miscegenation up to 1949. On the one hand miscegenation continued especially in areas such as Cape Town and Namaqualand⁴⁾ and legal provisions were made to accommodate such marriages⁵⁾. On the other hand the gradual emergence during the 19th century of a separate church for coloured people and the unequivocal rejection of equality ("gelijkstelling") in the Constitution of the Transvaal (article 9 of 1858 as repeated in 1889 and 1896) according to which interracial marriage was implicitly illicit, are ample illustrations of the deeply rooted commitment to the so-called colour bar.

In using the term "colour bar" one must however be cautious not to forget that it is a concept which was only coined in the early twentieth century to denote an absolute segregationist attitude based on a rigid colour prejudice. In other words the notion of the *colour* bar is rooted in an ideology of colour as such. But it is doubtful whether colour or race - as theoretical concepts - were the motivating factors behind the segregationist tendencies during the 18th and especially during the 19th century. Whilst the majority of the Europeans were still in the Cape, it would seem that colour prejudice was motivated by socio-economic and legal differences in status which often coincided with religious differences.⁶⁾ After all it was still a world in which slavery, as well as a rather rigorous economic and social caste system,⁷⁾ was the order of the day. Furthermore, the distinction between christianity and heathendom was understood not only as an antithesis between faith and idolatry, but also as the opposition of culture to barbarism.

2) U.G. 30

3) T R H Davenport - *South Africa - A modern History*, 1977, p 20

4) A du Toit & H Giliomee - *Afrikaner Political Thought*, 1983, Vol I, p 6

5) See inter alia footnote 12.

6) C W Pinsloo - *Rassebakens*, 1939, pp 9/10

7) A du Toit & H Giliomee, op cit, p 6

Thus, for example, in the late eighteenth century a number of burghers refused to take up arms with a certain De Jonge because he was "blackish of colour and of heathen heredity".⁸⁾ "It would be difficult,⁹⁾ and indeed quite misleading", write Du Toit and Giliomee, "to attempt to identify any one of the racial or labour or legal status orders by itself as the primary context for early Afrikaner thought". During the nineteenth century the segregationist tendency, however, intensified and was eventually transformed into a rigorous world view during the first three decades of the present century. The perils of the Great Trek and especially the subsequent skirmishes with tribes in the Free State and the Transvaal as well as political problems resulting from the policy of the British Government to provide protection to these tribes, played their respective roles in the emergence of the new rigorosity. This rigorosity is exemplified by article 9 of the Transvaal constitution.¹⁰⁾

Even so, mixed marriages were not expressly forbidden in the Transvaal¹¹⁾ and if contracted elsewhere, they were considered legal.¹²⁾ Even here the ambivalence still existed. Rigorism had not yet progressed to absolutism. This only happened some time during the 1930's. It is difficult to put a fine date to the emergence of a new approach to miscegenation. Prior to the thirties the issue of the "native question" grew in importance and a considerable number of studies dealing with the relationship between different race groups were published. The general tone is without doubt anti-miscegenative¹³⁾ but the ambivalence mentioned above remained. Indicative of the prevailing attitude (on the whites' side) is the decision by the Reformed

8) Quoted by C W Prinsloo, op cit, p 10

9) Quoted by C W Prinsloo, op cit, p 10

10) "Het volk zal geen gelijkstelling van gekleurden met blanke ingezetenen toestaan, noch in Kerk, noch in Staat."

11) Nor in the Free State. In fact not only did Act No 26 of 1899 of the Republic of the Orange Free State not make any provisions against mixed marriages, but the law fully anticipated such marriages by granting children born from them the right to own property (U.G. 30, 1939, p 13)

12) U.G. 30, 1939, p 12

13) See for instance Archdeacon Lee - *The clash of Colour*, 1926, p 6; W Eiselen - *Die Naturelevraagstuk*, 1929, p 6/11; F W Bell - *The South African Native Problem*, 1909, p 11; *European and Bantu-Conference on Native affairs held under the Auspices of the Federal Council of the D R Churches*, 1923.

Church Synod in 1920 that "the Synod deems a marriage between a white member and a coloured one to be a serious abrogation of that social order which has brought about a sharp division between whites and coloureds according to the providence of God. Therefore the Synod is of the opinion that a white person entering such a marriage should bear the consequences thereof and become a member of a coloured parish."¹⁴⁾ In short, miscegenation had to be discouraged, but at the same time, provision had to be made to accommodate those who were not discouraged. This sentiment, however, changed rather dramatically at the start of the thirties.

