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TABLE OF CONTENTS

	<i>Page</i>
EDITORIAL COMMENT	ii
THE RULES BEHIND THE RULE OF LAW <i>By D. Molteno</i>	1
THE VISION OF ETERNITY: AN INTRODUCTION TO DANTE'S <i>Inferno</i> <i>By J. A. Berthoud</i>	17
TEILHARD DE CHARDIN AS WITNESS OF HIS AGE <i>By Y. Lainey</i>	33
<i>In Memoriam</i> — T. S. ELIOT <i>Deur P. du P. Grobler</i>	41
<i>Puella Matilda constabat</i> <i>Anon.</i>	46
THE 'LAWS' OF BRITISH POLITICS, <i>circa</i> 1965 <i>By P. B. Harris</i>	47
ADMISSION TO HIGHER EDUCATION: QUANTITY OR QUALITY? <i>By R. G. MacMillan</i>	57

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PIETERMARITZBURG

EDITORIAL COMMENT

OUR LAST NUMBER seems to have been remarkably uncontroversial. Not one single letter panting with haste to disagree and hot with disapproval have we received for our correspondence column. This is an unhealthy state of affairs. We ourselves have heard several members of the public privately voicing indignation at this conclusion or dissent from that opinion in articles of the last issue, but our postbag has remained empty.

Are we to assume that these dissidents, and all the others of whom we don't know, are too busy to write? Or, under all the pressures to which we are subject nowadays, has disagreeing in public gone quite out of fashion? We hope not. For we believe that a fine, quarrelsome correspondence column in any periodical, with plenty of hard hitting on both sides of any question, is a sign of intellectual and moral health in the society from which it emanates.

We should welcome a warlike gage or two thrown into our postbag for the next number.

THE RULES BEHIND THE RULE OF LAW*

by D. MOLTENO

NO MORE VALUED PRIVILEGE could have been bestowed upon me than the invitation to deliver the first of these annual lectures inaugurated as a tribute to a great South African, an erudite scholar, an outstanding teacher and publicist, and a Christian gentleman, Professor Edgar Brookes. For nearly thirty years now he has been my friend. For many years he was my Parliamentary colleague. For more years still he has been my colleague on the National Executive of the South African Institute of Race Relations. And I have been privileged to work with him in other spheres also. I have had opportunity, therefore, to benefit from his wise counsel, to appreciate his penetrating intellect and broad humanity, to admire his sterling character and stout heart. You of this University also, staff and students alike, have been privileged to have him for years in your midst: a privilege — if I may say so — that you have wisely and fitly recognised in your decision to institute an annual lecture as a tribute to his services, alike to this University and to our country.

The subject I have chosen for this lecture is one of considerable complexity. Since the choice was my own, I have only myself to blame for inadequacy in its treatment.

I must hasten, therefore, to correct any suggestion of dogmatism that the title of this lecture may appear to convey. The 'rule of law' is far from an exact concept with a generally agreed meaning. Still less, in whatever sense the expression is used, can it be claimed that there are scientifically discernible 'rules' which determine its operation and application as an institution of government. On the other hand, it is, I believe, possible to define the rule of law in a sense that renders it meaningful as such an institution. And it is possible, in my view, at least tentatively, to suggest, on the basis of historical and contemporary evidence, some of the social conditions and governmental techniques essential to its practical application.

My task, as I conceive it, therefore, is to attempt, in the first place, some analysis of the concept of the rule of law; secondly, to examine its desirability — according to the criteria inherent in such analysis, and subject to the limits and qualifications suggested by such criteria; and thirdly, to attempt to explore at least the minimum social and governmental conditions required for its practical efficacy. In discharging this task, I shall, where appropriate, refer to conditions in South Africa, although my major purpose is to attempt to construct a general framework of ideas, applicable

here as elsewhere, within which I venture to invite you to reflect on local conditions for yourselves.

Now the term 'rule of law' can, as various jurists have indicated — e.g. Professor Wade¹ and Sir Ivor Jennings² — be used in a merely formal sense as denoting law and order in a state. As Jennings says, 'all powers are derived from the law'.³ In this sense it is an institution of any state that conforms to the characteristics of a state at all. But that is not what the concept suggests to most jurists or political scientists — at all events not to those who contend that it expresses a meaningful, and hence useful, concept. Thus Professor Brookes himself, and Advocate Macaulay, Q.C., in their joint work, *Civil Liberty in South Africa*, say:⁴

The abrogation of the rule of law means despotism. . . . No point is better established in political science than the proposition that civil liberty depends on the rule of law, and the abrogation of the rule of law would mean the end of civil liberty as we have known it.

It is clear that the distinguished authors are not referring to the rule of law in the formal sense, because, although its abrogation in that sense would undoubtedly mean the end of civil liberty, the result would be anarchy, not despotism. For these two writers, 'the classic exposition of the principle of the rule of law is still to be found in A. V. Dicey's *Law of the Constitution*'.⁵

Dicey regarded the expression 'the rule of law', in its application to the British Constitution, as including 'at least three distinct though kindred conceptions'⁶, namely:

(1) No man is punishable or can lawfully be made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts. . . . contrasted with . . . the exercise by persons in authority of wide, arbitrary, or discretionary powers of constraint.⁷

(2) Every man, whatever be his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals.⁸

(3) The general principles of the constitution (as for example the right to personal liberty, or the right of public meeting) are, with us, the result of judicial decisions determining the rights of private persons in particular cases brought before the courts.⁹

The first proposition emphasises the *generality* of the rule of law; it emphasises the conception of law as a general principle, recognised and applied by a court of law, as opposed to discretionary decision applied by a public officer to the individual case.

And this characteristic links Dicey's first with his second proposition. For, if a rule is in truth general in its application, then it applies to all equally. And hence his second proposition, which may be said to express the principle of *equality* — equality before the law, i.e. before the tribunals that apply it. This means, in the words

of Dicey's foremost modern critic, Sir Ivor Jennings, that 'the right to sue and to be sued, to prosecute and be prosecuted, for the same kind of action should be the same for all citizens of full age and understanding, and without distinction of race, religion, wealth, social status, or political influence'.¹⁰ More particularly, Dicey had in mind that public officials, acting in their capacity as such, are not protected from the application of the ordinary law if they exceed the powers entrusted to them, even if acting on the orders of an official or political superior. Thus a policeman who purports to make an arrest without warrant, in circumstances not specially authorised by law, is as much guilty of assault as if he were a private individual.

Dicey's third proposition is, to me at all events, more ambiguous. According to his own elaboration of it, however, he is contrasting the constitution of England with the constitutions of certain Continental countries, like France or Belgium, along lines that would take me too far from my immediate subject to examine. What is of more importance, however, is that Dicey evidently regarded the maintenance at least of certain substantive common-law rights and liberties, as expounded by the courts, as an integral portion of his conception of the rule of law. I shall return to this aspect of his thesis presently.

Now what are the factors common to Dicey's three propositions, as I have attempted to explain them? Firstly, the rule of law is concerned with the protection of *individual* legal rights and liberties.

Secondly, the rights and liberties in question are enforceable against, or protected by, the *State*.

The third common factor is that the organ for the protection of the individual's rights and liberties against the State is the judiciary — the courts. But here we encounter an apparent paradox. For the courts themselves are organs of the State. If the State is regarded — as, for important purposes, it must be regarded — as a monolithic entity, what significance can be attached to a right or liberty protected against invasion by the State, if the protection in question depends on the exercise or non-exercise of State power? The very notion of a legal right or civil liberty, residing in an individual, postulates State power, if it is to be effective against other individuals. On the other hand, the notion of individual rights and liberties protected against invasion by the State itself postulates limits to State power.

The resolution of this contradiction, inherent in the inescapable truism that State power is alike the essential requirement for the maintenance of civil rights and liberties and the potential menace thereto, lies, in principle, in a separation of the powers of the principal organs of government. By the principal organs of government I mean, of course, the legislature, that makes or alters laws, the executive, that administers public business in terms of the law, and the judiciary, that decides disputes between individuals and between them and the executive. It follows inescapably that the

personnel of the judiciary, or the courts, must be independent at least of the executive.

Now thus far, in analysing the concept of the rule of law, the factors inherent in it have all been of a procedural nature: it involves general rules, as opposed to arbitrary discretion; such rules avail against the State itself; their administration is entrusted to an independent and impartial judiciary. Let no one underrate the importance of these procedures. A moment's reflection on some of the provisions adorning the South African statute book today illustrates that importance. It is sufficient to recall that at any moment it wishes the Government can reproclaim section 17 of the General Law Amendment Act (Act 37 of 1963), empowering any commissioned police officer to confine anyone in solitude for 90 days without reason given and without right of access to a court, and to repeat the process indefinitely. Again, at the present moment, executive authorities may confine for six months, without access to a court, anyone whom such authorities wish to pressurise into testifying favourably to the State case in a criminal prosecution.

Nevertheless, does not the concept of the rule of law also contain a substantive element? Laws consisting of general rules may, after all, be very harsh laws — e.g. in regard to the penalties they authorise in relation to the penalised conduct. What is more, they may be unjust, not in the sense that they are not general in relation to the conduct that they penalise, but in the sense that they may, in actual practice, bear more harshly on some section or class of the community than another — e.g. by penalising expression of an unpopular minority opinion.

Dicey's third proposition, as I have already suggested, does seem to introduce a substantive element, namely, that certain substantive common law liberties and rights, such as those indicated in his examples, are essential to the rule of law. Surely this must necessarily be so, since, unless certain minimum personal rights and liberties are secure, no other rights or liberties can effectively be enjoyed.

Now it is precisely at this point that Sir Ivor Jennings — so it seems to me — presents his criticism of what he calls 'Dicey's theory of the rule of law'.

To Jennings, the rule of law, in Dicey's sense, is a principle of politics rather than of jurisprudence.¹¹

Dicey, it is true, was discussing certain principles that make the English constitution what it is, and departure wherefrom would render it something fundamentally different from what it is.

But this is surely very different from saying that he was discussing politics, not law. Every legal system must, surely, aim at the maintenance of certain social values, and develop principles and techniques appropriate to this purpose. A society, for instance, that rates personal liberty, human equality in dignity and rights, and impartial justice above, say, aggrandisement of the State, racial superiority of a caste over 'lesser breeds', and the elevation of class

privilege over individual merit, will naturally develop very different legal principles, institutions and techniques from one inspired by values of the latter kind. It will, for instance, elevate general rules over arbitrary discretion; it will condemn only on evidence, not on suspicion; it will penalise the individual only for what he does, not for what he is or *believes*. And such principles and procedures will be woven into the fabric of its legal system.

The notion of the rule of law as a legal technique for maintaining certain values, and hence as embracing both a procedural and substantive element, is expressed by the following conclusion of the international Colloquium on 'The Rule of Law as understood in the West', held in 1957 at the University of Chicago:¹²

The rule of law is based upon the liberty of the individual and has as its object the harmonising of the opposing notions of individual liberty and public order. The notion of justice maintains a balance between these two notions. Justice has a variable content . . . but at a given time and place there is an appropriate standard by which the balance between private interest and the common good can be maintained.

I now proceed to say something on the desirability of the rule of law, as a social institution, as foreshadowed at the outset.

Now quite obviously this is primarily a matter of value judgment, or individual opinion. If the values that the rule of law as a legal technique is designed to maintain, be rejected, so must any technique — this or any other — for such maintenance be rejected. Assuming, however, the acceptance of such values, it may still be open to question whether the rule of law is, under the contemporary conditions of a given society, the most effective technique for their maintenance; alternatively, it may be asked whether the rule of law is not, at least, contributory to such values; if partially so, and subject to modification or qualification, then the question arises, to what extent?

Can any generalisation as to its desirability in this sense be attempted? Surely, within broad limits, yes.

Consider first personal liberty. Dicey's first proposition postulates that no man can be deprived of this save for breach of a general and known, or knowable, law by sentence of an impartial and independent tribunal; and his third postulates alike effective remedies, applied by such a tribunal, and maintenance of at least certain basic liberties, established by a tribunal of this nature, in discharge of its function of discovering, expounding and developing the common law.

It is difficult to conceive of a more effective technique than this for protecting individual liberty. But, as indicated in the finding of the Colloquium I have quoted, the rule of law implies a balance between individual liberty and public order — and, I might add, security. It is, of course, true that there is nothing in Dicey's propositions inconsistent with legislative restriction on liberty, whether of the person, expression, association, assembly, etc., to the extent

required for this purpose. But the difficulty lies in the proposition that in circumstances of emergency, whether created by external menace or internal subversion, neither a general rule of conduct, which excludes military or police discretion, nor the procedures inherent in judicial enquiry and adjudication, may provide adequate safeguards for State security.

It is precisely on these grounds, as we know from recent experience in South Africa, that, not only in war but also in peace, the Executive Government has sought to justify legislation, such as the Suppression of Communism Act, 1950 (which, as amended, has, in most of its provisions, no connection whatever with communism, as understood in Western Christendom, save that it is precisely in communist states themselves that such provisions are most common), and the Public Safety Act, 1953. The dangers of the abuse of such powers to an extent entirely subversive of the rule of law are too obvious and familiar to require elaboration. Nevertheless, the query as to the efficacy — and hence desirability — of the rule of law in this particular respect is a legitimate one and demands an answer.

The answer, of course, is to be found in the common law of countries such as England and South Africa. The common law itself imposes limitations on individual liberty of all kinds in the interests of other individuals, including, of course, the public generally. And its recognition of the special circumstances of national emergency and the legality of special means to deal with it is merely an example of such limitations.

I cannot express this particular limitation better than by quoting Sir James Rose-Innes (then Chief Justice) in *Krohn v. Minister of Defence* (1915 A.D. 191 at p. 197):

There is an inherent right in every State . . . to defend itself . . . when the force upon which the Courts depend and upon which the Constitution is based is itself challenged. Under such circumstances the State may be compelled by necessity to disregard for a time the ordinary safeguards of liberty in defence of liberty itself, and to substitute for the careful and deliberate procedure of the law a machinery more drastic and speedy in order to cope with an urgent danger. Such a condition of things may be brought about by war, rebellion or civil commotion: and the determination of the State to defend itself is announced by a proclamation of Martial Law. . . . Such a proclamation clothes the Government with no authority . . . which it did not possess before. The right to use all force necessary to protect itself, whether against external or internal attack, is an inherent right. The proclamation is merely a notification to all concerned that the right in question is about to be exercised and upon certain lines.

This seems to be the precise equivalent of the 'clear and present danger' doctrine, enunciated by the Supreme Court of the U.S.A.

in a judgment of one of its greatest jurists, Mr Justice Oliver Wendell Holmes.

In what respect, then, does this common law principle differ from powers conferred in South Africa upon the Minister of Justice, the police, etc., by legislation such as I have just mentioned? The difference, of course, is fundamental. The powers of arrest, detention, banning and restriction conferred by that legislation rest on the unrestrained discretion of the Executive, conditioned by no objective circumstances of imminent menace to State security which are subject to investigation in the courts. And they are exercisable for indefinite duration, however much circumstances may alter. At common law, however, the position was well put by Mr Justice Jacobus de Villiers (later himself Chief Justice) in *Krohn's* case. Having observed that 'Martial Law is nothing more nor less than the law . . . of necessity' (at p. 210) he proceeded (at pp. 211-2):

Who is the judge of this necessity? Undoubtedly in the first instance . . . the Executive Government. . . . But that they are the final judges it is difficult to believe, for that would be making them judges in their own cause. . . . The law rules, and . . . it can only be set aside on the ground of supreme necessity.

It is true that, as laid down by the Privy Council in *Murais v. General Officer Commanding* (1902 A.C. 109), 'where war actually prevails, the ordinary courts have no jurisdiction over the action of the military authorities'. And this, of course, is as it should be. But, as the judgment proceeded, 'it may often be a question whether a mere riot or disturbance, neither so serious nor so extensive as really to amount to war at all, has not been treated with excessive severity, and whether the intervention of the military force was necessary'. And here the final judge of necessity, as observed by Mr Justice de Villiers in *Krohn's* case, and also incidentally, by Dicey,¹³ is the court.

But, it may be asked, does the common law, then, compel the Executive to await the outbreak, or imminent threat, of war or rebellion before resorting to protective action? Not at all. If the threat or danger is not imminent or urgent there is ample scope for the police authorities to operate by resort to prosecution for criminal incitement, conspiracy, seditious libel, and so forth — offences that are indeed wide in scope. What the common law does *not* authorise is arbitrary invasion of personal liberty for the expression of opinions unpalatable to party politicians comprising the government for the time being; nor for mere criticism of government policy, however trenchant and severe; nor for what a man *might* do, or is *suspected* of having done, as opposed to what he is *proved* to have done. Neither the common law nor the rule of law justify such arbitrary procedures. Nor, having regard to the wide scope of common law offences against State security and the wide powers with which the common law equips the Executive to protect that security if in truth it is threatened, can there be, in the nature of

things, any reason for statutory emergency powers, in the unfettered discretion of executive officers, unless it is the intention of the latter to abuse them in greater or lesser degree.

Even in time of actual international war, I am not persuaded that emergency legislation, authorising arbitrary invasion of individual liberty, is not unduly dangerous, in so far as it travels beyond the drastic powers of the common law in such conditions. I myself was a Member of Parliament during the whole of the last war, and was in general support of the Government's war policy. Yet I can recall grave acts of individual injustice perpetrated under emergency legislation. I can recall, for example, speaking in the House against the Government, whose policy I in general supported, on its proposal to deport, even after hostilities had ceased, a large number of South-West African Germans; it appeared to me as a sort of vindictive penalty for their supposed Nazi sympathies, for they had had no trial and no opportunity even of an adequate hearing. I was called a 'Nazi' for my pains, which I treated with the same measure of composure as I hope anyone who protests today against the present Government's arbitrary legislation treats the corresponding allegation of 'Communism'.

I echo here the words of the classic dissent of Lord Atkin in *Liversidge v. Anderson*, (1941) 3 A.E.R. 338 at p. 361 (H.L.), as to the approach of the court, even where there is special emergency legislation affecting personal liberty, to its interpretation conformably to the common law:

In England amidst the clash of arms the laws are not silent. They may be changed, but they speak the same language in war as in peace. It has always been one of the pillars of freedom, one of the principles of liberty for which, on recent authority, we are now fighting, that the judges are no respecters of persons, and stand between the subject and any attempted encroachment on his liberty by the executive, alert to see that any coercive action is justified in law. In this case, I have listened to arguments which might have been addressed acceptably to the Court of King's Bench in the time of Charles I. I protest, even if I do it alone, against a strained construction put upon words with the effect of giving an uncontrolled power of imprisonment to the Minister.

