Naam Name	Adres in kennisgewing vermeld Address mentioned in notice	Artikel ingevolge waarvan kennisgewing uitgereik is Section in terms of which notice was issued	Datum waarop kennisgewing verval Date on which notice expires
Diale, Nelson	Masemoladorp/Village, Nooitgedacht, Nebo	9 (1)	31/5/83
Dwaba, Lungelo Shadrack	Upper Tshabo Lokasie/Location, Mdantsane	9 (1)	31/3/81
Dyani, Malcolm Mbonisi	79 Dangazelestraat/Street, Duncan Village, Oos-Londen/East London	9 (1)	31/12/83
Essop, Mohamed Salim	10 Smallstraat/Street, Roodepoort	9 (1)	31/10/82
Fihla, Nkosinathi Benson	1 Masupastraat/Street, New Brighton, Port Elizabeth	9 (1)	31/1/83
Fuzile, Mxolisi Jackson	F2219, Eenheid/Unit 11, Mdantsane	9 (1)	30/11/82
Gasa, David Siponono	D1187, Umlazi	9 (1)	30/11/81
Gcobo, Matoto Frank	N.U. 2-4518 Mdantsane	9 (1)	30/4/81
Hamilton, Weizman William	913 Albertstraat/Street, Noordgesig, Johannesburg	9 (1)	30/4/81
Isaacs, Sedick	51 Leeuwenstraat/Street, Kaapstad/Cape Town	9 (1)	30/9/79
Ismail, Ebrahim	22 Batterseastraat/Street, Reservoir Hills, Pinetown	9 (1)	28/2/81
Jones, Peter Cyril	80 Musiclaan/Avenue, Macassar, Somerset-Wes/Somerset West	9 (1)	28/2/84
Jordaan, Michael Mathew	11 Molenastraat/Street, Eldorado Park	9 (1)	30/4/83
Kgokong, Mpotseng Jairus	682 Mpelastraat/Street, Dube, Soweto	9 (1)	31/12/83
Kubeka, Sipho Andries	145 11de Laan/11th Avenue, Alexandra	9 (1)	31/10/81
Kubheka, Sibongile Albertina	G923, KwaMashu, Durban	9 (1)	31/3/82
Mabasa, Lybon	4223 Chiawelo, Soweto	9 (1)	30/11/83
Madaka, Mbuyiselo	3821 Njolistraat/Street, Kwazakele, Port Elizabeth	9 (1)	31/12/83
Maharaj, Sathyandranath Ragunanan	Woonstel/Flat 2, Narvani Mansions, 36 Hamagiriweg/Road, Merebank, Durban	9 (1)	31/12/81
Makalima, Matthews Mfengu	Ely, Victoria-Oos/East	5 (1) (e)	30/4/82
Malgas, Ernest	E1, Blok/Block 45, New Brighton, Port Elizabeth	5 (1) (e)	30/4/82
Mandela, Nomzamo Winnie	8115, Orlando, Johannesburg	9 (1)	31/12/81
Mangena, Mosibudi Aaron	Huis/House 2134, Mahwelereng, distrik/District of Mokerong	9 (1)	30/10/83
Manzi, Gladys	J1505, Umlazi	9 (1)	31/3/84
Mapanga, Bekizwe Russel	G627, Umlazi	9 (1)	31/3/84
Maphumulo, Msizeni	Inanda	9 (1)	31/3/84
Maqina, Mzwandile Ebenezer	136 Masangwanastraat/Street, New Brighton, Port Elizabeth	9 (1)	31/3/82
Marie, Baptiste	7 Atomicsentrum/Centre, 275 Sparksweg/Road, Clarelandgoed/Estate, Durban	9 (1)	31/5/82
Matime, Radichaba Kenneth	64 Malopestraat/Street, Atteridgeville, Pretoria	9 (1)	31/5/83
Matshoba, Nikiwe Deborah Felicity	2500 Kagiso, Krugersdorp	9 (1)	30/11/83
Mattera, Donald Francisco	48 Sneeubergstraat-Oos/Street East, Eldoradopark, Johannesburg	9 (1)	31/10/83
Mayekiso, Maxwell	Dwashu, Middledrift	5 (1) (e)	30/4/82
Mayet, Zubeida	14 Northern Place, Lenasia	9 (1)	31/12/83
Mazibuko, Thandisizwe Mphiwa	771 Dube, Soweto	9 (1)	30/11/83
Mbekwa, Ndumiso Albert	Tshabo Lokasie/Location, Mdantsane	9 (1)	31/3/81
Mbilini, Andrew Mzwandile	1 Guzanawoonstelle/Flats, Zwelitsha	9 (1)	31/1/84
Mdleleni, Horatius	458 Mofolo-Suid/South, Soweto	9 (1)	30/11/83
Meer, Fatima	148 Burnwoodweg/Road, Sydenham, Durban	9 (1)	31/7/81
Meer, Rashid	148 Burnwoodweg/Road, Sydenham, Durban	9 (1)	31/12/81
Metshane, Peter Norman	Phokengstat, Bafokeng	9 (1)	30/9/79
Mfethi, Phindile	7049 Motloungseksie/Section, Katlehong, Germiston	9 (1)	31/5/82
Mji, Diliza	1069 13de Laan/13th Avenue, Clermont	9 (1)	30/11/83
Mkhabela, Ishmael	4225 Chiawelo, Soweto	9 (1)	30/11/83
Mkhatshwa, Mangaliso Patrick	Khanyahuis/House, Visagiestraat/Street, Pretoria	9 (1)	30/4/82
Mkunqwana, Monde Collin	NU7-E3169, Mdantsane	9 (1)	31/3/83
Mlinda, Fikile Edgar	481 Ginsberg, King William's Town	9 (1)	31/1/84
Mohapi, Nobuhle Hilary	2998 Gebied/Zone 10, Zwelitsha	9 (1)	31/12/83
Mokoditoa, Madibeng Chris	3011B, Mapetla, Soweto, Johannesburg	9 (1)	31/7/80
Mokoena, Dundubela Aubrey	7652 Orlando-Wes/West, Soweto	9 (1)	30/11/83
Moodley, Mary	117 Tweede Straat/Second Street, Actonville, Benoni	9 (1)	31/3/83
Moonsamy, Kisten	Huis/House 27, Weg/Road 120, Chatsworth	9 (1)	28/2/83
Moremi, Ntsizi Elijah	8338, Gebied/Zone 7, Sebokeng	9 (1)	28/2/83
Moroe, Kgaphu Isaac	Theronville 418, Bethlehem	9 (1)	30/11/83
Motsau, Nkutsoeu Petrus	7155 Phuthaditjhaba, Witsieshoek	9 (1)	30/4/84
Mpumlwana, Malusi Mthanjiswa	2433 Gebied/Zone 9, Zwelitsha	9 (1)	31/12/83
Mpumlwana, Nandisile Flavour	2433 Gebied/Zone 9, Zwelitsha	9 (1)	30/4/82
Mqayisa, Khayalethu Luckyboy	157a Generaal Dundasweg/Road, Zwide 1, Port Elizabeth	9 (1)	30/11/83
Msauli, Vusumzi Attwell	N.U. 4/C7078, Mdantsane	9 (1)	30/4/83
Mthethwa, Alpheus	819 St. Wendolinessendingstasie/Mission, Pinetown	9 (1)	31/10/81
Mtintso, Ethel Tenjiwe	739 Leightonville, King William's Town	9 (1)	31/12/81
Munsamy, Govindsamy (ook bekend as/also known as George Naicker)	4 Falconstraat/Street, Kharstan, Chatsworth	9 (1)	28/2/83
Mvelase, Vusumuzi Vitus	D554, Umlazi	9 (1)	31/1/82
Naidoo, Moorrogiah Danabathy	208 Scala Mansions, 1 Mansfieldweg/Road, Durban	5 (1) (e)	31/5/82
Nanabhai, Shirish, alias Fakir Jasmath	59 Crownweg/Road, Fordsburg, Johannesburg	9 (1)	31/5/80
Nathaniel, Immanuel Gotlieb	125 12de Laan/12th Avenue, Kuisebmond, Walvisbaai/Bay	9 (1)	31/5/82
Nchabeleng, Petrus Mama Gase	Mankwatsane, Apel, Sekhukhune	9 (1)	31/5/83
Ndlovu, Moses	Inadi, Pietermaritzburg	9 (1)	31/10/81
Nduza, Jack Phambukile	Mdantsane	5 (1) (e)	30/4/82
Ngakane, Lucas	582 Moletsane, Soweto	9 (1)	30/4/83
Ngoyi, Lilian Masediba	9870 (b), Orlando-Wes/West II, Johannesburg	9 (1)	31/5/80

VOL. 12 NO. 2

ISSN 0034-0979
MARCH 1980

in this issue . . .

Printed by L. Backhouse, Pietermaritzburg S 880

EDITORIALS

1. BANNING

In this issue we reprint Mr Peter Brown's article on banning written for the SUNDAY TRIBUNE on 9 December 1979. It is impossible to read this article without feelings of intense anger. For ten years the South African Government shut Mr Brown off from the world. Why they take such action, the banned person seldom knows, because the Minister of Justice is not obliged to give any reason for a banning.

However just before the expiry of his second ban of five years, Mr Brown was summoned to meet the Minister who quoted one incident out of the past as a reason why the the ban had been renewed, an incident which, writes Mr Brown, "to the best of my knowledge had never happened."

Then how did the Minister come to believe that it had happened? The answer is that he was told so by the Security Police. The Security Police can get a person banned for no other reason than that they don't like him or her. We have no doubt that many people were banned for no better reason than this. How on earth could one find any other reason for the banning of Heather Morkill, Ken and Jean Hill, Elliott Mngadi, and others?

We can guess why all these people were banned. They were banned because they had an ideal for the future of South Africa that was anathema to the Government, the Broederbond, and the Security Police. They were banned because they opposed any form of racial discrimination, because they believed in associating freely – both socially and politically – with any South African of whatever kind or condition who shared their ideals. Lastly they were banned because they believed profoundly in the rule of law, and that the power to touch the liberty or the property of any person was the function of the Courts and their presiding officers, and could not be assumed by any other body or person.

It was a Parliament controlled by the National Party that gave to the Minister of Justice the power to ban from public life, and to a great extent from any kind of social life, any person whom he deemed "to be furthering the aims of Communism".

It made no difference whatever if the person concerned was anti-Communist or totally unenthusiastic about Communist doctrine. If the Minister thought the person concerned was "furthering the aims of Communism" that

was enough. And what did "furthering the aims of Communism" mean? It meant simply a belief in free association and the rule of law, and a rejection of the doctrines of statutory racial separation. In many cases it meant simply a total rejection of the National Party.

Should the Minister of Justice of any self-respecting country have the power to impose such grave penalties on any person, without recourse to a court of law? The answer is No. There is nothing in the Christian gospel, by which the Government sets such store, which gives any sanction to such a power.