The change is exceptionally evident in the fact that miscegenation is now preferably treated from a biological¹⁵⁾ if not biologicistic viewpoint. All kinds of conclusions are drawn from, for instance, the application of "Mendel's law" to the South African situation. A writer such as Colquhoun even advocates the new science of eugenics. The biological approach is typified by the following extract from a book by Fantham: "On the whole, the Coloured race has neither stamina, the energy nor the persistence of the white; these hybrids are less stable in temperament" And "another fact that has been often noted is the poor physique and bad health, especially in the first cross, of the offspring of many unlike admixtures, such as black and white."¹⁶⁾ Mental disharmony often accompanies the physical

Related to the biological approach a growing emphasis came to be laid on the social concept of racial purity. This is a logical conclusion drawn from the biological standpoint which prevailed at the time. But the fact that the concept of racial purity had almost become a creed during the thirties (and even more so in the forties) cannot be explained sufficiently along these lines. One can hardly see how scientific treatises, how=

14) P J S de Klerk - *Rassebakens*, 1939, p 58

15) For instance H B Fantham - *Race Admixture in South Africa*, 1936 (reprinted from pp 690-707 of *Encyclopaedia Sexualis*); Y Colquhoun - *White, ... Black or Yellow?*, 1929; B Elbrecht - *Rassebakens* 1939 pp 59-63. Not all the treatises in this respect are negative. *The Price of Segregation* (1939?) and G Findlay - *Miscegenation*, 1936 are evidence thereof. But the latter remained a definite minority. Findlay is later singled out as an object for attack by G Cronje in his highly influential book, *'n Tuiste vir die Nageslag*, 1945, pp 66-71.

16) Op cit, p 706

ever subjectively and emotionally they may have been compiled could penetrate to the public at large. For this, in fact, was the case. Take the actions of the Dutch Reformed Church (DRC) for example.¹⁷⁾ In 1936 the Synod of the DRC of South Africa (Cape Province) decided to ask Government to act against mixed marriages. In April 1937 the Synod of the DRC in the Orange Free State followed suit. The resolution adopted is instructive of the absolute opposition which had developed. The Synod "... disapproves of marriages between whites and non-whites. She requests Pastors, Church Committees, Parents, Teachers and others in the parishes to warn against this evil by means of counselling and serious preaching and commissions the General Committee of the Synod to press the H E Government to legislate against marriages between whites and non-whites since legislation has always been a mighty factor in forming a healthy public opinion".¹⁸⁾ In 1938 the Transvaal Church added her plea. But probably the most influential decision taken by the DRC was the adoption of the Mission Policy in 1935 in which the Church officially rejected "gelykstelling" in favour of social differentiation and cultural segregation.¹⁹⁾ The Mission Policy was not intended to be a theoretical treatise but rather a working document, a charter for effective action. It represented the so-called grassroots attitudes of the missionary-in-action and not the relatively abstract contemplation of the theologian in his study. As such the Mission Policy embodies the then widespread current feelings and attitudes regarding racial matters. Compared to the general tendency of the early to mid-twenties this Policy represents a decisive change of direction. How did this come about? The answer must be found in the conjunction of two factors, the one philosophical, the other socio-economical, somewhere around 1930.

It is a well-known fact that a new kind of nationalism started to emerge in South Africa during the thirties. One may call this "ethnic nationalism". It was a kind of nationalism in which the Afrikaner could find support for his claims to preferential treatment. This was put forward by that master of public oratory, Dr D F Malan. His address to the national congress of the National Party in Bloemfontein in 1938 remains an oratorical gem. It also expressed the spirit of the day - and

17) The same trend may be observed in the field of politics. It is highly instructive to refer to Hansard debates on this matter during 1936/7. See especially Hansard 1937 pp 515-559.