I, even if many of this audience are too young to do so, recall vividly the atmosphere of the times in which these words were spoken. The Nazi enemy was on the shores of the Channel. Lord Atkin's small fatherland had been the object of months of concentrated and merciless bombing of open towns by the Luftwaffe, the engine of the armed might of a nation headed by Adolf Hitler, the most hideous barbarian that had menaced Western Christendom since the days of Attila the Hun. Yet at such a time and in such circumstances we find words, emanating from a member of England's supreme judicial tribunal, that summarise in terse but vivid

language the true spirit of the rule of law; words, I make bold to presage, which will echo down the corridors of the history of the West so long as law is respected, justice is sought, and the values inherent in the rule of law revered.

For the reasons I have attempted to give, I suggest that, in general, Dicey's conception of the rule of law still holds the field as the essential safeguard of personal liberty, including the classic liberties and rights associated therewith, such as those of expression, religion, association, peaceful assembly, and so forth.

But Dicey speaks of freedom of the individual in regard to his 'goods', as well as his 'body', as something not to be infringed save by sentence of a court for breach of a law of general application. In a sense the concept of personal liberty is closely associated with economic freedom — so closely as to be linked thereto as an integral part of a general concept embracing both. Thus, according to the U.S.A. Supreme Court in *Allyear v. Louisiana* (165 U.S. 578), we find the general expression, 'liberty', as used in the Fifth Amendment to the Constitution, being interpreted as 'not only the right of the citizen to be free from the mere physical restraint of his person . . . but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood in any lawful calling; to pursue any livelihood or occupation . . . , acquiring, holding or selling property, . . . the right to make all proper contracts in relation thereto'.

But there is a further consideration here, not applicable to personal freedom, well and succinctly expressed by Professor Friedmann when he says that 'individual property, as distinct from individual labour, may be the means of power over men and institutions'.¹⁴ Thus to leave such matters as wage rates, hours of labour, accident compensation, the provision of devices for safety and health in factories, mines and works, to free contract between the property owner and employer — often a giant financial corporation — on the one hand, and the individual worker, on the other, may well involve for the latter not liberty, in any meaningful sense, but subjection to the point of privation. Such, at all events, was the experience of nineteenth-century England in the age of *laissez faire*.

Nor is that all. Concentration of fixed or industrial property in the hands of powerful private interests has led to problems associated with monopoly and its power to exploit the consumer and the public generally.

Furthermore, urban concentration of population, usually inseparable from industrialisation, has produced conditions of overcrowding, squalor, illiteracy, disease, etc., to which rural communities, however poor, are not exposed in comparable degree, or with comparable consequences.

I cannot pursue these phenomena further without travelling beyond the limits of my subject. It is sufficient to say, with Professor Friedmann, that they have 'led to the increasing modification of

individual rights by social duties towards neighbours and community' and measures 'to temper freedom of property with social responsibility attached to property'.¹⁵

The consequent planning machinery, industrial regulation, organisation of social services, and so forth, necessarily involve the endowment of administrative agencies with discretionary powers, and the creation of special tribunals, with functions of adjudication and decision of a judicial or quasi-judicial nature.

To what extent does all this invalidate the efficacy — even the relevance — of the rule of law in the new field of economic and social planning?

The answer, it is submitted, is that the fundamentals of the rule of law are capable of adaptation to the new social and economic conditions by providing adequate safeguards and control by the courts for the promotion of the exercise by the new administrative authorities and tribunals of their necessary powers and duties in a just and lawful manner.

They have largely been embodied in legislation in England and in the U.S.A., thereby reconciling the inevitable — and largely beneficial — extension of the powers of the Executive, for the purposes of economic collectivism and of the Welfare State, with the fundamentals of the rule of law.

We must now ask the question: what social conditions tend to promote freedom, and hence the rule of law, and what institutional arrangements (if any) are capable of fostering such conditions? Baffling as these questions are, especially when posed in general form, the dangers and difficulties of our times, especially in the light of recent history, surely impose on us a duty to reflect upon them, and to attempt, on the available evidence, at least some tentative answers.

My generation witnessed the extinction, for a time, of the lights of law and liberty over the entire extent of the historic homelands of Western Christendom, save Britain alone. Since the world conflict which occasioned this cataclysm, numerous former dependencies of European powers in Asia and Africa have attained independence, and in many of them the future of the rule of law is still indeterminate — to say nothing of South Africa, with its repeated invasions of the rule of law, to some of which I have already referred in passing, and to which the International Commission of Jurists has pointedly drawn attention. The question I am posing is, therefore, surely one of great practical significance in the contemporary world.

Now I have already mentioned that, essential as is State power to the rule of law, a separation of the powers wielded by the principal organs of government, at least to the extent of rendering the judiciary independent of the executive, and hence limiting the power of the latter, is equally essential.

But such a separation of powers is unlikely to be reflected in the constitution of a state in which a particular group or interest, whether supported by a majority or minority of the population,

wields undisputed power, which its leaders and their rank and file identify — or pretend to identify — with the vital interests of the polity as a whole. In other words, a monopoly of political power by a given group or faction is likely to be exercised through monolithic and centralised state organs, in which ultimate legislative, executive and judicial powers are concentrated. As James Burnham put it, during the lucid interval that marked his passage from extreme Marxism to Goldwater reaction:¹⁶

At whatever level of social life, from a small community to the world at large, a balance of power is the only sure protection of individual or group liberties. . . . If one power outweighs all the rest, there is no effective guarantee against the abuse of that power by the group which wields it. . . . Liberty, always precarious, arises out of the unstable equilibrium that results from the conflict of competing powers.

But listen to an incomparably more distinguished voice, that of Lord Acton, writing of classical Athens:¹⁷

Pericles . . . resolutely struck away all the props that still sustained the artificial preponderance of wealth. . . . The idea that the object of constitutions is not to confirm the predominance of any interest, but to prevent it; to preserve with equal care the independence of labour and the security of property, . . . marks the highest level attained by the statesmanship of Greece. It hardly survived the great patriot who conceived it; and all history has been occupied with the endeavour to upset the balance of power by giving the advantage to money, land or numbers.

Certainly the Athenian experience of confiding unlimited sovereignty to the latter was scarcely a happy one. I quote Lord Acton again:¹⁸

The possession of unlimited power, which corrodes the conscience, hardens the heart, and confounds the understanding of monarchs, exercised its demoralising influence on the illustrious democracy of Athens. It is hard to be oppressed by a minority, but it is worse to be oppressed by a majority. . . . From the absolute will of an entire people there is no appeal, no redemption, no refuge but treason. . . . The emancipated people of Athens became a tyrant. They ruined their city. . . . They treated their dependencies with such injustice that they lost their maritime Empire, . . . and they crowned their guilt by the martyrdom of Socrates. . . . The repentance of the Athenians came too late to save the Republic. But the lesson of their experience endures for all times, for it teaches that government by the whole people, being the government of the most numerous and most powerful class, is an evil of the same nature as unmixed monarchy and requires . . . institutions that . . . shall uphold the permanent reign of law against arbitrary revolutions of opinion.

A final quotation from Lord Acton, in regard to the commencement of the revival of constitutional democratic government in Mediaeval Europe in the unpromising environment of feudalism:¹⁹

The revival of democracy was due neither to the Christian Church nor to the Teutonic State but to the quarrel between them. . . . As soon as Gregory VII made the Papacy independent of the Empire, the great conflict began. . . . But each party encouraged democracy in turn, by seeking the aid of the towns; each party in turn appealed to the people, and gave strength to the constitutional theory.

Nor was the establishment, in its essentials, of the rule of law in England at the end of the seventeenth century, as confirmed by the Bill of Rights of 1689, the work of an all-powerful faction or interest. It was certainly not the achievement of a mass democracy. On the contrary, the post-'Revolution' Parliaments were as oligarchic — not to say aristocratic — in constitution and composition as could possibly be conceived, save that they became more so during the progress of the eighteenth century. It was rather the confrontation of two great combinations of interest — of a Tory party rooted in established Anglicanism, in the rural gentry and in a Cavalier tradition, and a Whig party, based largely on the urban, non-conformist middle class, on great aristocratic families with anti-Stuart antecedents, and on various powerful elements representing Puritan dissent — that led to a tacit accord, whereby the conflict between them was conducted within the framework of a legal system guaranteeing the liberty and property rights of all, for neither party was prepared to resume the Civil War of the previous century, each recognising its inability to suppress the social and economic aspirations and the religious convictions represented by the other.

On such a foundation the values inherent in the rule of law developed into a national tradition that determined the character of future political conflicts. Despite the ruin of Toryism for two generations of the eighteenth century, due to its association with Jacobitism, the social and religious elements which it represented remained stronger than their Parliamentary representation portrayed, and the Whigs, during their long ascendancy, were, on the one hand, far from being an organised monolithic force, and, on the other, in the words of the historian, Green, remained, on the whole, 'true throughout to the principles on which they had risen into power and their unbroken administration converted their principles into national habits. Before their long rule was over, Englishmen had forgotten that it was possible to persecute for differences of opinion, or to put down the liberty of the press, or to tamper with the administration of justice, or to rule without Parliament.'²⁰

Abuses there were in plenty during the eighteenth century — and injustice and intolerance also; especially in the face of the 'wind of change' that blew across the Channel from Revolutionary France

during its last decade. Nevertheless the 'national habits' to which Green refers became implanted in the English national character. 'Have there ever been statesmen in any land', wrote Olive Schreiner in *Thoughts on South Africa*, 'who have more fearlessly denounced injustice and oppression, not merely when exercised towards their own nation, but by it, than Burke and Chatham . . . ? If no nation has more misrepresented, neglected and persecuted its sons of light, no nation has had more of them to persecute.'

But to return to my main thesis, while a balance of power between significant social forces seems to be, in general, a condition of the rule of law in a state — a monopoly of power favouring arbitrary government — we cannot carry this generalisation too far. Lord Bryce²¹ has drawn attention to the operation, in greater or lesser degree, of two sets of forces in society, one of which tends to draw individuals and groups together into an organised community and maintain the same, while the other tends towards disruption and dispersion. The former set of forces he refers to as centripetal, the latter as centrifugal. Either set of forces may be material or economic in character, or may be founded on emotion or sentiment, stemming from such factors as a common language, culture, race, religion, etc. Both are the result of historical developments, and their future development is deducible only from their past and present significance. They are not the result of any conscious planning by men, or groups of men, although the policies of statesmen and the groups supporting them in pursuit of concrete objectives have obviously been contributory factors. Even so, the policies themselves have presumably been dictated or suggested by conditions for which their advocates were not directly responsible.

This subject [as Bryce wrote], it may be thought, belongs either to History, in so far as history attempts to draw general conclusions from the facts she reveals, or to that branch of political science which may be called Political Dynamics, and is one with which the constitutional lawyer is not directly concerned. The constitutional lawyer, however, must always, if he is to comprehend his subject and treat it fruitfully, be an historian as well as a lawyer. His legal institutions and formulae do not belong to a sphere of abstract theory but to a concrete world of fact. Institutions and rules must represent and be suited to the particular phenomena they have to deal with in a particular country. It is through history that these phenomena are known. History explains how they have come to be what they are. History shows whether they are the result of tendencies still increasing or of tendencies already beginning to decline. History explains them by parallel phenomena in other times and places.²²

Reverting to his distinction between the centripetal and centrifugal forces at work in society, Bryce proceeds:²³

It appears accordingly that the historian who studies

constitutions, and still more the draftsman who frames them, must have his eye constantly fixed on these two forces. They are the matter to which the legislator has to give form. They create the state of things which a Constitution has to deal with, so laying down principles and framing rules as on the one hand to recognise the forces, and on the other to provide safeguards against their too violent action. . . . The forces that move society are to the constructive jurist or legislator what the forces of nature are (in the famous Baconian phrase) to man. He is their servant and interpreter. They can be overcome only by obeying them. If he defies or misunderstands them, they overthrow his work. If he knows how to use them, they preserve it.

While, therefore, as I have already suggested, a balance of powerful centrifugal forces is a necessary 'rule behind the rule of law', if such forces are too violent in their interaction they may destroy the very first condition for the rule of law, namely, the existence of a state sufficiently powerful to maintain law and order. Hence the necessity, also, of centripetal forces making for social — and hence state — unity, sufficient to preserve the state itself. But, here again, a balance is a necessary condition of the rule of law. If the centripetal forces, whether by coercion or otherwise, develop sufficient strength to destroy the centrifugal, totalitarian government is surely the necessary outcome. On this point also I am unable to improve on the words of Bryce to express my meaning. On the one hand, he warns against the futility of coercion in this regard, when he writes:²⁴

Whenever a Constitution can be so drawn and worked as to give the disjunctive tendencies just so much recognition as may disarm their violence, and bring all sections . . . to acquiesce in unity under one government, this course is to be preferred. It may sometimes fail. Every expedient may fail. But it has generally more promise of ultimate success than force has, for in a free country it is not a remedy, but a confession of past failures and a postponement of dangers likely to recur.

On the other hand, he cautions:²⁵

No scheme of government can hope permanently to resist the action of either tendency if either develops much greater strength than it possessed when the Constitution was framed. If the centripetal forces grow, the Constitution whose provisions have recognised and given scope to the centrifugal will practically, in some of those provisions, be superseded. If the centrifugal grow, it may be overthrown. It is where the forces here are nearly balanced, that the weight of the Constitution may turn the scale, and avert conflicts which would have rent the community, or caused violent subjection of one part of it to the other.

It is precisely the disregard of such factors as Bryce mentions

that seems to me to menace the prospects of the rule of law in so many countries of the contemporary world, including, particularly, many of the new states of Africa and Asia, and, of course, South Africa itself.

In many African and some Asian states attempts have been made to transplant the formal machinery of the British Constitution to soil where its essentials are, at present at all events, incapable of taking root. In the case of the British Constitution, Jennings appears to regard the general franchise and a freely elected legislature as the ultimate guarantees of the rule of law, in Dicey's sense.²⁶ Dicey himself regards the sovereignty of the British Parliament not only as consistent with, but as actually supporting, the rule of law, apparently because 'the will of Parliament can be expressed only through an Act of Parliament' as opposed to 'decrees or . . . sudden resolutions', and also because 'the English Parliament . . . has never, except at periods of revolution, exercised direct executive power or appointed the officials of the executive government'.²⁷

All this is no doubt true of Britain. But that its Parliament could, as a matter of law, change its rules so as to legislate by resolution, which, if it curtailed the powers of the House of Lords still further than their present very limited scope, could be 'sudden', admits of no doubt. Also it *could*, as a matter of law, confer on administrative officials unlimited powers over the 'body or goods' of the subject, to the exclusion of the jurisdiction of the courts. So Dicey's reconciliation of the sovereignty of Parliament with the rule of law really amounts to the proposition that Parliament in fact recognises certain restraints upon its own powers which are not rules of law. And he frankly adds to his proposition that 'the sovereignty of Parliament as developed in England supports the supremacy of the law', the observation:²⁸

But this is certainly not true of all the countries which enjoy representative or Parliamentary government.

If it was not true in 1885, when Dicey wrote, it is still less true today. In many of the new states with sovereign legislatures, elected by universal franchise, it would seem that the conferring of power on mere numbers, without legal safeguards for economic, religious, cultural or ethnic minorities, has had results bearing a recognisable resemblance to those of Athenian democracy, as described by Lord Acton.

In South Africa, on the other hand, the combination of a sovereign Parliament and an electorate confined to the minority White race, has provided no more — perhaps, in some aspects, even less — protection for the rule of law than in states such as I have just mentioned.

On experience such as this, therefore, it would seem that, in general, assuming the balance of social forces in a given country objectively renders possible the rule of law at all, an inherent condition thereof is separation of powers not only between the judiciary and the executive, as in England, but also between the

judiciary and the legislature. In other words, the powers of the latter must be limited by a written, and what Dicey called a 'rigid', constitution, trenching at least the fundamental liberties of the individual, save where deprived thereof by due process of law, and guaranteeing to all the equal protection of the laws. Such has been the experience of another great Anglo-Saxon power, the U.S.A., and the necessity thereof has been specially demonstrated in relation to the role of its Supreme Court in restraining attempts to discriminate adversely against negroes and other minorities in the field of civil rights and liberties.

But, whether self-imposed, as in Britain, or imposed by law, as in the U.S.A. and in many other countries, some restraint there must be on legislative, as well as on executive, power, as an essential 'rule behind the rule of law'; as a necessary condition to guarantee it. And, if I may venture a further generalisation, founded, I hope, on historical and contemporary evidence, the more diverse and plural a society, the more intractable the centrifugal forces operating in a society comprised in a single state, the greater the need for constitutional safeguards to be applied by the courts in the administration of justice, in order to maintain the balance that justice demands between the rights of the individuals comprising the diverse social groups and the general welfare of the whole.

Permit me to conclude by summarising the essential case for the rule of law, as I understand it, by quoting a voice from a now vanished civilisation, but one which has bequeathed to mankind an intellectual and spiritual legacy that is immortal. For inherent in the accents of that voice is a dread warning of the consequences of disregard of the rule of law:²⁹

The rule of law [wrote Aristotle] is preferable to that of any individual. . . . He who bids the law rule may be deemed to bid God and reason alone rule, but he who bids a man rule adds an element of the beast: for desire is as a wild beast and passion perverts the minds of rulers, even when they are the best of men. The law is reason unaffected by desire.