Has any person whatsoever, whether a Minister or anyone else, the moral right to cut off any other person from ordinary human association and intercourse? The answer is No. Such a power is repugnant to all morality.

Mr Brown writes that the practice of banning "has hurt many people and it has hurt South Africa most. I'm not talking about her world image. I'm talking about the fact that it has taken out of active public involvement in our affairs a host of people who, given a chance in the past twenty-five years, might have made a decisive contribution to the cause of peaceful change."

Our Prime Minister has declared himself in favour of a new and better deal for all our people, and has appointed a Commission to examine the security legislation. That is good, but we wish the Commission would work a bit harder and faster.

One thing is essential. The Security Police should be subject to the surveillance of Parliament. General van den Bergh was a law unto himself. He, with the late Dr Verwoerd, and the ex-Prime Minister Mr Vorster, did more damage to the reputation of South Africa, and to the rule of law than any other persons. It is now time for the rule of law to be restored.□

2

SILVERTON

The right response to the horror of the Silverton hostage tragedy is not simply an intensified hunt for urban terrorists. It is, more importantly, an intensified effort to eliminate the causes which drive men to such terrible extremes.

We all know what those causes are.

They stem directly from the fact that the policies under which black South Africans labour are policies composed for them by white South Africans alone. Almost without exception black South Africans reject those policies, either wholly or in part. But they have no real means of changing them.

The Schlebusch Commission, supposedly trying to find a new constitutional framework to keep us all happy, is still an all-white body. Operating from that base what earthly hope has it of producing anything to which most black South Africans could feel any commitment?

Yet, if the threat of growing urban terrorism is to be turned back, it is essential that we should produce soon a constitution and policies to which black South Africans can feel they have a commitment.

Given the record of successive white-controlled governments over more than 300 years this task is one of daunting difficulty. And for the Nationalists the first step may be the most difficult of all – to admit that apartheid, or whatever else you like to call it, has been a total failure in achieving what it was supposed to achieve, the promise of a secure future for Afrikanerdom in Africa. If this admission could only be made, the main psychological obstacle to working out a new plan for the future with representatives of all black opinion would have been removed. And the next difficult step for white South Africa could be taken.

This would be to release from whatever restrictions now confine them all opponents of the Government, so that they could play their part in creating a new order here. Zimbabwe has shown that this can be done, even when it seems too late. It is not yet as late here as it was in Zimbabwe. But it is very late. If urban terrorism is not to grow the process must be started soon of drawing the ANC and the PAC into overt and legal political activity. White South Africa shunned the great capacity for reconciliation which men like Albert Luthuli, Z.K. Matthews and Robert Sobukwe possessed. It cannot afford to go on much longer spurning the talents of Nelson Mandela and others like him. □

3

THE PETER MOLL CASE

Soon after Mr Peter Moll was sentenced to eighteen months detention for refusing to respond to his army call-up on conscientious grounds, a public statement was issued by leading churchmen of several denominations. The concluding paragraph of the statement read:

"We plead with the government at the earliest possible opportunity to regularise the position of conscientious objectors through the provision of alternative non-military forms of national service and in the meantime to exercise in regard to Mr Peter Moll and all other conscientious objectors the humanity and clemency that should be characteristic of a Christian society."

Although it was almost certainly not in response to this appeal the military authorities have shown "humanity and clemency" to the extent that Mr Moll's sentence has been reduced from eighteen months to a year's detention.

There has not, however, been much evidence of either of these qualities in the treatment Mr Moll has received from his employers, the Old Mutual, South Africa's biggest insurance company. They have sacked him. They have also demanded that he repay the R5,500 bursary he received from them, in monthly instalments, commencing in May, when he will still be in detention, and with most of his sentence to run.

Mr Moll was sacked, we understand, because it was said that he had broken a company regulation which says that its employees may not "attract attention to themselves by engaging in high profile religious or political activities."

We are not sure what "high profile religious activities" might be. "Low profile religious activities", we suppose, might be bowing down to Caesar.

Or maybe Mammon. □

4 JUDGES

In two apparently unconnected, and certainly unprecedented, steps, two young Judges have resigned from the South African Bench. But nobody knows why they did it.

It is speculated that they could no longer bring themselves to apply some of the laws they were required to apply; or that they objected to the nature of some recent judicial appointments; or that they could no longer stomach the fact of judicial discretion being circumscribed by certain statutes.

The truth of the matter is that we just don't know what the reasons for their resignations were. Any of the above would, in our view, be good reasons. But to resign for a good reason and not say what it is, seems quite pointless. □

ON BEING BANNED

BY PETER BROWN

Reprinted from the Sunday Tribune (9th December 1979)

My ban was a straight forward one for its day – the contemporary 1964 model. In 1966 it was updated and had certain refinements added to it. These refinements were not designed to make life easier for me. They were designed to make life more difficult.

The main provisions of my order were that I could not attend a gathering, social or otherwise, of more than two people, I had to remember somehow to report to the police station every Monday.

Nobody could quote anything I said. I couldn't write or help anyone else to write anything for publication. I couldn't go on to the premises of any educational institution or newspaper or publishing house or factory or law court.

I was confined to the magisterial district of Pietermaritzburg but within that district I couldn't go into any African, Indian or coloured areas.

INVOLVED

For 10 years this kept me out of Edendale, a place where I had been involved in social work and made a lot of friends. When I went back there 10 years later, I could hardly recognise the place and a whole new generation of people had grown up, who only recognised me, I suspect, as just another "whitey".

This was sad not just for me, but for South Africa. For in Edendale in 1964 there was still a reasonable prospect of building support for a non-racial movement committed to working amongst all races for a shared future here.

In fact, that movement was established and growing. What the prospects would now be for building it again, I no longer know.

The ban brought my work to an end. It was political work and I thought it was important. I still think it was, but it was over and I had to find something else to do.

Other people have of course, been far harder hit in this respect than I was – lawyers who can't go to law courts, lecturers and students who can't go to university, factory workers who can't go to factories.

Some of them go on for years, depending on the support of relatives and friends who help their families to survive.

Banned people are frustrated by Security Police visits which frighten off prospective employers every time it looks as if they might have found a job. Others do work for which neither their qualifications nor talents suit them and are bored to distraction.

In 1964 our children were approaching the point of going to high school. By 1974 they had finished university.

I did not set foot in any of the places they were attending in all those years or go to a single school or university function.

Nor did they have a single party at home during that time. All this, I am sure, raised many difficult questions for them amongst their friends.

In the normal course of events one goes through life picking up new acquaintances along the way, making new friends out of those you really come to like. In this respect 1964 to 1974 reflects a total blank in our lives.

CONTRARY

In those 10 years, we hardly met a single new person and certainly didn't make a single new friend. On the contrary, one's immediate reaction to anyone new who tried to be friendly was that he must be a plant.

Not the most commendable response perhaps but an inevitable off-shoot of the whole banning system. This system also has its effect on people who really are your friends. You lose contact with them.

Obviously you lose contact with other people who are banned as the order forbids communication with them and inevitably these are some of your closest friends.

You lose contact with others because they no longer come to see you. They think if they do, they'll get you into trouble. This is an inhibition which anyone who has banned friends should quickly get rid of. Go and see them.

They need contact with as much of the world around them as they can get and you can help give it – even if you must see them alone. For it is very easy even for someone in partial isolation to get out of tune with the moods of the society which surrounds him.

For instance, during the second part of my ban, the Black Consciousness Movement really began to gain momentum but I had had no experience of it and by the time the ban was over, and it was a new force to be reckoned with in South Africa, I knew hardly anything about it at all.

And again, when I was labouring under the illusion that the ban might end after the first five years, I surreptitiously wrote for publication what I thought was a magnificent article.

In my mind's eye I saw it on the day after my banning expired spread across the leader pages in every newspaper in the country. It wasn't.

The ban was re-imposed and the article probably wouldn't have been published anyway. But when I resurrected that article five years later, to look at it again, it was obvious

that by then it had become totally inappropriate – left behind by the passage of time.

DESIGNED

Banning is designed to hurt and, to a greater or lesser extent according to the nature and circumstances of its victims, it does. The important thing I am sure each one of them would agree is not to show it. But it has hurt many people and it has hurt South Africa most.

I'm not talking about her world image. I'm talking about the fact that it has taken out of active public involvement in our affairs a host of people who, given a chance in the past 25 years might have made a decisive contribution to the cause of peaceful change.

Why were they banned apart from the fact that the Security Police didn't like them, or what they stood for? I don't know.

I don't know in my own case. All I do know was that when I was summoned to meet the Minister of Justice shortly before my second ban expired, the one incident out of my dark past which he quoted as a reason for what I had been subjected to for the previous 10 years was something, which to the best of my knowledge, had never happened. □

US CONGRESSIONAL RECORD JANUARY 13TH 1928
p. 1446

(QUOTED IN NUX FEBRUARY 1973)

"According to the best statistics obtainable, the World War cost 30 000 000 lives and more than $80 000 000 000 in property. In order to give some idea of what it means, just let me illustrate it in the following: With that amount we could have built a £500 house and furnished this house with £200 worth of furniture and placed it on five acres of land worth £20 an acre and given all this to each and every family in the United States of America, Canada, Australia, England, Wales, Ireland, Scotland, France, Belgium, Germany and Russia. After doing this there would have been enough money left to give each city of 200 000 inhabitants and over in all countries named a £1 000 000 library, a £1 000 000 hospital, and a £2 000 000 university. And then out of the balance we would still have had sufficient money to have set aside a sum at 5%interest which would have paid for all time to come a £200 yearly salary to each member of an army of 125 000 teachers, and in addition to this to have paid the same salary to each member of an army of 125 000 nurses. And, after having done all this, we would still have had enough left out of our £80 000 000 000 to buy up all of France and Belgium and everything of value in France and Belgium; farm, home factory, church, railroad, street car – in fact, everything of value in those two countries in 1914. For it must be remembered that the total valuation of France in 1914, according to the French official figures, was £12 500 000 000. In other words, the price which the leaders and statesmen of the entente, including the 'statesmen' of the United States, made the people of the world pay for the victory over Germany, was equal to the value of five countries like France, plus five countries like Belgium."

Total of known dead for all fighting nations .	10 004 771
Total of known wounded	20 297 551
About half those listed as prisoners or missing actually died, adding to the total of the dead another	2 991 800
Perished from Spanish influenza	6 000 000
Armenian, Syrian, Jewish and Greek victims .	4 000 000
Roumanians	800 000
Austrian and Serbian civilians who died of starvation disease and privation	1 000 000
War deaths of Russian civilians in excess of normal	2 000 000
Nearly all Polish children under the age of six are said to have died of starvation. □	

LEST WE FORGET

BY H. SELBY MSIMANG

South Africa would appear just now to have reached the stage where the whole administration of the affairs of the country is in a state of utter ocnfusion engineered since the end of the Anglo-Boer War of 1899—1902 when the conquerors became the vanquished and Great Britain abdicated her role she had assumed of being a protector of aborigines and deliberately relegated the Black races of South Africa to the Colonists to do with them as they pleased. This despicable act on the part of Great Britain was clearly demonstrated when the British Parliament subsequently approved of the South Africa Act of Union which contained not the least effective safeguard for her wards and our common interests.