18) *Handelinge* - NGK in OVS, 1937, p 37

19) *Handelinge* - Raad van Kerke, 1935, p 98

many still to come - in a way which can scarcely be surpassed. Dr Malan dealt at length with the dangers confronting Afrika=nerdom. Though multi-faceted, the essence of the danger lay in the possibility that the white race might forfeit its "position of superiority". Therefore its serious and conse=quent aim should be to guard its racial purity".²⁰⁾ Although the purity of the white race is called for, it is evident from the address as a whole - witness the subtitle - that Malan in fact had the Afrikaner in mind. There was a "road", he said, through the confronting dangers. This was the "road" of the Voortrekker. The power of the Voortrekker still "...slumbered in the heart of every Afrikaner. If that power would unite ... if those who confessed to be national would learn once and for all to unite with their national Afrikanerdom ... if therefore we could unite those who through inner conviction ought to be together, then we would be a people (volk) and then white civilization would be saved"²¹⁾ Thus the unity (and eo ipso purity) of Afrikanerdom was considered to be the prerequi=site for the survival of civilization in South Africa. Un=doubtedly this kind of argument would appeal to the common man. The philosophy underlying it and the heroic mould into which his forefathers were cast, had to have a soothing and reassu=ring effect. Still, the question goes begging: Why did Malan's Afrikaner ethnicism find such overwhelming support with the masses?²²⁾ Emotions roused by public oratory - even of clas=sic quality - and veneration of heroes from the past, rarely last. Man does not exist on philosophy, oratory and heroism. Why, to be more precise, did Malan, almost immediately after he had become Prime Minister in 1948, proceed to introduce the law prohibiting mixed marriages, when the C W de Villiers Commission had pointed out that this kind of miscegenation was negligible and would not have any impact on the composition of the population?²³⁾ In fact, why did this commission itself propose legislation against mixed marriages after it had reach=ed the above conclusion? Why, after almost three hundred years, did miscegenation become such an issue that the descendants of

20) D F Malan - *Die Groot Beslissing - Die Afrikanerdom en die Kleurvraagstuk*, 1938, p 5

21) Op cit, p 15

22) Let the intervention of World War II not confuse us. The latter half of the forties and the early fifties saw Malan surge not only to political victory but also to virtual sanctification.

23) U.G. 30, 1939, p 34. This is definitely the case. Statis=tics compiled by the Commission show that the number of mixed marriages decreased over the period 1925 to 1937 from 9 per 1000 to 4 per 1000 marriages contracted.

the Voortrekkers, those heroic liberty-lovers (as they were conceived of), had to introduce laws that would go against one of the most venerable and fundamental liberties of life - open access to marriage? Surely the answer cannot lie merely with the emergence of an ethnic philosophy and its concomitant concept of racial purity *as such*.

The answer lies with the social situation in which the Afrikaner found himself. The "poor white" problem, which was in fact the "poor Afrikaner" problem, provides the clue to the success of Malan. Rapid urbanization of whites - mainly Afrikaners - as well as of blacks, the effects of the great depression and the attendant drought in the early thirties, the absence of a worthwhile economic infra-structure (apart from the mining industry), the psychological destabilization brought about by the transition from an agrarian to an industrial life-style, etc, all combined to create a social problem of catastrophic proportions. This was the reality to which Malan had addressed himself in the speech referred to above. Furthermore to address this problem was the real intention of his speech, the ethnicism and heroism being mere intellectual and emotional tools with which self-discipline and self-respect could be resurrected. Witness Malan: "Our Blood river lies in the cities and our Voortrekkers are the poor In the city they (blacks and whites) compete in the same job market."²⁴ "Mercilessly the gears of the economic machine turn in the city with the relentless result that the poor white who bears your name and in whose veins your blood flows, ends up in the slums ... to slave amongst coloureds and blacks"²⁵ In the light of the conditions in the slums of the cities "racial purity" had become a slogan to express the need for unity in order to survive in the hostile environment of a socio-economic order to which the rural white was totally alien.

Malan's rousing rhetoric is no exception. Instead, when one reads through the various publications of the thirties and forties, one can scarcely turn a page without being made aware of the "poor white" problem as the real horizon of the cry for racial purity. There is no point in listing all the evidence here. One example will have to suffice. Written five years after Malan's speech, an article by Dirk Mostert²⁶ graphically describes the situation, by then aggravated by the effects of

24) Op cit, p 11.

25) D Mostert - Volksgedrogte in: *Inspan*, March 1944, p 13/23

26) Op cit, p 12. See also S P Barnard - *Die Armblanke Kwessie en die Naturelle Probleem*, 1934.

World War II. Canvassing for votes, Mostert had found social conditions in Bellville which he described as conditions of utter despair and "cancer of the people" (volksverkrankening). He continues: "I permit myself to interpret the word cancer as the deformity of life cells. This deformity has taken the form of chronic poverty, hurtful backwardness, racial admixture and miscegenation, filthiness, immorality, hunger, impiety and degeneration. ... In the constituency there are 2 050 registered voters. The number of coloureds are easily eight to ten thousand. Then there are eighteen thousand blacks ... For them hardly any provisions were made.... I looked at the places in the backyards where they ... have crept in for the night under sheets of corrugated iron. I found the places in the furrows where excretion takes place I have seen how the kaffirs interbred with the coloureds, and the coloureds with the whites." The point is clear. Miscegenation became the tangible indication of the process of destabilization to which so many of the whites had fallen prey.

