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EDITORIALS

1

SOWETO

In June Soweto burst into flames and on to the world's headlines. The demonstrations and the fires spread to many places, erupting in other Black townships, on university campuses, at schools hundreds of miles away. Why did it happen?

The Nationalists have their usual answer. Agitators were at work. If this is really as far as their thinking takes them, they are under a dangerous illusion. What agitator could go on working so successfully for so long and in so many different places if he did not have a deep-seated grievance to exploit?

Everyone knows what the spark was that set this chain reaction of protest and destruction off. It was the compulsory teaching, in Afrikaans, of certain subjects to Black children. The children objected. Their objections were ignored, so they started boycotting the schools. Tension built up dangerously, but nobody who had the power to

defuse the situation did anything about it. It was not that they were not warned. It is quite obvious that frequent and increasingly urgent warnings were given to government representatives, from Ministers downwards, and that they did nothing. Was it because they thought that they were strong enough to handle any situation that might arise? Had years of power persuaded them that, when it came to dealing with Black people, the will of the Government must inevitably prevail? We think this is precisely the illusion under which the Nationalist authorities laboured at the time of the Soweto school boycott, for is it not one of the major illusions under which they have been labouring ever since they came to power? We hope, with no great confidence, that Soweto has shattered it, once and for all, for if it has not, and the illusion persists, it is likely to prove fatal to those who believe in it, as well as to those who do not.

The illusion that, because you have power, you can do any-

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thing you like, pervades the whole body of Nationalist policy-thinking for Black people. Education policy, the flashpoint in Soweto, provides a typical example.

The Soweto schools fall under the Bantu Education system. "Bantu Education" is a Nationalist invention. It was designed by Nationalist theoreticians for Black people. The Black people weren't asked whether they wanted it or not. Not one of them, to the best of our knowledge, was even consulted about it before it was announced as government policy. Indeed, many of them protested against it — teachers, churchmen, parents, political leaders — but all to no avail. Some teachers lost their jobs, some children were banned from school for life because they protested. The policy was imposed. And the Nationalists deluded themselves that, if they imposed this policy with sufficient determination, Black people would, sooner or later, come to accept it.

Having forced Bantu Education on the schools, the Government turned its attention to the universities. The Extension of University Education Act was passed, preventing any but White students from attending major existing universities, except in exceptional circumstances, and hiving Black students off into their own separate and unasked for Coloured, Indian, Sotho, Xhosa and Zulu colleges. The supporting myth for all this was that contact between students of different racial and tribal origins produced tension and conflict — that you avoided this by channelling them off into separate institutions; that, even if they didn't want to go to them, it was better for them that they should. And for you, too! For, although it might take time, these separate institutions would one day begin to turn out people who believed in Nationalist policy.

How does all this Nationalist theory look now, after Soweto, after 25 years of Bantu Education? Has this quarter of a century produced a single Black man who supports Bantu Education? If it has, we don't know who he is. Have the separate universities produced a single Black student who supports apartheid? Not that we have heard of. The Zulu

university of Ngoye has gone up in flames, and nobody knows when it will reopen again; the Xhosa university of Fort Hare has closed down for the umpteenth time; the Rector of the Sotho university of Turfloop is in despair — and in the Black schools the rejection of Bantu Education appears to be total.

But Nationalist policy has created more than a collapsing educational policy. It has created Black Power. There is a new Black confidence abroad. Young Black people are not only more militant and determined than ever before, they give the impression that they know now that they are winning, that time and the world are on their side, and White South Africa can go to hell.

For years some people, Black and White, have been telling the Nationalists that contact between people of different races, though it certainly creates problems, should be as wide and frequent as possible. If it is not, both sides begin to think the other isn't really human, and effective co-operation becomes impossible. That is the point we have almost reached. As a deliberate consequence of government policy Black school children have been persuaded that they have nothing in common with White school children; Black students neither know about, nor want to speak to, nor give a damn about, White students — yet none of them supports apartheid.

Soweto should finally have exploded the myth that apartheid can solve anything. It has done none of the things it was supposed to do. It has not reduced race tension, it has magnified it a thousand times; it has not satisfied Black aspirations, it has frustrated them at every turn. Whether the Nationalists can disentangle themselves at this late date from the myths and illusions with which they have lived so long is the question of the day. For if they cannot, South Africa is heading for a future which, to use Mr Vorster's oft-repeated words, will be "too ghastly to contemplate" and which will make the catastrophe of Soweto seem like "the good old days".□

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FATIMA MEER

On July 22nd Mrs Fatima Meer, Senior Lecturer in Sociology at the University of Natal, in Durban, was banned for five years. Why?

Fatima Meer has been saying and doing things the Government doesn't like for over 20 years now. It is true that her statements have become more radical as time has passed, but there are probably at least two reasons for this. First, the growing need she has felt for it to be publicly shown that leading South African Indians identify totally with the aspirations of Africans. Second, the deteriorating situation against which her statements have been made. Twenty years ago that situation was bad enough, today it is infinitely worse. Change towards a non-racial society was urgent then; today, every month's delay in starting such change, and

getting on with it fast, increases the threat of catastrophe for all of us. Fatima Meer knew this and said it and hoped, by saying it, to shock us all into doing something. And as the situation worsened it was not surprising that her response to it should sound more and more outrageous to those who don't want real change at all.

Reality has not agreed with everything Mrs Meer has had to say, notably her condemnation of the Entebbe raid, but it has the greatest admiration for her courage and is proud to be able to count her amongst its contributors. We condemn her banning utterly. At this time, more than ever, it is vital for South Africa that every voice seeking a peaceful solution to our problems should be heard, however unpopular it may be with those in authority.□

AN APOLOGY

We must apologise to our readers for the fact that our last issue appeared with only the two words ARTICLE BANNED on three of its pages.

The article concerned contained lengthy quotations from a recent Christian Institute report on detentions and political trials in South Africa. The Christian Institute report was banned just as REALITY was about to be posted out to subscribers. All we could do at that late stage was remove the article and leave the explanations to this issue. So, we apologise – not only for the blank pages, but also for the fact that we live in a country where detentions and political trials take place – and can't tell you about them.□

LETTER TO THE EDITOR

Sir,

Peter Rutsch's article Divided We Stand, United We Fall (May issue) neatly illustrates the largely unrecognised truth that a vote is a **protection** not a privilege. Left and Right, in all societies tend to talk of 'granting' the franchise, relating that to some or other attributes of the recipient which makes him/her **deserving** of it. The attributes we enumerate depend on our position on the political spectrum: the more Right-wing, the more qualifications we demand, like property, education and so on; while the populist demands universal suffrage on the basis that all men and women **possess** equal rights to express political preferences.

All of them miss the true value of the vote—the negative one that if you don't have it you will be exploited, because those who make laws must by the terms of their office represent the interests of **their** electorate. It is clear from this analysis that the poor and the ill-educated need the vote more than the rich and the educated because the exploitation of the weak is based on their weakness, and only the vote can help them escape from it.

Yours sincerely,

MARGARET LEGUM

THE RIOTS

IN URBAN AFRICAN AREAS

An interview with a Soweto resident.

A Black View.