We recall the duplicity which Great Britain practised on the Zulus at the conclusion of the so-called Zulu War of 1879 when Sir Garnet Wolseley declared publicly in the name of Queen Victoria that "Zululand would remain the territory of the Zulus as long as the sun rises in the East and sets in the West". The sun still rises in the East and still sets in the West, yet Zululand, notwithstanding the KwaZulu concept of today, is not yet Zulu Territory but has become, since the annexation of Zululand to Natal, the territory of the South African Trust, not, for the Zulus, but for the Republic of South Africa.

Further we recall that since the conclusion of the Anglo-Boer War there have been unleashed laws designed deliberately to reduce the whole African black races to virtual slavery. With the Pass laws and numerous other inhibitions, Bantudom became confused, seized with terrific fear and embarrassment. The Colonists wasted no time but proceeded to work for the amalgamation of the four Colonies into one great power in order to better hasten the total enslavement of the blackman. Here again Great Britain confirmed her shameless abdication of her self-assumed role of protection of the aborigines, by ratification of the Constitution of the Union of South Africa without a single amendment or introduciton of a really protective clause covering the black people of this country. . . .

Within a period of less than four years the South African Parliament enacted and passed the Natives Land Act of 1913, in terms of which all the land covering the extent of the Union of South Africa now the Republic of South Africa became the property of the Union Government, except patches here and there designated "Scheduled Native Areas." Parliament was aware that the scheduled Native areas were not adequate enough for the settlement of the black population of that time, and appointed a commission to find land to add to the scheduled areas. Unfortunately the report of that Commission was rejected entirely by the white people of South Africa.

No sooner was the Natives Land Act of 1913 promulgated as the law of the country, than thousands of African families engaged as farm labourers received notices to quit. The time specified in the notices was so short that one soon met almost everywhere families moving about with their children and driving their stock, not knowing where to go. Some foolishly made arrangements with their employers to leave their stock for a few days while they were endeavouring to find new settlements. Most farmers charged grazing fees of about 10c per large beast and 5c per goat or sheep a day. Most of the stock eventually became the property of the farmer as the owner could not raise the grazing fee charged. The majority of these families drifted towards industrial areas for the purpose fo finding work and settlement for their children. Mention should be made that the majority of the families evicted from the farms were people who had been left in charge of the farms whose owners had had to go to industrial areas to raise capital for their development — farmers who had lost all as the result of the Boer War. Those Africans who had made good as the result of the half-share system agreement for the use of the land while the owners were away in industrial areas, invested their money in buying land or joining land syndicates of those who had obtained options to buy before the Act was promulgated. It is, such land which subsequently was declared "black spots". Many of the people now settled at Ezakheni in the Ladysmith District have been removed from lands acquired by syndicates made possible by one of their ancestors having had a written option to buy a farm.

The influx into industrial areas caused by the evictions of farm labourers had led by 1922, to the creation of unauthorised locations in urban areas, that the Government of the day had no option but to make a law for the demolition of these shacks around the towns. It appointed a Commission whose chairman was Col. Stallard who openly declared that he would get rid of every black man out of the towns. And later Verwoerd, when he was Prime Minister, spoke of the destruction of "locations in the sky" — meaning African workers employed as domestic servants, housed in the flats of Johannesburg. It is difficult to gauge the intelligence and mentality of highly educated persons pursuing such a policy as apartheid, naked of reality, fraught with all the elements of self-destruction, with which South Africa is confronted today.

In 1936 the government of the day passed two complementary laws, one taking away the African common-roll vote, the other proposing, as a "final solution" to the African land question, the allocation of 13% of South Africa's total area to its entire African population.

In pursuance of the Acts of 1936, the Government has blindly followed a policy of hate and has refused to recognise its impracticabilities. For some time now, it has been the Government's serious intention to define the boundaries of areas allotted to blacks and other racial groups of the country. It has been close to 3 decades in pursuit of this dream. Yet the Government persists in removing black

communities from their homes. According to a speech by Mr Val Volker, M.P. for Ladysmith, the Government has not yet decided on consolidation but a number of committees of investigation have been appointed. He himself is chairman of one of them and a member of another. There are sub-committees whose reports are expected in the month of May this year. There is of course a central committee whose decision would constitute the final report upon which Parliament may make a decision. What has surprised many black people is that in the meantime, action is being taken to remove a number of communities from their settled homes, all without reason or cause. Some of these communities live on land they have occupied for more than a century, like Matiwaneskop and Jononoskop. Nobody at the moment is sure of the permanency of the land to which these communities are being removed. There might be a repetition of what was the fate of the community removed from Besters in the Klipriver Division to Hobsland in the same Division which was soon claimed to have been land required by the Ladysmith town for the building of a dam. It had in consequence to be removed again and as a result these people lost their freehold rights to the land. They are now where there is still no security of tenure and subject to the authority of two governments South African and KwaZulu which has created in their minds serious confusion, for the other Government does not own the land and therefore its powers are limited. If the KwaZulu Government had some reasonable authority over the communities threatened with removal, I have no doubt, it would request the Republican Government to suspend these removals until it had completed its plans for consolidation and KwaZulu Government would then know the geography of her territory, and itself would decide the destination of communities to be removed and make adequate arrangements for their settlement. It would be KwaZulu's primary concern as to how to meet their economic prospects, and not crowd them together as at Ezakheni where there is no space even for a small fowl run or a small piece of ground for growing ordinary vegetables. □

E.L.T.I.C. REPORTER

Vol. 4 no. 2 November 1979. Box 32298, Braamfontein.
Subscription R2,00 per year (4 issues)

Reviewed by Marie Dyer.

E.L.T.I.C. – English Language Teaching Information Centre – is an institution established by the S.A. English Academy for the benefit of teachers of English as a second language. Its greatest value is probably in the support and encouragement it seeks to provide for English teachers in the (generally) unstimulating environments of understaffed and underequipped Black schools. Its journal, the Eltic Reporter, has gradually been increasing its quality and scope; this latest issue is enterprising, lively, informative, and interesting. Many different kinds of readers would find it interesting and valuable.

It contains three sections: a forum for students' writing and teachers' records of activities – in this issue an imaginative contribution from a school in Bophuthatswana; a section containing practical and inventive suggestions and ideas from experts and experienced teachers for classroom work – ranging here from a chart illustrating the use of "a" and "an", to an account of a trial of Macbeth and Lady Macbeth for murder, held in a classroom court. The third section 'overview' includes general literary and critical articles, conference papers, and reviews of selected books – in this issue (among others) C.O. Gardner's Reality review of Lindiwe by Shimane Solly Mekgoe. □

LESSONS FROM THE RHODESIAN CONFLICT

By Tom Lodge

This article has two purposes. The first intention is to briefly trace out the major developments in the Rhodesian crisis from the break-up of the Central African Federation to the present situation. Secondly, it will be asked if any conclusions can be drawn from the conflict in Rhodesia which have a bearing on future South African developments.

The 1960's began after a decade which had been marked by considerable prosperity in Southern Rhodesia, due in part to the revenues generated from the Northern Rhodesian Copperbelt, as well as piecemeal reforms in the position of urban Africans, reforms which themselves flowed from the requirements of an advancing industrial economy. Such measures included improvements in African wages and urban living conditions, the expansion of educational facilities including the foundation of a multiracial university and the removal of some bars to African advancement in civil service and industrial occupations. Black Rhodesians had also, been granted a limited participation in central political processes with the 1957 Franchise Act and the opening-up of the ruling United Federal Party to African membership. The extent of political reform willingly contemplated by a Rhodesian administration reached its limits in the 1961 constitution which established two parliamentary rolls, in practice twenty per cent of House of Assembly seats being open to African control, and which offered to African politicians the prospect of eventual majority rule though the timetable for this could be decided only by the ruling minority. The reforms did little to meet African economic or political aspirations (the latter being from 1957 channelled through a succession of mass based nationalist parties) and at the same time succeeded in eroding the UFP's support in its white constituency. Alienated in particular by the prospect of African constitutional advance and the possibility of modification and even repeal of the Land Apportionment Act (which assigned just less than half of Rhodesia's land to African occupation and use) electoral support swung to the recently formed Rhodesia Front which in 1962 managed to win a majority of seats in the House of Assembly.

The Rhodesia Front's programme was composed of promises to halt and in some cases reverse the processes of social and political reform which had begun under the aegis of Federation. The Federal structure itself was subject not only to the antagonism of the dominant white Rhodesian political party but was also bitterly opposed by ascending nationalist forces in Northern Rhodesia and Nyasaland and was dissolved at the end of 1963. The Rhodesian Front administration moved swiftly to consolidate their position by increasing the scope of restrictions on African political activity, bringing broadcasting and to a lesser extent the press into conformity with official policy and enlarging the sphere of formal segregatory measures. Negotiations for independence with the British Government foundered on the conditions laid down by the British Secretary of State, popularly known as the 'Five Principles': (1) unimpeded progress to majority rule; (2) guarantees against retrogressive constitutional changes; (3) immediate improvements in the political position of Africans; (4) progress towards the elimination of racial discrimination; (5) majority acceptance within Rhodesia of independence terms. Discussion led to deadlock, and the Rhodesian Prime Minister Ian Smith, encouraged by the overwhelming electoral support he had received from whites in the July 1965 election as well as a referendum in November, declared Rhodesia to be independent. Initial British response was to disavow the possibility of employing force to quash the rebellion and set in motion a programme of economic sanctions which from the British point of view, were at best ineffectual, and at worst actually contributed to Rhodesian economic resilience in the first decade of UDI.

British reluctance to act decisively against the illegal regime was publicly manifest in the various sets of negotiations that progressed in the first years of UDI, as well as at a more discreet level in the extraordinary official tolerance of oil company sanction-breaking. For example, the 1966 negotiations on H M S Tiger had they been acceptable, would have left the agreed changes in African political status within the control of an 'interim government' in which the Rhodesian Front would predominate. In effect the Front would still have absolute control over such matters as release of detainees and limitations to African political activity. None of the conditions laid down by the Labour administration would have neccessitated anything more than very gradual improvements in the social, economic and political status of Africans. However Ian Smith was not prepared to accept on behalf of his colleagues the prospect of any immediate constitutional modifications or any review of such matters as land allocation (provisions for which were to be altered in the 1969 Land Tenure Act to the benefit of European farmers). The talks eventually broke down over the less vital issue of the incumbent administration's 'legality'. In the 'Fearless' talks of 1968 the Smith administration continued to display its lack of real motivation to come to a settlement in the face of concessions by the British which would have granted African nationalists the shadowy prospect of

majority rule at the turn of the century. Once again the talks foundered on relatively trivial issues while domestically Ian Smith was confronted with a plaintive but feebly orchestrated chorus of criticism from that group most adversely affected by mandatory sanctions: the Rhodesian business and financial establishment. As far as the rest of the white population was concerned illegality had done little to interfere with their economic security and had reduced the seeming threat posed by the previously well organised and popular nationalist movement that had emerged in the late 1950's. After the banning of the two mainstream movements in 1964, those of their leaders who had managed to evade imprisonment had retreated to Lusaka to plan guerilla offensives which despite the deaths of some brave men in 1967 and 1968 had done little to shake Rhodesian military complacency.