Against this background one can begin to understand why, in 1949, when Dr T E Dönges, in his capacity as Minister of the Interior, introduced the law prohibiting mixed marriages, practically the whole House of Assembly was united in its condemnation of such marriages. Dr Dönges did not - there was no need for it - advance arguments on principle against miscegenation. Nor did the opposition - who vehemently opposed the proposed legislation - argue on the basis of any fundamental principle concerning racial admixture. This applies also to the report on mixed marriages by the C W de Villiers Commission, as well as to the lengthy debate on this matter which took place in the Assembly in 1937. In all these cases it was commonly accepted that miscegenation, be it intra- or extra-marital, had to be opposed as effectively as possible. The only problem was to decide on a really effective approach - whether a strong and negative public opinion would suffice or whether legislative measures should be introduced. In the end the move towards legislation won on the arguments that such a measure was needed to protect the nation against "certain weaker brothers and weaker sisters"²⁷⁾ and to prevent the eventual softening of the public opinion²⁸⁾ in this regard. But in all of this both those in favour and those against legislation, were unanimously, even vehemently, opposed to any form of miscegenation. Miscegenation was generally regarded as a

27) Hansard, 1949, p 6303

28) Hansard, 1949, p 6305

social evil. This attitude was not even open to discussion.

Why, one must ask in retrospect, did nobody, not even as a purely hypothetical proposition if nothing else, raise the question whether (intra-marital) miscegenation was of necessity, *as such*, a social evil? After all if miscegenation were a *social* evil, it might be conceivable that, given another social structure and a different set of cultural attitudes, miscegenation might be quite acceptable. The answer to this lies in the social experience to which we have referred above. The social experience of the whites, especially the Afrikaner, of miscegenative practices was dominated by the conditions which prevailed in the cities after the process of urbanization had taken its toll.²⁹⁾ This process had had the effect that the main area of contact between whites and non-whites had become that of the lower socio-economic classes. As is the case all over the world, there is very little scope for the upholding of moral values and human dignities in the slums and the gutters. In a subsistence situation, the leading principle is satisfaction for the moment. It was in this situation that the majority of miscegenative practices - and they were mainly extra-marital³⁰⁾ - took place. The legislation against mixed marriages, as part and parcel of a comprehensive program to combat miscegenation, should be seen against this background. It is a piece of legislation born of highly adverse experiences with inter-racial sexual contact, not because of the sexual contact as such, but because of the environment in which it took place and *the situation it reflected*. In this environment it would be inconceivable that racial admixture could lead to anything but degradation.

It does not follow that other factors, notably those of ideological calibre, did not play their respective - and important - roles. Far from it. But in the final instance ideologies are nothing more than real life experience of people cast into an abstract thought system. There is a very close relationship between an ideology and the situation which fosters the existence thereof. Thus the cry for racial purity was the expression of a group of people which found itself threatened in its

29) Probably the most eloquent and pervasive exposition of this experience is to be found in G Cronje, 1945, *'n Tuiste vir die Nageslag*, p 57ff; and G Cronje, W Nicol, E P Groenewald - *Regverdige Rasseapartheid*, 1947, p 77ff.

30) See U.G. 30, 1939, p 34. This fact is also reiterated time and again by various speakers in Parliament.

very existence. Miscegenation, whether in or outside wedlock, was seen as the final action of extinction. The small number of such practices was of no importance then. It was the symbolic value that counted. Miscegenation, in short, was the symbol of the economic and social degeneration and degradation that befell a large number of whites, mainly Afrikaners, in the process of urbanization. By far the greatest number of interracial contacts of this nature were made in the slum areas. In the end this kind of interracial contact had to become the focus point for the expression of abhorrence of the situation itself - if not by those within the situation, then by those who looked upon it from the outside.

And so, for the first time in nearly 300 years, the law was called upon to end any sexual contact between whites and non-whites. A twofold legislative approach was followed. In July, 1949, a law prohibiting mixed marriages was introduced and then in 1950 the already existing immorality act according to which no sexual act outside of marriage was permitted between whites and blacks, was extended to include coloureds (as non-whites) as well. In 1957 the immorality act was rewritten completely and the aforementioned stipulations consolidated into article 16.