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THE VISION OF ETERNITY: AN INTRODUCTION TO DANTE'S *INFERNO*

by J. A. BERTHOUD

WHEN WE OPEN the first volume of *The Divine Comedy* and begin to read, we are at once aware that a strange experience is in store for us; if we go on reading, we find nothing to dissipate our first uneasiness. We follow Dante through the harsh wood, we begin the ascent of the forbidden mountain, we are forced to withdraw before the three swift and deadly beasts. Dante's bewilderment, horror, relief, doubt and dread overwhelm us. Caught in a world that is at once familiar and unknown, we conclude that we are wandering in the unsteady regions of nightmare. And we are wrong. We have only to turn one more page to be confronted with the single and incredible explanation: what we have witnessed is not a dream, but the journey of one man from this world to the next. We may put down the book, question our sense, re-consider, re-read: the fundamental premiss cannot be avoided. On Good Friday of the year 1300, at about seven o'clock in the evening, a living man, Dante Alighieri of Florence, then aged thirty-five, and in full possession of his faculties, crosses the threshold of the Gate of Hell, and enters the realm of Eternity.

It is this fact that I propose to examine in the present essay.¹

Let me say at once, and quite categorically, that the problem I want to consider is not that of faith. Whether the soul is immortal, whether there exists a place characterised by wailing and gnashing of teeth, are indeed questions that possess their own and peculiar difficulty; but I do not believe that they are barriers to our understanding of Dante. As for that other problem, which is not one of faith, but of credulity — whether or not Dante literally believed in his journey, whether he allowed himself to be taken in by his own poetry — it need scarcely detain us. Those who raise it are related to the good ladies of Ferrara who used to point to Dante's curly black hair, as he walked down the street, as evidence that it had been frizzled in the other place. Let us not envy him the fortunate ignorance that permitted him — perhaps for the last time, for Galileo was preparing himself — to put his Hell somewhere: to be exact, under the northern hemisphere. its coils of diminishing concentric circles reaching down to the centre of the earth. Let him claim, since he is after all about to explore human evil in its purified form, that his journey began on Good Friday, the day that witnessed the apparent triumph of sin. Let him insist that he was thirty-five years old, a point at which the road before us begins to

incline inexorably downwards, and which should prompt us, therefore, to ask ourselves one or two fundamental questions. All good poets know that the imagination, like nature, abhors a vacuum, that its very life depends on what is concrete, specific and particular.

No, my problem is altogether more serious, and can be stated quite simply. Why does Dante find it necessary to transport human beings out of their earthly environment into the context of eternity? Why is he not content to give us a vision of life, but must give us a vision of life in death? What element in his experience compels him to create, in the phrase of philosophers, a world of ideality?

I will begin by drawing attention to an unusual and momentous episode that befalls Dante in the very first stage of his journey. Readers of the *Inferno* will remember that he is accompanied by his guide, teacher and leader, the Roman poet Virgil, one of whose many functions is to interpret and explain Hell to him. No sooner has he crossed the infernal gate than he finds himself in a kind of antechamber or vestibule. He is not yet in Hell proper, that is, he has not yet crossed the river of death, Acheron, nor yet met that savage bureaucrat, Charon, who transports the souls to the nether bank. As he looks about, therefore, he discovers a kind of no-man's-land, a place that admits neither life nor death. It is Dante's² unique and original offering — for here he follows no precedent — to those whose sole distinction is mediocrity, whose sole achievement the fact that they have never done anything at all. Here reside, in the phrase that T. S. Eliot has used as title to a poem that is a modern version of Dante's twilight world, 'the hollow men'. This is the scene, in Sinclair's translation³:

There sighs, lamentations and loud wailings resounded through the starless air, so that at first it made me weep; strange tongues, horrible language, words of pain, tones of anger, voices loud and hoarse, and with these the sound of hands, made a tumult which is whirling always through that air forever dark, as sand eddies in a whirlwind.

And I, my head encircled with horror, said: 'Master, what is this I hear, and who are these people who seem so mastered by their pain?'

And he said to me: 'This miserable state is borne by the wretched souls of those who lived without disgrace and without praise. They are mixed with that caitiff choir of the angels who were not rebels, nor faithful to God, but were for themselves. The heavens drove them forth, not to be less fair, and the depth of Hell does not receive them lest the wicked have some glory over them.'

And I said: 'Master, what is it that is so grievous to them, making them lament so sorely?'

He replied: 'I will tell thee in a few words. They have no hope of death, and so abject is their blind life that they are envious of every other lot. The world suffers no report of

them to live. Pity and justice despise them. Let us not talk of them, but look thou and pass.'

And I looked and saw a whirling banner which ran so fast that it seemed as if it could never make a stand, and behind it came so long a train of people that I should never have believed death had undone so many. After I had recognised some of them I saw and knew the shade of him who from cowardice made the great refusal¹, and at once and with certainty I perceived that this was the worthless crew that is hateful to God and to His enemies. Those wretches, who never were alive, were naked and sorely stung by hornets and wasps that were there; these made their faces stream with blood, which mingled with their tears and was gathered at their feet by loathsome worms.⁵

There are many striking features about this passage, but I think I may safely assert that it is not specially marked by Christian compassion. Indeed, the ferocity of tone is unusual. Consider Dante's reaction. As the whirling clamour breaks upon him, a band of horror encircles his head, and almost involuntarily he cries out: 'Who are these so vanquished by their pain?' However, under the steadying effect of Virgil's calmly contemptuous explanation, his first rush of appalled sympathy begins to recede. 'Why do they lament so sorely?' he asks again. Virgil's reply is a model of insulting aloofness: 'Pity and justice despise them. Let us not talk of them, but look thou and pass.' Dante looks, and the scene begins to assume something of the uncanny fascination of unique squalor. Those wretches, 'who never were alive', stream after a running banner, the emblem of their commitment, which shifts with every shift of fashion. Then in the midst of his rising abhorrence, Dante catches sight of 'him who made the great refusal'. And with this glimpse, implacable certainty replaces all his remaining hesitation. He now realises his mistake: their pain, to which the uncomprehending mind responded with horror, is in fact trivial; the sole value of their grief lies in its being nourishment for bloated worms.

There is nothing in literature, except perhaps *Gulliver's Travels*, to equal Dante's contempt for pettiness of personality. To him, the Neutrals are, in Sinclair's phrase, 'the waste and rubbish of the universe', vicarious beings whose fate is to envy not the blessed, but the damned, and who, having evaded all reality in their lives, are forbidden to experience the final reality of their death. This frightening violence of feeling is so unusual that it deserves, it seems to me, a primary place in an attempt to understand, not the poet only, but the poem itself. I shall return to it, therefore, at the proper time. But in the meanwhile, one may well observe that one has here the reaction of a man who believes that a life not greatly lived is not a life at all. It is Dante's considered view that it is better to sin greatly than to be indifferent to virtue, that it is better to feel the wrong passion than to be incapable of feeling. If the purpose of life is a moral one, then to assume a position of neutrality in front of

life is to commit the unforgivable betrayal. Magnanimity of soul, energy of resolve, pride of ambition — these qualities, in some measure at least, are needed, before one can speak of good and evil, of Hell and Paradise. It is scarcely necessary to add, in the light of the frightful epitaph which Dante has written for those who sacrifice virtue to caution, that he possessed this quality of *magnanimo* — greatness of soul — and, what is more, knew that he did so.

This quality is so much part of the texture of *The Divine Comedy*, is so much in evidence in Dante's majestic verse — that I feel I must, for the sake of the Italian-less laity, give it further illustration. The fourth canto of the *Inferno* describes the first circle of Hell, Limbo, which is reserved for the virtuous but unbaptised heathen who cannot, according to medieval Christianity, be admitted into Paradise. Dante and Virgil are now walking through a shadowy plain filled with 'sighs that keep the air forever trembling'. Suddenly they discern a 'blaze of light in a hemisphere of darkness' — a symbol for the greatness and insufficiency of natural reason — that is, reason without grace and revelation. Dante turns to Virgil, and asks him who those are that have such honour as to be set apart from the rest — for he can see within the light four awe-inspiring forms. Virgil answers:

' . . . Their honourable fame, which resounds in thy life above, gains favour in Heaven which thus advances them.'

At that moment I heard a voice: 'Honour the lofty poet! His shade returns that left us.'

When the voice had paused and there was silence I saw four great shades coming towards us; their looks were neither sad nor joyful. The good Master began: 'Mark him there with sword in hand⁶ who comes before the three as their lord; he is Homer, the sovereign poet. He that comes next is Horace the moralist, Ovid is the third, and the last Lucan. Since each shares with me in the name the one voice uttered they give me honourable welcome, and in this do well.'

Thus I saw assemble the noble school of that lord of loftiest song who flies like an eagle above the rest. After they had talked together for a time they turned to me with a sign of greeting, and my Master smiled at this; and then they showed me still greater honour, for they made me one of their number so that I was the sixth among those high intelligences. Thus we went on as far as the light, talking of things which were fitting for that place and of which it is well now to be silent.'

What a world of authority and dignity is evoked here! These men, who for Dante were the greatest poets of history, and who formally advance to greet Virgil as an equal, convey an unforgettable impression of moral weight and gravity. How Dante exalts poetry here, and how completely they fulfil its high demands! As Sinclair notes, he repeats the word 'honour' five times, and in the sense not only of 'fame' but of 'deserving fame'. And when the five

poets, 'having talked together for a time', turn to Dante with 'a sign of greeting', with what calm assurance he joins that confraternity of greatness 'to make a sixth among these high intelligences'! This is no trembling schoolboy admitted to the world of men, but one who confers honour as he receives it and who participates in a conversation reserved for the elect.

Here, as always, the English prose can give only a faint shadow of the sublimity of the original, but anyone who has read the Italian will know what I am talking about when I refer to that pride of life, that aristocratic grandeur, which makes Dante's personality, in all its vividness and sternness, seem part of some forgotten heroic legend. His pride is utterly free of arrogance, envy and vanity. It expresses itself in his resolution never to yield to self-interest or to compromise with knavery. His emotions blow like great tempests across the pages of his poem: his anger, for instance, is a large and generous passion. We can scarcely imagine today, protected as we are by the insincerities of democratic capitalism, the maddening effects of its lash in, say, his great denunciations of Florence:

Rejoice, Florence, since thou art so great that over land and sea thou beatest thy wings and through all Hell thy name is spread abroad! Among the thieves I found five such citizens of thine that shame for them comes on me and thou risest not to great honour by them. But if near morning our dreams are true, thou shalt feel ere long that which Prato⁸, not to say others, craves for thee; and were it come already it would not be too soon. Would it were, since indeed it must, for it will weigh the more on me the more I age. . . .⁹

Whatever history of wrong and shame lies behind these words, their tone of authority and moral outrage compels the conclusion that Dante's motive is not revenge but justice. Intense as the anger of the *Inferno* may be, it finally acquires a quality of disinterestedness; so that it is not fanciful to hear in it echoes of the prophetic rage of an Ezekiel or a Jeremiah.

I can, of course, give no idea, in an essay of this sort, of the variety of Dante's nature — of his tenderness and lyricism, his compassion and gaiety — nor of the fascination of his life, with its early brilliance, his exaltation of Beatrice, the depth and range of his learning, his involvement in great affairs, the bitterness of his exile, his almost inhuman energy¹⁰. My purpose is only to establish that he had an heroic conception of the destiny of individual man and of the value of personal experience; for without an awareness of this, one will never come to understand why he found it necessary to enter Eternity.

The personality of Dante not only pervades the texture of *The Divine Comedy*: it forms the basis of its very structure. Consider for a moment the poem — as has often been done — as an example of the epic. All epics consist of a dramatic story that unfolds in a grand and leisurely style; in all epics, the author, by

withdrawing into impersonality, gives weight and substance to his fable. Viewed as an epic poem, the *Comedy* is indeed unique. Instead of a story involving conflict and suspense, we have the peregrinations of a single man who, far from being exposed to any danger, is protected at every moment by a guide chosen by no less than God himself. And unlike Virgil's Aeneas, for instance, who is seen from the outside and who puts us in the position of spectators of a historical process, the hero of *The Divine Comedy* is the author himself, and an author who invites us, almost at every paragraph, to share his feelings and participate in his inner life. This epic takes the form of an immense autobiography, and becomes the record of a personal experience. Dante Alighieri is indeed fundamental, for he is, quite literally, the foundation and basis of his vast edifice of eternity.

As we turn our attention to this edifice, we must guard against a misconception all too easy in an age that indulges introspection. Dante's self-knowledge is not the result of self-infatuation and self-analysis. Unlike, say, with the *Confessions* of Rousseau, or the *Memoirs* of Casanova, we are not drawn into the disclosures of a personality fascinated by itself. The beam of Dante's attention is not directed inwards, but towards what he is experiencing, discovering, imagining, about a world beyond the self. As the German critic Vossler has remarked, therefore, Dante's personality cannot be said to change or develop. It is there, whole and complete, from the start, and the man who leaves eternity is the man that enters it. It could be said — at the risk of infuriating Freudians — that no one resists psychological analysis more completely than Dante. We follow his journey through the *Inferno* not in hope of discovering what makes him tick, but to find out what Hell looks like to such a man. As I have tried to show, the poem begins with the ego, and the movement is always from the ego to what it experiences, not the other way round. I shall therefore turn from Dante to his vision of eternity.

To select a representative passage from a poem of the range of the *Inferno* is to do violence to one's soul: all of the poem is worth reading; every episode provides a new and unsuspected development. I shall, however, choose one of the more famous of the encounters, that of Francesca di Rimini, in the hope that its familiarity — with some readers at least — may make the task of analysis less of a conducted tour. Dante and Virgil have just left Limbo — the first circle — and are entering the second circle, the place where the lustful are punished. Suddenly the travellers encounter the sounds of suffering:

Now the notes of pain begin to reach my ears; now I am come where great wailing breaks on me. I came to a place where all light was mute and where was bellowing as of a sea in tempest that is beaten by conflicting winds. The hellish storm, never resting, seizes and drives the spirits before it; smiting and whirling them about, it torments them.

When they come before its fury there are shrieks, weeping and lamentation, and there they blaspheme the power of God; and I learned that to such torment are condemned the carnal sinners who subject reason to desire. As in the cold season their wings bear the starlings along in a broad, dense flock, so does that blast the wicked spirits. Hither, thither, downward, upward, it drives them; no hope ever comforts them, not to say of rest, but of less pain. And as the cranes go chanting their lays, making of themselves a long line in the air, so I saw approach with long-drawn wailings shades borne on those battling winds, so that I said: 'Master, who are these people whom the black air so scourges?' . . .

I began: 'Poet, I would fain speak with these two that go together and seem so light upon the wind.'

And he said to me: 'Thou shalt see when they are nearer us, and do thou entreat them then by the love that leads them, and they will come.'

As soon as the wind bent their course to us I raised my voice: 'O wearied souls, come and speak with us, if One forbids it not.'

As doves, summoned by desire, come with wings poised and motionless to the sweet nest, borne by their wings through the air, so these left the troop where Dido is, coming to us through the malignant air; such force had my loving call.

'O living creature gracious and friendly, who goest through the murky air visiting us who stained the world with blood, if the King of the universe were our friend we would pray to Him for thy peace, since thou hast pity of our evil plight. Of that which thou art pleased to hear and speak we will hear and speak with you while the wind is quiet, as here it is. The city where I was born¹¹ lies on the shore where the Po, with the streams that join it, descends to rest. Love, which is quickly kindled in the gentle heart, seized this man for the fair form that was taken from me¹², and the manner afflicts me still. Love, which absolves no one beloved from loving, seized me so strongly with his charm that, as thou seest, it does not leave me yet. Love brought us to one death. Caina¹³ waits for him who quenched our life.' These words were borne from them to us. And when I heard these afflicted souls I bent my head and held it down so long that at last the Poet said to me: 'What are thy thoughts?'

When I answered I began: 'Alas, how many sweet thoughts, how great desire, brought them to the woeful pass!' Then I turned to them again to speak and began: 'Francesca, thy torments make me weep for grief and pity, but tell me, in the time of your sweet sighing how and by what occasion did love grant you to know your uncertain desires?'

And she answered me: 'There is no greater pain than to recall the happy time in misery, and this thy teacher knows; but if thou hast so great desire to know our love's first root, I shall tell as one may that weeps in telling. We read one day for pastime of Lancelot, how love constrained him. We were alone and had no misgiving. Many times that reading drew our eyes together and changed the colour in our faces, but one point alone it was that mastered us; when we read that the longed-for smile was kissed by so great a lover, he who never shall be parted from me, all trembling, kissed my mouth. A Galeotto¹⁴ was the book and he that wrote it; that day we read in it no farther.'

While the one spirit said this the other wept so that for pity I swooned as if in death and dropped like a dead body.¹⁵

Anyone acquainted with other literary depictions of the underworld or the kingdom of the dead will be at once struck by the fact that *this* abode of the dead is, paradoxically enough, almost more alive than life itself. For Dante, eternity is overwhelmingly concrete and actual. Apart from the degree of its force, the howling storm has all the qualities of an earthly hurricane. The souls or shades are seen sharply and clearly. They are compared, with meticulous care, with ordinary things of life; three times, in their helpless passivity, they are identified as birds: the first crowd as starlings, the next group as cranes, and the final pair as doves. Again, when we turn to Francesca herself, we discover, not a ghost, but a woman — and one, let it be said, who has become immortal through the very depth of her despairing passion. The impression of force and vividness is strengthened by Dante's handling of the scene as a whole. The energy of the narrative drives everything impetuously forward; a succession of single but unerring blows forges a scene of startling concentration and range. One finds no trace here of the inanity of those poets who, not realising that poetry without the senses is like a soldier without arms, and seduced by the idea that heaven is a 'place' of insubstantial spirituality, populate it with cloudy figures of indeterminate sex. With one uninhibited sweep, Dante conveys the entire phenomenal world into the eternal world, and there it stays. We experience a real storm and respond to a real woman.

I do not want to make the mistake, however, of certain rationalist critics whose prejudice against Hell forbids us the right to go any further. We are, whether we like it or not, in eternity, and Dante gives us plenty of evidence of the fact. Where else would we find people, in Shakespeare's phrase, 'imprisoned in the viewless winds'? What representation of reality would dare omit its one inescapable quality — change, potentiality, growth? And finally, what earthly scene would be charged with quite this degree of hallucinatory power? We are, in brief, face to face with a puzzling paradox: Francesca is changeless, but intensely alive; she is dead, but retains all her individuality.