The ineptitude and timidity of Labour's Rhodesian policy was to be matched and even exceeded by their Conservative successors, who undaunted by the passing of a new republican constitution which removed even the theoretical possibilities of African political advancement contained in the 1961 constitution, opened fresh negotiations with Salisbury. The subsequent Pearce Commission, which set out in 1972 to test the public acceptability of a most ludicrous set of arrangements promising neither to modify existing discriminatory legislation nor to prevent future constitutional alterations to the disadvantage of Africans, found the Anglo-Rhodesian settlement proposals were almost unanimously disliked by Africans. As African approval of any settlement was the only principle that the British had retained from its pre-UDI stand the settlement initiative was abandoned. Nevertheless the futile exercise did have two important results. First it provoked the creation of a new political organisation within the country, the African National Council, originally founded to channel African hostility to the settlement proposals. Secondly, Commonwealth and especially African antagonism to the British initiative served to give fresh impetus to the guerilla offensive with the opening of a new front in North East Rhodesia in 1972 by forces loyal to the Zimbabwe African National Union. From this point onwards the war was to become the single most powerful factor influencing the course of any future efforts towards a settlement. Future negotiations would no longer merely involve the rebel administration and the colonial power; the realities of the situation demanded the participation of African political leaders.

This became clear in 1974. The escalation of the war in the previous year had led to a crisis in already tense Zambian-Rhodesian relations and the closure of the border. A rise in military expenditure coincided with a fall in foreign exchange earnings previously derived from Zambian copper exports through Rhodesia. Conscription was beginning to cut into manpower resources and the war itself lessened the attractions of Rhodesia to prospective immigrants. Most crucial of all the fall of the Caetano dictatorship in Lisbon and the intention of the new army administration, in the face of military setbacks in Mozambique and Guinea Bissau, to embark on the swift decolonisation of Portugal's empire provoked South Africa into a fresh set of foreign policy initiatives in her regional hinterland. These were to include pressure on the Rhodesian administration to come to some form of settlement so as to avoid military escalation and internationalisation of the conflict which ultimately would threaten South Africa's security. The first symptom of this pressure was the release from detention camps of men who had dominated the African political scene in the early 1960's before a decade of enforced inactivity. Old political rivalries introduced a complicating factor into the affairs of the external liberation movements which helped to bedevil the co-ordination of their military efforts from then onwards. Nevertheless, with the accession to power in Mozambique of the FRELIMO movement, itself in informal alliance with ZANU, the guerilla struggle received a tremendous boost both in terms of the facilities Mozambique could offer, including training, base camps, and access to excellent guerilla territory, and in terms of recruitment: in 1975 20 000 young blacks crossed the border into Mozambique.

Under first South African and later American pressure a new series of talks began, this time the decisive exchanges being between Rhodesian leaders and African politicians. These included the initial meeting in August 1975 above the Victoria Falls in a railway carriage between Ian Smith and Joshua Nkomo, Abel Muzorewa, Ndabaningi Sitholi and James Chikerema, some rather undignified proceedings the following year between Smith and Nkomo who at that point lacked a power base and finally the round table conference at Geneva. By this stage the Rhodesian administration was willing to concede the issue of majority rule but this would be subject to provisions in a package devised by U S Secretary of State Henry Kissinger which left many of the principle organs of state power effectively under white control. Ian Smith and his advisors insisted that the Kissinger package was non-negotiable, a position that no African leader could endorse particularly after the emergence of ZIPA, a military 'third force' which rejected the traditional Zimbabwean leadership and made it clear that the military could be brought into any settlement only on terms of its own choosing. It was this force which eventually aligned itself with a restructured Zimbabwe African National Union command led in Mozambique by Robert Mugabe. From October 1976 Mugabe was to co-ordinate ZANU's diplomatic efforts with Joshua Nkomo's ZAPU which was building its own army on Zambian territory. This alliance, which never became fully effective at the military level, was christened the Patriotic Front.

The collapse of the Geneva talks was followed by a massive expansion in military operations – as many people were to die in 1977 as a result of the war as the total number of war casualties up to that date. The regional scope of the war also considerably expanded as the Rhodesian army embarked on a series of attacks (initially tried out in 1976) on base camps and refugee centres in neighbouring territories. Encouraged by the apparent success of such efforts the Rhodesian administration opened negotiations with those internal leaders who in the various nationalist leadership reshuffles had been left without the support of a guerilla force. These included such veterans as Sithole and Chikerema as well as Bishop Muzorewa who was able to compensate for his lack of political acumen by retaining the leadership of the umbrella organisation which had emerged during the Pearce Commission, the African National Council. These men agreed to participate in a settlement which largely reflected the terms of the Kissinger proposals rejected the previous year. By March 1978 a transitional government had been established to supervise preparations for an election under the terms of a constitution which alloted to whites 28 out of 100 House of Assembly seats (giving white members of parliament an effective veto to constitutional alterations), guaranteeing a third of the cabinet posts to white politicians and removing the civil service, police, army and judiciary from political intervention. This latter clause rendered these institutions immune from 'Africanisation' measures.

In both their military and their political strategy, Smith and his colleagues were hoping that diplomatic and strategic internationalisation of the conflict would eventually provoke

United States intervention on the side of an administration which met some of the criteria of a majoritarian settlement and to prevent the accession of a Soviet-aligned movement. This proved to be a miscalculation. Despite the Patriotic Front's inability to persuade through one means or another more people to boycott the April 1979 elections than the internal settlers were to inspire or coerce to participate, it was by the second half of that year increasingly obvious that the Patriotic Front was on the ascendent in most rural areas, that the newly elected British Conservative government was less willing to assist the new administration than pre-electoral statements had hinted, and that Rhodesia no longer had the economic resources to continue to support the massive military expenditure the war required. Muzorewa's post-settlement administration could do little to meet aroused African expectations and had little prospect of being able to do so while the war lasted. As far as the internal settlers were concerned the only saving grace in an increasingly untenable situation was that the Patriotic Front was under pressure to come once again to the negotiating table from their hosts in Zambia and Mozambique, both of whom were finding the guerilla presence economically and socially disruptive. The environment was receptive for a fresh diplomatic initiative from the British. More as a result of the support the British received from African statesmen rather than any subtlety on their part they were able to arrive at a settlement formula. This while not altogether satisfactory did meet some of the demands of Patriotic Front leaders, in particular that their army units should be allowed to remain operationally intact within Rhodesia's borders, though immobilised and monitored in special centres while all parties prepared for a fresh election. The new contitution would grant to the elected government powers of appointment and dismissal over the judiciary, civil service and army, would reserve 20 per cent of House of Assembly seats for the representation of the minority (a provision which for seven years could only be altered through a unanimous vote), and a ten year guarantee on payment of civil service pensions and nationalisation compensation. The successor regime is likely to encounter two sets of problems, the one due to the difficulty political groups will have in obtaining absolute electoral majorities, the other being financial, arising from the competing demands of overgenerous pensions and compensation on the one hand and the need for massive social expenditure on the other.

Are there any lessons that can be drawn from this history that have any relevance to South Africans?

Obviously it would be facile to draw direct parallels, South Africa is a larger and considerably more complex country and the alignment and balance of forces is rather different, but nevertheless some conclusions can be made about the Rhodesian affair which have a wider significance.

It is often said that if only Smith or his predecessors had made concessions earlier they would have been able to avert considerable bloodshed and retained better long term prospects for the white minority than they have today. There is some substance to this view: the terms offered by the British in 1966 and 1968 would have involved little immediate alteration in the status quo and an extremely gradual transfer of power from white to black hands. Ultimately however, the argument is facile. There was no compelling reason for Smith or his colleagues to accept even the very limited modifications the British were demanding: the guerilla threat was totally insignificant and sanctions had no really damaging economic impact. The white electorate had already in 1962 demonstrated the extent of its intolerance of even token reform and there was nothing to suggest it was more amenable four or six years later. Moreover, if the Rhodesians had accepted the terms on offer nothing would have been done to remedy the basic sources of conflict: gross social inequality and the unwillingness of the regime to take any measures that might serve to legitimise its authority with the black majority. In short, the behaviour of the Rhodesian Front in the 1960s negotiations reflected the perceived immediate interests of its constituency. Even if the administration had been prepared to ignore short term considerations and implement a few reforms (something very few governments ever do without considerable pressure from below) for the sake of international respectability, the structural causes of conflict would remain. For liberal South Africans the conclusion is not particularly comforting: a government which derives some of its authority from a popular constituency (albeit a racially defined one) doesn't have much freedom of manoeuvre to do more than tamper with the structure whose overall configuration suits that constituency very nicely.

The next point arising from the above narrative is less negative though hardly more reassuring. A favourite theme of Rhodesian propaganda was that the country was an enclave of western values and civilisation. Implicit in this was the belief that one day this would be recognised by the West proper which would perceive that in the Rhodesian debacle something both materially and morally precious too valuable to lose was at stake. As we have seen this kind of reasoning underlay Rhodesian illusions that America would eventually intervene to prop up the internal settlement. At its most exalted level it is difficult to see how Rhodesians could have justified such an argument: even by Western standards the way white Rhodesians treat their black fellow countrymen seems pretty uncivilised. But in a more basic sense, the argument is a variation on an assumption that is widely held even among people who have no illusions about the extent of social justice in their country: that Southern Africa is an area of vital importance to Western economic and strategic interests. Even if this was the case it does not flow from this that a revolutionary movement of the calibre of the ZANU wing of the Patriotic Front would necessarily jeopardise such interests. But leaving this question aside it is highly debatable whether Southern Africa is as important to the West as its white inhabitants believe. Weighed up against the importance of oil supplies and third world trade with the West, both of which are likely to become bargaining counters, South Africa's minerals in the long term will probably decrease in relative significance. Radicals, liberals and reactionaries in South Africa can all look forward to increased international isolation.