II

From the standpoint of Christian ethics the very existence of these marriage laws, apart from their contents, pose serious problems. For example, one is forced to consider the problem of the relationship between the State's jurisdiction on the one hand and moral attitudes in general on the other. We do not propose to deal with this now. But a second problem must receive attention: whether the Christian concept of marriage, at least the traditionally conservative concept, allows this kind of impediment to a marriage. It is namely the question whether the traditional Christian ethical concept of marriage may be seen as universally valid or not. If not, one would have to raise the question as to the basis on which the institution of marriage would then rest. By posing these questions the focus of the argument has of course shifted. The *essence of marriage* now becomes the point of departure and not the social situation or any prevailing ideological concern. What then is the essence of marriage? This was the question which was *not* asked at the time.

The scope of this article does not permit us to pay attention to

the exegetical aspects involved. Nor can we consider the history of Christian ethics in this regard. We will confine ourselves to a few remarks on that tradition of Christian ethics which was reputed to be normative during the thirties, forties and fifties, to those people who introduced or supported the marriage laws. I am of course referring to the orthodox reformed tradition. Before we pay attention to this tradition however, we must note two things. Firstly it is undeniably a part of the mainstream of Christian theology and ethics. Nowhere is this inherent orthodoxy more apparent than precisely in the area of the ethics of marriage. Deviation from this tradition would constitute a major deviation from the historical mainstream of Christian ethics regarding marriage. But this is unfortunately exactly what happened in 1949.

Secondly, one objection must be anticipated. It is easily argued that the reformed orthodox ethical tradition pertains to Western Europe alone, having originated from Western Christianity and responding to European culture. The conclusion drawn from this is that traditional ethics should not be applicable per se to the African situation. While one has to grant the validity of such a statement, one must also point out that it is only relatively valid. Firstly, Western European culture is not at all as homogeneous as is implied in this conclusion. Furthermore, Europe and Africa are not as separated as many people like to think. After all, what happened in South Africa during the thirties and forties was the result, to a great extent, of the importation of European technology and European economic structures. And where else did the concept of "racial purity" originate than in Western Europe? Yes, the systems of the human mind and spirit have a way of perpetually transcending geographical confines. Against this background it is highly interesting to note that Brillenburg Wurth, probably the main exponent of the orthodox reformed tradition during the latter half of the forties and fifties, found it necessary to point out the danger which the collectivism of National Socialism posed to marriage and family life. "Marriage", he writes, "according to this standpoint did not find its end in itself. The primary emphasis was not laid on the union in love between husband and wife. Almost exclusively values derived from a genetic viewpoint were transferred to marriage as such. 'Racial hygiene' was elevated to an ideal by Hitler c.s. In the end marriage had to be made subservient to this. Large families were deemed expedient, ... but only in view of the well-being of the nation and the state. Procreation was above all community service."³¹⁾ The parallel with the concept of racial

31) G Brillenburg Wurth - *Het Christelijk Leven - In Huwelijk en Gezin*, 1951, p 45.

purity which was discussed in section I of this article is obvious. It is of importance therefore, to note that Wurth did not try to adapt his marriage ethics to accommodate the then current collectivist philosophy. He immediately proceeded to discuss the essence of marriage from the aspect of creation, and although he conceded the dangers inherent to such an approach³²⁾, he still chose to approach the issue "... in the footsteps of Christ and the apostles who saw in marriage primarily an ordinance of creation by God". Essentially marriage was not to be understood as a product of any given environment but as an institution of God.

With that we can turn to a brief exposition of the orthodox view. An ordinance of creation - this is the cornerstone of orthodox, conservative ethics regarding marriage. Apart from Brunner and Wurth, to whom we have already referred, one finds this approach in almost any other serious work on ethics, such as Geesink³³⁾, Bavinck³⁴⁾ and Wielinga³⁵⁾. S  e³⁶⁾ and Piper³⁷⁾ - two non-reformed ethicists - were more cautious, preferring not to use the term, but this did not mean that marriage should be seen as a mere social contract. Of course there are various shades of meaning and sometimes even opposing opinions to be found among the writers mentioned above. This does not concern us now. The point to be underlined is that the institution of marriage is considered by all of them to be rooted in the most fundamental dealings of God with humanity. But let us confine ourselves to the reformed ethicists in particular, because their influence was undoubtedly more important in the relevant circles of power during the late forties.

