

DOCUMENT ON THE VAN WYK DE VRIES COMMISSION OF ENQUIRY INTO
UNIVERSITIES

For distribution to:

- (a) Members of university communities and Training Colleges
affiliated to the National Union of South African Students.
- (b) The general public.

Compiled by:

Charles Nupen
NUSAS PRESIDENT

acting on a mandate from the NUSAS National Council - December, 1973

1. INTRODUCTION

This document does not purport to be a thorough, rounded analysis of the Van Wyk de Vries Commission of Enquiry into White universities. It seeks to clarify why deep concern has for some time been expressed in English language student circles, and particularly among student leadership over the implications of such a commission.

This concern has arisen, inter alia, from an analysis of the terms of reference of the commission, its composition, statements made by persons directly and indirectly associated with the commission, current forecasts which pertain to possible recommendations arising from the Commission's report, and a frequently hostile attitude on the part of the Nationalist government to English language universities and the National Union of South African Students.

2. BACKGROUND

On the 9th May, 1968, the Minister of National Education at the time, Senator Jan de Klerk, announced in the Senate that cabinet sanction had been granted for the appointment of a commission of enquiry to go into certain matters relating to the universities. He mentioned that the enquiry would include the question of student activities at the universities about which criticism had been raised. The announcement met with some reaction, particularly as the call for an enquiry had arisen purely from an urgent need to investigate the subsidy formula for university expenditure.

Sir Richard Luyt, Principal of the University of Cape Town, stated that the universities themselves possessed adequately effective machinery to control their student activities:

"I have never contemplated any machinery other than that which the universities have to control student conduct."

Professor H.B. Thom, rector of the University of Stellenbosch felt that if an enquiry into undesirable student activities were to form part of the commission's work, every university in South Africa should be investigated to "get the whole picture".

A further statement by de Klerk in the Senate (14th May) increased growing suspicion over the motives for broadening the terms of reference of the proposed commission beyond financial considerations.

Discussing the question, he said that the older generation had to give guidance and that in present day circumstances this was not easy because things tended to get out of hand and the younger generation were under the influences of foreign ideologies. It was to be hoped that the youth of South Africa would stay on their conservative path.

The Cape Times reacted in an editorial on the 16th May, that to mix up the sober business of how the universities' subsidies shall be calculated with the emotive and debatable question of student politics is surely not practical. In fact, there might be danger that such a hybrid commission would get caught in the quicksand terrain of hairplitting on what is morality, what is understandable activity, what is patriotism and what is the distinction between youthful exuberance and subversion.

3. TERMS OF REFERENCE

The terms of reference of the State President's Commission confirmed inference and speculation that it would investigate matters far broader than the financial state of the universities.

Extract: GOVERNMENT GAZETTE NO. 2217, VOL. 41, 22 NOVEMBER 1968

DEPARTMENT OF HIGHER EDUCATION

It is hereby notified for general information that the State President has been pleased to appoint a Commission of Enquiry as follows:-

Commission

by the State President of the Republic of South Africa

TO: Jan van Wyk de Vries
Hendrik Johannes Jacob Bingle
Owen Pieter Faure Horwood
Hendrik Bernadus Thom
Guerina Renzo Bozzoli
Wentzel Christoffel du Plessis
Izak Theunis Meyer
Stephen Charles Marais Naudé
Lyell Thomas Campbell-Pitt

GREETINGS:

Whereas I deem it expedient to appoint a Commission to enquire into and report on the matters mentioned below;

Now therefore, by reason of the great trust I repose in your knowledge and ability, I hereby authorise and appoint you to be members, and you, Jan van Wyk de Vries, to be chairman of a Commission to inquire into and report, in so far as universities for Whites in the Republic of South Africa and the University of South Africa are concerned, on the educational, academic, financing and developmental aspects of universities, and on any other matters which the Commission may deem to be of importance with special reference to -