Another observation about the Rhodesian conflict which seems relevant to South African onlookers is that the war has had an especially dehumanising effect on its participants and the particular features of a racist settler society should lead one to expect this. Whatever the differences, both the South African and Rhodesian social formations tend to promote a communal ethnic consciousness as opposed to one, say, based on class considerations (though it can be argued that these are not imcompatible with each other). There are immense disparities in wealth and these are made all the more blatently obvious by the vulgarly ostentatious lifestyle both white minorities adopt. There are considerable differences in values between the settler and the host population in both countries and no attempt is made in either to create a common overiding culture. So when the lines of confrontation are drawn it is to be expected that no fine distinc-

tions will be drawn between official agents of authority or the insurgents and the more 'neutral' civilian population. The Rhodesian experience bears this out. Here an important share of the casualties were the so-called civilian 'collaborators' with the guerillas – that is just about anybody in rural areas who broke curfew regulations. Similarly, the guerillas perceived white farmers and their families as a perfectly valid target for attack – for without their presence in remote rural areas the Rhodesian intelligence system would have collapsed and in any case their situation was symbolic of one of the most fundamental causes of conflict: the inequitable and economically irrational distribution of land. But one should go further than this to understand the particularly atrocious quality of violence in the Rhodesian conflict. Both sides would include men in their ranks who came from the most desperately placed elements in the population: people from a culturally broken and economically distorted rural environment and recruits from an urban lumpen-proletariat brutalised by a system that denied them a humane identity. The tempo of violence and counterviolence assisted in brutalising others – one need look no further than the lyrics of certain Rhodesian pop-songs and the ghastly slang that has evolved in war-time settler society. One can expect much the same behaviour in the context of a future South African conflict. Terrorism shorn of its perorative connotations is simply a strategy: the inspiration or coercion of support for a revolutionary movement through a set of tactics which would include political assasination, symbolic acts of violence against members of an identifiable class or community, and acts of intimidation within the revolutionary movement's direct constituency to prevent treachery or collaboration with the authorities. Terrorism is sometimes carried out concurrently with a guerilla strategy (low intensity military operations co-ordinated with a programme of social reorganisation) and is sometimes rejected altogether by revolutionary movements. It is often important in revolutionary conflicts in industrial societies or in those where the scope for organisation is very limited, where the insurgents are not operating in an environment which allows them to set up a logistical network or any kind of administration, and where the combatants are unevenly matched in terms of the manpower and technology at their disposal. As a strategy it is often very effective in undermining the power of authority but presents tremendous problems for the process of post-revolutionary social reconstruction. Perhaps for this reason revolutionary South African movements have been relatively slow in adopting elements of a terrorist strategy. But inevitably the qualitotive and quantitotive nature of violence will increase. Nothing in the South African government's reform programme matches even the timid concessions of the Rhodesian Federal government – and these did not go very far towards meeting rising African expectations.

The final lesson is one that is perhaps a little more heartening to readers of journals like Reality. And that is there is some value in the dissemination of information and opinion at odds with the prevalent myths and assumptions of an enclave society. The Rhodesian example shows this by default. Compared even to the politically philistine and culturally trivial South African press the Rhodesian media are awful. Dissent amongst settlers in Rhodesia has rarely taken an organised form – nothing comparable to the various associations and institutions that have existed in South Africa. Ignorance about conditions elsewhere in Africa reaches incredible heights in Rhodesian settler society. All this has contributed to the air of unreality that has conditioned political decision-making in Rhodesian circles. Illusions and fear fostered by ignorance, arrogance and complacency have in one way or another been responsible for the loss of thousands of lives. Some of those lives might have been saved if doubts had been allowed a more widespread circulation.

These are some of the lessons of the Rhodesian conflict. Such are the similarities between Rhodesian and South African society that it is unlikely these will be the conclusions drawn by those who have the power to influence the course of events in this country. □

SUBSCRIPTIONS:
Send to: Reality, P.O. Box 1104, Pietermaritzburg 3200, R.S.A.

RATES (6 issues—published every two months)

ORDINARY SUBSCRIBERS	DONOR SUBSCRIBERS
S.A. R2,00 p.a.	S.A. R10,00 p.a.
U.K. £1,25 p.a.	U.K. £5,00 p.a.
U.S.A. $3,00 p.a.	U.S.A. $15,00 p.a.

CHURCH OF THE PROVINCE

OF SOUTH AFRICA

Provincial Synod 1979

by Ron Nicolson

It is impossible, in this critical period of South African history, for the Church to meet without having one eye turned towards the events and circumstances of our time. God will not allow us to remain blinkered. It is impossible for significant numbers of black and white Christians to engage each other in debate without becoming aware of enormous differences in perspective and attitude towards these events and circumstances.

So in a Synod with an Agenda paper filled largely with legislation about Church administration, even such apparently exclusively ecclesiastical issues as the role of the Archbishop had, as one reason for a proposed clarification of his role, the need for him to speak in the Church's name on socio-political issues. A proposed form for admitting Church wardens to office had them promising to witness against exploitation and racial discrimination, and a proposed new Canon on Church Discipline made "support of unjust discrimination" an offence liable to lead to excommunication.

None of these particular proposals were eventually passed at the meeting of the Church of the Province of South Africa's Provincial Synod in Grahamstown in early December. Synod soon set its face against what some critics called trying to enshrine prophecy and preaching in law. But at almost no stage in any debate could South Africa's agony be forgotten.

If any delegates had hoped for a non politically-oriented Synod, these hopes were dispelled right at the start with the arrival of the Revd. David Russell, parish priest in Crossroads, who had been duly elected as one of the clergy representatives of the Diocese of Cape Town. A warm-hearted, pastoral, caring, if sometimes perhaps disingenuous person, seemingly untouched by bitterness at his treatment over the years by government and police authorities, his presence at the Synod posed immediate legal problems, forced Synod into something of a confrontation with unjust laws, and focussed the attention of the national Press as never before in recent years on the Synod proceedings.

As a banned person, Fr Russell was not allowed to leave his own magisterial district, nor to attend large meetings or at least the meals and social gatherings attached to such meetings. Any motion of his on the agenda paper, or any quotation of amendments proposed by him recorded in the minutes, could be construed as breaking the law by which banned persons may not be quoted. By accepting him at the Synod– which was never for a moment in question – the assembly committed itself to something of a confrontation course.

Newspaper reporters hoped for dramatic scenes. One reporter, it was rumoured, hid for two nights in the bushes around the residence hoping to photograph the police arriving to arrest Fr Russell. In fact, despite continual and provocative press enquiries to local and national police headquarters, the police did nothing until Fr Russell returned to Cape Town, where he was duly charged with contravening his banning order.

Awareness of the possibility of police surveillance spilled over into the debate on a motion declaring it "inappropriate and undesirable that a member of the Security Police should hold any office in the Church of the Province of South Africa." The motion was amended, and in its final form only asked officers and informers of the Security Police to "consider their witness before Our Lord Jesus Christ". There were inconsistencies in the debate. It seemed for instance illogical to focus only on Security Police without equally condemning and excluding from office members of, or even supporters of, the political party and government which gave the Security Police their role. It seemed even more illogical, in a Synod which included representatives from Lesotho and Transkei, to focus only on South African Security Police. These inconsistencies were probably why the motion was amended. But the debate engendered so much fear and hostility that visiting clergy dressed in secular clothes and sitting in the public gallery were assumed to be Security Police in disguise. In the evening session of the same day two dominees who came to sit quietly at the back as a gesture of ecumenical friendship were in veiled terms accused to their faces of being policemen, and soon left in embarrassment.

The presence of press reporters was perhaps a mixed blessing. It says something for the Church's role in South Africa that they were there at all. There are not many countries where the national press would send journalists to cover a Church Synod. Publicity is welcome, and no-one would want Synod to meet in secret. The reporters present reported what they heard accurately. But inevitably newspapers must

be selective and summary in what they report, which can lead to oversimplification and misrepresentation. This became particularly relevant in the debate over the obtaining of permits for Church meetings.

Although in recent years permits have been fairly readily granted for Church meetings of different race groups to take place, there is a strong body of opinion in the Church which says that to even ask for permission is to concede to the State the right to determine whether Christians of different races may meet for worship, fellowship and the ordering of the Church's life.

The original motion called on the Church to refuse to apply for permits. Perhaps the originators of the motion had not looked carefully enough at their wording. Subsequent debate and amendments considerably changed the motion. In its final form, the motion called on Church authorities, only in cases where they deemed it "theologically inappropriate" to apply for permits, to first seek to negotiate with the government authorities to persuade them to withdraw the requirement for permits; and only if such negotiations were unsuccesful, to consider whether it would not then be best to refuse to apply for permits.

In its final form the motion was thus hardly a confrontative one. The amended motion passed just before mid-morning tea. In the few minutes before the Synod rose for its break, the Archbishop made an off-the-cuff statement to the effect that he hoped we realized that this motion would seriously undermine and endanger the institutional life of the Church. He himself neither feared nor regretted this, but he wished us to be clear about what were the implications of the decision we had taken.

His remarks seemed to many delegates to be hardly applicable to the amended wording, and Synod members went to tea in a buzz of confusion and uncertainty as to what he meant. It was soon forgotten as the next debate began.

There is little time at Synod to read, listen to the radio or watch television. Few members of Synod were at first aware, therefore, that the Archbishop's remarks had caught the attention of press and television news to an extraordinary degree. In the summarized news snippets, the context of his remarks was lost and distorted. It was only some days later, after considerable national coverage and debate, that the Archbishop issued a second, more clearly thought out statement. In his second statement he reiterated his view that if the church were now to refuse to apply for permits, its right to hold title deeds to properties, its ability to function as a large institution within society, its right to meet in peace under the protection of the law, would be threatened. He said again that he was personally unafraid of this, and that if the 'institutional' church were to grow less, God's Spirit might help the Church as a spiritual entity to grow more.

These were brave words, and true – but to me at least they still bore little relationship to the actual declarations made in the carefully and cautiously worded final motion!

In the course of all these debates tension between black and white delegates grew. This is not to pretend that there was ever a single view held by all whites or all blacks. Black differences of opinion became clear, for example, in the decision to regard 'customary union' as having much the same status in the Church's eyes as a marriage in the Magistrate's Court, i.e. to be a valid if less than desirable form of marriage if both parties were or subsequently, became, baptised, so that those who had been thus united did not need, after baptism to be remarried in Church. Some black women delegates feared that this endorsed unfair male privileges enshrined in the rules for customary union.

In the growing tension there was a beautiful moment when after a long and difficult debate it was agreed to allow the Order of Ethiopia, an African evangelistic "church within the church" which employs its own priests and orders its own congregations, the right to have their own bishop. The aged Canon Hopa, Provincial of the Order, came to embrace the Archbishop. With tears running down his face, he spontaneously knelt to kiss the Archbishop's ring and to receive his blessing, and then rose to ask delegates to share with him in a hymn of joy and hope.

Human moments like these were precious and necessary, for Synod had begun to debate two opposed motions on the deeply divisive issues of the World Council of Churches' Programme to Combat Racism, "terrorist" activity, and conscientious objection. Both motions acknowledged some injustice in the present South African situation, both motions stopped short of endorsing all the actions of the Programme to Combat Racism. But one motion reflected the view of what was clearly the majority of black delegates – that the W.C.C. were justified and to be commended in making financial grants to the patriotic Front and Swapo; the other roundly condemned the grants and called for the Church of the Province of South Africa to terminate its membership of the W.C.C.