The reformed tradition is characterized by the strong emphasis which is laid on the creation of man according to the image of God. This applies to every human being. Before God there is complete equality of mankind. It is of course not an equality based on inherent dignities or any form of merit but an equality based on the fact of having been created by the one, unique God

32) And which, according to him, was manifest in Brunner's ethics - See E Brunner - *Das Gebot und die Ordnungen*, 1932, pp 326-335

33) D W Geesink - *Gereformeerde Ethiek*, 1931, p 276

34) H Bavinck - *Het christelijk Huisgezin*, 1908, p 1ff

35) B Wielinga - *Het Huwelijk als Inzetting Gods*, 1936, p 63-69

36) N H S  e - *Christliche Ethik*, 1949, p 289f.

37) O Piper - *Man en Vrouw*, 1954, p 196f. Piper doesn't accept the concept of creation ordinance but uses a similar term, i.e the "primal form" of marriage.

of heaven and earth. This is inferred from the direct link between Adam and the rest of mankind which is implied not only in Gen 5, but also by Paul in his famous Adam-Christ parallels. Now, this equality of mankind should not be interpreted as a basic indistinctiveness of man. The concept of each and every man, being an image of God, implies a certain individuality. In fact orthodox reformed ethics show a remarkable sensitivity to the inalienable individuality of every human being³⁸⁾. But nowhere is this individuality raised to the level of fundamental distinctiveness. However, there is one form of differentiation which constitutes a basic distinction of mankind - the sexual distinction.³⁹⁾ Whereas the orthodoxy of the 17th century could only appreciate this distinction as a necessary means of procreation, later ethicists insisted on a twofold meaning thereof. They distinguish between the essence of marriage and the end of marriage. Procreation belongs to the latter. The essence of marriage, however, must be found in the relationship of love between a man and a woman.⁴⁰⁾ This is not an accidental relationship but it is rooted in the necessary complementarity of the being of man which is the result of the fundamental, sexual, distinction. When God created Adam, he created him as a fundamentally dependent being. The same applies to Eve as the story of her creation from Adam so graphically illustrates. This fundamental dependency is fulfilled in the exclusive partnership of marriage. This marriage is an end in itself. In the light of other relevant statements of Scripture it is easy to come to understand that the commandment of love applies to this, the fundamentally interdependent relationship, even more than to any other human relationship. Here two human beings are *totally* responsible for each other. Conversely, here is a relationship upon which both participants are totally dependent. No one is complete in him/herself. In the mode of total complementarity the purpose of the individual being is to be found.⁴¹⁾ The insti=

38) See for instance Geesink, op cit, p 272: "It cannot be denied that a correlation between the individual and society exists ... but still morality remains something individual and personal. Were we to abandon this, were we to offer the individual on the social altar, then in real life the awareness of personal duty and personal responsibility would flag. Man would then be nothing more than a mere product of his environment, a product of the milieu in which he lives".

39) See for instance Brillenburg Wurth, op cit, p 56 f

40) For a precise formulation of this standpoint see Th Delleman, *Het Wezen van het Huwelijk*, GTT 40, 1939, p 22

41) Wurth, op cit, p 67

tution of marriage is the physical consummation of the inherent complementariness of a human being. Finally, as this complementariness finds its consummation not in a mechanical way but only by means of the total commitment brought about by love, marriage may neither be forced nor forcefully withheld. Commitment is impossible without a real freedom to exercise a personal decision.

The importance of the above should not be underestimated. Underlying all of this is a very forceful anthropology. It can be put in one sentence: the pluriformity of humanity (be it racial, cultural, psychological or whatever) is in no way capable of transcending the basic unity of humanity which is to be found in the creation of humanity as man-and-woman. On this unity, which expresses itself as a fundamental *union* of two human beings, all the other dimensions of human life depends. If one understands the absolute fundamentality which is hereby accorded to the marriage relationship, one can understand why Wurth was not prepared to compromise with the collectivist approach to marriage. Society should never act as arbiter over the essence (or the end) of marriage. The marriage relationship stands prior to any other inter-human relationship.⁴²⁾ It derives its existence directly from God. When God created man, Adam and Eve, He did so by creating them to His likeness. This does not pertain to any other human relationship or activity.