- (1) the steps required to ensure efficient education;
- (2) the range of study and quality of work - undergraduate as well as post-graduate - required for corresponding degrees, diplomas and certificates;
- (3) the size of classes, departments and universities;
- (4) the length of the academic year;
- (5) the main reasons for, and measures to check, the high failure rate among undergraduate students;
- (6) the facilities required for healthy mental and physical recreation for students;
- (7) student relations in general, and in particular the role students and student bodies could play, in co-operation with academic authorities, in maintaining a healthy spirit and code of conduct on the campus of modern universities;
- (8) the most effective methods of teaching and research;
- (9) the qualifications which the various grades of university lecturing staff should hold and the extent to which such standards are met at present;
- (10) reciprocal recognition of courses passed by students and the possibility of greater mobility of such students between universities;

- (11) the adjustment of the Holloway formula (as amended from time to time) or the devising of a new formula for the subsidisation of universities to meet present day requirements in respect of current and capital expenditure;
- (12) the posts structure and lecturer-student ratio;
- (13) the salary structure as a determining factor in attracting and retaining lecturing staff;
- (14) bursaries and loans for students; and
- (15) future policy in connection with the development of universities in the country;

and in view of the urgency of the matter, to give priority to the financing scheme and, if necessary, to submit an interim report on this matter in order that the basis of subsidisation for 1970 and the succeeding years may be determined.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this Thirteenth day of November, One thousand Nine hundred and Sixty-eight.

J.J. FOUCHÉ
STATE PRESIDENT

By order of the State President-in-Council

J. DE KLERK

22nd November, 1968
/mlp. (LPP)

Ref: 146/68

The term of reference which has caused most concern in English language student circles is that which relates to "student relations in general and in particular the role students and student bodies could play in co-operation with academic authorities in maintaining a healthy spirit and code of conduct on the campus of modern universities".

The implications of this term should be spelled out.

- (a) It is vague. The term "student relations in general" could cover the nature and scope of the relationship between student and student, student and student government, inter-university student contact, student ties with national student organisations and student activities in the community. The rest of the term of reference could cover a broad analysis of student activities, student behaviour - the nature of their relationship with the University administration, with a view to maintaining a "healthy spirit" and "code of conduct", two concepts themselves open to wide interpretation.

As the Rand Daily Mail commented: "What is a healthy spirit and code of conduct? The government and a substantial weight of conservative opinion in this country considers it to be an amalgam of studiousness, docility and respect for the conventional wisdoms. According to this view students, like children, which Mr. Vorster calls them, should be seen and not heard. Majority student opinion at the English language universities, supported by all liberal-minded people, feels very differently about this. The view here is that students have a right and duty to be concerned about such issues as academic freedom, social justice, race discrimination and so on. We only wish many more people were prepared to speak up about such matters instead of freezing with fear when government growls."

- (b) It infringes on an area traditionally regarded by English language universities in South Africa as their own. The dynamics and the mechanics of the relationship between the different sectors of the university community have been decided upon largely independent from outside interference. Where disputes or differences have arisen, these have been settled within the university community or at the request of the university, by independent impartial arbitration e.g. Harcourt Commission of Enquiry.
- (c) Set in the context of a prevailing attitude of the government to outspoken students at English language universities and to the National Union, which has manifested itself in security police harassment, passport removals, dawn raids, detention and banning (procedures which in most circumstances do not grant the victim access to the ordinary courts of the land) the term of reference achieves considerable significance. The Commission will make certain recommendations, but it is the government which will act on these recommendations, either independently or by introducing legislation in Parliament. The Minister of Education has already stated that the recommendations of the van Wyk de Vries Commission will provide the basic framework for legislation to be enacted by Parliament.

Given then, that a very real tension exists between the Nationalist government and large sectors of the English language university community and NUSAS, that the commission's report containing recommendations on student relations and student activities would provide the framework for legislation, what confidence can be placed in the commission to make independent objective judgements on this aspect of their investigation?

Student leadership is justifiably sensitive about this question of confidence. In the past when the universities or students have been threatened (e.g. Vorster: "If there is a cancer in this country that must be rooted out, it is NUSAS...but, I shall settle with them in my own time.") the National Union has frequently called for an impartial judicial commission of enquiry into its affairs. This has never been granted.