White delegates did not necessarily support the second motion, but were in the main anxious that both motions be dropped and sleeping dogs allowed to stay sleeping. Initially this group had their way. Discussion on both motions was suspended as Synod agreed, by a slender majority, to "proceed to the next business", without voting on either motion.

Many whites felt that this was the most responsible course of action. Membership of the W.C.C. would be maintained, but the Church would have avoided either supporting or attacking the W.C.C.'s actions. We were reminded of the fierce and fearfilled hatred which many white parishioners felt about the W.C.C., and urged to avoid any course of action which would drive either them or blacks who felt quite differently, out of the Church. It would be best to let sleeping dogs lie.

Many blacks felt angry, hurt and disillusioned at what they saw as a white procedural ruse to avoid hearing uncomfortable things. In the face of this discontent, both motions were revived.

It was at this stage that God showed His sense of humour. The W.C.C. motions now went to the end of the agenda, and were only rediscussed on the final Saturday afternoon. Synod was due to end on Sunday morning. In the reopened debate, deadlock immediately ensued, and feelings ran as high as ever.

Before Synod had even started, there had been controversy over the right of Bishop Desmond Tutu, Secretary General of the S.A. Council of Churches, to attend. The Diocese of Johannesburg had wished to elect him as one of their clergy representatives. But, in one of those cases where the law appears to be an ass, it appeared that as a "retired bishop" he was ineligible. The Archbishop of Cape Town had understandably refused to set a precedent by inviting him to attend or even address Synod as an unelected individual, but had agreed that he should be invited to address Synod on the last Saturday night when the debates would all be over and no one could be unduly influenced by anything he said.

In the changed circumstances, Bishop Tutu arrived to give his scheduled speech right in the middle of the most controversial debate of the whole Synod. He rose splendidly to the occasion, urged delegates to "begin to act like God's children" and to realize that they belonged to one family. His speech, and the Archbishop's sermon at the Eucharist next morning, gave God His breakthrough, and in an amazing show of unity, the resumed Synod, with hardly any further debate, passed almost unanimously a motion which, while avoiding giving approval to the W.C.C., nevertheless declared that we shared with them in their aim for a nonracial, just society in South Africa, and recognized that guerilla, S.A. soldier and conscientious objector might each be trying, in the best way that he knew, to serve God obediently.

And so Synod ended – and it ended, as it began, with a focus on Fr Russell. At the final Eucharist, the Archbishop invited any who wished to come forward and share with him in prayer and the laying on of hands over David Russell as he returned to Cape Town to face the consequences of his attendance at Synod.

In His own way, God had showed that He was still Father, and Jesus Christ the Lord. □

THE IMPULSE TO PUNISH: SOME RECENT CASES

By J.G. Riekert

'Mistrust all in whom the impulse to punish is strong!
They are people of a bad breed and a bad descent . . . . .
Mistrust all those who talk much about their justice!
Truly, it is not only honey that their souls lack.'

–Nietzsche, Thus Spoke Zarathustra : Of the Tarantulas

State-sanctioned punishment of criminal offenders would seem to have at least five purposes, namely retribution, individual deterrence, general deterrence, the protection of society (prevention) and rehabilitation.[1] Two of these objectives, retribution and rehabilitation are potentially antithetical, and much of the controversy among penologists centres around the proper weight to be given to each in the sentencing process.

In Western societies there has been a clearly discernible trend away from retributive punishment and toward rehabilitative considerations. It would be mistaken, however, to maintain that retribution can be totally disregarded. Some penologists and many members of society insist on the retention of a vestigial Lex Talionis. South Africa has not been spared this controversy.

In a fairly recent case the court opined that:

'. . . . . both counsel for the applicants are losing sight of a fundamental fact – that rehabilitation is not the only issue. It has long been debated whether prisons protect society most effectively by being operated primarily for custody and punishment or for custody and rehabilitation. The two theories, the punitive versus the rehabilitative theory, run counter to each other and both are recognised in general terms in the legislation with which we are concerned (the Prisons Act and Regulations.'[2]

The official attitudes of both the courts, which impose sentences of imprisonment, and the Department of Prisons, which executes them, can be gleaned from official written sources like the reports of criminal trials and the Annual Reports are also a source of another type of information. On rare occasions, usually at the instance of a prisoner, the courts are called upon to review the actions of prison officials who must act within the framework of the Prisons Act and Regulations.

If one only looks at the former sources one gains the impression that the South African judges and the South African prison authorities are, generally speaking, and within the distorted parameters of the apartheid system, in touch with current trends. Particularly since the introduction of the 1977 Criminal Procedure Act, there seems to have been a concerted effort to make punishment fit not only the crime, but also the criminal.

However, if one looks at the latter sources, one soon discovers that there is a special class of prisoner who, principally because of statutory intervention, but also because of judicial

interpretation of those statutes, has become marooned on an island in the mainstream of penal reform. He is the 'political' prisoner, convicted of a contravention of one of South Africa's rigorous security laws.

It has been generally known for some time that political prisoners are not allowed the usual remission of sentence for good behaviour. One has also heard of instances in which they have been callously treated when applying for special concessions on compassionate grounds. There was, for example, the instance of Jeremy Cronin, one of the applicants in the Goldberg case discussed below.

'In March relatives of Jeremy Cronin, who was jailed for seven years in September 1976 in terms of the Terrorism Act, applied for permission for him to visit his wife who was dying of a brain tumour. Mrs Cronin died before permission was granted. Subsequently, a prisons department spokesman said that the application was delayed because it did not seem to require immediate attention. Mr Cronin was also refused permission to attend his wife's cremation.'[3]

Breyten Breytenbach too was refused permission to attend his mother's funeral. Alexander Moumbaris, David Rabkin and Denis Goldberg have all not been permitted to receive visits from their wives. Denis Goldberg last saw his wife in 1966.[4]

In March 1977 ten Robben Island prisoners asked the Cape Supreme Court to order the Commissioner of Prisons to allow them access to lawyers in connection with proposed litigation arising out of alleged assaults on them by prison personnel. The court found that the Commissioner of Prisons had not exercised his discretion properly and ordered him to exercise it afresh.[5] The Minister of Prisons appealed unsuccessfully against this order. The appeal court held that a prisoner who was, or was about to become a party to, or witness in litigious proceedings was entitled, as of right, to receive a visit from his lawyer. In other cases the matter remained within the Commissioner's discretion.[6]

However the most serious deprivation affecting political prisoners relates to their ability to study and obtain access to reading material while in prison. One of the early cases on the right to education is Hassim and Another v Officer Commanding, Prison Command, Robben Island and Another 1973 (3) SA 462 (C).

Kader Hassim was an attorney in Pietermaritzburg until his arrest on charges under the Terrorism Act. He was convicted by the Judge President of Natal, sitting with assessors, on three counts of participation in terrorist activities. An appeal failed and the effective sentence of eight years imprisonment was confirmed. He was then transported to Robben Island. According to affidavits before the court:

During September, 1972, a certain Head Warden Carstens was placed in charge of the cell block. The said Carstens almost immediately set about making life very difficult and unpleasant for the prisoners. There were numerous incidents where Head Warden Carstens made summary changes in routine which invariably adversely affected the prisoners. Requests to Head Warden Carstens to be more reasonable were met with abuse and threats of punishment. By way of example, the literacy classes were summarily stopped, the blackboard removed and the opportunity for recreational and washing activities curtailed. Exercise time was limited. On occasions, prisoners were summarily and arbitrarily deprived of up to three meals per day. Head Warden Carstens gave orders in Afrikaans and frequently refused to speak English despite prisoners' protestations that they had difficulty in understanding him. Matters were aggravated by the fact that another warder, Head Warder Jonker, adopted a similar excessively authoritarian attitude to prisoners and together with Head Warder Carstens frequently swore at, belittled and abused prisoners.'

Complaints were made but as this brought about no improvement the prisoners resolved on concerted action; they decided to record all their grievances in a document to be handed to first respondent. As second applicant was an attorney proficient in the English language he was asked to compile this document. This he proceeded to do and the document was handed to first respondent by a fellow prisoner, one Lingise. Hassim denied that he had handed over the document or that the manner in which it was handed over was either challenging or impertinent. Some days later he was questioned by the officer in charge of security when he admitted that he had drafted the document on behalf of all the prisoners.

'On or about 2nd November, 1972, Lieutenant van der Westhuizen, with Head Warder le Roux acting as his interpreter, spoke to all the prisoners in our cell block. He stated that because we had addressed the document mentioned above to first respondent without asking for prior permission and since we had all acted in concert, the smoking, sports, recreation, study, reading, visits and correspondence privileges which we had previously enjoyed would be forfeited retrospectively with effect from 1st November 1972, and the forfeiture would continue for an indefinite period. He said that all fifty prisoners in the cell block would be thus affected and that the only privileges to which we would henceforth be entitled were a visit for special reasons and one letter written and received per month.'

The next incident took place a few days later and since it led to Hassim's segregation it is necessary to give his version of what happened.

'14. On Monday, 6th November, 1972, Warder Swart came to our cell block and ordered all the prisoners to hand over their library books. He asked me to collect books from the prisoners but I pointed out to him that I could not do so because I did not consider the deprivation of this privilege as lawful. I was immediately called before the said Lieutenant van der Westhuizen who enquired from me why I had disobeyed the command, in regard to library books, given me by Warder Swart and I respectfully pointed out to him that the command was unlawful in that it was in pursuance of an unlawful deprivation of privileges. Lieutenant van der Westhuizen adopted a menacing and threatening attitude towards me and told me that I would be severely punished.

15. The same day I was taken to a section of the prison where there were a number of single cells. I was locked in one of these cells which measured 7ft x 8ft. Since that date, viz 6th November 1972, I have remained segregated from my fellow prisoners in isolation in that cell and I have not been allowed to work either alone or with my fellow prisoners, until 14th February 1973, when I was told that, upon application, I would be allowed to work alone.

16. On Saturday, 11th November 1972, I enquired from Chief Warder Mann the reasons for my segregation and isolation and he replied that this was my punishment because of my refusal to obey the 'lawful command' given me by Warder Swart in regard to the library books and as is mentioned in the preceding paragraph. I was however allowed to write a letter to first respondent in which I protested that it was unlawful to deprive me of my privileges and to place me in isolation.'