We can now let the orthodox tradition be. It will suffice to conclude our cursory and superficial glance by pointing out that the basic tenets of this tradition could not allow any legal intrusion into the sanctity of marriage. The clamour for a law prohibiting a specific type of marriage would fall through on at least two counts, either on the priority of marriage over any other dimension of human life, or on the premiss of the fundamental unity of mankind. The introduction of the mixed marriages act in 1949 must be regarded as a serious aberration from that Christian ethical tradition concerning marriage to which the leaders of public opinion professed to subscribe.

42) Geesink, op cit, p 275.

III

One can argue, as does the majority in the Synod of the DRC⁴³⁾ that these laws represent actions taken under extreme provocation under "abnormal circumstances". In fact the argument of expediency seems to be the main line of approach nowadays by those who are protagonists of these laws. This leaves the theoretical possibility of such marriages open - and so fosters the illusion of not being racist - although in practice they are excluded. But this kind of approach is not as innocent as it seems to be, or would like to be regarded.

Expediency can only be measured against ruling attitudes. What is expedient serves a specific attitude. Such an attitude may be rather transient or it may be held to be of a fundamental character, i.e. a principle. But whichever way, expediency is non-existent without an external criterion to which it relates. The question is, to which criterion does the argument of expediency regarding the marriage laws relate? The answer is almost self-evident. It relates to the experiences of the Afrikaner. This experience, it has been argued above, was qualitatively influenced by the process of urbanization and the acceptance of an ethnicist ideology as a means of interpretation of this process as well as its preceding history. A profound example of this retreat to experience as the final arbiter, is to be found in the report of the C W de Villiers Commission.

Firstly the report establishes a history of antipathy against mixed marriages among the whites (mainly Afrikaners). From this the existence of a strong feeling of race consciousness is inferred. This in turn is underlined by evidence from various bodies, public leaders and legislative actions. To sum up: prevailing attitudes and the historical process in which they were born provide the arguments for the conclusion that opposition to mixed marriages is a "natural" inclination. On this basis then it proposed to introduce a law to prohibit mixed marriages. Charged with the question why, in the light of this conclusion, such a law was necessary at all, the Commission replied with the rather feeble comment that the law had to maintain the social consciousness in this respect.⁴⁴⁾ Social consciousness is thus obviously the point of departure. But it is more than that, it is the guiding principle providing the criterion with which any given mixed marriage is regarded.

43) *Acta*, 1982, p

44) *U.G.* 30, 1939, p 10/33 and 34

While one has to grant Government the relative right to be sensitive towards the social consciousness of its electorate, it would be inconceivable for a church or theology to choose to accord to this consciousness the status of a principle. To do that would be tantamount to assigning to natural reality some sort of revelatory power that would make a mockery of the claims that the Word of God is the sole revelation of God's will.⁴⁵⁾ It does not follow that practical reality is unimportant or that practical considerations should be neglected. They are of immense importance. But, from a theological point of view, practical considerations should only serve the wellbeing of our endeavours in life; they are not essential to our existence. Practical considerations can only act within the confines of given principles. If these considerations exceed these confines they become principles of their own on their own. They become essential to existence. From the Christian viewpoint, however, what is essential to our existence is given by God alone and can be understood only in the light of Scripture. Furthermore, if these principles are of such fundamental standing as is the case with the orthodox view on marriage, it is even more inconceivable that religious leaders may tolerate, let alone agitate in favour of, laws that are contrary to this view.

Of course much energy was spent on the exposition of Scriptural support for the prohibition of mixed marriages. We will not enter into that now because it is a topic of its own. But one cannot suppress the question why these treatises appeared only after the introduction of the marriage laws, and also why the evidence for prohibition had not been so evident to former generations - who, after all, also had to cope with a situation

45) One regrets to state that this had actually happened (although fortunately not without opposition from within church circles) cf *Referate en Besluite van die Kerklike Kongres van die Gefedereerde N G Kerke insake Maatskaplike Ewels*, 1949, p 214: "As the white race in South Africa is the bearer of the Christian culture and civilization and is called upon to maintain the highest level of purity and efficiency if he is to render the best service to religion and morality, science and art in South Africa, this Congress welcomes the measures taken by Government to prohibit marriage between whites and non-whites". (Resolution 94). The assumption underlying this resolution is acceptance of a *natural* correlation between Christianity and a specific people. To preserve Christianity was identical with preserving whites *physically*!

in which miscegenation took place. Another question, why does one seek in vain in the writings of the thirties - where the drive towards prohibition started - for a sound Scriptural basis, if not starting point, on which to base the campaign? In the light of the history of Christian thought concerning the fundamentality and the sanctity of marriage one would have thought that any intervention of this institution would have been initiated, as it were, from Scripture. If marriage was as important to humanity as traditional orthodox ethics purported it to be, then any deviation from this tradition would constitute an essential breakaway and one would therefore expect an account for this action on the principal level. But this was not the case. The clamour for prohibition obviously did not spring from an insight into Scripture, but from the highly adverse experiences of whites in the cities as it was interpreted for them by the ethnicist ideology prevalent, here and abroad, at the time. The point is clear. There is no escape from the fact that the argument of expediency is a veiled expression of the elevation of the whites', but mainly Afrikaners', interpretation of their experiences in this country, to that of fundamental criterion.