- Interviewer: Can we begin talking about the events which took place in Soweto, Alexandra township and other African areas recently by asking what way they could best be described: were they riots, war, civil unrest or urban guerilla tactics? What do you think?
- R: I think "civil unrest" is the most suitable.
- Int: Why do you think that?
- R: Because it was a protest concerning the implementation of Afrikaans as a medium of instruction.
- Int: Why do you think the issue of Afrikaans brought all this to a head? I realise that people are living under appalling conditions, earning appalling wages, and have been restless, but it seems that the issue of education and Afrikaans brought the matter to a head.
- R: I believe that Afrikaans is quite a difficult language to master, to start with. Some of the teachers are not even efficient in communicating in Afrikaans, let alone teaching in it.
- Int: Why do you think it was the school-children who triggered the protest off? Do you think it significant that it was the younger people who made a stand?
- R: I believe that when Afrikaans was introduced some years back (I was talking to some students who were present when it was first introduced) a few subjects were introduced by means of Afrikaans. They didn't mind it then because it was more or less an interpretation of terms from English, direct interpretations into Afrikaans. But I think what brought this (unrest) up was that whole subjects, even Mathematics and Science had to be done in Afrikaans.
- Int: Did the teachers make any protests, or the parents?
- R: There was a bit of a grumble, but not to any (large extent).
- Int: Do you think the pupils took it into their own hands because the adults weren't doing anything about it?
- R: Yes, I think they felt they were let down by their elders and their teachers.
- Int: Does this suggest that younger people are more militant than the adults, over certain issues?
- R: Yes, I would say they are more militant.
- Int: Why do you think this is so?
- R: I think that the poor standard of so-called Bantu education has brought the whole thing off because they are quite aware that it is a lesser education... and to make matters worse has come the issue of Afrikaans.
- Int: Is it true to say that the pupils organised themselves without the assistance of teachers, that they left the teachers out of it?
- R: They didn't consult the teachers, they just organised themselves, according to my observation.
- Int: Does this suggest that there is a difference of opinion between teachers and the pupils? Do the teachers not approve of this sort of protest or are they caught by their position?
- R: I believe that they are caught by their position and that the students are quite aware that their teachers are rather helpless because there are what they call school boards which just bully teachers.
- Int: So teachers are in fact powerless, if they want to keep their jobs?
- R: I believe so.
- Int: Do you think that the pupils who began organising the protest did so for purely education reasons or was the protest linked to a larger issue?
- R: I think initially it was purely an educational issue.
- Int: And later on?
- R: And later on I think it spread to the other elements like the local thugs and the people who were concerned with the — who were dissatisfied with the conditions in the townships.
- Int: Do you think that any organisations were involved?
- R: I wouldn't rightly say there was actually any organisation involved, although I can't say precisely.
- Int: So this is why you would choose the term 'civil unrest'?
- R: Yes.
- Int: Because you feel that it came out of the community as such rather than from an organisation.
- R: That's what I feel.
- Int: Can we come now to those people who are speaking on behalf of the black communities with members of the government. Do you think that they are able to represent the true feelings of the communities they claim to represent?
- R: No, I don't think they have the right because I feel they are sort of, they are merely government hirelings, they are not chosen by the people and what they say doesn't represent the feelings of the community.
- Int: Have the recent events produced any people who are felt to be leaders of the community?
- R: There are some people whom the community was prepared to listen to, people who are involved in the

Parents' Association body. The students were actually listening to them, they were trying to warn them off, not to get out of hand.

Int: So they are trying to prevent the students from running unnecessary risks and endangering life and property any more than had already occurred?

R: Yes.

Int: Arising out of the issue of risks and danger, I would like to know what you think the role of the police has been in this unrest. There are people who feel that the presence of the police made the situation worse than it was and excited the temper of the people. What do you think of that?

R: In fact, from what I observed, I saw the students marching peacefully, although when I saw them first there was a large body of students coming from the schools further in Soweto, coming down our area: they were just marching peacefully. Until they got to the high school next to my area, then they started . . . in fact I think according to their arrangements they had to get all the students from all the schools to march with them. I do not safely say where their destination was but when they got to this particular school, the principal did not want his students to be involved: that's when the vanloads of police came. I don't know whether they were phoned or that they knew about what was happening but I think, according to my observation, the police really worsened the matter.

Int: Could you give some examples of what you saw?

R: What I saw was, the police came and they were trying to disrupt this march of the students.

Int: Disrupt in what sense? To send them home or to attack them?

R: Trying to quell them, I think, to disperse them a bit . . . that kind of thing.

Int: What methods did they use?

R: When they first came, they came in van-loads and the students started jeering at them and I think a few started throwing a few stones. And – well, I was far – I couldn't actually see – I only heard that one youngster was already shot and that was when the students really started pelting at the police vans. And the police started shooting blanks.

Int: One of the things that you said is that the original protest spread to other groups in the township. You said that it involved elements like local thugs and those who were dissatisfied with conditions in the townships. Many of the buildings that were burnt belonged, for example in Soweto, to the West Rand Board and it would seem that there was direct and clear political interest in attacking those buildings. Do you think that the looting of bottle-stores and so on has destroyed the political purpose or political gain of the unrest? Or the intention that it all started out with?

R: I think initially, when the students started, their intention was a sort of protest that liquor was the downfall of the urban blacks because wherever you go you come across a bottle-store, a beer-hall. Their intention was to do away with that kind of thing because they even wrote slogans like, "Better education and less liquor".

Int: They see these two issues as closely linked?

R: Yes – that is besides the looting and what eventually happened.

Int: In looking at the recent civil unrest, how do you think it compares with the events involving the shootings at Sharpeville?

R: I think the only similarity was in the uprising of the whole community, but as two issues, I see them differently.

Int: Can you say what those differences are?

R: I think that Sharpeville was rather an isolated affair compared to what happened recently.

Int: Do you see this unrest as something that is going to continue? From the way the communities feel, do you anticipate more of this, going on all the time?

R: I wouldn't say all the time, but what I have noticed, the people seem to be shocked after what happened, that they had this in them, this outburst, but I think it could happen again if something really disturbs them, like the students not going back to school after the schools are opened.

Int: To come back to the differences between the recent events and Sharpeville, which you said was more isolated. It has been suggested to me that this (the recent event) is essentially an urban feeling – the feeling of resistance. Have you any idea how widespread the current feeling is: is it more widespread than the cities, do you think?

R: On the whole, what actually made the community become involved was the adults being shamed by their children, and being aware that they've been letting their children down all round.

Int: Do you believe that this is felt on a country-wide basis?

R: Yes, I believe its quite a national thing – because even in the rural areas, the same feeling is already there that the adults have just been sitting down and not doing anything about the worsening situation.

Int: You say that people have been shocked to discover the violence that is in them, the actions that were taken in that crisis-situation that brought to the fore, actions that have left people somewhat shocked and surprised at themselves.

R: In fact, that's the impression I have in looking at the people after this whole thing.

Int: That seems to suggest that if the feelings are still there, if that shame on the part of the parents is still there, and, as you suggest, unless something is done it could happen again, is there any way in which this could be channelled into constructive or creative action? rather than to leave people feeling victims of their emotions?

R: I believe the only thing that if the system of the local heads could be changed, the nominations rather, if the people could really choose the people they felt could represent them, and they had faith in them, there could be a great change, and these people really met the government and not give any way as far as their demands were concerned, there could be change.

Int: This is not likely to happen, is it?

R: No, I don't believe it's likely to happen.

Int: Do you think that as a consequence of what has

happened, that there is any greater sensitivity on the part of the white community to the situation?

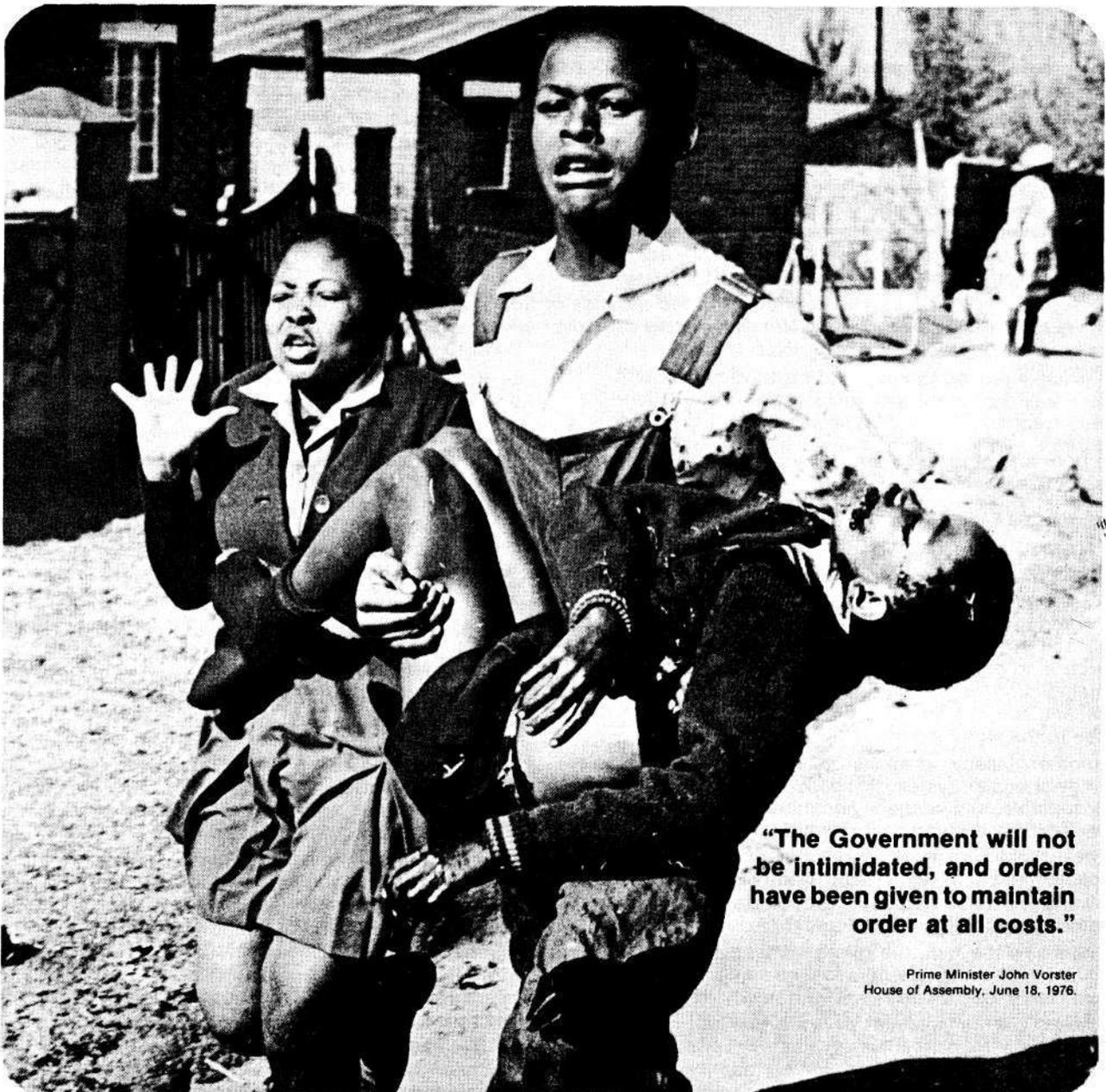
R: It varies. There are some whites who have always been aware of the tension that has been building up in the urban areas. And others couldn't just care.