4. COMPOSITION OF THE COMMISSION

The Commission composed the following persons:

- Mr. Justice van Wyk de Vries (Chairman)
- Prof. H.J. Bingle (Principal, Potchefstroom University)
- Prof. H.B. Thom (Principal, Stellenbosch University)
- Prof. O.P.F. McWood (then Principal, University of Natal, after, Nationalist senator, now member of the Cabinet)
- Prof. W.C. du Plessis (ex administrator of South West Africa)
- Prof. G.R. Bozzoli (Principal, University of the Witwatersrand)
- Mr. I.T. Meyer (a former controller and auditor-general)
- Mr. S.C.M. Naudé (Director of the Technical College of the Witwatersrand)

Soon afterwards Mr. L.T. Campbell-Pitt was appointed as a member of the Commission.

5. THE CHAIRMAN

The following facts appeared in the Star on the 12th September concerning the chairman of the Commission, Mr. Justice van Wyk de Vries.

He was born in Pretoria in 1915 and studied law at Pretoria University. He played a prominent role in Afrikaner activities in Johannesburg for almost 30 years. He first became prominent during the War when he defended or acted as instructing attorney for the defence of a large number of people charged with various acts directed against the country's war effort, ranging from high treason to sabotage. In 1945 he was elected to the Witwatersrand Central School Board. His name was submitted by the Skakelkomitee of the Afrikaans Societies of Johannesburg.

He was elected and became Vice-Chairman, a position he held for a number of years. In 1953 he was called to the bar, in 1955 he was appointed to the South African Medical and Dental Council. He is an elder in the Gereformeerde Kerk.

It has been alleged that he is a member of the Broederbond.

6. OTHER MEMBERS

It is significant that according to reports in the Sunday Times which has at regular intervals conducted an expose of members of the Broederbond, at least three members of the commission are members of this organisation.

The Broederbond can be described as a secret Afrikaner elite organisation, which played a major role in the Nationalists' rise to power, and which continues to exert considerable influence on the decision making processes of government. It has adopted a strategy similar to that of the Communist Party by operating on the basis of a cell system with secret directives and information being issued to members around the country.

Prof. H.J. Bingle is an executive member of the Broederbond and is chairman of its special task committee on education. S.C.M. Naude is an associate member of the same task force. The Sunday Times in a report published on the 28th January 1973, described the role of a task force as keeping a close watch on every public body, and describes its effect as exercising a powerful and significant influence on the decisions and actions of the government in the specific area of the task force.

W.C. Du Plessis is allegedly also a member of the Broederbond.

Herr, the following factors are worthy of consideration. The Broederbond and the Government endorse absolutely the concept of racially separate educational institutions. The English language universities and NUSAS vigorously opposed the Extension of University Education Act of 1959 which segregated the Universities, and continue to regard the concept as an anathema.

The Broederbond and the Government actively ascribe to the concept of Christian National Education with its emphasis on militaristic uniformity, unquestioning acceptance of established authority patterns, and as a consequence of these, a distortion of academic, social and political truths. Students at the English language universities in the tradition of Western European Educational institutions, are striving towards a democratization of the university structure and consequent participation by all sectors of the University community in the decision making process. Emphasis is placed on free thought and on nurturing of critical faculties to question the validity of given practices and modes of thought. This is seen as a vital means to a wholesome, rounded education.

The Broederbond and the Government are committed to maintaining the status quo. Sectors of the English language universities and NUSAS have actively associated themselves with the thrust for a tolerant, non-exploitative society.

7. PROF. O.P.F. HORWOOD

Prof. Horwood was appointed to the commission as one of four nominees from the committee of University Principals. When he resigned as Principal of the University of Natal and was appointed as a Nationalist Senator, it was confidently expected that he would resign from the Commission. He had ceased to be a member of the committee of University Principals, and as a Nationalist Party Senator, he had publicly committed himself on controversial issues within the ambit of the Commission's enquiry.

In the Senate debates on the 4th June 1971 he had the following to say:

The statement quoted below came at the end of a length debate on the activities of NUSAS and its current leadership.