In considering Dante's treatment of Francesca's tragedy, I might well remark on what he did not do. Dante could, for instance, have given us the circumstances of her story — which is, one would have thought, quite sufficiently tragic for his purposes. Francesca da Polenta of Ravenna, wife of Giovanni Malatesta, the crippled son of the Lord of Rimini, and mother of a ten-year-old daughter, became the lover of her husband's younger brother, the dashing cavalry captain Paulo Malatesta, himself a married man with two children. They were betrayed by a servant, and the husband, crazed with the discovery, took them by surprise and stabbed them both to death. But Dante does not give us the story, for its only trace in the poem is the momentary flash of hate in the phrase 'Caina waits for him who quenched our life'. Instead we are given her voice and words — a dramatic device emphasised by the fact that her infinitely mournful account begins suddenly and unannounced. And what is her single, consuming, obsessive, all-excluding theme? Love. It is only Dante's 'loving call' that has power to bring her to him. The word 'love', repeated three times, is all the summary her story needs. Love is aristocratic: it is 'quickly kindled in the gentle heart'; love is a fatality: 'it absolves no-one beloved from loving'; love is tragedy: it 'brings them both to one death'. And when Dante, deeply moved, questions her about the origin of 'her uncertain desires', what knowledge of the heart her answer reveals! In two or three touches, the whole lost secret world of lovers comes into being. The perilous romance which they read 'for pastime', their sense of seclusion and security, their mingled delight and fear, the ultimate moment of abandonment, the haunting reserve of her final phrase . . . have a few simple lines ever conveyed so much? And all the time her companion, who is at once her fate, punishment and reward, weeps silently by her side, conveying in his action what she conveys in her speech.

The pathos of the scene is enormously enhanced by its setting, by the fact that God's judgment has fixed them into an everlasting punishment. I am not thinking of such details as that of the momentary lull in the hellish blast, which permits her, for a few seconds at least, to rest and speak, though this in itself is a powerful reminder of where the scene takes place. I have in mind rather the fact that both speakers, Dante and Francesca, reveal through their very words and expressions that they know they are in Hell, the one for ever, the other as an appalled witness. Dante speaks of 'these afflicted souls', 'this woeful pass', 'thy torments'. It is not sufficiently understood that Francesca's famous introduction to her concluding confession:

'. . . Nessun maggior dolore
Che ricordarsi del tempo felice
Nella miseria . . .'¹⁶

applies specifically to her situation as a damned soul, to the fact that happiness, now, can only come in present misery, and only in the form of recollection. And the overpowering pity and grief of

Dante's response is conclusive. Would he, on earth, have 'swooned as if in death'? One cannot escape the conclusion: the intensity of this episode exists not in spite of but because of its setting in eternal pain.

It could be said that the extract consists of two principal elements: Francesca's speech, in which the essence of her life, her individuality, her history and her passion, is fully expressed, and her punishment — the floating torment of imprisonment in wind — which is the objective expression of God's fixed and eternal judgment. Now many readers have questioned Dante's good faith — not to speak of his decency — at this stage. Their humanity revolts at the thought of such punishment inflicted on such tenderness, and they feel that the effect of this passage, far from justifying God to man, only transforms Him into an implacable bully. There may well be a certain validity in this reaction: one may indeed feel at moments, particularly when, under the spell of Dante's immortal lines, the sin is forgotten in the contemplation of the sinner. I have tried to suggest, however, that the poignancy and the sin are not unrelated. I must now develop and qualify this observation.

Is the punishment in fact imposed from without? Is it an expression of arbitrary dogma? Is it the result of divine insensitvity? To deal with these questions, one must return to the tempest with which the passage opens. The landscape is a tumult of conflicting winds; they blow 'hither, thither, downward, upward'. The souls yield helplessly before them: in fact, if we pay attention to Dante's diction we will see that his verbs are deliberately chosen to create a sense of cumulative passivity. The storm '*seizes and drives the spirits . . . smiting and driving them about*'; the shades are '*borne on the battling winds*'; the black air '*scourges them*' and '*bends their course*'. And if we read attentively, we will realise that the damned souls are not mere sexual offenders, but, to quote Dante's phrase, '*the carnal sinners who subject reason to desire*'. Surely it is not unreasonable to see in the punishment an image of the sin? The love to which, like Francesca, one abandons oneself without restraint, the love which swallows up all sense of duty, ambition, curiosity, even humanity — in a word, all '*reason*' — becomes precisely the storm that Dante describes. Santayana's observation, incidental as it is, expresses, it seems to me, the essence of the situation: '*Can an eternity of floating on the wind in each other's arms be a punishment for lovers? That is just what their passion, if left to speak for itself, would have chosen. It is what passion stops at and would gladly prolong for ever.*'¹⁷ The victim of this particular sin exposes himself to every whim and current of feeling, yields himself up to the anarchy of sensation, and, like the storm, is caught in a perpetual alternation of energy and lassitude. I referred above to the two elements of the extract: the life of Francesca, and her punishment. I must now speak only of one. What I said originally of her, I must now say of her penalty: it consists of love, and nothing but love. God does not judge the sinner, nor does He

invent his punishment: the sinner judges himself, and creates his own retribution. In a very precise sense, his life on earth becomes his fate in eternity.

I am now in a position to make a tentative assessment of Dante's Hell. One discovers that its inmates have been equipped with a memory, and that the function of this memory is to bring back before their eyes their former life — and in a specially essential and concentrated form. This memory enables them, as Auerbach has observed¹⁸, to transport the individuality of their terrestrial nature into the next world. But one must insist that their life in death is not their life on earth. There, being subject to the laws of temporality, it existed, at any given moment, in an incomplete, potential, and unrealised form. Here, however, their biography has been rounded and finished off by death: they find themselves in possession, as it were, of the sum of their earthly years. To die, therefore, can be said to be a finalising and perfecting process. In the *Inferno*, Dante and Virgil meet sinners, that is, people whose lives have been essentially evil: in view of what I have just said, is it surprising that their evil lives, as they extend into a terrible infinity, should themselves constitute both judgment and punishment?

It is well known that Dante's *Inferno* represents an ethical system worked out with a medieval zeal that at times borders on the pedantic. However, it must be said that this ethic is, for Dante, neither theoretical nor abstract, and that his own arrangement of sins into descending degrees of infamy is one which still strikes us, in the twentieth century, as relevant and central. His classification determines the geography of Hell. Broadly speaking, the sins are divided into two groups, those inspired by perverted desire, on the one hand, and those prompted by perverted will, on the other. The latter Dante considers more heinous, for the reason that the whole man participates far more fully in their performance. We commit some sins because we are weak, others because we want to: in the first case, we have fought a battle which we have lost, in the second we have not even lifted our arms from the wall. To the first group belong, in order of gravity: lasciviousness, gluttony, avarice, prodigality (the inversion of avarice), wrath, and violence; this order is determined by the increasingly anti-social direction of the sins. The second group, situated in lower Hell, consists of the sins of fraud and deceit. These are further subdivided into two further categories: simple fraud — thieves, flatterers, hypocrites, diviners, and the like — and treachery. This last, to Dante, is the ultimate sin, for it implies the deliberate negation of trust, the power that binds man to man and man to God. The arch-traitor, Satan, is fixed on the central axis of the globe, in the bottom-most pit of the *Inferno*, and he masticates, in his three jaws, Judas, betrayer of Christ and thus of the divine order, and Brutus and Cassius, betrayers of Caesar and thus of the secular order.

This system, which, derived as it is from the Aristotelian-Thomistic ethic, may at times seem contrived and abstract, is given intense

poetic life by the episodes that fit into it. I shall use a final example to demonstrate how, as we penetrate into Hell, we are not simply experiencing a physical descent, but a dizzying moral subsidence. I hope also to show again, that the impersonal order representing God's justice consists of the individual lives of evil men and women. Let us therefore leave Francesca — of all sinners the one whose sin has least detracted from her humanity — and descending ever lower, past Cerberus, the triple-headed monster of greed, past the river Styx and its defiling mud, past the Furies and the battlements of the infernal city, the barren plain scourged by flakes of fire, and the harpies, and the weird forest of suicide, and Phlegethon, the boiling river of blood, down the awful chasm into lower Hell, where ten stifling concentric ditches in which the ten categories of the fraudulent are tormented by all manner of lashing, ordure, choking, contortion, baths of tar, cloaks of lead, reptiles, serpents, tongues of flame, mutilation, disease and madness, let us penetrate into the freezing silence of the final pit, and examine the most dehumanising of sins, treachery.

When we were down in the dark well, far below the giants' feet, and I was still gazing up at the lofty wall, I heard said to me: 'Look to thy steps; move so that thy feet do not tread on the heads of the wretched weary brothers.' At which I turned and saw before me and under my feet a lake which through frost had the appearance of glass and not of water. Never did Danube in Austria or far-off Don under its frigid sky make in winter so thick a veil on its course as was here; for had Tambernic fallen on it, or Pietrapana¹⁹, it would not even at the edge have given a creak. And as the frog sits with its muzzle out of the water to croak when the peasant-girl dreams often of her gleaning, so, livid up to where the flush of shame appears, the suffering shades were in the ice, setting their teeth to the note of the stork. Each kept his face bent down; by the mouth the cold and by the eyes the misery of the heart find evidence among them. . . .

After that I saw a thousand faces made dog-like with the cold, so that shuddering comes over me, and always will, at frozen pools; and while we were going towards the centre at which all gravity converges and I was shivering in the eternal chill, whether it was will or fate or chance I do not know, but, walking among the heads, I struck my foot hard in the face of one.

Weeping, he shouted at me: 'Why dost thou trample on me? Unless thou comest to add to the revenge for Montaperti²⁰, why dost thou molest me?'

The Leader stopped, and I said to him who kept on cursing violently: 'Who art thou, reviling one so?'

'Nay, who art thou', he answered, 'that goest through Antenora²¹ striking one's cheeks harder than if thou wert alive?'

'I am alive', was my reply, 'and it may be worth much to thee, if thou ask for fame, that I note thy name among the rest.'

And he said to me: 'What I crave for is the opposite. Take thyself hence and do not vex me further, for thou ill knowest how to flatter in this depth.'

Then I took him by the scalp and said: 'Thou must name thyself, or not a hair will be left on thee here.'

At which he said to me: 'Though thou strip me bald I will not tell thee who I am, nor show thee if thou fall upon my head a thousand times.'

I already had his hair twisted in my hand and had torn out more than one tuft of it, he barking and with his eyes held down, when another cried: 'What ails thee. Bocca? Art thou not satisfied with the music of thy jaws, but thou must bark? What devil is at thee?'

'Now', said I, 'I do not want thee to speak, vile traitor, for in spite of thee I shall carry of thee a true report.'

'Be off', he answered, 'and tell what tale thou wilt; but do not be silent, if thou get out from here, about him that had his tongue so ready just now. Here he laments the Frenchman's silver. "I saw", thou canst say, "him of Duera in the place where the sinners are put to cool." If thou art asked who else was there, thou hast beside thee him of Beccheria, whose gullet Florence slit; Gianni de' Soldanier is, I think, farther on, with Ganelon and with Tribaldello²², who opened Faenza while it slept.'²³

I know of no scene in literature that conveys a more appalling inhumanity. One only has to cast one's mind back to Francesca's poignant utterance and to Dante's response to her, and compare it with the grinding suffering and dog-like debasement of Bocca, betrayer of Florentine chivalry on the field of Montaperti, and Dante's brutality to him, to measure the space that separates the surface and the depth of Hell. As I have suggested, the descent is simultaneously physical and moral: and the lowest level of moral degradation marks the tearing away of the last shred of human dignity and compassion. Everything speaks of deprivation: the frozen hush of the scene, the thickness and solidity of the ice-sheet, the hardness of the head Dante strikes with his foot, the bestial howling of the sinner, the hair ripped off like dry grass. . . . We are indeed at the bottom of the universe.

Yet this is not a scene of gratuitous horror, and at no stage does one feel that it even approaches luridness and sensationalism. The *Inferno* remains to the very last a poem of great moral intensity, and even here, cruelty and violence are transformed into meaning and purpose. Bocca clings to his identity quite as tenaciously as Francesca — so much so, in fact, that he will endure anything rather than reveal who he is. And when a neighbour blurts out Bocca's name, he at once, and with a kind of squalid eagerness,

begins to betray his companions one after the other. He was a traitor on earth: so he remains in Hell. And when we consider the setting, which is at once landscape and punishment, what a commentary on treachery is this plain of ice! No sin so completely resembles this stony coldness; no sin so finally freezes and petrifies the generous impulses of the heart. The traitor, by his deliberate exploitation of trust and loyalty, utterly cuts himself off from human companionship; so here his fate is to be sundered from human compassion. The principles of damnation, which the Francesca episode revealed, constitute the uniform law of the underworld.

We are in a position to conclude, therefore, that Dante's *Inferno* is a vision of an ideal world. I hope I have said enough not to be misunderstood in my use of this phrase. The word 'ideal' has become, because of its appropriation by sentimental Platonists, a treacherous one; and I want to dispel any connotation of pink gas and eau-de-cologne when I apply it to the *Inferno*. I am using the word 'ideal' in a more severe and ancient sense: by the phrase 'ideal world' I mean, for a start, a perfected world. Dante's Hell is a domain purified of all traces of terrestrial arbitrariness, inconsequence and caprice. Whatever way one looks at it, it remains a world the fundamental principles of which are order and relevance. Despite its incidental violence, anguish and squalor, despite its extraordinary multiplicity and variety of character, scene and event, the final impression it creates is not one of chaos, but of a celestial harmony strangely reminiscent of the music of the spheres of Paradise.

But I must be more specific. In what terms is the *Inferno* a representation of a perfected earthly life? On what principle does this idealisation operate? There have been various answers to this question. Some have suggested that the *Inferno* is an ordered encyclopaedia of medieval learning. Others have advanced the view that its unity is little more than aesthetic, that, like James Joyce's *Ulysses*, it is to be seen finally as a formal arrangement of contrasting and recurring themes, episodes and images. Yet others have maintained that it is a system of history seen from the vantage-point of God's design for the world, first manifested in the secular destiny of Rome, then in the divine purpose of the Church. Others again claim that the poem is essentially theological — that is, inseparable from its intellectual antecedent, the *Summa Theologica* of Thomas Aquinas. This list could go on indefinitely, from Boccaccio, whose biographical approach first set the wheels of the Dante industry moving, to the eccentrics who, dazzled by Dante's fastidious employment of numbers²⁴, become convinced that the *Comedy* is a manifestation of mystical mathematics. And one cannot but confess that such a determined multiplicity of opinion is an index, if not of the intelligence of the commentators, then at least of the richness of the poem. This essay, however, has been an attempt to show that the principles of this idealisation are fundamentally *moral* ones, that the poem must be read, first and foremost,

in terms of good and evil. To be absolutely exact, I should say that the *Inferno* represents the perfection of earthly sin and wickedness. And, as I have argued, this perfection, this order and relevance, is the demonstration of a justice that is unpersuadable and irrevocable, and, let it be remembered, not arbitrarily imposed from without, but created and defined by the sinner himself. In brief, the *Inferno* offers a vision of ideal evil, that is, evil so intense and purified that it constitutes its own damnation.

The time has come to raise the question which began this essay: Why does Dante enter the *Inferno*? Why does he not pursue his exploration of human beings in their natural setting? Why does he idealise the human condition?

It will be recalled that I began this inquiry by referring to Dante's contempt for the morally neutral and his exaltation of heroic commitment. Now it is a fact that, as far as the moral life is concerned, there is nothing more fatal than the second-hand, nothing more degrading than spectatorship. We learn absolutely nothing about human beings as human beings unless we care about them; and if we care for them, we will grow to hate what destroys their humanity. Dante's greatness of soul is the origin and root of his vision of evil. As we realise more and more that human life is not a trivial joke, but that it possesses direction and meaning, as we come to realise that good and evil are not arbitrary imperatives, but lie at the very source of our existence,²⁵ so will we see with increasing clarity why Dante found it necessary to exalt vice and virtue to the status of absolutes. We are fond of reminding ourselves that values are relative, that there is no final truth, that the purpose of life is dictated by society, or economics, or sex, or history. But it is also worth remembering, in the midst of all this relativity, that there is one small thing that is not so relative, and that is our own unique and individual lives. And there will come a time — if not, like Dante, in the 'middle road of our life', then, perhaps, at the end of that road — when we shall at last discover, unless we are so feeble that we find ourselves smartly relegated to the neutral place Dante has prepared for us, that the meaning of our lives is an absolute thing. Is it necessary to inquire any further as to why Dante found it necessary to enter Eternity?

REFERENCES

¹ Much of Dante criticism is extremely fine, and it is very difficult for me to disentangle from my present knowledge of the poet the various threads of my indebtedness. I must specially mention, however: Karl Vossler: *Medieval Culture; an introduction to Dante and his times*; Erich Auerbach: *Dante: poet of the secular world*; and John Sinclair's outstanding commentary to the individual cantos in his three-volume edition of *The Divine Comedy*, published by John Lane.

² I shall not make explicit distinction between Dante the author of the *Comedy*, and Dante the protagonist of the poem; I trust that the context will be sufficient indication.

³ John Sinclair's prose translation opposite his edition of the Italian text,

referred to above. The passage comes from *Inferno*, Canto III, lines 22 to 69. I cannot sufficiently urge readers of this article to refer to the original text: the labour of deciphering it is nothing compared with its rewards. I use it throughout the article.

⁴ Pope Celestine V, who at a great age was appointed to the Papacy, but was persuaded by his rival to resign five months later. To Dante he is obviously a symbol of ancient pusillanimity.

⁵ *Inferno*, Canto III, lines 22 to 69. I cannot sufficiently urge readers of the article to refer to the original text; even if they know practically no Italian, they will find the reward far greater than the labour of deciphering.

⁶ The *Iliad* is the epic of war, and would be considered by Dante, who knew no Greek and so depended on classical estimations of Homer, his great poem.

⁷ *Inferno*, Canto IV, lines 76 to 93.

⁸ The city of Prato was then showing signs of rising against the domination of Florence.

⁹ *Inferno*, Canto XXVI, lines 1 to 12.

¹⁰ Dante is the only modern poet of whom it can be said that he single-handedly created a language and a literature. It is one of the mysteries of literary scholarship that, before Dante, Italian literature (if one excepts the Sicilian school) was virtually non-existent. I might add that until the project for the new national Italian dictionary began two years ago, all Italian lexicographies were based on the text of the *Comedy*.

¹¹ Ravenna, refuge of Dante's last years.