Int: One of the sensations these recent events gave me was a sense of being more cut off from people than ever before. I have always felt that those people with whom I am friendly and who live in Alexandra township, in Soweto and in Tembisa, live far away from me. But when these townships were closed off then I felt that if these friends were in trouble, or if I were in trouble, I had no way of reaching them and they had no way of getting in touch with me. This made me feel the gap which was probably always there but I felt it more when these events took place than ever before. Is there now a sense among the black community that they are entirely on their own — or have they always felt like this?

R: I don't think they have always felt like this until during the riot period. They felt they could do without any white aid: but as I say, what I observed after the riots was that they were moving around like a sort of lost people, like a child who has done something wrong and does not know how to go about repairing that wrong.

Int: Why do you use the word 'wrong' — why do you think people feel a sense of wrong? Is it because they have destroyed property, because lives have been lost? Where do you think the guilt comes from?

R: I think the guilt comes from . . . how can I put it, not guilt, not actually guilt, I think fear . . . I think it is more a question of fear than guilt. Fear of being picked up by the police and being charged, thinking about the children, what would happen if the head of the family has to be arrested, because he was involved in the riot.



"The Government will not be intimidated, and orders have been given to maintain order at all costs."

Prime Minister John Vorster
House of Assembly, June 18, 1976.

With acknowledgement to the WORLD

The Picture that went round the world.

Soweto June 1976.

- Int: The two major things that you suggest are the sense of fear on the part of the people as a consequence of what has come about, the violence of the people themselves and the violence of the police on the one hand, and the sense, that you feel exists on a national scale, of the adults having let the younger people down.
- R: Yes.
- Int: So that the adults are feeling fear and feeling inadequate, which underlines the point that you made earlier that if true leaders could emerge, this would help people a great deal to act constructively.
- R: Yes. Another factor is that when people look at the burnt buildings and the burnt-out cars that are spread all over the township, they ask themselves how all this is going to be paid for. Will it be at the people's expense?
- Int: Is there not a new mood of determination? I have heard some young people say that they have got to the point where they are prepared to give their lives . . .
- R: Yes, there's also this . . . the people are wondering how the West Rand Board is going to repair its losses. I think, if they could announce for instance, next month, that the rents are going up, there could be more havoc.
- Int: Presumably this affects many things . . . if Putco put up its bus fares, that could trigger off violence?
- R: Yes, I believe that at this stage it could. Because there is a general discontent as far as wages are concerned and the rising cost of living.
- Int: One of the things that I find myself wondering about is whether it's possible to guess what the general attitude of the black community is towards whites after this event. Are there significant numbers of people who feel that they could still continue to conceive of this country still being a place where whites and blacks could work together?
- R: Generally, there is more bitterness towards whites because, as it is, there are quite a few people who lost their jobs because they stayed away during the riots. Most of them are young people and they are very bitter about it.
- Int: A white doctor that I know, who works at Baragwanath Hospital, felt no personal hostility from the students: it seemed very clear in the minds of the people who were demonstrating what their aim was and exactly what they were going for. They were not motivated then by sheer hostility towards whites but that they had specific targets in view.
- R: Yes, I think the targets like they were attacking, bakeries and milk-vans . . .
- Int: Why those?
- R: Oh, I think those symbolise to them the people who have money, who were underpaying them . . .
- Int: And overcharging them?
- R: Overcharging them and still coming to get their money out of the township.
- Int: Why was it that blacks going into Soweto were being accosted when they were coming in with their cars, being obliged to pay for their entry?
- R: I think that was because the people who were in the township when this whole thing started thought of them as being tools of white industrialists . . . they didn't sacrifice a thing . . .
- Int: The very fact that they went off to their jobs, you mean, was held against them?
- R: Yes, I think those in the unrest felt that as soon as they got the news they should have left their jobs and come to the townships.
- Int: Was that the only sort of division that occurred amongst the people of Soweto: those who had to go off and earn their money and those who felt they should stay at home? There weren't any other factions that were at odds with each other, on a political basis, that you were aware of?
- R: No, I don't think so, on a political basis. Except where you found a group of won't-works who were actually demanding money from cars coming into the townships for their own use.
- Int: Were the gangsters exploiting the situation?
- R: Yes, they were.
- Int: What was the attitude of the general community towards those gangsters?
- R: The gangsters remained with the people who were emotionally concerned about the whole thing. So you couldn't just say, "I know you are not actually concerned with what is happening. Don't do what you are doing".
- Int: Is the promise of lights in Soweto going to make any difference?
- R: I don't think it's going to make any difference because it's been promised since . . .
- Int: Two points occur to me as you talk. The first is that it has been suggested that a number of people killed were informers. Does this ring true as far as you know? The implication is that these people were killed by the people of the townships in revenge.
- R: I wouldn't specifically say that is true.
- Int: The other point is that the police have alleged that a number of the people shot were hit by bullets with a calibre that the police don't ordinarily use.
- R: Yes, I read that statement.
- Int: Does it make sense to you?
- R: No, it doesn't.
- Int: As far as you are concerned, there were no guns in evidence among members of the black community?
- R: No. Personally I never saw any, although there could have been. I can't justify that. □

LESSONS OF SOWETO

A White View.

by E. M. Wentzel

There have been many warnings of disaster-round-the-corner. Clerics, Liberals, the OAU, Buthelezi, all have said it. And we whites have gone on our way as before. No doubt the Soweto riots will suffer the same fate in the short run.

We are united at least in this : we whites are all drawing our particular conclusions. We know the "natives" are restless; we are at odds why.

We are, of course, singularly unqualified to express any view at all. For us Soweto is a vast nothingness to the South West of Johannesburg; much better for **them** than the shanty towns from which they were moved; which, like Soweto we had perhaps seen from the train on the way to a seaside holiday.

What are our particular conclusions?

The Government, like Tzar Nicholas, makes contradictory responses. Most likely, however, it will react authoritarily as is its wont. Certainly merely to praise the Police, promise law and order and blame the agitators, is not constructive at all. Mr Botha's reminder that the Nationalists have their seats but not their hearts in Parliament may be no more than a ritual homage to their past. Heaven knows they are not lacking in power; Parliament is no brake on that. Perhaps a twin desire to shackle the Treurnichts in those private ways that even our Parliament inhibits, and to quieten even the restrained irritations of the Progressives will join to get rid of the British legacy. More probably we will let Parliament be and follow our traditional path and gobble up those we say are agitators and those who would have been if they had not been gobbled up. One thing is sure, Parliament or no Parliament, BOSS will be alive and well and living in Pretoria but visiting Soweto even more often than before.