"...But what I am saying is that these universities have statutory bodies, they have councils of prominent men and I want to know what are the council of these universities doing when Members of NUSAS who are university students, do the things that I have mentioned here and many other things that I have not had time to mention and the many things that they are saying to incite racial unrest in this country, to play into the hands of our enemies outside the country and they do it day by day - what are these authorities doing to stop these nefarious activities?

"You know that I am the last to suggest that we should interfere with universities but let me say this that if it comes to the security of the state and the welfare of this nation and this country, then I want to say that no university stands above or outside the law of this country and it is high time this were understood and under our Universities Act of 1955 as amended, the Minister has the power to do exactly what certain governors of American states have done including the University of Wisconsin, they have reduced the subsidies and they have called the bluff of these people overnight.

"I put that forward. I am a great champion of academic freedom but not at the cost of anarchy, not at the cost of the security of my country. I want to know what the university authorities are doing in these matters. These are people who are looked up to, they are paid by the state, they are in responsible positions and I think it is high time that we could come out and ask them what precisely

is being/...

is being done to stop once and for all these utterly un-South African activities that are going on in our midst. That is the position."

Horwood's statements were strongly attacked by Dr. G.R. Bozzoli, Principal of the University of the Witwatersrand, and a member of the Commission. He said:

"To suggest that it should be necessary to 'control' expression of opinion by students in our universities by withholding funds from the university concerned is not only abhorrent, but is the kind of suggestion which shows a complete lack of understanding of the magnitude and range of the activities of a vigorous modern university."

In his graduation address on the 25th June, Sir Richard Luyt questioned the continued presence of Horwood on the Commission:

"There remains, however, one further important aspect of some of the recent public criticism of universities, of the proposals to cut subsidies and of the public advice - on how to deal with student unrest. The Minister understandably asks us to await the findings of the Commission of Enquiry. He naturally and rightly expects us, that is the whole South African public, to have full confidence in the objectivity and open-mindedness of the Commission and of its approach to its task. But we in turn surely have a right to expect that no member of the Commission will commit himself publicly and passionately, especially from the much publicised and important platform of Parliament, to a particular kind of thinking on matters which the Minister reminds us are still under the attention of the Commission. This has been happening over recent weeks and it is this fact that gives the real relevance and anxiety to some of the views so publicly and forcefully expressed. Indeed, one must also wonder whether any professional politician, within the inevitable inhibitions and pressures of loyalty to a party outlook, can be regarded as well suited for membership of a Commission with such wide-ranging terms of reference on controversial issues of public concern."

Editorials in leading English language newspapers reacted strongly. The Argus (7/6/71) stated:

"Senator Owen Horwood's suggestion...is more surprising. He knows better than most that without state aid the universities could not possibly function."

"Wholesome student participation in politics is as natural as their interest in sport. It is important that it should be encouraged. Part of a university's function is to equip students for a positive role in public life. It is of far less importance what causes students espouse. The vital issue is that they should grow increasingly aware of the problems which face the community."

The Daily Dispatch (8/6/71) remarked:

"Portentious hints and threats have been uttered against student leaders and their outspokenness and the suggestion has now been made that the government may withhold normal state subsidies to those universities which do not crack down on NUSAS."

"The latest student whine comes from that political hybrid mealie, Senator Horwood."

"Briefly Nationalist leaders have for some time implied that certain churchmen and certain students were subversive. Why then, in the name of all that is precious to the folk, do they not charge and try these subversives in a court of law? For years now the only anti-student actions have been raids, searches and threats."

The Rand Daily Mail commented (8/6/71):

"As others have already pointed out, anyone who understands what universities are all about will reject such an idea out of hand. Interestingly enough, Senator Horwood rejected it too, in his academic days. He made a major point in his inaugural speech as Principal of Natal University in 1966 of stressing that a government's financing of a University did not give it the right to interfere in the University's internal affairs. Which suggests that the Senator is now mouthing a party line.

"If so then let the Government take early warning that there will be a great outcry. Our English language universities and the community they serve cherish their ancient tradition of academic freedom. And they have a right to demand that a government which is forever proclaiming the sanctity of group traditions should practise what it preaches and keep its hands off this one."