¹² Viz., her body, which she no longer possesses.

¹³ Part of the deepest circle of Hell, which, with the other three, Antenora, Ptolemaea and Judecca, forms the abode of treachery.

¹⁴ Galeotto has the same function, in the story of Lancelot and Guinevere, as Pandarus in that of Troilus and Cressida: the book is described as a pandar or intermediary.

¹⁵ *Inferno*, Canto V, lines 25 to 51 and 73 to 142.

¹⁶ Canto V, lines 121 to 123.

¹⁷ George Santayana: *Three Philosophical Poets*: Lucretius, Dante, Goethe. (Cambridge, Harvard University.)

¹⁸ In his essay on Farinata and Cavalcante (*Inferno*, Canto X) from *Mimesis*: the representation of reality in Western Literature (Doubleday), Ch. 8.

¹⁹ Mountains.

²⁰ A battle between the Ghibellines (the aristocratic and papal party) and the Guelfs (the popular and imperial party), at which Bocca, a Guelf, cut off the hand of his side's standard-bearer, and caused defeat. Dante is said to have been present at the encounter.

²¹ See note 13.

²² Examples of traitors. Buoso of Duera was bribed to allow the French passage into Italy in 1265; Becchiera, a papal legate, was executed in 1258 for plotting against Florence; Gianni de' Soldanier was a Ghibelline who deserted his party; Ganelon's betrayal of Charlemagne led, of course, to Roland's defeat; Tribaldello opened the gates of the city of Faenza to its Guelf enemies.

²³ *Inferno*, Canto XXXII, lines 16 to 39 and 39 to 70.

²⁴ Dante's use of the number three is characteristic. The source is the Trinity, inverted in Satan's three heads, and recurring throughout the *Comedy* (Canto I, the three beasts, Canto II, the three divine ladies, etc.); it even finds reflection in the formal aspects of the work: there are three books, each consisting of 33 Cantos in *terza-rima*, etc.

²⁵ Perhaps I had better make clear to simple-minded rationalists that I do not necessarily imply by that statement any metaphysical position.

TEILHARD DE CHARDIN AS WITNESS OF HIS AGE

by Y. LAINEY

TEILHARD DE CHARDIN's work is of topical interest. The celebrated Jesuit appeals both to Christians and non-Christians, to scientists and non-scientists, to theologians and non-theologians.

Progressive Christians awaiting a modernisation of their faith hope that, sooner or later, the Church will accept some of Teilhard's suggestions, while less progressive ones, though they may be irritated by his modernism, can hardly neglect the views of such a prominent man, so conversant with the religious problems of our age. Non-Christians are interested in a genuine scientist who has tried to bridge the gap between science and religion and proved to be so aware of their objections to Christianity. Scientists, unless very conservative, cannot help thinking that the time has come, in a universe which reveals itself as more and more complex, to abandon a narrow positivism. Non-scientists find in Teilhard's work a fascinating introduction to the study of human destiny in terms of the theory of evolution. As for theologians, the audacity of Teilhard, who ventured to say that they were behind their times, is a challenge to them. Let us add that Marxists themselves do not overlook the work of the Jesuit, because they find in it some encouragement to their own conception of the unification of humanity.

Such unanimity in admiration coupled with such diversity in the motives of the admirers is, in itself, an arresting fact which will certainly be of interest to the historians of the atomic age. On the other hand, the religious character of Teilhard's work causes some of his zealous readers to make an emotional assessment of his thought.

In fact, many people are more or less consciously looking for arguments for or against what they feel to be right or wrong. Teilhard himself would certainly have disapproved of such a state of mind. He made no bones about recognising that he was neither a philosopher nor a theologian. He only wanted to be a witness and to speak about his own experience. He certainly had deep convictions, but he was all the time fully aware of the difficulties raised by the ideas which he put forward under the impulse of these convictions. We shall confine ourselves to giving an instance of Teilhard's lucidity and intellectual fairness. He was certainly not the kind of man to accept easily the idea of eternal chastisement. Yet he admitted that the notion of damnation gives momentousness to theological meditation.

Within the limited scope of this article, I should like to attract the attention of the reader to Teilhard's complexity and, at times, ambiguity. I shall deal very briefly with the following points: Teilhard and Reality, Teilhard and 'The World', Teilhard and Truth.

Then I shall discuss very briefly what has already become a classical comparison between Teilhard, Descartes and Pascal.

Teilhard was perfectly aware of the fact that reality becomes increasingly elusive if we conceive of it as a substratum which could be discovered and identified behind appearances. In *The Human Phenomenon* he wrote that physicians, having

reached the extremes of analysis, doubt whether the structure they attain is the essence of matter which they are studying, or, only, the reflection of their own thought.

But Teilhard, though he did not deny the value of metaphysics, was not inclined to metaphysical speculations. He admitted very frankly that his great sensitivity to reality was that of a man to whom appealed only 'what actually exists'. Besides, in order to avoid the danger of too systematic views, he thought that we should not try to apprehend the whole of reality. In 1947, in a letter, he expressed himself very clearly in this respect. He wrote:

What is important in life is not to circumscribe reality . . . but to find out in it some safe lines of progress and disposition. . . .

Thus Teilhard was mainly concerned with the progress of science and saw reality as something whose existence can be known by manifestations which man can perceive, though their true nature may escape his apprehension. In other words, Teilhard wanted to confine himself to the study of 'phenomena'.

This exclusively scientific point of view should have strictly limited the field of his research and meditation and excluded from it metaphysics and even theology. But, because his faith in God was as deep-rooted as his faith in 'The World', he was a man in quest of inner unity. In fact, reality as it was conceived by Teilhard is not at all limited to what actually exists to the eyes of a positivist scientist. Spiritual life and religion are part of it. In addition to that, Teilhard thought that Christianity no longer appeals to a world which is in desperate need of God. This, in the eyes of Teilhard, was a third and disquieting aspect of reality. His work, a large part of which was devoted to religious subjects, reflects the constant preoccupation to make it possible for 'The World' to recognise the divinity of Christ. This partly accounts, too, for the boldness of his criticism of the part of traditional theology which he considered as obsolete. He saw in it an obstacle to the triumph of Christianity.

Thus Teilhard was not only a devoted scientist, but he was also a zealous priest. He was not only a modern witness of the old and ever-recurring quarrel between positivism and faith, but also a convinced missionary, embittered at times by the resistance of his adversaries.

In the light of what we have said above, Teilhard appears to have been a man preaching God to unbelievers in the name of Science, but he was also a man preaching 'The World' to Christians in the name of Faith.

Teilhard has sometimes been described as a man in love with the World, and it is true that he spoke about it with mystical enthusiasm. In this respect *The Mass on the World* is very convincing. Apart from its great spiritual and artistic beauty, it clearly shows the way in which Teilhard was dedicated to the World. In this hymn, which according to Archbishop Hurley 'is likely to remain a classic of mystical writing,'¹ Teilhard's Evolutionism and Christology 'coalesce.'

Even if we should refuse to see in a text of this kind more than a prayer or the expression of a hope, we could not deny the exceptional depth of Teilhard's feeling for the beauty and value of the World. In a writing entitled *How I Believe*, he stated:

If, as a result of some complete change of my inner self, I happened to lose successively my faith in Christ, in a personal God, my faith in the spirit, it seems to me that I should still believe in the World.

Admittedly, having in mind 'the Unbeliever', as was the case with Pascal in the famous 'Pari'², Teilhard tries to put forward an irrefutable, if subsidiary, argument. But the fact remains that he has repeatedly spoken in a manner which leaves no doubt about the nature and intensity of his admiration for an evolutionary universe, which, to his mind, was destined to achieve the union of men to God through Christ. How did he elaborate such a grandiose synthesis between his scientific and religious convictions?

Being both a geologist and a paleontologist, Teilhard was familiar with the difficult problems which the theory of transformism sets to scientists as soon as they venture to describe the ways and means of evolution. Nevertheless he considered that, in broad outline, Generalised Evolution is as certain a theory as any scientific theory has ever been. In 1950, in *Evolution of the Notion of Evolution*, he wrote:

The idea of evolution . . . has never ceased to grow more and more universal. . . . Let us put an end, once and for all, to the naïve concept, entirely out of date nowadays, that evolution is but an hypothesis. No, conceived with enough broadness of mind, already evolution is no longer, and indeed has long ceased to be, an hypothesis — it is not either a mere 'method'; what it represents in fact is a new general dimension of the universe, consequently it affects the totality of the elements and interrelations of the universe. Therefore

¹ In *Teilhard de Chardin's Hymn of the Universe — The Southern Cross*, March 31, 1965.

² Pascal in *Les Pensées*, his great posthumous book, tells the unbeliever that, logically, he should wager that God exists. The importance attached by Pascal to this argument is still a matter of discussion among scholars.

it is not an hypothesis, but a condition with which all hypotheses must henceforth comply. It is the expression in our minds of the passage of the World from the state of Cosmos to that of Cosmogeneration.

This very important statement must be brought together with earlier ones and especially with two other affirmations, the first of which was contained in a letter written in 1920 and the second in *Natural History of the World*, dating back to 1925. In the letter Teilhard wrote:

In every scientific field, it is unanimously accepted that there is only one possible way to understand 'beings' namely, their history.

In 1925 he added:

In the field of life, as in the field of Matter, the fundamental unity of the Universe and the inexorable interliaison of cosmic elements, which prohibit the introduction into our experience of any new being not varying with all the past and present states of the experimental World, seem a definitive acquisition of our minds.

The first of these three quotations, written only five years before Teilhard's death, gives evidence, in the light of the other two, of the remarkable continuity and consistency of his views. It shows also the depth of his conviction that generalised evolutionism accounted for the present state of the universe and could lead to an approximate knowledge of its future. As a matter of fact, this new 'dimension' of the world seems to introduce into our representation of the universe a new form of determinism, that of the inexorable interconnection between a multitude of elements, of which no one is negligible and the futures of which are already partly predetermined, or at least conditioned by their pasts. In this perspective, history, despite the fact that it is concerned with the individual and the singular, can certainly throw some light on the future. This seems to have been one of the main ideas of Teilhard. In any case, he did not hesitate to prophesy that man had great expectations if only he was willing to seize the opportunities offered to him by a 'Wonderful World'.

Teilhard was convinced that both scientifically and historically the essential fact was the appearance of man on earth. Self-consciousness and spiritual life appeared through man in a universe in which, normally, they are bound to play a more and more important part. The trend of Evolution which was from Matter to Life and from Life to Man is now from Man to a Superhumanity in which love will be the determining factor of progress. At the end — which may be far remote — of the long process, there will be the unification of Mankind and its absorption in Christ.

Expounded in such a cursory way, Teilhard's optimism concerning the future of Man may seem arbitrary. In fact, it was the outcome of high scientific speculations and deep mystical meditations. Consequently it can hardly be said that his optimism is arbitrary.

Nevertheless we have to admit that his convictions were of the order of faith. Their value is a matter of choice.

Whatever the choice, it should not be said that Teilhard's optimism was due to a lack of lucidity. In *The Activation of Human Energy* he wrote:

. . . Man is being led to set to himself the problem of his biological destiny with more and more insistence and clearness of mind. . . . Physical strength shall not fail us. But, what about courage, about inspiration, about psychic resources? Shall we have enough of them?

Many other instances could be given to support the view that Teilhard's enthusiasm for a 'Wonderful World' did not prevent him from having, sometimes, doubts and fears concerning Human Destiny. It might be that, intellectually, he was more sceptical than is generally acknowledged.

Despite his yearning for unity and his conviction that man was an integral part of a consistent and convergent universe, Teilhard had to accept that 'the problem of truth' must be studied from various angles. Emile Rideau in his synthetic assessment of Teilhard's thought³, after underlining the fact that his philosophy was an effort 'to comprehend the totality of being within a logical and coherent structure', was led to devote separate chapters to his Phenomenology, his Cosmology, his Anthropology and his Theology. Yet, at least from 1930 onwards, Teilhard was always anxious to find himself on scientific ground, whatever the object and level of his reflection. This sprang from a natural disinclination for speculation that is too abstract, and was in line with his belief that Nature was anterior to thought, though, obviously, it could only be known through thought.⁴ On the other hand, Teilhard stated many times, very clearly, that he believed in the surnatural, which implied that he was convinced of the existence of absolute truth. The coexistence of this deep conviction with marked scientific realism gives both originality and complexity to his quest for truth.

In 1949, in *Activation of Energy*, Teilhard spoke about the impossibility of the human mind

entering through phenomenism into direct contact with anything either trans- or super-human.

In fact, he always underlined the relativity of human knowledge. Here again we cannot help being struck by the continuity and consistency of his views. In a letter dated 1918, he had already said:

Everything new we succeed in discovering or extracting lies within an area limited beforehand by our faculties.

³ In *La Pensée du Père Teilhard de Chardin*, by Emile Rideau, Edition du Seuil, Paris, 1965.

⁴ Claude Cuénot made a very clear statement on this point in his book *Pierre Teilhard de Chardin, les Grandes Etapes de son Evolution*, Edition Plon, 1958.

Twenty-four years later he wrote in *The Vision of the Past*:

For our intelligence, a theory is all the more certain as it brings about more order in our vision of the World.

This goes further than commonplace reflection on the human inability to reach absolute truth and one may wonder whether Teilhard believed in scientific certitude, except in a pragmatic way.

In striking contrast with such reserve and humility stand Teilhard's bold statements concerning the trend of evolution and its metaphysical meaning. Scientifically, the existence of a focus on which the evolving World is converging seems a very questionable extrapolation. Besides, should this point, which Teilhard called 'point omega', exist, theologically it would remain improbable that it should become the pre-determined place of the second Advent of Christ. According to Emile Rideau⁴ Teilhard himself declared that point omega was a mere conjecture. Yet, what he said about it and more generally about 'an ontological drift of the World', convey the impression of deep conviction, though, perhaps, of inadequate expression.

In speculations concerning truth, this combination of philosophical scepticism, scientific cautiousness and mystical enthusiasm reflects the complexity and ambiguity of the atomic age, but also bears witness to Teilhard's deep insight into problems much controverted. It is not surprising that comparisons are frequently made between him and such great thinkers as Descartes and Pascal.

The rationalism of Descartes and Teilhard can, to a certain extent, admit of comparison. Both dreamed of a complete and coherent explanation of the World. Emile Rideau⁵ underlined Teilhard's scientific rationalism. He spoke about 'his passion for logic, coherence and rational continuity'. Now it might perhaps be said that Descartes was a man looking for certitude, whereas Teilhard was yearning for unity. The former, even when he meditates on the foundation of reason, seems chiefly preoccupied by the way it must be used to avoid error. The latter, when he rationalizes, is not mainly concerned with certitude—he is more interested in harmonious and fecund theories than in certain ones. Yet, as far as absolute truth is concerned, Teilhard was bolder and more ambitious than Descartes.

Apart from the fact that Descartes tried to prove the existence of God, he rarely dealt with religion and did his best to avoid arguing with theologians. Of course, this attitude may be explained in various ways, but when everything is said, it is still reasonable to believe that to Descartes' mind, science and religion had not much in common. In this respect, Professor F. Alquié has made very convincing remarks in a small but enlightening book⁷.

One may enlarge upon a comparison between Descartes and

⁴ Op. cit., p. 7.

⁵ Op. cit., p. 7.

⁷ In *Descartes, l'Homme et l'Oeuvre*, by F. Alquié, professeur à la Sorbonne, *Connaissance des Lettres*, Edition Hatier-Boivin, 1956.

Teilhard but, as far as religion is concerned, no parallel can be drawn between them. From this point of view Pascal and Teilhard can be more easily, if not more safely, compared. Both Pascal and Teilhard were men of science and apologetists of Christianity. Both spoke and wrote in order to convince 'the unbeliever' of the value of their faith. Yet, their positions on what should be the Christian attitude to the world were very different.

Pascal admired the Universe, but thought it is out of proportion with man, who appears to be lost in its immensity. Moreover he believed that, as a result of original sin, we have to work out our salvation in a corrupted world. Teilhard, on the other hand, was exceedingly sensitive to the complexity of life, and consequently he saw in man the most beautiful and promising achievement of nature. Whatever may have been Teilhard's ideas on original sin, his attitude to the world conveys the impression that the main duty of a Christian is to co-operate with the Universe. This accounts for the following definition of a saint:

A man who Christianises in himself all that is human of his own time.⁸

In this perspective, as far as a non-theologian can see, God appears to have created man through the Universe and as an integral part of it. Hence the importance and interest of the Universe and of its perplexing 'ontological drift'. It progresses towards God, i.e. to the Supreme Being.

This explains Teilhard's apologetic, which is based upon the history of the World. It is also in line with the fact that, for Teilhard, as we have seen, history is the condition of scientific knowledge, because scientifically nothing exists by itself. Let us now turn to Pascal again.

Having in mind the difficulty of converting to Christianity 'the Libertine', Pascal approached the problem with the same scientific lucidity as Teilhard but with less mysticism. He did not hesitate to say that 'religion is not certain'. He meant that no reasoning, whatever its intrinsic value, could ever compel a reluctant person to believe in God and in Christianity. Having thus acknowledged an unquestionable fact he drew all the logical consequences from it. He did not attempt to prove the existence of God but tried to show the exceptional value of Christianity, both as a means to find what we can find of God and to work out salvation. As a result of that Pascal's apologetic is based upon Revelation and its traditional interpretation.

One can only dream about what would have been Pascal's position if he had had to face the difficulties raised by Evolutionism, which modern theologians have to overcome. Yet one may doubt that he would have taken the side of Teilhard and

⁸ Quoted by Phyllis Konya in 'Comprehensive Study of Teilhard de Chardin, Priest-scientist', *The Southern Cross*, June 9, 1965.

blamed theologians because they refused to accept the dictates of modern science. Pascal had accepted a hidden God.

A more comprehensive and competent survey of Teilhard's work would lead to other comparisons, in particular with Hegel and Bergson. More generally, any detailed assessment of Teilhard's thought leads one to consult various specialists, among whom scientists are not the least important. It is obvious that Teilhard was not an ordinary man and it is not surprising that his work is discussed all over the world today. Now will his influence be lasting and beneficial?