Let us agree with the Government that Afrikaans was not the cause of the riots. Of course it was much more than that. It is the whole system of imposing us and our plans and desires on **them**; both the ugly side of us and even the side which has concern for **them**. **They** did destroy **their** things

which we had built. These things were available in Soweto and not separated as we are in our cities and suburbs. It is this separation between our affluence and power and their poverty and impotence which has caused this anger. It is this separation which thus far has saved us from the traumas of knowing about, understanding and trying to deal with Black poverty and aspirations, even at the cost of some of our wealth and power. Separation has saved us from the riots and upheavals which American society had to face in coming to grips with not dissimilar issues. Separation has made us quite unequipped to deal with these issues as we are made to face them.

No doubt much of the violence was the work of tsotsis. This would not surprise the people of Soweto. On their way to and from work and in their houses bolted at night they have had to learn to live with these dehumanised youths who are truly the children of apartheid.

There is a lesson to learn or perhaps an observation, for lessons are for those with the power to change things. After Sharpeville 16 years ago the Black people responded in organised political terms and not as a mob. There was a stay-at-home, a pass-burning, organised marches, press statements. At that time there were political organisations and leaders : from these came the response. Then it was truly the day of the agitator; today it is the day of the mob.

Over the past 16 years the Government has smashed these organisations. The response in 1976 is the street mob, the tsotsis, the unnamed agitators, not the politicians with whom one can parley and compromise. This is Mr Vorster's legacy for Whites; confrontation not compromise. And because of this policy our future in South Africa is in jeopardy.

When Mr Vorster returned from seeing Mr Kissinger he was given a standing ovation as he walked down the aisle of the Jumbo. Let there be no mistake : if we and he continue as we have, our very place in South Africa is in danger. Will we cheer him then? □

MISSING THE POINT—

The Theron Commission Report

by M. G. Whisson

Life's but a walking shadow, a poor player,
That struts and frets his hour upon the stage,
And then is heard no more; it is a tale
Told by an idiot, full of sound and fury,
Signifying nothing.

Thus spoke Macbeth on hearing of the death of the great lady who had fuelled his ambitious hopes of real political clout in the land of his birth. Were there any brown Macbeths who staked any real hopes upon the labours of the Theron commissioners as they consulted with the latter day, forked tongued diviners — sociologists, demographers and economists? Did anyone seriously believe that the Commission would propose a new deal acceptable to the “coloured” people which would be honoured by the existing government? The answer is, amazingly, yes, there were. The disenfranchised members of the Commission itself must have believed that their efforts were going to be worth making, and that by bothering to participate in the voting that took place from time to time they might be making some contribution to a better future for those sharing their legal classification. Others responded to questionnaires and talked to the Commission. Some perhaps, in their hearts, expected nothing, but nevertheless felt that their viewpoint should be put rather than be lost by default.

What did they get? Three major themes seem to arise out of the recommendations. First, there is the tentative and contested request that provision should be made for satisfactory forms of direct Coloured representation and decision-making on the various levels of authority and of government. That was what the whole Commission was about as far as some people were concerned, but the Commission, hopelessly divided between those who recognise that significant political rights are the *sine qua non* of justice and communal harmony and those who could not support proposals inconsistent with the Nationalist Party dreams of “parallel development”, proposed a committee of experts to look into the matter and make more concrete proposals. The response of the government has been predictable — another commission should look into ways whereby the aspirations of the “Coloured” people can be met without challenging the traditional right of the white parliament to govern its own affairs, affairs which include, of course, the proper ordering of communal relations and its own position at the apex of the socio-political hierarchy.

A second theme is more fundamental and concerns the

identity of the “Coloured” people themselves. The law defines them as a residual category i.e. by their **not** being members of positively defined or substantive categories. The operation of the apartheid legislation however implies that they **do** form a substantive category. If one is going to attempt to classify people and order their access to the resources of the whole society by virtue of that classification, it is inevitable that such a basic problem will occur. There will always be a residual category, whose corporateness can be expressed only in terms such as those used at the Coloured Convention “a number of people discriminated against in a particular sort of way”. The only way out of this dilemma is to abolish the legal category entirely, which is what the vast majority of the “Coloured” people have consistently demanded. Fiddling about with the system can achieve a little, whether for good or evil it is hard to predict. Making it easier for people to be re-classified through the humiliating procedures of the Classification Boards may ease the personal lot of some, while leading to the hurtful rejection of others and the destruction of normal human relations as people endeavour to achieve “acceptance” by one group through rejecting the other. The Commission recommended fiddling with the classification system — racism and humiliation with a little more humanity and a little more consideration of the individual, but racism and humiliation nonetheless.

So far, so bad. The rest of the recommendations, predicated as they are upon the false categorisation of “Coloured” people as a substantive category, can be considered together as an exercise in fiddling, for the most part to good effect. The miscegenation laws should be repealed; commercial and industrial areas should be open; organisations and places of entertainment should be free to admit whom they wish; the wage gaps should be closed; freehold farms should be available to “Coloured” farmers; private schools should be free to accept “Coloured” pupils, as should all universities; income criteria for housing in state schemes should be the same for “Coloured” and “White”; state welfare grants should be equalised; films should be released on the same basis for “White” and “Coloured”; the organisation and playing of sports should be left to the unions and clubs concerned. The fore-going recommendations may be justified on the grounds that even if they do not go far enough and in some cases retain a measure of discrimination they are at least firm steps in the direction of abolishing all discrimination. But so many

questions are begged – if we can now see the same film in different houses (a step forward) why not the same film in the same house? As Nero might have said, “How can I complete the harmony, this is only the beginning of the second movement”.

Then there are the recommendations which are predicated on the sound assumption that the “Coloured” people, as the victims of circumstances over centuries, are in need of not only the removal of some restrictions, but of positive help to enable them to compete in an open society, or to achieve such a measure of prosperity and communal welfare that they have no desire to compete or participate in the “White” dominated areas. The Coloured Development Corporation should be given greater scope to assist in the development of “Coloured” owned and managed business enterprise; people should be given greater assistance in dealing with credit and hire purchase arrangements; training centres for apprentices should be developed; the “tot” system should be abolished; far more resources should be devoted to education at all levels from nursery schools to the university, with higher education falling under the Department of National Education and more generous subsidy formulae than those used for the older universities being applied to the University of the Western Cape; District Six, Woodstock and Salt River should be proclaimed “Coloured” areas; additional resources should be devoted

to the promotion of family planning.

If the government responds positively to the recommendations that an end should be made of a mass of petty restrictions upon the freedom of “Coloured” people to live their lives according to their own choice, then the Commission will have been worthwhile and will have signified more than nothing – albeit stating no more than the self-evident. If the government responds generously to the recommendations that the “Coloured” people be given assistance to reach levels of housing, education and social welfare equivalent to the “Whites”, then again, the effort will have been worthwhile. But since the Commission failed to grasp the fundamental issue of classification in its recommendations if not in its deliberations, and failed to confront the government with the real political demands of the “Coloured” people, it has come nowhere near offering a solution to “the Coloured Problem”. Whether through wilful blindness or through the understandable belief that to ask for what might be granted is better than to ask for what is really needed, is neither here nor there – it has missed the point. The “Problem” remains, and will only be resolved when the term “Coloured” and its various synonyms is removed from the statute book. Once that step is taken, perspectives will be a little clearer on the problems of poverty, ignorance and anomie with which the Commission could do no more than fiddle.□

SOME NOTES

ON THE BRITISH CONNECTION

by Eric Harber (in Britain)

English speaking people living in South Africa are rather like those American citizens of, was it Arizona, who bought London Bridge thinking it was the original article and set it up in the desert with an artificial river and a fleet of red buses to carry the excited tourists to and fro. They were a little disappointed to find that it wasn't the original bridge and it didn't have castellated towers but they believed in it all the same. It was highly profitable and enjoyable for them to believe in it. They never told their visitors that it was only 150 years old and was in danger of falling down and needed to be rebuilt on sounder foundations. So it is for those who believe that Britain is a civilised society that its “most crucial social arrangements are based on the notion of fair play, mutual considerateness, and common sense”. This is a quotation from Colin Gardner's article on Britain that appeared in “Reality” recently. No doubt the purpose of this article was partly

to persuade the readers, if they were not persuaded already, that these principles and the institutions that practised them were a **very good idea**, but Professor Gardner, apart from the rhetorical proviso of “British society is far from perfect”, clearly believes what he says to be true and wishes everyone to believe this also. I would like to argue that his view of Britain is unreal and sentimental, especially when he says that the characteristic bents of public life in Britain are “intelligence, courtesy, outspokenness and relaxation”. This view is possible only to one who does not venture much beyond the congenial atmosphere of a university common room, when visiting Britain.