IV

There is no reason why, without subscribing to all the details, we should not continue to approach marriage - mixed marriages included - on the same principles employed by longstanding orthodox tradition. In doing so one has the backing of the mainstream of biblical interpretation, not only in our time but also of almost the entire history of the Christian church.

The essence of marriage must be sought in the all-encompassing, mutual relationship of love between two heterosexual people. A host of factors influence, and quite a number can seriously jeopardize this relationship, but these factors do not constitute the basis of marriage. The basis of marriage is the possibility to execute this relationship and this basis is given in the creation of man. Marriage as an institution is a gift of God. Moreover, it is a primary institution. The biblical narrative of the creation of man *begins* with Adam's creation as a heterosexual being who is for this reason, dependent on Eve for his fulfilment as Adam. The same applies, naturally to Eve. In this way the Bible underlines the fact that the primary relationship of mankind is to be found in the intersexual relationship. This relationship, as Wurth puts it, is an end in itself. It is not derived from society. Instead society is

derived from the sexual union.

There is of course a direct link between society and the institution of the sexual union. Anybody entering into such a union should bear this in mind and should not burden society with a sexual union which might be detrimental to society. But, and this is the fundamental point, if society is derived from the sexual union, the only way not to burden society by such a union, is to enter into a union the *quality* of which would contribute to a better society. This is the point that has to be stressed. The quality of a society, the social well-being of a country, depends ultimately on the quality of its foundation, which is the quality of marriage. Thus any decision concerning the desirability or otherwise of a given marriage should therefore depend on an argument in which the intrinsic quality of that marriage is decisive. Any application of the needs and whims of society to the structure of marriage is an application of criteria foreign to the essence of marriage. This fosters a superficial concept of marriage and eventually degrades the sexual union to a merely functional relationship producing either pleasure or progeny to be consumed by society. In a society in which marriage is in this way dehumanized to the level of mere functionality, man eventually becomes a function of the functional.

The quality which Christian ethics considers essential in order that the sexual union between two people does not degenerate into a superficial and transient contact, is the quality of love. Love as a psycho-physical commitment elevates the merely biological to the level of the really human. The sexual union which is contracted within the framework of love brings the humanity of the individual to the fore. This fact has often been called the mystery of marriage. We will not elaborate on it now, other than to say that the self-acceptance and the general contentment which flows from this experience cannot but enrich a society. Christian ethics can only understand this fact as (a partial) realization of the fulfilment of the God-given intention with humanity. Therefore Christian ethics should unceasingly press for a universal understanding of marriage in this light. It is then a truly universal ethic because a marriage contracted in this way benefits the well-being of society at large. This is the reason why Wurth could not abandon traditionally orthodox ethics in favour of the collectivist approach.

It remains one of the tragedies in recent South African history that society has sought to alleviate its social problems by

interference with the structure of marriage. Social problems cannot be solved by curtailing marriage. Instead of curtailing marriage, social problems must be tackled for what they are - social problems. One of the best ways to handle social problems is to press for a more profound concept of marriage, a concept in which the emphasis is laid on an adult insight into the essence of marriage as a total and mutual love-relationship. When such an insight is emphasized, superficial criteria and their concomitant fears and phobias recede in importance. The words of the apostle then become very real: real love expels fear (1 John 4:18).

Finally, we do not live in an ideal world. This applies to marriage as well. But the imperfection of our world can never be an argument for any action which would make it impossible for any given couple to attempt to realize the kind of union which we have called marriage. Admittedly marriage always involves risks. Even those entering into marriage with the loftiest of ideals often find that the command of love is not always attainable given the pressures that constantly influence the marriage relationship. But this should not deter us, all of us, to strive to realize the command of love. In stead of making this impossible, we should rather find ways and means to encourage it. This should be our criterion in evaluating any proposed marriage.