He wanted to pave the way to a better understanding between science and Christianity. However, up to now, it seems to me that he has increased the difficulties of theologians, at least of Catholic ones. From this point of view, he causes one to wonder if the religious crisis called 'Modernism', which culminated at the beginning of the century, has been overcome. However, it is striking that Father Teilhard de Chardin did not lose his Catholic faith, nor refuse to obey his spiritual superiors. Besides, the firmness of his conviction that scientists must, henceforth, consider spiritual life as a phenomenon and no longer as a mere epiphenomenon may perhaps prove fecund. Yet, one may wonder whether Teilhard was wise to link so closely his arguments in favour of the originality and importance of spiritual life to present 'Evolutionism'. Even if it is true that the history of the world is known to us in broad outline, nobody can tell in what new perspective future scientists and thinkers will look at evolution. Is it really another 'dimension' to add to space and time? Will not our present concepts of space and time be considerably modified by the findings of the Adventurers we have started to launch into space?

It is far too soon to know whether Teilhard will ever rank among such geniuses as Descartes and Pascal. But should words of the man who said

the future is more beautiful than any past,
fade from the minds of our descendants, the fact will remain that he was once a fascinating witness of the perplexities of our age.

IN MEMORIAM—T. S. ELIOT

deur P. DU P. GROBLER

Pray for us sinners now and at the hour of our death;
Pray for us now and at the hour of our death.

SO EINDIG die eerste deel van T. S. Eliot se gedig *Ash-Wednesday*; so was miskien ook sy gebed kort voor hy Maandagnag 4 Januarie vanjaar oorlede is. Wat sy laaste woorde, sy laaste gedagtes in werklikheid was, sal ons seker nooit weet nie, maar wat sy woorde was toe hy in volle bewussyn in hierdie wêreld geleef, gedink, geskryf en geskep het, dié staan as 'n monument wat een van die kulturele hoogtepunte van ons eeu is.

Thomas Stearns Eliot, die man wat waarskynlik meer as enigiemand anders sy stempel op die Anglo-Saksiese kultuur van ons tyd afgedruk het, is in 1888 uit 'n vooraanstaande Bostonse familie gebore in St Louis, Missouri, in die Verenigde State. Hy is sonder twyfel die belangrikste literêre figuur wat Amerika tot dusver opgelewer het, en tog is dit vandag moeilik om aan Eliot te dink as 'n Amerikaner. Hy het sy skool- en eerste universitêre opleiding in Amerika ontvang, is 'n M.A. van die universiteit Harvard, maar daarna is hy na die Sorbonne in Parys en uiteindelik na Merton College, Oxford. In die jare twintig het hy 'n genaturaliseerde Britse onderdaan geword en in 1928 oorgegaan na die Anglikaanse Kerk, dié kerk wat vir hom die duidelikste en sterkste die Engelse tradisie op sy beste verteenwoordig.

Reeds gedurende die Eerste Wêreldoorlog was Eliot die *enfant terrible* van die Engelse literatuur. Met sy *Prufrock and other observations* (1917) het hy in die Anglo-Saksiese wêreld 'n klank laat hoor wat totaal anders was as dié waaraan die Engelse oor sedert Milton vertrouwd geraak het. Sy gedig *The Love Song of J. Alfred Prufrock* (let wel: *love song*) begin met hierdie, eers berugte, maar nou beroemde reëls:

Let us go then, you and I,
When the evening is spread out against the sky
Like a patient etherised upon a table;
Let us go, through certain half-deserted streets,
The muttering retreats
Of restless nights in one-night cheap hotels
And sawdust restaurants with oyster-shells:
Streets that follow like a tedious argument
Of insidious intent
To lead you to an overwhelming question. . . .
Oh, do not ask, 'What is it?'
Let us go and make our visit.

Nou moet 'n mens eerlik erken dat Eliot in die Engelse taal darem ten minste een onmiddellike voorganger gehad het wat ook in dié rigting beweeg het en van wie Eliot heelwat geleer het, nl. Ezra Pound, gebore 1885. Kom ons neem een voorbeeld uit Pound se werk:

Like a skein of loose silk blown against a wall
 She walks by the railing of a path
 in Kensington Gardens.
 And she is dying piece-meal
 of a sort of emotional anæmia.

And round about her there is the rabble
 Of the filthy, sturdy, unkillable infants of the very poor.
 They shall inherit the earth.

In her is the end of breeding;
 Her boredom is exquisite and excessive.
 She would like someone to speak to her,
 And is almost afraid that I
 will commit that indiscretion.*

Hiermee bedoel ek nie dat dit juis dié bepaalde gedig is wat Eliot beïnvloed het nie. Intendeel. Maar die skamperheid van toon, die anti-romantiese, die ironiese, is in albei passasies aanwesig. Beide Eliot en Pound het natuurlik ook geleer (soos hulle self erken) van die Franse simboliste, veral Corbière en Laforgue. En hóéveel Pound vir hom beteken het, dit erken Eliot self in een van sy essays, en sy beroemdste gedig, *The Waste Land*, het hierdie opdrag: 'For Ezra Pound, *il miglior fabbro*', 'die beter vakman'. (Nie goeie Afrikaans nie, maar dan in goeie Engels: 'the better craftsman'). Pound het volgens Eliot die ingrypende redaksionele werk verrig deur met die blou potlood die gedig tot sy essensie te reduseer, d.w.s. tot die helfte van wat dit oorspronklik was. Daar-deur het *The Waste Land* 'n groter hegtheid en 'n groter digtheid verkry.

In *The Waste Land* (1922) het Eliot die tegniek van die literêre verwysing geperfekteer en daarmee vir baie latere digters (o.a. Van Wyk Louw en Opperman by ons) 'n voorbeeld gestel waaruit hulle heelwat kon leer. Aan die einde van dié gedig van 433 reëls gee Eliot self in 'n stuk of 50 voetnote vir ons die dinge of werke waarna hy verwys, en dié is byna legio. Daar is verwysings na die Bybel, na Sanskrit, na die Boeddisme, na Shakespeare, Dante, noem maar op. Die probleem by Eliot is dus dat hy oor so 'n geweldige erudisie, so 'n groot talekennis beskik dat hy vir die deursnecler in baie van sy gedigte ontoeganklik is. Maar so gaan dit maar in die poësie. Ons mag ons verbéel dat ons die poësie van die *verlede* volkome kan begryp. Wie van ons begryp die boek *Job* volkome?

Daar is al in Afrikaans beweer: 'Waarom kan ek die Bybel en

*Ezra Pound, *Selected Poems*, Faber and Faber, London, 1943.

Shakespeare begryp en nie die eenvoudigste versies in my eie taal nie?' Hier kan Eliot miskien vir ons dien as korrektief. (Ek haal aan uit die hoof en hoop dis reg.): 'There is some poetry' sê hy, 'which one can understand at a first reading; there is some poetry which one can only understand after repeated readings; there is some poetry which I am not sure I can even yet understand, for instance, Shakespeare's.' Mag hierdie selfopenbaring van Eliot met sy intuitiewe aanvoeling, sy kritiese vermoë en sy ontsaglike erudisie ons tot nederigheid stem wanneer ons oordeel.

Die leser wat miskien nog nie met Eliot se werk in die geheel kennis gemaak het nie, moet egter nie hieruit aflei dat Eliot orals en te alle tye van ons verwag dat ons sy agtergrond en kennis moet hê nie. Die eerste paar reëls in *The Waste Land* is al voldoende bewys dat ons hier met 'n digter van formaat te doen het sonder dat ons hoef te verwys na dié of daardie werk wat hom voorafgegaan het:

April is the cruellest month, breeding
Lilacs out of the dead land, mixing
Memory and desire, stirring
Dull roots with spring rain.
Winter kept us warm, covering
Earth in forgetful snow, feeding
A little life with dried tubers.

Die subtiele gebruik van halfrym in vyf uit die sewe reëls (vyf reëls wat almal jambeer) is niks minder nie as 'n kragtoer: *breeding, mixing, stirring, covering, feeding*. Hulle kry 'n soort inkantatiewe effek wat presies die ding is wat Eliot beoog. En dit is beslis iets wat ons van Eliot kan sê: dat hy op subtiele wyse op ons oor, op al ons sinuïe inwerk, sodat ons kan sê, nog voor ons hom verstaan: hier het ons met poësie van belangrike formaat te maak.

Sy grootste poëtiese prestasie is seker te vind in sy *Four Quartets* wat bestaan uit *Burnt Norton, East Coker, The Dry Salvages* en *Little Gidding*. In die ruimte tot my beskikking is dit egter nie moontlik om op die struktuur en implikasies van hierdie vier magistrale gedigte in te gaan nie. Hulle verteenwoordig m.i. die samevatting van Eliot se denk én voel én beleving van 'n hele leeftyd se poëtiese, kritiese en religieuse ervaring. Want vir Eliot, soos vir Van Wyk Louw by ons, staan die poëtiese ervaring nie los van die kritiese beskouing en die religieuse belewenis nie.

'n Nederlandse kritikus — ek meen dis Vestdijk — het eenmaal gesê dat die vernaamste tema van die moderne poësie die poësie self is, m.a.w. die worsteling met die taal, die woord; die voortdurende stryd om tot suiwer gestaltegewing in die taal te kan kom. Eliot sê bv. in een van die *Four Quartets*, by name in *East Coker*:

Every attempt
Is a wholly new start and a different kind of failure.
Because one has only learnt to get the better of words
For the thing one no longer has to say, or the way in which
One is no longer disposed to say it.

And so each venture
Is a new beginning, a raid on the inarticulate
With shabby equipment always deteriorating
In the general mess of imprecision of feeling,
Undisciplined squads of emotion.*

Hier het ons een van die belangrike temas wat soos 'n silwer draad deur al die vier gedigte loop. Op 'n ander plek vertaal Eliot die beroemde woorde van die Franse digter Mallarmé waarin hy sê dat *dit* die taak van die digter is: 'To purify the dialect of the tribe'. †

In *Four Quartets* het ons m.a.w. 'n voortdurende rekenskap gee van die groot en moeilike taak van die digter. Maar *Four Quartets* is nog veel meer as dit. Die vier gedigte verteenwoordig nie alleen die stralende hoogtepunt van 'n groot en suiwer digterskap nie, hulle verteenwoordig ook een van die hoogtepunte van die moderne poësie. Hier het ons 'n ryk en gevarieerde simboolgebruik, 'n subtiële en ingewikkelde stelsel van verwysings (vorentoe en terug) wat 'n groot kompositoriese vermoë openbaar. Trouens, 'n mens kan sê dat Eliot deur middel van terugkerende simbole en deur kruisverwysings te werk gaan soos die komponis, maar alles realiseer in terme van die taal.

By alle moderniteit, by alle eksperimentering om nuwe ritmes, nuwe moontlikhede van die taal oop te maak, is en bly Eliot in wese tradisionalis. Maar hy gaan terug na 'n ouer tradisie as dié wat ons by sy onmiddellike voorgangers vind: nie die tradisie van Milton wat die Engelse poësie meer as twee eeue oorheers het nie, maar dié van die Middeleeuse digters, die Elizabethane en die sogenaamde 'Metaphysicals'.

As ons bv. 'n reël lees soos:

There's a plumber laying pipes in my guts,

sal ons waarskynlik meen dit kom uit 'n moderne, twintigste-eeuse gedig. In werklikheid staan dit in 'n drama van John Webster wat reeds sowat 350 jaar gelede geskryf is. Dis hierdie soort bewussyn, hierdie soort gevoeligheid waarna Eliot probeer terugryp.

Maar ons moenie vergeet nie: Eliot is ook versdramaturg. Hy het verskeie pogings aangewend voor hy sy vorm gevind het. In *Sweeney Agonistes* het hy geëksperimenteer met jazz-ritmes en in *The Rock* het hy mooi momente bereik in die spreekkoordele. Sy eerste groot sukses is *Murder in the Cathedral* en dit bly tot vandag toe nog Eliot se suiwerste werk op die gebied van die drama. Uit die aard van sy gegewe — die moord op Aartsbiskop Becket deur koning Hendrik II — gryp hierdie drama terug oor Shakespeare heen na die middeleeuse mirakel- en moraliteitspel. Sy liturgiese karakter bepaal in 'n groot mate ook sy versvorm waarvan Eliot self sê: 'What I kept in mind was the versification of *Everyman*. . . an avoidance of too much iambic, some use of alliteration, and

**Four Quartets*, Faber and Faber, 1944.

†*Donner un sens plus pur aux mots de la tribu* (Le Tombeau d'Edgar Poe).

occasional unexpected rhyme, helped to distinguish the versification from that of the nineteenth century.'*

Murder in the Cathedral is 'n boeiende werk met 'n besonder treffende patroon, en die gereëld opvoerings daarvan dwarsdeur die Engelssprekende wêreld getuig van sy vermoë om teatergehoore te boei as drama. Met ander woorde, sy sukses is toe te skrywe aan sy krag as taalkunswerk, as uitbeelding van menslike botsing en handeling en nie bloot en enkel aan sy religieuse boodskap nie.

Maar Eliot het ook gou besef. . . . 'When I put my mind to thinking what sort of play I wanted to do next I realised that in *Murder in the Cathedral* I had not solved any general problem; but that from my point of view the play was a dead end.'†

Wat hy wou probeer vind, is 'n versdialoog wat natuurlik sal klink in die mond van tydgenootlike karakters. Soos hy dit uitdruk in een van die *Four Quartets*, het hy gesoek na :

The common word, exact without vulgarity;
The formal word, precise but not pedantic;
The word neither diffident nor ostentatious;
The whole consort dancing together.

In sy daaropvolgende dramas: *The Family Reunion*, *The Cocktail Party*, *The Confidential Clerk* en *The Elder Statesman* het Eliot daarin geslaag om sy ideaal te bereik, nl. die vind van 'n verspatroon wat nooit opdringerig is as vers nie, maar wat tog, wanneer die situasie dit vereis, meer kan verstrak. Mens is egter meermale geneig om jou af te vra of Eliot nie beter vaar in die onopdringerigheid as in die verstreking nie. Momente soos die volgende :

You none of you understand how old you are
And death will come to you as a mild surprise,
A momentary shudder in a vacant room. —

waarin ons die aksent van die waaragtige poësie herken, is nie baie volop in *The Family Reunion* nie, in *The Cocktail Party* is hulle nog skaarser, om van *The Confidential Clerk* en *The Elder Statesman* nie eens te praat nie. Dit wil nie sê dat die poësie in hierdie latere werke volkome afwesig is nie; daar is mooi passasies wat 'n mens kan aanhaal, maar dít is juis wat Eliot wou probeer vermy, nl. die onderskeiding tussen drama en poësie. In die beste voorbeelde uit die verlede — Aischulos, Sophokles, Shakespeare, Racine — bestaan daar nie so 'n onderskeiding nie. Hulle poësie is drama en hulle drama is poësie. Maar laat ons ook ruitelik erken: in *Murder in the Cathedral* — of hy dit nou as dooie punt beskou het of nie — het Eliot die drama van ons eeu verryk met 'n werk van blywende waarde.

My ruimte is byna vol en ek kan dus nie reg laat geskied aan die groot bydrae wat T. S. Eliot gelewer het op die gebied van die literêre kritiek nie.

**Poetry and Drama*, London, 1951.

†idem.

Maar laat ek dan hiermee volstaan: In drie van sy belangrikste bundels kritiese opstelle, nl. *Selected Essays, The Use of Poetry and the Use of Criticism* en *Of Poets and Poetry* het hy feitlik die hele Engelse poësie (en heelwat van die Franse en Italiaanse) grondig herwaardeer en daarmee 'n taak verrig wat slegs aan die weiniges gegun word. Op dié gebied is sy invloed ontsaglik en hy word dan ook beskou as die vader van die *New Criticism* wat veral in Amerika 'n groot gevolg gehad het en nog het. Op baie plekke slaan die invloed van die psigologisme nog deur en daarteen moet ons waak.

Maar in die geheel het Eliot se toespitsing op die onderhawige teks, sy noukeurige lees, sy groot verwysingsveld en sy ontsaglike erudisie 'n baie belangrike en bevrugterende invloed op die literêre kritiek van ons eeu uitgeoefen.

In sy gedig *The Hollow Men* sê hy:

This is the way the world ends;
Not with a bang but a whimper.

Miskien het hy as ou man van 76 jaar met 'n 'whimper' van hierdie wêreld afskeid geneem, maar oor 'n tydperk van 50 jaar het hy verskillende nuwe geluide gebring waarvan die weerklanke deur baie toekomstige geslagte nog gehoor sal word.

*Puella Matilda constabat,
Quam fluctus marinus turbabat,
In orâ ambulabat,
Haud belle putabat,
Dum redemptor se consociabat.*

ANON.

THE 'LAWS' OF BRITISH POLITICS

CIRCA 1965

by P. B. HARRIS

THERE IS ALWAYS something new in British politics, but it is not always easy to fit all the trends into a sensible pattern. There comes a time when the old pattern must be seen for what it is, namely, a description of an historical situation which has now passed away. Recent developments (July 1965) seem to suggest that it is high time that the realities of British party politics in the mid-'sixties be examined more closely. I propose, therefore, to set down what appear to be guides to the understanding of British politics in 1965 and after. It might make an interesting exercise, I believe, to call these guide-lines 'laws', and then examine the result. The 'laws' might be described as follows:

1. Britain may effectively be called a 'one-party state'.
2. The Conservatives depend for their support upon the working class.
3. Governments are in the hands of non-governmental agencies.
4. The British Constitution is the tool of the party in power.

1. *The One-Party State.*

Britain has long been the home of an apparent two-party parliamentary democracy. One may even trace the emergence of the two-party system to 11th December, 1640, when the House of Commons found itself split into two camps over the proposal to eliminate 'root and branch' the episcopacy from the Church.¹ The Tories and the Whigs, the Conservatives and the Liberals, the Conservatives and the Labour Party, all suggest a dualism as rigid as anything known to Descartes. As recently as 1962, Mr J. P. McIntosh argued that there was a limit to Parliamentary oscillation.