Democracy as it has been practised in the West has not moved very far away from the paradigm of a slave society. Slavery was abolished or officially abolished a mere 140 years ago, but the effective enslavement of the colonies by Britain and the other colonial countries lasted until they

were granted independence, and then carried on (metaphorically) by powerful commercial interests after that. The ethics of "democracy", was and still is the survival of the fittest. Those who have succeeded and who do succeed are only those who minimise their obligations and responsibilities towards their fellow men. In this way, and I feel rather apologetic that I should be introducing this vulgar consideration, over the last century or so vast resources of wealth have been built up. It matters little that latter-day socialists – or those that pass for socialists – should now have their eyes on these spoils and want them shared out more fairly. In the twentieth century democracy has caught on even among thieves when the spoils are big enough (witness the "great" train robbers). What would happen if they weren't? But thieves never share with those they have robbed.

Before it became obvious that Britain was slowly trundling "down hill" there was some thought among the more altruistic socialists that 1% of the GNP (or was it of the year's taxes?) should be given back to those from whom it was taken but that idea has been scuttled, and will soon be rusty and unsalvageable. (Moreover, even if that 1% were allocated as AID, tied to the benefit of the country that offered it, it **would be tied**.) In short, to give a simple and obvious example, the slaves who dig up gold on the reef for the benefit of British shareholders and to subsidise the standard of living of the working class in Britain do not have a voter in Britain or one solitary person to represent their interests there. Why should they? The idea is absurd! The highest principle of democracy is sovereignty, so how could Britain interfere in the internal affairs of South Africa? Thus democratic Britain is generally saved the trouble of putting a steel-toed boot into refractory workers, as she has always been in bygone days; in Portugal which used to be a British colony, economically speaking, or in Argentina. (I won't advert to the treatment of the Kikuyu in Kenya, when they were regarded as a nuisance, or the mine-workers in Rhodesia.)

Professor Gardner argued – or claims – for he doesn't offer any evidence for what he says – that there is plenty of public discussion in Britain about the "burning issues of the day". I would claim equally that there is little or no public discussions about the **burning** issues of the day. Public discussions are carefully damped down so that they become refined versions of the old Roman circuses. They pander very effectively to British prejudices; consider the drama of seeing an affluent and squeaky trade union leader reputedly left wing, but oozing hypocrisy, making a fool of himself by

losing his temper with some smoothly arrogant upper class proprietor or company director over wages and prices.

Public discussion is only about occurrences that are ancient history (when one considers the pace of modern life); there is always a carefully calculated time-lag to make public opinion ineffective. Two examples should suffice. Firstly it has long been known that in the words of a high court judge "Birmingham is synonymous with corruption". Men have been in and out of prison for the many frauds that occurred there. But only in February 1976 did BBC television decide that Birmingham's massive corruption was a respectable subject for investigation; that it had become a British institution; safe if just a little dangerous like a bomb from the second world war. And so too with Angola: for months and months, there was no information about major and minor power involvement, not a word. Not until it was no longer possible for public opinion to be anything other than harmless.

The subject that Britain should be debating is whether the whole terms of their acquisitive society should not be changed to make ultimate survival possible and happy while yet there is time. Instead one of the strongest lines in propaganda that comes across is that North Sea Oil is a wonderful thing and we should all believe in it and squander it. The television propaganda managers are carefully injecting it into our bloodstream. Perhaps one day it will come out of the water taps so that the point is driven home. Oil is energy and life. The last thing any authority wants at a time of economic uncertainty is that people should start to question the basis of their existence.

Finally, it should be said that it is thanks as much to the continuing British connection as anything else that South Africa is the way it is. British writers and influential and powerful men (like Trollope and Milner) were racists and helped to create the view that negroes were right at the bottom of the intelligence pyramid as established by various forms of social Darwinism. Baden-Powell administered the pass laws after British civil servants had given them powerful locking jaws. In the fifties, British police advised the South African police when active opposition was anticipated and were in a good position to do so with all their experience with the Irish. The Irish? I had forgotten about them. But then Britain has found the usual democratic solution to the Irish problem; detention without trial, disorientation, torture, midnight police raids, smashing up houses of untried suspects. Not very intelligent, courteous or relaxed, but necessary when your civilisation has created problems you cannot and don't want to solve.□

ANOTHER ARTICLE BANNED

Once again the material on which a Reality article was based has been banned and, in consequence, the article has had to be withdrawn.

In this case we had intended publishing a review of the recently published papers of an important Black conference held in 1974.

We protest against this intrusion on our right to decide for ourselves what we should read and publish. Not only do we regard it as objectionable, it is also highly dangerous. If our society is ever to make the radical changes necessary to establish peace, contentment and stability, it should be opening its eyes and ears to new Black thinking, not closing them.

TRAINING CENTRES FOR COLOURED CADETS

An analysis of the Training Centres for Coloured Cadets Act No. 46 of 1967, the regulations issued thereunder and the system in practice.

(Reality is grateful to the Campaign Against Racial Discrimination for circulating this analysis. The Coloured Cadets Act, like so much of our "horror" legislation, has been largely forgotten by all but those who suffer under it. This is understandable. When each year produces its quota of appalling laws, the implications of the old are soon forgotten. That they should never be allowed to do so, this analysis reminds us all too well).

"Our main punishment was to be sent to the cells or to be beaten with a stick. Wherever we worked in the camp someone stood over us. We felt as if we were constantly treated as if being punished".

— One of the cadets from the training centre.

"We (the ruling class) are now forced as a result of these years of neglect (by the state) to introduce a system of labour camps—all right, call them training camps and make it sound as nice as possible—as part of South Africa's economic and social life".

—Mrs Catherine Taylor, United Party M.P.

Recent Press reports of widespread arrests of "Coloured" youths in and around Cape Town for non-registration in terms of the Cadet Act and the strong resulting discontent induced C A R D (Campaign Against Racial Discrimination) to investigate the background and practice of the system.

South African society is tainted by the presence of forced labour. The African labour force is usually the target of this coercion ("rehabilitation centres", prisons), but in recent years part of the "Coloured" labour force has been drawn into this scheme. Statutory laws and administrative edicts have taken over from the market laws of supply and

demand.

South Africa's mines, farms and factories have been built up on the backs of cheap, disciplined and preferably submissive labourers. It is against this background that the Training Centres for Coloured Cadets Act No. 46 of 1967 must be seen.

The Act was introduced by the Minister of Coloured Affairs and was supported by the Official Opposition (The United Party) and more significantly by the Federated Chamber of Industries. To make the Act more "acceptable", the support of various Government nominated and financed "Coloured leaders" was harnessed. The Progressive Party's sole parliamentary representative opposed the Bill in toto, as did the Teachers' League of South Africa.

The Labour Party, while not opposing the bill in toto, called on parents not to allow their sons to register for service until facilities and wage rates equal to those of White military trainees were offered.

The Act and Regulations:

The central provision of the Act is to establish centres for the compulsory training of cadets **for any kind of employment.**

All men between the ages of 18 and 24 and classified as Coloured **must** register for training. Failure to register makes the person liable to be arrested and sentenced to a fine not exceeding R200 or imprisonment up to 6 months or both, and enforced registration.

It is this aspect, among others, which gives the training camp the characteristics of a conscripted labour camp. On registering, a registration certificate is issued. The certificate must be produced within 7 days when demanded by a policeman or other registering officer. (This period of grace was granted as a concession to the Opposition. In practice it is often ignored, judging from Press reports of arrests.)

Moving the second reading of the Bill, the Minister of Coloured Affairs said, "I want to give the House assurance that in this case it is not the intention to employ raids, general interrogation in the streets and large scale prosecutions."

—Hansard, 20.2.1967

Two years later ministerial patience had apparently worn thin, for he told parliament "Raids may be carried out to obtain recruits for the Coloured Cadet Training Centre if Coloured youths of 18 continue to ignore appeals to register".

—Rand Daily Mail, 10.5.1969

By 1976 the situation had reached the point where the Press were reporting "Seventy-nine youths have been arrested since 9th June in Athlone for not registering for service in the Coloured Cadets, a spokesman for the Athlone Police said yesterday".