Reaction from student circles was direct. NUSAS at one stage considered legal steps to have Horwood recused from the Commission. Lack of finance, however, prevented this course of action being followed.

When the S.R.C. delegation from the University of Cape Town arrived in Pretoria at the end of August to present evidence, they submitted a resolution objecting to the continued presence of Horwood on the Commission. The resolution was passed at a U.C.T. S.R.C. meeting on August 25th, 1971. It noted that by his suggested withdrawal of subsidies from universities unless students ceased political activities, Senator Horwood had committed himself publicly on the very issues which the Commission is at was investigating. "Senator Horwood's position in the Senate and his public utterances can hardly increase public confidence in the objectivity of this Commission's findings."

The Commission unanimously considered the resolution "impertinent, lacking in good taste and contemptuous of a judicial commission of enquiry appointed by the State President. It brings discredit on the University of Cape Town and its student community."

The S.R.C. delegation was then dismissed before submitting evidence.

At the Natal Nationalist Party Congress in October, 1971, Horwood warned of a "grave conspiracy" against the country by certain university members, newspapermen and churchmen. He again urged the government to curtail the subsidies of universities where students misbehaved.

It became clear that strong criticism of his public utterances and calls to resign from the Commission had little effect on Horwood. It has forced us to question to what extent affiliation to another group, be it a secret society or a political party, would subconsciously influence the decisions of members of such society or party on controversial aspects of the Commission's investigations.

Student leadership on the English language campuses has little confidence that the Commission will as a whole, be in a position to adopt an independent and objective approach to these aspects.

8. THE MINISTER OF EDUCATION- RELEVANT RESPONSES

There have been contradictory responses from the Minister of National Education, Senator G.P. van der Spuy to the call for action against universities and NUSAS. He will obviously be a central figure in the government's response to the Commission's report and legislation arising therefrom.

In the Assembly on the 8th June, 1971, he made it clear that he was not considering action against students who protested on political issues as long as they did not break the law, that there was no question of curbing the rights of any citizens to protest politically. (Ironic in light of the recent Gatherings and Demonstrations Bill which curbed public protest within a specific area of Cape Town, frequent proclamations banning open air gatherings, and rumours that the Government intends introducing amendments to the Riotous Assemblies act which will further curtail the limited rights to protest.)

Speaking to a motion at the Free State National Party Congress in September, 1971, van der Spuy said the reduction or suspension of a university subsidy was a drastic move which would amount to punishing the innocent majority because of the attitude of a minority.

"I do not say the Government will never be forced into this, but at the moment the feeling is that we would not like to take this drastic action. I want to make it clear that the universities must not see in this a sign of weakness on this Government's part. If they do, they are mistaken. Let them make no mistake about it, the Government will do its duty to the taxpayers of this country."

At the Transvaal National Party Congress in October he again rejected a call for a subsidy cut, but warned that the militant minority of "Leftist, liberalist, and communist agitators" would be ripped out of South African universities: "Root and Branch". He continued that the van Wyk de Vries Commission report would be available early the following year and that "If the government finds that we must take action, then you can rest assured we will take that action."

"We have told the Universities that we do not want to do it (cut subsidies) but the Government expects the universities to get their houses in order."

At the Natal Nationalist Party Congress, he threatened that if university authorities were not prepared to "get their houses in order" very serious consideration would be given to withdrawing or reducing subsidies.

At the 1972 Congress of the Free State National Party in September, van der Spuy announced that an urgent interim report of the van Wyk de Vries Commission on student affairs would soon be ready. This report would form the basis of any government legislation. Also taken into account would be the findings - if available - of the Schlebusch Parliamentary Commission into NUSAS and three other organisations.

In his speech he made several points:

- He would not invade university autonomy by screening foreign staff and students;
- He would not take action against the re-admission to university of demonstrating students who had contravened the law; and
- He again rejected the demand that university subsidies be suspended when no discipline was exercised.

In an interview with the Sunday Express, 10/9/72, he stated that a proposal to institute a subsidy grant to individual students as a means of curbing student unrest, had definitely not been included in the Commission's interim report.

"However, legislation in connection with students will necessarily be based on the report of the Commission."