According to McIntosh, the 'pendulum has ceased to swing', by which he meant that one party appeared to have a constant title to power.² The idea of the pendulum is useful because it stresses the point that, for genuine two-party democracy to exist, it must be possible for the alternative party to gain office at some time or other, and not in the too-far future. Unless both parties have the expectation of office at some future date, then the fate of the unsuccessful party will be 'solitary, poor, nasty, brutish and short'. For there to be effective alternative government, it is quite clear that *the pendulum must swing.*

One needs to examine the evidence. The general election of 1952, which removed the Attlee government from office, gave a precarious

victory to the Conservatives. Churchill was returned with a majority of 26 seats, 22 of which were extremely marginal — i.e. held by majorities of less than 1,000. The Labour Party felt that it was only a question of time before it was returned to power, particularly as it had actually polled more votes than had the Conservatives, overall. They were soon to be disillusioned. The Conservatives won not only the next election, but also those of 1955 and 1959 with increased majorities.

This was a remarkable achievement, though perhaps surpassed by the Liberals of the last century, who won three elections in a row in 1832, 1835 and 1837, and four in a row in 1857, 1859, 1865 and 1868. The Conservative Party was in office, it must be remembered, from 1951 to 1964 — a period of thirteen years. If the Conservatives had won the election of 1964 (and the Labour Party's victory was meagre, to put it mildly) then the consequences would have been far-reaching, perhaps even alarming. For it would have appeared that the electoral pendulum had stopped swinging, and that Britain had become, to all intents and purposes, a one-party state. Of its own volition, the electorate would have chosen, seemingly, one-party rule, for a period of eighteen years.

In political terms, thirteen years is a long time. To have any memory, or even any recollection, of an election held thirteen years previously, one has perhaps to be thirty. At this age, many people are married, perhaps bringing up a family, in an entirely Tory Britain, or, if the conditions were reversed, in a Labour Britain. A one-party state is, by definition, a state in which only one party has the opportunity to govern. If the electorate renounces the programme of one of the major parties, in a two-party system, then surely the age of the one-party state has arrived. One must doubt whether it is desirable for the 'other party' that it should be in a permanent condition of defeat.

A clever Prime Minister can, however, use modern techniques in order to ensure that the Opposition is kept in almost permanent opposition. In the first place, he can make use of public opinion polls as a guide to the possibility of defeat or victory. The Queen may then be asked to dissolve Parliament when popularity is at its height, and not when the government is unpopular, according to the polls (though Sir Alec Douglas-Home was not given much leeway at the end of a five-year period of office). Before the coming of the opinion polls, everything depended upon the skill of the politician, and it was easy for the most astute of politicians to make mistakes.

Another calculation which a Prime Minister may use is the economic regulator.³ The economy can be stimulated just before the election in order to give an impression of prosperity. Before the election of 1959, the Conservatives 'gave away' millions of pounds in social benefits, which some people feel may have influenced the electorate.⁴

The total effect of all this is to strengthen the grip of one party alone upon the Constitution. In practice, one party has managed to

hold the reins of office for four-fifths of the twentieth century. Moreover, as we shall presently see, the British people as a whole seem to approve of the near monopoly of power by the Conservatives. Some writers have deplored this tendency, declaring that 'it is a necessary feature of British representative government that the parties should alternate in office'.⁵

One of the most definite assumptions of British party politics is that a 'swing' from one party to another is inevitable. For the nineteenth century, this may have been true; from 1868 to 1914 there was a quite definite trend in this direction. In this century, however, from 1918 to 1964, the Conservatives have won eight elections while the Labour Party has won only two outright — the last being a 'win' only in the most severely technical sense. The pendulum has slowed down to such an extent that it appears to be at a standstill for much of the time. Being in opposition may no longer be merely a convalescence from the cares of government. There is a danger that one might never get out of opposition. To anybody under 35 interested in the politics of his age, the Labour Party may look like a permanent opposition, kept out of power by astute reading of the opinion polls, clever deployment of communication devices, especially television, and the clever use of fiscal policies to catch votes.

2. *The Working Class and the Conservatives.*

For the past 80 years — since the third Reform Bill of 1884 — the working class has had the preponderance of power measured in electoral terms. As Marx said: 'Universal suffrage is the equivalent of political power for the working class of England, where the proletariat forms the large majority of the population. . . .' Universal suffrage has had the strange effect, however, of allowing the Conservatives, alone or in coalition, to rule Britain for three-fourths of the period since 1886.

Since 1886 there have been 13 elections which have produced a House of Commons in which a single party has held a working majority of seats, and, on eleven of these occasions, it has been the Conservatives who have found themselves in power. On only two occasions, in 1906 and 1945, has Parliament been elected with a majority large enough for extensive social legislation, and this in the most heavily industrialised and urbanised electorate in any democracy.

The essential fact to note is that the Conservatives have consistently drawn half, and for long periods more than half, of their electoral support from the working class. There are pertinent reasons for this apparently paradoxical loyalty: in the first place, the Conservatives are a pragmatic party whose instincts are to think of the moment rather than the principles of universal truth, and this suits the British very well on the whole. Secondly, for all the talk of conservatism, the Tories are adept in coming to terms, albeit late in the day, with what Disraeli called 'the condition of the people'.

Thus there has been no wholesale scrapping of the fabric of the 'Welfare State', though no going ahead either.

There are other reasons, however, why the working class supports Tory candidates so consistently, and this phenomenon has been investigated by a survey conducted by R. T. McKenzie and A. Silver.⁸ They investigated working-class opinion in 35 marginal constituencies at the time when the fortunes of the Macmillan government were at their lowest ebb. The survey showed an impressive devotion to Tory (or what might normally be taken to be Tory) principles. Conservative values are indeed British values, in the sense that large numbers of the electorate admire stability, patriotism and traditionalism, rather than the call for social justice, egalitarianism or even revolution. This is not news to foreigners, but, to anyone who remembers the bitterness of the Depression years and the socialist surge of 1945, it is a salutary reminder of the deeper impulses in the national character. In so far as the education of the party leaders is concerned, it is clear that the Conservatives are regarded as having a definite advantage. Englishmen tend to judge other Englishmen according to the place at which they received their education rather than according to the type of education which they received. Hence Eton and Oxford are considered 'superior' to grammar school and Redbrick university, as the survey showed. Many electors simply accept that there is a ruling *class*. Gladstone put it well when he said: 'The love of the English people for their liberties is equalled only by their love for the nobility.' The Conservatives, too, are credited with more 'common sense' than their rivals. On foreign policy, Commonwealth relations, coloured immigration and judicial flogging, the Conservatives are adjudged more 'practical' than their more idealistic counterparts.

One of the questions asked was as follows: 'Which of the following men would make the better Prime Minister and why?' Mr A. was described as 'the son of a banker who had been an M.P., attended Eton and Oxford, was a former officer in the Guards, entered the House of Commons and became the leader of his party'. Mr B. was described as the son of a lorry driver, educated at a grammar school and a British university, joined the army as a private and rose to the rank of captain, entered the House of Commons and became leader of his party'. One-third of the whole sample of persons chosen preferred the Prime Minister of élite social origin, and this group represented the working class in a time of relative Tory unpopularity. The Tories have an undoubted hold over the areas of British society which one might normally consider to be opposed to the doings of the Right. 'Hence, it will no doubt continue to have a considerable advantage over its rivals — especially in times of international crisis — because its own supporters and a surprising number of Labour voters tend to credit the party with innate governmental skills.'⁹

It may not come as a surprise to anybody except the British

people themselves that they are conservative, but it now appears that they are Tory as well. Of course this is poor comfort to the Labour Party, which has been at a loss to attract supporters to its cause. There are several reasons for this: in the first place, Labour administrations have been associated with privation, economic depression and post-war austerity. The Tories have appropriated to themselves a reputation for competent economic management which has provided them with an aura of affluence.

Returning to office in 1951, the Conservatives argued that their task was 'to set the people free'. Yet if Attlee had won the election of 1951 (and, indeed, Labour polled 224,000 more votes than the Conservatives, overall) then he might have gone down in history in the same way as the Scandinavian Social Democrat parties — as the provider of affluence rather than of Crippsian-type austerity. It is interesting to observe that the Danish Social Democratic party used a slogan in its 1960 election similar to that used by Macmillan in 1959 — whereas the latter's slogan was 'You never had it so good', the former employed, in like fashion, the slogan 'Make good times better'.

The Labour Government of 1964 took office in the teeth of an economic blizzard, just as Attlee had faced in the post-war years. It is clear that these conditions do not lend themselves to fiscal experiments. Thus it is no surprise to learn that there is still a large amount of economic inequality in Britain. Recent figures given wide circulation by the B.B.C. in a series of broadcast talks on *Social Inequality in Twentieth-Century England* have shown that one per cent. of the population owns 43 per cent. of the total net capital, while the top 10 per cent. owns 79 per cent. 'This means chiefly that the very rich are still a lot richer by comparison with everybody else than much of the talk since the war about redistribution would lead one to believe.'¹⁰ As for the Welfare State, it appears that it does not benefit those whom it ought to benefit. As Professor Titmus has shown, a man with two children under 15 earning £2,000 per annum receives £97 per annum net from services, while a man earning £400 per annum receives £28. In this unequal society the votes of the workers are not the patrimony of the Labour Party.

One of the remarkable facts about British party politics is the way in which it can absorb attitudes, policies and even personalities. Ramsay MacDonald, it may be remembered, was denounced by middle-class electors as a 'bolshevik', but, of course, he became 'respectable' after a period in power as leader of the National Coalition of the Depression years. He had, in fact, become a 'Conservative', swallowed up by the 'system'. In the 'thirties, it was almost true to say that the Labour Party had, in its parliamentary guise, become swallowed up by the Conservative Party. Gravitation towards the Right appears to be endemic in the British political system even when this appears to be against the workers' interests.

But if Labour moves Right, the Conservatives have moved Left in order to accommodate the shift of the Labour voters.

Nationalisation is rejected by half of the Labour voters (48 per cent.), but denationalisation is rejected by almost the same proportion of the Conservatives (41 per cent.). The fate of the Labour Party might be even worse were it not for the memory of the 'thirties, which inspires many an older voter with suspicion of a party reputedly responsible for the conditions described in *Love on the Dole*.

From all this it might appear reasonable to say the Labour government of 1965 is a permissive and probably temporary phenomenon, while the Conservative Party of the Fourteenth Earl is transformed into the Conservative Party of Edward Heath.

3. Policy-making Outside Parliament.

Parties exist in two forms — parliamentary and extra-parliamentary. In the first sense, one can speak of representative parliamentary democracy operating in conjunction with the party system. In this case, the activities of the party are a function of the decisions of the electorate. In classical terms this involved the interchange of political ideas across the floor of the House of Commons on the lines already presented in outline to the electorate at the time of the general election. The distinction between legal and political sovereignty appeared to take care of the problem of any divergency between the verdict of the electorate and the policy changes of the party.

This is too cosy a solution for the immense problems posed by the demands of the mass electorate and the party. Indeed, as Sir Ernest Barker said: 'Parliament no longer functions as a national forum in which enlightened and independently-minded M.P.s can discuss issues on their merits.'¹¹ The cruel fact is that both parties are greatly influenced by outside 'vested interests'. In one case, the Labour Party is the *alter ego* of the Trade Union movement, while the Conservative Party is by no means averse to accepting the patronage of Commerce and Industry (and the sensitiveness of the latter is revealed by the recent Committee of Privileges case brought against the Chancellor of the Exchequer himself). The Parliamentary Labour Party was defeated by the Conference at Scarborough in 1960 over the issues of unilateralism and nationalisation policy.¹²

The House itself may effectively be side-stepped in the competition to gain concessions and favours, a process already foreseen by Ostrogorski, writing of the 1880s.¹³ The House of Commons is not the arena in which the individual may stand face-to-face with the State. The day of the individual has long since passed. Bagehot himself observed: 'It is class interest and group interest, not individual interest, that normally dominate the politics of a free people.'¹⁴

Groups of persons with 'causes' to promote or interests to protect exert continuing pressure at all levels of government.¹⁵ What is very

significant is that, according to one critic, without interest groups with their special knowledge of particular problems (necessary knowledge to any government), 'our constitution could not effectively operate'.¹⁶

What is certain is that the battle to make decisions takes place outside Parliament. Such a truth was made clear by R. H. S. Crossman when he said, '... the intra-party struggle for power that is fought in the secret committees and in the lobbies, may suddenly flare up round the Cabinet table. But if it does, the proceedings there will have finished long before they begin.' Financial and economic power, power in newspapers, television and the Press, have concentrated enormous power in the hands of people who are 'outsiders' to the Constitution.

It is now commonplace for ministers to be cross-examined on television in a way hardly open to members of the House itself. Television, of course, may mean an audience of 50,000,000 persons and a chance for the minister to become a national hero overnight. Parliamentary debate involves the addressing of a mere 630 committed M.P.s. Macmillan took to answering the door personally after television cameras began covering No. 10 Downing Street. After Mr Heath's election as party leader, the television critic of the London *Sunday Times* (M. Wiggin) wrote: 'If it's a TV personality we want, we've got it.'

What, then, is the function of Parliament in the age of television and pressure groups? According to Sir Kenneth Wheare, it is 'the principal though not the only function of the House to sustain the government'.¹⁷ If this is true, then it leaves much scope to outside influences, whether in the form of the formidable trade union leader or of the equally formidable television interviewer.

Public policy frequently appears to be no more than the 'rubber-stamping of the compromises arising from the push and pull of a swarm of competing groups'.¹⁸ Such a state of affairs is inevitable if one remembers the words of Sir Edward Bridges: 'It is a cardinal feature of British administration that no attempt should be made to formulate a new policy in any matter without the fullest consultation with those who have practical experience in that field, and with those who will be called upon to carry it out.'¹⁹

It would therefore appear inevitable that interest groups, while they may be of assistance to the government, may also be important influences in the making of, as well as assisting in the creation of, policy. The powers of the trade unions are well known, the powers of the other groups have still to be shown to be just as effective in the making and shaping of policy. To mention but a few, research has been undertaken on the British Medical Association, the National Farmers' Union, the National Union of Teachers, the Lord's Day Observance Society, the League Against Cruel Sports, the British Legion, the Federation of British Industries — to name but certain pioneering studies. As time goes by, more information can only serve to show that Parliament is only part of the story.

that the pressure groups and the faceless unidentifiable lobbies, aided and abetted by the newer modes of communication, are creating a new British Constitution, very different from the old.

4. *Manipulation of the Constitution.*

Certain myths have grown up about the Constitution, one of which is the notion that there are certain 'principles' which attach to, or even derive from, the essence of the Constitution. On this reckoning, the 'Whig dogs' still reign supreme. Going even further than this, a reputable historian, J. H. Plumb, has said: 'There can be no convincing Tory history of modern England.'²⁰ It might be more accurate to say that the modern Conservatives have taken over from the Whig grandees.

One of the most famous 'principles' or 'myths' is the so-called doctrine of collective responsibility. According to the authority of Jennings, ministers must accept and then defend (but certainly not attack) Cabinet decisions to which they were privy. One might describe these as binding rules, albeit of a very rough and inexplicit nature. The temptation to describe these rough rules as 'principles' is very great — Jennings himself speaks in one place of 'the principles of collective responsibility'.²¹

In Bagehot's day, collective responsibility meant 'the responsibility of equal colleagues for decisions taken collectively after full, free and secret discussion in which all could participate'.²² Today, decision-making involves many more people either within the Cabinet or outsiders from among those who know what the issues are. This state of affairs is the result of technicalities and complexities inherent in much draft legislation as well as the development of delegation both within the legislature and in the administration. The position has now come about in which the Prime Minister must define what is covered by the rubric of Cabinet responsibility.

Sir Alec Douglas-Home declared, '... it is the Prime Minister who decides what the collective view of the Cabinet is'.²³ A recently expressed authoritative viewpoint is that the notion of collective responsibility is a 'pompous old friend'.²⁴ It is clear that not all ministers are prepared to be bound by the doctrine. In mid-1965, Mr F. Cousins, Minister of Technology, appeared to disagree in public with that part of the Government's policy which appeared to advocate restraint in incomes, while Mr Enoch Powell, lately Minister of Health in the Conservative government, has indicated that he was in frequent disagreement with the proposed economic planning experiments of the Douglas-Home administration. Some people have protested that these two ministers have behaved with improper indifference as regards the *principle* of collective responsibility. Mr Bernard Crick has retorted with the following observation: 'Collective responsibility is not written on the Tablets of the Law, nor is it a Tory stick to beat Labour with; it is a summary of actual political practice: to help explain how Britain is governed.'²⁵ He went on: '... it has never, never meant the total suppression of implied reservation'. Moreover, '... the precise

practice of collective responsibility will vary with the make-up of the political party concerned at any particular time'.

These propositions are at odds with Jennings's view that 'it is the duty of the minister not merely to support the Government but to refrain from making any speech or doing any act which may appear to implicate the Government'.²⁶ It is clear that the old form of the Constitution does not seem to matter either to the more determined party politician or to the newer political scientists.

The latter, it would seem, have cast out even more 'metaphysical lumber' — namely the whole idea of Cabinet government itself. It is significant that, when he came to revise Berriedale Keith's *British Cabinet System*, Mr J. P. McIntosh found that he could not revise the unrevisable. He set about to produce a completely new book whose title was not *Cabinet Government* or *British Cabinet System*, but simply *The British Cabinet* — for there is no *system* — there is only a key institution. He remarked upon the growth of the power of the Prime Minister himself, taking him far beyond the position implied by the old cliché, *primus inter pares*.²⁷ He then went on to argue that the British people are not governed by the Cabinet, but sometimes by the Prime Minister and sometimes not, sometimes by senior ministers and sometimes by senior civil servants. The Cabinet, moreover, 'does not initiate policy, or govern in that sense. . . .' There is thus no power pyramid with the Prime Minister at the top, but there are different levels at which decisions are taken, and the Cabinet is no more than a co-ordinating body and clearing house for business.

The British Prime Minister has become, then, a more powerful version of the President of the United States in the sphere of government. He is, as R. W. Hinton has said, 'an elected monarch', as well as leader of a national party, for though the Queen is royal, she does not govern.²⁸ All this is the result of the manipulation of the Constitution by the party in power, and the process has given us a pantomime of a monarchy, a loosening of the Cabinet structure and an 'over-mighty subject' of a civil service.