—Cape Times, 15.6.1976

From the recruits, the selection board set up in terms of the Act may (i.e. the Board has a discretion) exempt those who are:

- a) full time students or scholars
- b) permanent workers and apprentices or who
- c) possess mental or bodily defects
- d) by undergoing training would face undue hardship
- e) are unfit to undergo training for any reason.

The Board may exempt any recruit permanently or for such

period or on such conditions as the Board may determine. If it is borne in mind that one of the motives (see below) of the Act is to produce "trained and disciplined workers" this power of the Board becomes ominous. Cadets who are **not** permanently and unconditionally exempted are on parole as it were.

Where a worker has not been working to the satisfaction of his employer, he may be dismissed, sent to the training camp and then be employed later by the same employer.

The following was reported by the newspaper "Post" (29.11.1970) "An 18 year old Athlone boy, Michael O'Shea was dismissed from his job and sent to Cadet camp. O'Shea, an apprentice plumber, was sacked at the end of October and the next day ordered to report to Cadet Camp in Faure."

It was admitted by the CRC Executive member in charge of Welfare and Pensions that the Department of Coloured Affairs was aware that O'Shea had been working, and that O'Shea's boss had reported him to be sent to camp and said that he did so in the boy's own interest.

This after assurances by a Nationalist M.P. that "this measure (does) not interfere either with the studies of Coloured students or with the work of those who are employed".

—Mr J. P. A. Reynecke—Hansard 2.3.1967

The threat of being sent to a labour camp must surely influence workers to be more docile. To this extent it is a psychological weapon in the hands of the employers.

While only a few hundred Coloured workers are at present being called up, fear of this fate influences many thousands.

"Perhaps many of these people will never see the training centres because the fact that they have been registered will prompt them to greater serviceability".

—Dr S. W. van der Merwe NAT—Hansard 20.2.1967

A recruit who is selected for training and who fails to report for this when called upon to do so will be liable on conviction to maximum penalties of a fine of R500 or imprisonment for 3 years or both.

Training includes physical exercises, sport, drilling exercises and the performance of any kind of work, but consists mainly of training for any kind of employment. The normal training period is for one year. This may be extended to a further training period of not more than one year if the cadet has not rendered "satisfactory service". Cadets spend 4 months in the labour camp at Faure and the rest of the period in employment.

Shoddy work or indiscipline at his place of employment can result in the cadet doing a further period of training (cheap labour?) at the labour camp, or a lengthening of his period of training of up to one year.

As the Minister of Coloured Affairs explained, "Cadets who are placed in employment with a view to training in the private sector but who fail to perform their duties or to make satisfactory progress will have to go back to the State-controlled centre."

In other words there will be a very powerful incentive for such youths to put their hearts and souls into their work lest they be endorsed into the labour camps.

Any period during which a cadet serves a sentence of im-

prisonment or is absent from the labour camp or his place of employment without leave is not taken into consideration in determining the duration of a cadet's training.

Both the Act and the regulations issued thereunder made provision for the disciplining of cadets. Cadets can be charged in a magistrate's court for contravening or failing to comply with any regulations and be sentenced to a fine of up to R200, imprisonment up to 6 months or confinement at a training camp.

Cadets who are absent without leave from the labour camp or their place of employment are, if convicted, liable to a fine or to imprisonment for a period not exceeding 3 years or to both such fine and such imprisonment. The effect of this is as in the Army, to make desertion a criminal offence. It is thus true to say that cadets are subjected to military discipline and all that it entails. Any cadet who refuses or fails to undergo to the best of his ability any training he is required to undergo in terms of the Act is subject to similar penalties.

In terms of the regulations if a cadet inter alia contravenes the rules or the regulations applicable to the training centre, and wilfully disobeys any rightful order or instruction given by a person authorised to give such order or instruction and uses indecent language or acts in an insolent or threatening manner or in any manner whatsoever causes discontent, unrest and insubordination amongst cadets and conducts himself in a manner prejudicial to good order and discipline or unlawfully admits any female person to any part of a training centre, he should be guilty of an offence. The principal is given the right to try the offender in certain instances. The principal of the centre is empowered to impose on a cadet upon conviction, any one or more of the following punishments namely a reprimand, forfeiture of privileges for a period not exceeding 4 months, forfeiture of allowances, increase in the normal hours of work to the extent of, or pack-drill exercises not exceeding, 3 hours per day for a period not exceeding 3 days, and confinement. If the principal of the training centre decides to impose punishment, he must send the details to the magistrate of the district who may confirm or set aside or vary the punishment.

That cadets in private employment are subject to military discipline is confirmed by a further regulation which deserves to be quoted in full; "Until such time as a cadet is finally discharged, he shall at all times, wherever he may be, remain subject to these regulations as if he were within the confines of a training centre."

The threat of draconian punishments, must surely "persuade" all but the most courageous and defiant cadet that to attempt to change the status quo both politically and economically is not worth his while.

A cadet may study in his spare time only with the permission of the principal. The number of working hours in every week shall not exceed 56 including time taken up by meals and the tidying of dormitories. This in effect works out at 10 hours work every working day—something which would not be tolerated by a free labour force.

During his training the cadet receives such pay and allowances as the Minister of Coloured Affairs together with the Minister of Finance may determine.

When a cadet is placed in employment the regulations state that "he shall receive the wages normally applicable to per-

sons performing the same work at such a place, but in any event no less than the pay and the cash value of privileges received from the State by cadets at a training centre." (It might be asked what are the advantages to employers of employing cadets if they are subject to the same wages as other workers. The answer lies in the fact that the cadets are bound on the pain of punishment to be submissive, docile and unquestioning. Cadets while at the labour camp are protected by neither the Industrial Conciliation Act No. 28 of 1956 nor the Wage Act No. 5 of 1957 and are thus accorded no legalised bargaining power in respect of wages and working conditions.

Unlike other workers, e.g. shop and factory workers, cadets are not automatically entitled as of right to leave, instead the consent of the principal has to be obtained even when they are working in private employment.

At the conclusion of his training, the cadet is issued with a discharge certificate. If the conduct of a cadet during his period of training is regarded as mainly unsatisfactory, his discharge certificate may be endorsed accordingly. Given the fact that employers are likely to demand the production of a satisfactory discharge certificate from ex-cadets, this is yet another "incentive" for a cadet to conform. The conditions for the issuing of a satisfactory discharge certificate are self-explanatory, namely (the cadet) did not, during his training, commit any serious breach of the domestic rules which could harm the good order and discipline at the centre, during his training he was not convicted of any serious contravention of the regulations, by his conduct he had set a good example to others during his training etc.

Motivation for the Act:

"The aim of the new Cadet Training Centre at Faure is to build up a feeling of national pride among Coloured youths, as well as pride in their work, and to provide the private sector with trained and disciplined workers!

—Col. J. C. van Dyk, Principal of the Centre, addressing a management seminar, quoted Argus 21.11.1969)

There were various stated motives for the Act being introduced. One of the main motives was to provide "indigenous, reliable" labour to replace "foreign" (African) labour in the Western Cape. Since 1955 it has been state policy to attempt to remove African workers from this area. This policy which was presented as a safeguard to Coloured workers who were asked to see African workers as threatening their jobs, served no other functions than to divide the labour force still further and to prevent "mixing" of Coloured and African workers. "Mnr Viljoen (die Minister) het gesê die kleurlinge gaan geleer word om werk to doen. Hy gaan sy eie volk dien. Hy gaan Wes-Kaapland vir die bruinman en die blanke beskerm en beveilig met sy arbeid."

—Die Burger 8.3.1967

(Mr Viljoen—the Minister—said that the Coloured is going to be taught to work. He is going to serve his own people. He is going to protect and secure the Western Cape for the Coloureds and the Whites with his labour).

While at first it was also envisaged that this labour would be used in the agricultural sector, the cadets have increasingly been utilized by the expanding state sector and more particularly its security arms, e.g. police, prisons, army and navy. Those who are not employed by this sector

are absorbed probably by the business and farming sectors. Given the inadequacy of Coloured education, freedom from compulsory military training and the decline in the role and influence of the churches, there has been a gap in the process of socialisation of Coloured youths as "trained and disciplined workers" to feed the needs of the economy. The answer thereto lay in the Cadet Act—"As far as Whites are concerned, military service was expanded . . . Something similar is now envisaged for the young Coloured adults in order to lend some direction to their lives and to train them for some kind of work."