Hassim stated that in reply to his letter he was called before first respondent and Brigadier Aucamp; the latter informed him that he would "get about six months isolation", as punishment for his rôle in compiling the document. His request to consult his legal advisers was refused."[7]

According to replying affidavits filed by the Respondents, these steps were necessary as Hassim's presence in the prison and his insubordinate attitudes were adversely affecting discipline.[8]

The court considered at the same time an application by another prisoner who alleged that he had been refused permission to study for an LL.B degree.[9] It was, he said, the policy of the prison authorities that security trial prisoners should be denied the right of studying law, although at that stage it was still possible to study in other fields. He also alleged that he was being denied access to the prison library. What follows is a series of extracts from the official report of the two applications:

"The next enquiry relates to the opportunities for study. The applicant, Hassim, complains that whereas he was previously allowed to read both fiction and non-fiction the only reading matter which he is now allowed is the Bible and the record of his appeal case. He states further that he was permitted to study for a B. Com. degree. He is no longer allowed to study. And finally he avers that two books ('The Annual Survey of S.A. Law' for 1970 and 1971) were dispatched to him by a bookseller but are being withheld.

The applicant, Venkatrathnam, complains that he wished to study for an LL.B. degree but that he was not allowed to do so. He was given permission to study for a B.Com. degree but all permission to study has now been withdrawn. He too, is no longer allowed to read novels or other books.

Mr Dison argued that the prisoners had the right to study, the right to use the prison library and the right to receive books and periodicals emanating from outside sources and that these were rights which were actionable. This submission he based on the general policy and purpose of the Prisons Act, more particularly sec. 2(2) (b) of the Act which provides that:

'(2) The functions of the Prisons Department shall be —
(b) as far as practicable, to apply such treatment as may lead to their reformation and rehabilitation and to train them in habits of industry and labour;'

He referred also to regs. 98 and 117, the relevant portions of which read as follows:

'98 (1) The regulations in this sub-division shall with due regard to the differences in individual characteristics and the reactions to treatment and discipline on the part of the various types of prisoners, be applied in accordance with the following principles:
(c) The aim in treating the prisoner shall at all times be to promote his self-respect and to cultivate a sense of responsibility in him.'

and

'117 (2) Subject to appropriate security measures and the avoidance of familiarity, and in order to promote the aims set out in sub-reg. (1) the undermentioned principles shall be strictly observed and applied in the treatment and training of a sentenced prisoner:
(d) regular encouragement to pursue a course of studies within the limits of the aptitude and leanings of the prisoner.'

Mr Hunt, for the applicant Venkatrathnam, based much of his argument on reg. 109(1) which reads:

'A prisoner shall, with due regard to the period of his sentence and personal aptitude, at all times be encouraged to pursue an appropriate course of study in his free time.'

He contended that Venkatrathnam was a man with a B.A. degree who had been an articled clerk; he had a personal aptitude for law and working for an LL.B. degree would be an appropriate course of study. Respondents had closed their minds to these factors and fettered their discretion . . . .[10]

It is true that the reasons which they have advanced for their decision in these two cases are most unconvincing. I cannot think that there is any merit in allowing a prisoner to work for a first degree and refusing him leave to work for a second degree, and I think the Commissioner is most unwise to say that he will not allow a man to study for an LL.B. degree because he will not in due course he admitted to the Bar or the Side Bar. That is a decision which the Commissioner can, with confidence, leave in the hands of the Supreme Court when, and if, the applicant applies for admission. I must also point out that Venkatrathnam annexes to his replying affidavit a document (annexure "XX") which is a copy of a memorandum handed to all prisoners who desire to study. Para. 4 of this memorandum reads as follows:

'4. (a) No post-graduate studies will be allowed.
(b) No studies in law, i.e. B.A. LL.B., B. Juris or any other course pertaining to any legal aspect will be allowed.'

I find the Department's aversion to legal studies quite extraordinary; it is to be hoped that a more enlightened approach will soon be adopted. But although I find some of the reasons advanced by respondents for their decisions most unsatisfactory it does not follow that the Court can interfere with those decisions . . . ."[11]

So far as the prison library is concerned, *I accept that being deprived of books is for an intellectual a hardship, but it is also a hardship for some persons to go without cigarettes.* In short this is a case, once more, of a privilege withheld and not a right transgressed. Nor can I make any order in respect of the two law books which have been withheld. It is clear that first applicant followed the wrong procedure in dispatching these books to her husband and respondents were entitled to withhold these books"[12] (emphasis supplied)

Hassim succeeded only in obtaining his release from solitary confinement and in obtaining access to the Prisons Act & Regulations. His co-applicant obtained the Act and Regulations. In the years that elapsed between Hassim's case and the Goldberg case, decided in September 1978, the grounds for punishment by solitary confinement were widened and political prisoners lost the right to postmatriculation study completely. It was alleged that some such prisoners had abused this "privilege" by using study materials to smuggle messages out of prison. On 17 May 1978 Minister of Prisons told the House of Assembly that "Robben Island Prisoners were not susceptible to rehabilitation which was the intention behind granting study privileges."[13]

The next case is Goldberg and Others v Minister of Prisons 1979 (1) SA 14 (AD). In this case, the Applicants (D. Goldberg, I. Kitson, J. Mathews, A. Moumbaris, R. Suttner, D. Rabkin, J. Cronin and A. Holiday) were all security law prisoners in a special section of the Pretoria prison. The facts of the case have been pithily summarised by Professor Barend van Niekerk:

'In very broad summary the most salient facts were as follows: The appellants — a number of persons serving various long prison sentences for crimes committed for what

they termed "political" reasons – had applied unsuccessfully to the court below for relief against the provisions made applicable to them whereby they were totally deprived of all news about current affairs at home and abroad. This they claimed inter alia constituted "cruel, inhuman and unnecessarily harsh punishment and double deprivation" unauthorised by the enabling statute . . . The total prohibition included Panorama and S A Digest (both propaganda publications of the erstwhile information departments), S A Financial Gazette, To the Point, Newsweek and New Nation! (In the case of New Nation one wonders whether the fact that this publication has been discontinued for about a lustrum now has not yet penetrated behind the prison walls!)

Now it should be clear, I confidently submit, that on any analysis which has any relationship with common sense as commonly understood by averagely intelligent persons, the banning of these journals per se – not to speak even of some of the more "mystifying" examples of excisions from such exciting journals like Rooi Rose, the Farmers' Weekly and the Landbou-weekblad furnished at 46 – can only be squared with a guideline which is in fact no guideline at all, namely that no current news will be allowed to reach the political prisoners.[14]

A majority of four Appellate Division judges held that, ". . . . in general a prisoner is only entitled to enjoy such privileges as are permitted; he is not entitled to all the facilities enjoyed by persons outside of prison except those which are in terms permitted either by the Act, the regulations or by the Commissioner . . . . ".[15]
The majority also found that it was unnecessary:

'to deal with the distinction between necessaries or basic rights, on the one hand, and privileges or comforts, on the other hand. . . Such basic rights or necessaties as, e.g. food, clothing, accommodation and medical aid, are dealt with in the regulations. The fact that these regulations deal with facilities generally regarded as basic to the maintenance of a reasonably civilised minimum standard of living may no doubt be relevant to the question whether it was intended to confer rights of the kind referred to above. *In my opinion, access to the publications mentioned in reg. 109(4) and to sources of news of current events cannot be regarded as being basic to maintaining the minimum standard of living above referred to. . . . . .*

The appellants, however, appear to be sophisticated persons and some of them are academically well qualified. I accept that a denial to them of having access to sources of news of current events in the Republic and abroad and to reading matter of their choice must of necessity result in severe hardship. They are all long term prisoners and any prolonged isolation from news of current events must, so it would seem to me, necessarily result in frustration and possibly in some degree of disorientation eventually.[16] (Emphasis Supplied)

In my opinion . . . appellants are not entitled to an order declaring that respondents are not entitled to apply a general policy depriving them of access to news of current events in the Republic and abroad. The fact that this Court may, on the information placed before it, entertain grave doubts as to the wisdom or reasonableness of the determination made by the Commissioner in regard to the appellants' access to news, other than that of a domestic and sport nature, is not relevant to the determination of the issue under consideration. At best, it is a factor which the Commissioner may possibly take into account if and when his earlier determination comes to be reconsidered.'[17] (emphasis supplied)

Mr Justice Corbett could not accept these views and advanced a contrary opinion in his dissenting judgment. He held that:

'It seems to me that fundamentally a convicted and sentenced prisoner retains all the basic rights and liberties of an ordinary citizen except those taken away from him by law, expressly or by implication, or those necessarily inconsistent with the circumstances in which he, as a prisoner, is placed. Of course, the inroads which incarceration necessarily make upon a prisoner's personal rights and liberties (for sake of brevity I shall henceforth speak merely of "rights") are very considerable. He no longer has freedom of movement and has no choice in the place of his imprisonment. His contact with the outside world is limited and regulated. He must submit to the discipline of prison life and to the rules and regulations which prescribe how he must conduct himself and how he is to be treated while in prison. Nevertheless, there is a substantial residuum of basic rights which he cannot be denied; and, if he is denied them, then he is entitled, in my view, to legal redress.'[18]

The significance of this dissenting judgment is that it was reached on the same facts. It could have been a majority or even a unanimous decision of the Appellate Division. It shows that the hands of our judges are not always tied, except by their own perception of their rôle, when it comes to questions of human rights.[19] It also underlines the extent of our deviation from internationally accepted norms.

The Universal Declaration of Human Rights provides simply that "everyone has the right to education", and this utopian ideal has been embodied in Bills of Rights in the United States, in many European countries and also in the International Standard Minimum Prison Regulations. By contrast it would seem that our political prisoners are so hated by those who govern our society that they are doomed to become non-persons in the grey twilight of our prisons.[20]
Winston Churchill once said:

'The mood and temper of the public in regard to the treatment of crime and criminal is one of the most unfailing tests of the civilisation of any country. A calm, dispassionate recognition of the rights of the accused, and even of the convicted criminal, against the State – a constant heart searching by all charged with the duty of punishment – . . . , unfailing faith that there is a treasure, if you can only find it, in the heart of every man. These are the symbols which mark and measure the stored-up strength of a nation, and are a sign and proof of the living virtue in it.'[21]

Judge for yourself, if you will, the strength and virtue of our nation. □

FOOTNOTES

1. For a concise discussion of the objectives of punishment see M.A. Rabie and S.A. Strauss, Punishment: an introduction to principles, Lex Patria (1979).
2. Hassim v Officer Commanding, Prison Command, Robben Island and Another 1973 (3) SA 462 (C) at 475, per Diemont J.
3. A Survey of Race Relations in South Africa 1977, S A Institute of Race Relations (1978) p 121.
4. A Survey of Race Relations in South Africa 1978, SA Institute of Race Relations (1979) p 84.
5. Cooper and Others v Minister of Prisons 1977 (4) SA 166 (C)
6. Minister of Prisons v Cooper & Others 1978 (3) SA 512 (C).
7. At pp 466–7.
8. At p 468F.
9. Venkatrathnam and Another v Officer Commanding, Prison Command, Robben Island & Another 1973 (3) SA 462 (C).
10. Ibid at pp 475–6.
11. Ibid at p 477.
12. Ibid p 477H.
13. A Survey of Race Relations in S.A. 1978 (supra) p 82. Amendments to the Prison Regulations in 1973 and the Prisons Act in 1978 have placed the Commissioner's powers beyond question. Regulations 109(3) and 109 (6) now provide that:

    '(3) A properly organised library containing literature of constructive and educational value shall, as far as possible, be established and maintained at a prison and may in the discretion of the Commissioner be placed at the disposal of all prisoners detained in such prison. . . .