We need, then, a fresh look at the 'laws' of British politics, those assumptions which have persisted for so long as constitutional precepts. We require a reappraisal of the old 'laws', those 'laws' of Whigdom which, in spite of having been banished by Namier from the historical picture, still linger on in the everyday world of twentieth-century politics. Smug assumptions about the superiority of the British political system only make the process of re-thinking more difficult. The cardinal 'error' is to suppose that any one party can preserve the Constitution and yet preserve the Party. Neither of the two parties cares a rap about the Constitution. Both parties may claim to hold a delicate balance as between Constitution and Party. No one should take such a claim seriously. Party has swallowed up Constitution, and the 'social laws' of Party have squeezed out the principles of the Constitution.

If Constitution conflicts with Party, so much the worse for the

Constitution. Why, we may ask, are there no positive thoughts in either party about the future of the House of Lords — or even, for that matter, of the House of Commons? Why again are there no positive thoughts about the Welfare State, or Coloured immigration? Neither party will say yea or nay on these subjects. The parties cannot digest these subjects; nor can the Constitution. For party reasons it has been shown that some Englishmen will reject Queen, Commonwealth and Constitution — the Englishmen of Rhodesia. Party dominates Constitution. Our task must therefore be to ensure that we cease thinking about the Constitution on Whiggish lines but rather look at the power problems of party organisation.

NOTES

¹ S. R. Gardiner, *Constitutional Documents of the Puritan Revolution, 1625-1666* (1906), pp. 137-144; Sir Keith Fieling, *A History of the Tory Party, 1640-1714* (1924), p. 13.

² J. P. Mackintosh, *The Cabinet System* (1962), Chapter 15. See also the criticism by W. Pickles, *What of the Political Pendulum Now? — Statist*, 14th June, 1963.

³ Pickles, *op. cit.*

⁴ Mackintosh, *op. cit.*, p. 487.

⁵ R. S. Milne and H. C. MacKenzie, *Marginal Seat* (1955), p. 194; D. E. Butler, *The British General Election of 1955*, p. 164. See also S. E. Finer, *Anonymous Empire*, p. 91 etc.

⁶ Mackintosh, *op. cit.*, p. 484.

⁷ Karl Marx, *The Chartists*, *New York Daily Tribune*, 25th August, 1852.

⁸ R. T. McKenzie and A. Silver, *The Working-class Tories*, *Observer*, 6th September, 1964.

⁹ *Op. cit.*, loc. cit.

¹⁰ W. G. Runciman, *Social Inequality in Twentieth-Century England*, *The Listener*, 22nd July, 1965.

¹¹ Sir Ernest Barker, *Social and Political Theory* (1950), p. 67.

¹² Clause Four of the Labour Party's Constitution says it seeks a society based on the 'common ownership of the means of production, distribution and exchange'. — *Constitution of 1918*, reproduced in *Appendix I*, pp. 140-142, *Labour Annual Conference Report*.

¹³ Ostrogorski, M., *Democracy and the Organisation of Political Parties* (1902).

¹⁴ Bagehot, W., *The English Constitution* (1963 edition by R. H. S. Crossman). See *Introduction*, p. 14.

¹⁵ The literature on British interest groups is enormous. Two useful books on the subject which have good bibliographies are: S. E. Finer, *Anonymous Empire* (1958), and J. D. Stewart, *British Pressure Groups* (1958). A useful work on the political process in Britain is J. Blondel, *Voters, Parties and Leaders* (1963).

¹⁶ S. E. Finer, *The Lobbies*, *Twentieth Century*, October 1957, p. 377.

¹⁷ *The Listener*, 12th March, 1959, p. 442.

¹⁸ Finer, *op. cit.*, p. 374.

¹⁹ Sir Edward Bridges, *Portrait of a Profession*, Rede Lecture, 1952.

²⁰ J. H. Plumb, *Spectator*, 23rd July, 1963.

²¹ Jennings, *Cabinet Government*, pp. 277 et seq.

²² Bagehot, *op. cit.*, p. 53.

²³ Interview in *Observer*, 16th September, 1962.

²⁴ Letter to the *Observer*, 25th July, 1965.

²⁵ *Op. cit.*, loc. cit.

²⁶ Jennings, *op. cit.*, p. 284.

²⁷ Mackintosh, *op. cit.*, p. 395.

²⁸ R. W. Hinton, *The Prime Minister as an Elected Monarch — Parliamentary Affairs*, Vol. XX, No. 3, Summer 1960.

ADMISSION TO HIGHER EDUCATION: QUANTITY OR QUALITY?

by R. G. MacMILLAN

IN THIS DISCUSSION, the term 'higher education' is considered to be synonymous with tertiary education, thus including all formal post-secondary education whether it be university, technological, agricultural, professional, or junior college, in nature. It is realised that such a definition is disturbing to those who have always thought of higher education as university education only.

Throughout the world enrolments in institutions of higher education are increasing rapidly. In 1950 there were 2.28 million students in Europe; by 1959 there were 4.0 million, an increase of 55 per cent. in less than a decade. In North America, the figures were 2.8 million and 3.7 million respectively, an increase of approximately 33½ per cent. for the same period. For the world, the increase was 70 per cent. between 1950 and 1959; by 1970 a further increase of at least 50 per cent. will take place.

These are overall, average figures which vary from country to country. Certainly, in the next ten years the industrial nations can expect increases in enrolments in post-secondary institutions of at least 50 per cent. In most cases the figure will be higher.

In South Africa, the numbers of university students have increased five-fold in the last forty years, but have doubled in the last ten years.

The proportion of any population which can expect to be admitted to a tertiary-level institution has changed considerably. In 1911, one person in every 250 in the United States entered such institutions but today it is 1 in 50; in Canada it is 1 in 143, in New Zealand 1 in 152, in Australia 1 in 199, and in the United Kingdom 1 in 458. In South Africa in 1911 it was 1 in every 1,000, but today it is 1 in less than 100 of the White population.

How have these astonishing changes come about? Many factors have been involved. We all know of the population growth, the spread of science and technology, the explosion of knowledge, the revolution in the rising expectations and aspirations of people today, the development of ideas on democracy and equality of opportunity, the growth of national development, the growing inter-dependence of the nations of the world; all resulting in a demand for more general education and better specialised education.

One of the educational results of these developments has been a revolution in the secondary schools. The old pattern of school was the grammar school, the *lycée* or *Gymnasium*, catering for a highly-

selected, small élite. This was indeed a school preparatory to the university, which controlled the syllabuses, the courses, and the examinations, all of which were and still are academic in approach. The balance between the academic secondary school and the university in respect of numbers and articulation of courses and standards was a very good one.

A new pattern is in the process of developing, however. Compulsory education to 15 or 16 years of age, and even beyond, has increased the rate of entry into the secondary schools. In the United States in 1900, 11 per cent. of an age-group were attending high schools; by 1963, the figure was 90 per cent. In our own country it is estimated that the secondary school population has doubled itself in every decade since the Second World War.

Then, too, the retentive power of the schools has improved. For every 100 White pupils who entered Standard VI in 1928, 17 reached Standard X; by 1959 the equivalent figure was 40 and rising fast.

The secondary school is broadening its purpose and has become an essential part of public policy. *All* children must be educated into the years of adolescence instead of the selected few; all are admitted with the result that different programmes are needed to provide for differences in aptitude and ability. The emphasis has shifted away from a purely academic school to a people's school, providing for all of the educational needs of a heterogeneous cross-section of the youth of a nation.

Examination of the emerging patterns of secondary and tertiary education show that *two* broad patterns of access to secondary and tertiary education appear to be emerging:

(i) Broad access at all levels:

In Japan, the United States, the Union of Socialist Soviet Republics, New Zealand and White South Africa, some 95 per cent. of children complete the primary school and practically all go on to a secondary school. There are usually no examinations before transfer to such schools; there is a trend towards no public, external examinations at the end of the course. Usually a number of courses, streams, etc. are provided.

In the United States, some 70 per cent. of an age-group complete the high school course and 40 per cent. of the total group enter higher education of one kind or another. In the U.S.S.R. the relevant figures are approximately 45 per cent. and 20 per cent. In South Africa, the figures stand at roughly 35 per cent. and 17 per cent. F. Bowles estimates that this broad group will develop, on the average, a 60 per cent. completion of secondary school and a 30 per cent. entry into higher education. An increasing proportion, therefore, is completing university admission requirements.

The major selection for higher education is carried out in these countries at the end of the secondary school course. It is clear that with such a high and increasing proportion of any age-group com-

pleting the secondary school, the provision of suitable institutions at the next level is almost axiomatic; the development being towards increasing diversity of tertiary institutions so as to allow all who complete secondary education to go ahead.

(ii) *Limited access at secondary and higher education levels.*

The primary school stage is similar to that described in (i) above. In France, the United Kingdom and many other countries of Western Europe, the entrance to university-route courses is strictly guarded. On the average, only some 20 to 25 per cent. of an age-group are selected for academic high schools, the selection being done on the results of an examination (e.g. the 11+ examination) or on the grounds, in effect, of birth, social position and so on. The rest of the children enter non-selective schools which do not provide, in theory at least, any university admission courses.

During the academic course elimination is very heavy, about 10 per cent. completing what is usually a six- to seven-year course as compared with a fairly usual five-year course under (i). A high proportion of those who complete the course enter a university as distinct from 'an institution of higher education', but it amounts to only five to eight per cent. of an age-cohort.

It will be seen that the selection for university education is thus carried out at the point of entry to the high school and that the schools themselves, the courses, the teachers and the examinations are all academically oriented, the aim being the achievement of the highest possible academic standards on a long and demanding course.

Who then should go on to higher education?

The developments described under (i) are almost inexorable, the result of powerful social, political and economic forces. If it is hoped to see any evidence of patterns of higher education developing to suit the needs of such societies (patterns based upon the ideal that every human being must be fully educated in terms of his ability and potential, and based, to an extent, upon technological skill) then it is necessary to look closely at the United States, where developments in the field of higher education are in the forefront of contemporary educational endeavour.

Many Americans advocate an 'open-door' policy, i.e. anyone 'who has the qualifications' should be admitted to higher education. The rub, of course, lies in the interpretation of the word 'qualifications'. Others say that 'anyone who can benefit' should be admitted.

On the other hand, a number of prominent Americans have said that education for all is education for none. Professor Bush of Harvard, in an article published by the *New York Times Magazine* in 1955, said that he saw no reason why a flood of students should be allowed to pour into college; why automatic promotion in the schools should qualify anyone for admission. It was estimated, however, that the replies ran some four to one against the sentiments expressed. Indeed, some of the correspondents went to the

extreme of saying that it was 'the worst kind of snobbery' and 'Pittdown philosophy'.

The President's Commission on Higher Education and the Commission on the Financing of Higher Education both took the results of the Army General Classification Test applied to nearly 10 million men and found that there was a rough dividing line below which entrants to college did not succeed. The Commission on the Financing of Higher Education set the line at 115 I.Q. and said that approximately 25 per cent. of the total group are thus qualified for admission to higher education.

The President's Commission on Higher Education stated that nearly 80 per cent. of students admitted to college had I.Q.s of 110 up, but that admission levels should move down the scale as far as 100 I.Q. The Commission estimated that 49 per cent. of an age-group would be able to attend college for two years and that 32 per cent. of the total could obtain a degree. This would mean, of course, that 25 per cent. of the total, or one-half of those admitted, would lie in the I.Q. range of 100-110. Here is where the shoe pinches, however. If 'higher education' caters for the average, can it then be called 'higher' and will such a policy not result, very soon, in mediocre academic standards?

The President's Commission on Education Beyond the High School nevertheless confirmed the previous Commission's recommendations by reporting that at least 50 per cent. of all high school graduates 'could benefit from some type of formal education beyond the high school'. The cautious 'some type of . . . education' is, however, to be noted.

The currents flowing in favour of the removal of all barriers whether they be social, economic or political, to access to higher education are very strong indeed. The standpoint is growing firmer that, although some institutions set their own standards of admission, higher education is an instrument of national policy and should be available at all levels to every qualified person, meaning that at least 50 per cent. of a college-age group should be reached by some kind of 'post-secondary education'.

B. S. Hollinshead points out in a study of college seniors (i.e. third and fourth years) that the average I.Q. was about 116. Most college admissions officers would agree that students with I.Q.s of 110 up stand much better chances of success than those below that figure, although, of course, other factors must influence selection as well. Whatever I.Q. tests measure, says Hollinshead, they *do* predict what the calculated risks are and this knowledge is of great importance to the society concerned.

The American Association of University Professors gives the following breakdown for intelligence quotients for the nation at large:

9%	120 and up	Superior and very superior
16%	111-119	Bright normal
50%	91-110	Average (i.e. 25% 100-110)

How far down the scale of ability is it possible to go? An I.Q. of approximately 115 would appear to be part of the equipment required for successful *university* work.

It seems fairly clear, however, that, in the U.S.A., within the next ten years at most, all high school graduates with an I.Q. of 100 up will be accepted into 'post-secondary school' education and that at least one-half of these students will complete one or two years of study. In fact, it is already the case in California, amongst other states, that *any* high school graduate or any person of 18 years of age or older who is capable of benefiting from the instruction offered is eligible to enrol in a junior college. These developments are already fairly well advanced.

What is happening at institutional level?

(a) Selective grading:

When faced with increasing enrolments, university institutions usually tend to:

- (i) raise admission levels (South Africa has done this);
- (ii) expand in size (South Africa is doing this);
- (iii) encourage new kinds of courses in their own institution; and
- (iv) press for the development of new and different kinds of institutions.

The United States has over 2,000 institutions of higher education (universities, four-year liberal-arts colleges and two-year junior colleges).

The American problem is not one of qualifications for higher education but rather selection and distribution into various institutions. There is a place for every student, but the result is a hierarchy of university institutions in terms of reputation. The top universities select the best students and the rest grade themselves according to their standing. In effect, three levels of higher education are emerging:

1. *Highly selective institutions*, amongst which are some 200 'prestige' colleges (both private and state). Stanford University, for example, accepts one out of five applicants, practically all of whom would be admitted to most universities in the world. The majority of those accepted have I.Q.s of over 130. The University of California takes only the top 12½ per cent. of high school graduates.

Many students in these colleges have completed Advanced Placement work, i.e. they have completed (at school) some of the first-year work of the university. It is quite possible that the freshman year as such may disappear from some of these institutions altogether with consequent and necessary re-moulding of the B.A. and M.A. structures. There is a strong tendency for such colleges/universities to encourage six- to eight-year programmes leading to the Ph.D. as a fairly normal course of study for the great majority admitted. Some may become solely post-graduate institutions, accepting a small number of highly-qualified

freshmen only. Harvard, Princeton, the University of California, Yale, Stanford and the University of Michigan are some of the institutions in this group. Not more than 15 per cent. of applicants gain admission to the highly selective institutions, as a rule.

2. *The great majority of universities and four-year colleges.* Numbers of these are as selective as they are able to be, others not. About 50 per cent. of the students are admitted to the institutions, where a wide range of courses is provided. Many of the state universities 'flunk out' a very large number of freshmen, usually by the end of the first year, sometimes earlier. The 'open door' policy thus becomes a 'revolving door' pattern.

3. *Some four-year colleges and a large number of two-year junior colleges,* taking about one-third of the applicants, many of them academically weak material. The American school programme is 12 years in length, the junior or community colleges providing what is, in essence, a 13th and 14th year of high school education.

There is evident, in the United States, a crystallisation into horizontal levels of higher education. There is also a vertical patterning as well, however, because all of the institutions described offer common courses in a number of fields and subjects in the first two years of study. This makes transfer more feasible.

(b) The Master Plan in California:

This Plan is quoted here as an example of the way in which a state of over 16 million people is handling the problem of quantity and quality in higher education.

The following state institutions have been established:

- (i) The University of California, on a number of campuses, taking only the top 12½ per cent. of high school students. Berkeley and Los Angeles have one-third of the student-body at post-graduate level, many married.
- (ii) A number of State Colleges where the top 33½ per cent. can take a four-year bachelor's degree and a master's degree.
- (iii) A large number of two-year junior colleges where the rest go. A range of courses is taken including first- and second-year university courses and vocational courses. Good students can transfer to (ii) or (i) above. Indeed, an increasing proportion of all third-year students at the University of California are coming from successful junior college graduates.

The thinking behind this Plan is not yet general in the United States, but New York, Michigan and Florida are all attempting to deal with the problem of admissions to higher education at a state level and not in a piecemeal fashion.

How do these developments affect South Africa?

It is possible to say but a brief word in this connection. It is clear that the large and increasing numbers of pupils completing secondary education are part of a developing pattern in keeping

with the social philosophy of the age. Such a view is not always popular in the universities. No attempt should be made, however, to limit this development towards ensuring that all children receive twelve years of schooling in which they are placed in streams or 'sets' which suit their individual capabilities. All people need more education, but it must be suited to their capacities and needs.

Must they all then, having completed Standard X (with matriculation or not), be admitted to university institutions? It is very doubtful whether those below the upper 25 per cent. of the age-cohort can handle university work (if the figure is as high as that). The tendency may develop to provide more courses in the universities especially suited to those who are not so able academically. Any such development should be carefully watched. On the other hand, the raising of the admission levels has brought about a situation in which over 50 per cent. of those pupils who pass Standard X at the School Leaving level cannot be admitted to the university, but can go to a teacher-training college as the only other effective outlet (at present) to tertiary education.

In the first place there is need for a clearer definition of the function of a university, which should not constitute the whole of tertiary education, this being the case, to a marked degree, in South Africa. Talent should be discovered and guided into the channels where it can best thrive. Universities cannot really function properly unless they aim at 'the first-rate in academic excellence'. They should not, therefore, endeavour to construct courses etc. to suit those who are not able to cope with the accepted university academic demands. Democracy should operate only in terms of academic ability wherever it may be found and encouraged.

What then of the rest? They must be given full opportunity of going forward into the fields of study which they can manage. Alternative routes must be created in the field of tertiary education through the medium of general colleges (one or two years after Standard X), agricultural, technical and commercial colleges, all handling courses *beyond* the high school; providing the more advanced training so greatly required today in so many areas of our commercial and industrial world; but not necessarily of the university kind.

Quantity in terms of numbers of students is with us to stay, but quality in respect of academic standards must be maintained at the highest possible level in all institutions. The university is the most important of these because it works constantly at the rockface of human knowledge; expanding, extending and deepening. It is essential that both quantity and quality be provided for if the society which is crystallising is to make the best use of all of its people to the best of their ability and capacity.

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