—Minister of Coloured Affairs, 20.1.1967.

One extra added benefit of the Act to employers and the State is that the cadets could provide a useful, docile scab labour force in times of strikes and riots. While as yet they have never been utilized in this role, the existence of a conscripted labour force poses a direct threat to the rest of the working class's bargaining power.

Conditions at the Camp:

Two cadets were interviewed about their reasons for registering and conditions at the camp—they requested to remain anonymous. Cadet A said he registered for training because of his parents' fears that he would be arrested if he did not.

"I spent 6 months at the camp. When I was recruited I was earning R23 a month; in the camp we were all paid R9 a month no matter what we did".

Twenty-four people slept in a room, and a "sergeant" and "corporal" were chosen by each room. Many of the people in A's troop had been employed when called up.

"Discipline was extremely strict. All our thinking was done for us and if we did not toe the line, we were beaten with a stick.

Our main punishment was to be sent to the cells, usually for a week. This was mainly for fighting, gambling or drinking."

No one in A's troop was employed outside the camp and he was surprised to learn that such a provision existed.

Most cadets worked in the camp or were drilled.

"We hated working in the camp because someone always stood over us. We especially hated having to work in our superior's gardens. Most of us found this very degrading."

Food was described as "all right, but never enough".

Cadet B said that work was much easier to obtain with a good reference from the camp.

"What we all hated was that we felt we were constantly being treated as if we were being punished."

"I especially hated the forced long distance running and being made to crawl through the dust."

"Once a cadet was beaten till he bled and then tied to a pole. His friends had to carry him while he was still tied to the pole. The beating took place in the bush and the authorities did not know about it."

Films about the camps were shown, telling cadets about the way officers would like them to live.

Complaints of other cadets centered on too little food, fear of corporal punishment and receiving unfavourable references from the camp or employers.

It should be noted that the Act and Regulations make provision for a maximum period of only 3 days detention in the cells, not the week which Cadet A claimed was usual.

Further, it should be noted that corporal punishment is expressly ruled out in terms of the Regulations.

Regulation J 35 reads:

"An instructor shall not strike or assault a cadet, except in self defence or in defence of someone else . . ."

The interviews seem to indicate that there is a marked tendency to disregard the regulations and for those legally responsible to turn a blind eye or at least to be "uninformed" as to daily practice.

Success of registration scheme and training:

Originally 90 000 youths were to be included in the initial registration and every year after, 20 000. This was reduced to an estimated yearly registration-expectation of 15 000. In the most successful year, as regards registration—1973—9 331 registered.

Mr J. de la Rey de Kock, Commissioner for Coloured affairs, said on May 2, 1974 that only 40 per cent of Coloured youths between ages of 18 and 24 registered.

December 1972—Mr F. L. Gaum, Commissioner for Coloured Affairs at the time said 73 per cent of all cadets who had completed training were still in employment after a period of a year, in positions which had been found for them.

Theron Commission, June, 1976, Page 273:

"It was repeatedly mentioned that in spite of intensive and nationwide information dissemination about the obligation to register, there is yet a large group of young men who do not do so. According to witnesses, the apparent reluctance to attend this institution is due to the stigma which attaches itself to boys who have been there. Compulsory service, which applies to all young men and in which boys at the centre will be included, will be more acceptable."

Conclusion:

Ordinance 50 of 1828 provided that "no Hottentot or other free person of colour lawfully residing in this colony (Cape), shall be subject to any compulsory service to which other of his Majesty's subjects therein are not liable."

This ordinance repealed the "Vagrancy" proclamation of 1809 and several other proclamations of a similar nature, which required inter alia that persons of colour carry passes if they were to leave their fixed places of residence, this measure being enacted to protect the farmers' labour supply.

The Cadet Act which has reintroduced the concept of compulsory labour for Coloured workers, and the Prevention of Illegal Squatting Amendment Act which has reintroduced influx control for Coloured workers are a reversion to the situation as it was before 1828.

CARD opposes these measures and calls for their repeal. We realise that these are merely some of many measures reducing significant proportions of the South African population to unfree labour. African workers are already in many ways unfree. While until recently, Coloured workers have been relatively free it seems as if the State's intention is to reduce this freedom systematically in order to provide "trained and disciplined workers" for local and foreign entrepreneurs.□

SOME PERSPECTIVES OF THE PARLIAMENTARY INTERNAL SECURITY COMMISSION

by John Milton

The Parliamentary Internal Security Commission (Piscom) was established earlier this year by the enactment of the Parliamentary Internal Security Commission Act 67 of 1976.

The background to this legislation is well known. In 1972 a parliamentary select committee was appointed to enquire into certain organisations. The select committee was unable to complete its work by the end of the session and because parliamentary procedure does not allow of a committee to function when Parliament is not in session, the committee was converted into a Commission of Enquiry. This Commission, in an interim report, recommended that there should be established a permanent body to keep under review matters of internal security, that the body should be established by Act of Parliament and consist of members of parliament. The government response to these recommendations was the Parliamentary Internal Security Commission Act of 1976.

The main provisions of this Act are that it establishes 'a body to be known as the Parliamentary Internal Security Commission' which consists in not more than ten 'members of Parliament' appointed by the State President. The function of the commission is stated to be to 'investigate matters which, in the opinion of the State President, affect internal security, and which are referred to it by the State President' and also 'to investigate and report on 'any matters concerning existing and contemplated legislation and existing and contemplated administrative procedure affecting internal security' which may be referred to the commission by the State President.

The Act further provides that the reports of the commission are to be laid upon the tables of the Houses of Parliament, except if the Prime Minister 'in consultation with the leader of the opposition' is of the opinion that it 'is not in the public interest' that a report or portions of a report should be so tabled.

The Act also makes provision for the powers of the commission concerning the summoning of witnesses and the taking of evidence as well as certain other procedural and administrative matters.

II

From a constitutional point of view, what is remarkable about Piscom is not so much its existence as its form. It is not unusual in modern western democracies for legislatures to undertake investigations and enquiries. This is a necessary adjunct to the legislative function in that it provides a means by which the legislature may gather information necessary to enable it to legislate wisely and effectively.

This information-gathering process is usually performed by parliamentary committees (which may be either 'standing' committees or 'select' committees) or by commission of enquiry.

The parliamentary committee, of course, is in its nature an agent of Parliament itself. It is created by Parliament, staffed by members of Parliament, and derives its powers and functions from Parliament. As such it has powers of coercion derived from the parliamentary power to count for contempt and is subject to the supervision and regulation of Parliament. Naturally the committee submits its report to Parliament which is thereby informed on the matters into which the committee was charged to enquire.

The commission of enquiry, on the other hand, is an extra-parliamentary organ. It is created by exercise of Executive power (specifically the prerogative power of the head of state) on a recommendation of a minister of the state. The terms of reference of the commission, its membership and powers are prescribed by the Executive and the report of the commission is submitted to the head of state.

In theory therefore there are very clear distinctions between parliamentary committees and commissions of enquiry, distinctions which may be epitomised by saying that the Parliamentary committee is an instrument of the legislative organ while the commission of enquiry is an instrument of the executive organ. Traditionally this basic distinction is maintained by a practice of not appointing members of parliament as members of commissions of enquiry. (Of course, members of the public cannot be members of parliamentary committees).

What is remarkable about Piscom then is that it is in theory and practice a commission of enquiry yet consists entirely of members of parliament. It is thus a new sort of institution, a hybrid of parliamentary select committee and commission of enquiry. Put another way, it is, as it were, a parliamentary select committee which does not report to parliament nor is amenable to the supervision of parliament, its report goes to the executive and need not necessarily be made available to parliament. From the constitutional point of view the question is whether it is right and proper that members of the legislative organ who are not also members of the executive organ (i.e. ministers of State) should in this way be made to be instruments of executive government. Certainly the whole arrangement is contrary to the doctrine of separation of powers, as indeed, the legislation recognises. The Act provided that members of the commission shall not be regarded as holding an 'office of profit under the Republic'. In terms of the Constitution a person who holds an office of profit under the Republic is disqualified from being a member of Parliament. This constitutional provision is an expression of a basic principle of the doctrine of separation of powers, namely, that a person may not simultaneously be a member of the legislative and executive organs of government. By specifically exempting members of Piscom from this constitutional provision, the Parliamentary Internal Security Act tacitly recognises that Piscom violates the doctrine of separation of powers.