    (6) Permission to study or the utilisation of any library in terms of this regulation is subject to the discretion of the Commissioner and the provisions of the said regulation may in no way be so construed as implying that such permission and/or utilisation of any library allows any prisoner a right which he can legally claim.'

Section 22(2) of the Prisons Act now reads as follows:

'The Commisioner may in his discretion –
(a) grant such privileges and indulgences as he may think fit to any prisoner;

(b) notwithstanding anything to the contrary contained in any law, withdraw any privilege or indulgence granted in terms of paragraph (a) to any prisoner without furnishing any reasons and without hearing such prisoner or any other person.'

14. B van D van Niekerk, "Nought for their (or our) comfort", in Vol. 3 (1979) S A Journal of Criminal Law and Criminology pp 55–6.
15. Goldberg's case (supra) at 36–7 per Wessels A C J.
16. Ibid at pp 30–31.
17. Ibid at p 34.
18. Ibid, at p 39. Mr Justice Corbett, to his great credit, also made the following observations at pages 41 and 49–50 respectively:

    a) "It is said that a prisoner has no right to study or to access to libraries or to receive books; that these facilities are privileges not rights, comforts not necessities. To my mind, this is an over-simplification. To test the position, suppose that an intellectual, a university graduate, were sentenced to life imprisonment and while in gaol was absolutely denied access to reading material – books, periodicals, magazines, newspapers, everything; and suppose further that there was no indication that this deprivation was in any way related to the requirements of prison discipline, or security or the maintenance of law and order within the prison and that, despite his protests to the gaol authorities, he continued to be thus denied access to reading material. Could it be correctly asserted that in these circumstances he would be remediless? That all that he could do was to fret for the comforts which he was denied? I venture to suggest that it could not be so asserted and that he would not be remediless."

    b) ". . . this is a serious matter, amounting to a drastic inroad upon the basic rights of the appellants. In this regard respondents sought to rely upon an affidavit sworn to by the medical officer to the Pretoria prison, in which the deponent stated:

        "(b) Ek het die verklaring van Denis Theodore Goldberg gelees aangaande sy bewerings dat die optrede van die gevangenisowerhede neerkom op 'psychological mistreatment'.

        (b) Ek besoek die afdeling van Pretoria-gevangenis waarin die genoemde Denis Theodore Goldberg en ander aangehou word op gereelde grondslag. Volgens my waarneming toon geeneen van die persone psigiese afwykings nie."

    I am not particularly impressed by this evidence. The deponent does not state what his qualifications are to determine the existence of psychic deviations ("psigiese afwykings") or what real steps he took to diagnose their absence or presence. Moreover, it is not clear to me that "psychological mistreatment" would necessarily lead to discernible psychic deviations. In truth, it does not require medical evidence, one way or the other, to satisfy me that to cut off a well-educated, intelligent prisoner from all news as to what is happening in the outside world for a long period of time, in one case for life, is a very serious psychological and intellectual deprivation indeed."

19. This phenomenon is fully and interestingly discussed by J. Dugard, Human Rights and the South African Legal Order, Princeton (1978), especially in Part Four.
20. According to a report in the Sunday Tribune of 9 November 1979, the Minister of Prisons, Mr le Grange, refused to meet a delegation from the Prisoners Education Committee, a private group which had collected 10,000 signatures on a petition urging the Minister of Prisons to allow political prisoners to study beyond matriculation level while in prison.
21. House of Commons speech, 25 July 1910.

DEPARTEMENT VAN JUSTISIE

No. 1539 13 Julie 1979

BESONDERHEDE AFGEKONDIG INGEVOLGE ARTIKEL 10*ter* VAN DIE WET OP BINNELANDSE VEILIGHEID, 1950 (WET 44 VAN 1950)

Onderstaande besonderhede van kennisgewings wat ingevolge artikel 5 (1) (e) of 9 (1) van Wet 44 van 1950 uitgereik is, word hierby ingevolge artikel 10*ter* van genoemde Wet afgekondig.

Besonderhede van sodanige kennisgewings wat voor of op 30 Junie 1979 verval het of ingetrek is, is weggelaat.

DEPARTMENT OF JUSTICE

No. 1539 13 July 1979

PARTICULARS PUBLISHED IN TERMS OF SECTION 10*ter* OF THE INTERNAL SECURITY ACT, 1950 (ACT 44 OF 1950)

The following particulars of notices issued in terms of section 5 (1) (e) or 9 (1) of Act 44 of 1950, are published hereby in terms of section 10*ter* of the said Act.

Particulars of such notices which expired on or before 30 June 1979 or which have been withdrawn, have been omitted.

A.—BLANKES/WHITES

Naam Name	Adres in kennisgewing vermeld Address mentioned in notice	Artikel ingevolge waarvan kennisgewing uitgereik is Section in terms of which notice was issued	Datum waarop kennisgewing verval Date on which notice expires
Abraham, Eric Antony	31 Johnstraat/Street, Mowbray, Wynberg	9 (1)	30/11/81
Aderem, Alan Arnold	25 Scottstraat/Street, Observatory, Kaapstad/Cape Town	9 (1)	31/3/82
Adler, David	205a Jan Smutslaan/Avenue, Parktown-Noord/North, Johannesburg	9 (1)	28/2/83
Albertyn, Christopher James	121 Ridgesingel/Crescent, Berrydaleweg/Road, Durban	9 (1)	31/10/81
Andersson, Gavin Michael	Oliviaweg/Road, Berea, Johannesburg	9 (1)	31/10/81
Arenstein, Jaqueline	47 Arcadiaweg/Road, Overport, Durban	5 (1) (e)	31/8/83
Arenstein, Rowley Israel	47 Arcadiaweg/Road, Durban	5 (1) (e)	31/10/80
Baskin, Jeremy Michael	23 Grantstraat/Street, Observatory	9 (1)	31/10/81
Bloch, Graeme	9 Wolmunsterweg/Road, Rosebank	9 (1)	31/10/81
Brown, Brian Joseph	133 14de Straat/14th Street, Parkhurst, Johannesburg	9 (1)	31/10/82
Budlender, Deborah Jean (nou/now Hofmeyr)	20 Cookstraat/Street, Observatory, Kaap/Cape	9 (1)	31/10/81
Cohen, Gideon Denys	128 Belvedereweg/Road, Claremont, Wynberg	9 (1)	31/10/81
Copelyn, John Anthony	79 Waverleyweg/Road, Hillary, Durban	9 (1)	31/10/81
Curtis, Jeanette Eva	11 Clairwood Mansions, 32 Webbstraat/Street, Yeoville, Johannesburg	9 (1)	31/10/81
Douwes-Dekker, Louis Charles George	57 Kilkennyweg/Road, Parkview, Randburg	9 (1)	31/10/81
Favish, Judith Shamith	29 Kitchenerstraat/Street, Woodstock	9 (1)	31/10/81
Frankish, John Gavin	7 Trillweg/Road, Observatory, Kaap/Cape	9 (1)	31/10/81
Hofmeyr, William Andrew	20 Cookstraat/Street, Observatory	9 (1)	31/10/81
Horn, Patricia	325 Musgraveweg/Road, Berea, Durban	9 (1)	31/10/81
Kotzé, Theodore	1 Tasmanweg/Road, Claremont	9 (1)	31/10/82
Levetan, Laura Jean	4 Kinkleweglaan/Kinkle Way Avenue, Nuweland/Newlands, Kaap/Cape	9 (1)	30/11/83
Lewis, Jack Phillip	Allendale, Grahamstad/Grahamstown	9 (1)	31/10/81
Mayson, Cedric Radcliffe	14 Lornahof/Court, hoek van/cor of Twist- en/and Wolmaransstraat/Streets, Joubertpark, Johannesburg	9 (1)	31/10/82
Murphy, Jeanette Marquerite	325 Musgraveweg/Road, Durban	9 (1)	31/10/81
Murphy, Michael Patrick Bernard	325 Musgraveweg/Road, Durban	9 (1)	31/10/81
Naudé, Christiaan Frederick Beyers	26 Hoylakelaan/Avenue, Greenside, Johannesburg	9 (1)	31/10/82
Nettleton, Clive James Lee	55 10de Straat/10th Street, Parkhurst, Johannesburg	9 (1)	28/2/83
Randall, Peter Ralph	16 The Valleyweg/Road, Westcliff, Johannesburg	9 (1)	31/10/82
Russell, David Patrick Hamilton	27 St. Jamesstraat/Street, Woodstock	9 (1)	31/10/82
Schoon, Louis Marius	45 Rutlandweg/Road, Craighall Park, Johannesburg	5 (1) (e)	30/9/81
Simkins, Charles Edward Wickens	139 Sydenhamweg/Road, Durban	9 (1)	31/10/81
Simons, Mary	1 Queens Place, Queenstraat/Street, Mowbray	9 (1)	31/10/81
Simons, Tanya Anne	121 Rochesterweg/Road, Observatory	9 (1)	31/10/81
Tyacke, Eric Freeland	33 Irmastraat/Street, Robertsham, Johannesburg	9 (1)	31/10/81
Tyacke, Katherine Jean	33 Irmastraat/Street, Robertsham, Johannesburg	9 (1)	31/10/81
Van Blerk, Vilma Daphne Lilian	23 Andersonstraat/Street, Goodwood	9 (1)	31/10/81
Walker, Abraham Richard	25b Excelsiorstraat/Street, Pietersburg	9 (1)	31/10/82
Weinberg, Sheila	11 Plantationweg/Road, Gardens, Johannesburg	9 (1)	31/10/81
Woods, Donald James	61 Chamberlainweg/Road, Vincent, Oos-Londen/East London	9 (1)	31/10/82

B. NIE-BLANKES/NON-WHITES

Anthony, Frank	266 Voortrekkerweg/Road, Kraaifontein	9 (1)	30/4/83
Bhengu, Moses	952 Jubularylaan/Drive, Sobantu, Pietermaritzburg	9 (1)	31/8/82
Bhengu, Siegfried	Mazambaneni, Nkandla	9 (1)	30/9/79
Chiloane, Abel Tipheko	C842, Gebied/Zone II, Seshego	9 (1)	30/6/83
Ciliza, Delase	L667, Umlazi	9 (1)	31/3/84
Desai, Amina Suliman Nagdee	12 Haroldstraat/Street, Roodepoort	9 (1)	31/1/83
Dhlamini, Stephen	2 Nkumba-Bantoedorp/Bantu Township, Bulwer	5 (1) (e)	30/4/80