III

However such disquiet as may exist in the public mind concerning Piscom is unlikely to have arisen from a concern for these constitutional niceties. It arises rather from the fact that Piscom as constituted is an inquisitorial body with coercive powers.

Now it must be said at the outset that the existence of inquisitorial organs is not an uncommon feature of modern systems of democratic government. Indeed all committees or commissions of enquiry may properly be described as being inquisitorial in nature, inquisitorial that is, as a South African judge once put it 'in the laconical, not the Spanish sense'. In other words any organ charged with investigative functions, which must gather information or elicit facts is, in its nature, inquisitorial.

Be this as it may, the fact remains that the public tends to be suspicious of inquisitorial processes, and it is as well to consider why this should be so.

In part it is because inquisitions tend to operate differently from their analogues the courts of law. Legal proceedings—particularly those of criminal jurisdiction—are subject to, and regulated by, a host of inter-locking procedural safeguards which go by the general description of due process of law. Inquisitorial proceedings seldom observe these procedures nor—and this is a point which is not always fully appreciated—are they inherently obliged to do so.

The fundamental reason for the exclusion of principles of due process of law in inquisitorial proceedings, it is usually said, is because the proceedings are inquisitorial rather than accusatorial. The inquest is charged to seek and obtain facts or information. Persons who have knowledge of pertinent facts or relevant information cannot be seen as being in the position of the accused in ordinary legal proceedings and therefore have no inherent right to claim or invoke the pro-

tective devices of due process of law. These general principles, it may be said, have been spelled out on many occasions by eminent judges both in this country and elsewhere, and have been applied by them when acting as commissions of enquiry.

A further noteworthy feature about inquisitorial proceedings is the fact that citizens may be compelled and coerced to attend and give evidence. This is because it is the civic duty of all to co-operate with these agencies, charged as they are with the duty of obtaining facts necessary for intelligent governmental action. It is the unremitting duty of the citizen to respond to subpoenas to respect the dignity of the enquiring organ, and to testify fully and truthfully with respect of matters within the province of the investigation. Persons summoned as witnesses who refuse to appear, or to be sworn or to testify are thus liable to punishment by way of committal for contempt of Parliament (where the inquisition is a parliamentary committee) or to be prosecuted in a court of law (in terms of the provisions of the Commissions Act 1947 where the inquisition is a Commission of Enquiry). It may be mentioned in passing that Piscom enjoys basically the same powers in this regard as do other commissions in terms of the Commissions Act 1947.

In this regard it is also worth noting that at common law a person summoned as a witness before an inquisition is not entitled as of right to be represented by counsel.

It must also be said that persons liable to be summoned to give evidence before Piscom are in a slightly better position than witnesses appearing before other inquisitorial agencies. This is because the Act provides in section 8 (8) that in connection with the giving of evidence before the Commission 'the law relating to privilege as applicable to a witness' which is applied in a provincial division of the Supreme Court of South Africa 'shall apply'. This means then that a witness will be entitled to claim the privilege against self-incrimination as well as being able to invoke the professional privilege accorded to legal advisers.

Finally it should be borne in mind that it is often one of the functions of the inquisitorial process to expose individuals. In modern democracies corruption in high and low places is usually sought out by inquisition rather than accusation, and those who are revealed to be venal, deceitful, dishonest or negligent will suffer the loss of reputation, dignity and privacy that is the inevitable consequence of exposure at the bar of public opinion.

IV

What then are we to make of Piscom? One thing is plain. Although it is ostensibly a parliamentary body, it has no direct responsibility to Parliament. Piscom does not seem to fall into the usual category of legislative investigatory bodies constituted by Parliament for the purpose of informing and educating Parliament. Parliament has no say in who shall be the members of the commission (they are appointed by the State President) what shall be the subjects of enquiry by the commission (the Act says that the commission shall enquire into those aspects of internal security 'which are referred to it by the State President) nor is it of right entitled to receive the reports of the commission (these may be tabled in Parliament but whether or not they are depends upon whether the Prime Minister thinks it is the public interest to do so).

The other thing about PISCOM is that it is a commission consisting entirely of politicians. What is important about this fact is that the commission is to enquire into the delicate and explosive subject of national security. National security is a topic which involves among other things the impact of political beliefs and activities of individuals and groups within the State. This means that such civil rights as freedom of belief, freedom of expression, freedom of association are drawn into the matter. Now this does not mean that it would be inappropriate or improper for the commission to make enquiries in relation to these interests, but it does mean that the individuals whose beliefs, activities and associations are to be investigated are entitled to have their legitimately claimed and exercised civil rights respected and protected. And here is the rub. Traditionally these rights are protected by the procedures of impartial courts of law. But as we have seen inquisitorial organs are not obliged to observe these procedures. And the

fact is that politicians are not, nor have they been trained to be, nor indeed can they reasonably be required to be, as independent as a judge. This is not said in any slighting sense. Politics is undoubtedly one of the most important activities in a democracy. The simple fact is that a politician, whatever his allegiance or policy, is a person engaged in the process of gaining support for his views and his party and must, by the nature of his function, always be aware and sensitive to this fact in whatever he does.

History and experience have shown that legislative investigations can and have been conducted conscientiously and fairly. But it has also shown that the powers of inquisition of these bodies can be abused. Senator McCarthy taught an old lesson that freedom—in this case, to investigate—can be debased into licence to denigrate, humiliate and destroy. It is a lesson that must not be forgotten. □

MAY YOU LIVE IN INTERESTING TIMES

A speech delivered at the University of Cape Town, August, 1976

by David Welsh

Some eight years ago Senator Robert Kennedy began his speech in this very hall by quoting an ancient Chinese curse —“May you live in interesting times”. Our times, in the Southern Africa of 1976, are more than interesting—they are stirring, momentous and fraught with cataclysmic possibilities.

I am not here to protest solely against the recent detentions under the Terrorism Act or against the banning of my friend and colleague Fatima Meer in terms of the Internal Security Act. These laws are appalling instruments of tyranny. They will not bring real security to our country: only justice can do that.

For those of us who believe in the Rule of Law, law is above all things a protection against public and private predators. There is that wonderful speech in “A Man for All Seasons” where Sir Thomas More challenges his son-in-law: ‘And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country’s planted thick with laws from coast to coast—Man’s laws, not God’s—and if you cut them down—and you’re just the man to do it—d’you

really think you could stand upright in the winds that would blow them?’

I want to say to you bluntly that laws like the Terrorism Act and the Internal Security Act are the inevitable concomitants of a misguided attempt to shore up racial privilege. I protest against that privilege and its dehumanizing effects on all who are part of it, whether they be white or black.

I cannot be fully human if I am enmeshed in an all-pervasive web of inequality; and I cannot be fully human if I am a member of the group that spins the web. I have long believed that the corrosive effects of racial discrimination are ultimately more destructive of those who practice it than of those who are its captives.

I recognise that for many of you these are troubling times, times when you may easily despair at the spate of violence that seems to be engulfing this sub-continent. It may seem to you to be futile to go on protesting or doing whatever thing you do.

Don’t despair; don’t be consumed by a sense of futility; and

don't be beguiled by Chinese who tell you that interesting times are necessarily a curse.

If your commitment to South Africa is real and strong, see this situation as a challenge to be surmounted. Don't allow yourself to be taken in by charlatans who promise instant solutions to our society's problems.

I don't often use the word 'patriotism': it has too often been invoked as a blanket endorsement for the actions of bungling politicians to leave it with much value as a negotiable currency. Nevertheless, like Camus, I would like to be able to love my country and to love justice.

For me personally, though, there is another sentiment which, if not the same as patriotism, is an equally compelling drive: and that is a recognition of my roots in this land; a recognition of how privileged I am to be part of so richly textured a society; and a recognition that for all the turbulence and conflict I have strong emotional bonds with all our people.

To put it at its simplest I cannot envisage living in a society that did not contain Africans, Afrikaners, Asians, Coloureds and English. For better or for worse they are part of me and I would not wish it any other way.

If, like Martin Luther King, I had a dream it would be a dream of a South Africa in which the creative talents and energies of all our people were unshackled and allowed to flourish.

It would be a South Africa whose Security Police had little to do—perhaps we could get them to start cataloguing that magnificent collection of political documents their predecessors had built up. It would be a South Africa in which all the dreary litany of Bosses, Schlebush/le Grange Commissions, Piscoms and the like had been banished to a dark part of our history.

Unfortunately, we cannot only dream. We must act as well. □

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