9. FURTHER DEVELOPMENTS

The Daily News (11/10/72) carried a statement by Mr. Justice van Wyk de Vries that an interim report of the Commission had been completed and handed to the State President. Senator van der Spuy announced in Parliament on the 17/2/73 that the Government was considering an interim report on student activities drawn up by the van Wyk de Vries Commission.

In March, the Prime Minister, Mr. Vorster, focussed attention on university authorities whom he said would have themselves to blame for any action the government might take after the publication of the van Wyk de Vries Commission report. Vorster said he had told English University Principals of his "deepest concern at what I regard as weak discipline and lack of guidance at certain of their universities".

10. FORECASTS

Early in 1973 the Sunday Tribune made several speculative forecasts regarding the report of the van Wyk de Vries Commission of Enquiry into White universities. Among the measures listed were:

- (a) Government control over the appointment of university principals.
- (b) Blocking overseas funds received by NUSAS and banning its multiracial membership.
- (c) Government power to force universities to withdraw from any 'inter-university organisation' like NUSAS, deemed undesirable by the Minister of Education. If student bodies refuse to recognize a ministerial edict that they withdraw support from an organisation like NUSAS, the Minister will have the power to fine the administration perhaps ten times the affiliation fee paid by the students to the organisation. If the Minister is still not satisfied, he may ban the inter-university organisation outright.
- (d) A plan to fine university administrations if students or staff are arrested while taking part in anti-government activities such as picketing or pamphleteering.

University authorities will thus be forced to crack down hard on antigovernment students and staff. If they don't substantial 'fines' will be deducted from the government grant.

Concurrent with this measure, the report continued, would be an increase in state grants to the universities, and it described this measure as the "sugar in the bitter disciplinary pill".

These forecasts have obviously given rise to widespread interest and concern in English language University circles. In some cases they have been brushed aside as mere speculation and a prejudgement of the issue. An oft-repeated response has been: 'We must wait until the report is made public'.

There is of course, validity to this response, but the danger is that it can engender an air of complacency, when clearly what is needed is vigilance.

Senator van der Spuy announced in September 1972, that the appointment of university principals would in future be based on the findings of the van Wyk de Vries Commission of Enquiry into universities. (Sunday Express 5/11/72) Should the Minister of Education have the right to veto a university nomination, it would effectively deprive the university of the right to choose its own principal. It would be naive to suggest that the criteria used by an English language university in making such a choice would concur with that of the government.

Blocking overseas funds to NUSAS would severely hamper the operation of its many and varied projects. The Medical Scholarships, Prison Education, General Scholarships and Loans programmes rely fairly heavily on overseas support, as do the Wages and Economics and seminar programmes. The considerable general administration costs are covered largely by affiliation fees received from the affiliated centres.

In recent months the National Union has concentrated on raising money in South Africa, but NUSAS is a rapidly expanding organisation and a curtailment of funds from overseas would seriously hamper its future development. Combine with this a move on the part of the government to stop or tamper with the present method of centre affiliation, and NUSAS would be in dire financial straits.

Direct government intervention such as fining university administrations should they not 'contain dissident students' has grave implications. Apart from a direct erosion of civil liberties and university autonomy, such external pressure on a university council would inevitably lead to tension within the university community and a concomitant likelihood of disagreement and polarization on certain issues. It would reflect also on the competence of those men who comprise the university councils to ensure the smooth running of their universities.

11. CONCLUSION

It is highly likely that the report of the van Wyk de Vries Commission will be tabled in Parliament during the forthcoming session.

While student leaders recognize that the precise recommendations of the commission cannot be forecast with any degrees of certainty, we believe the factual information contained in this document is sufficient to engender a feeling of concern among members of the English language university communities: be it among students, academics or administrators.

We believe/....

We believe that a further onslaught on university autonomy and student rights is imminent. We believe, too, that the English language university communities through common interests and aspirations constitute a fairly unique, identifiable group in South African society. Unwarranted attacks or action against individuals and groups of individuals, or a restriction of traditionally accepted practices within these communities, further undermines our tenuous position. It is sufficient cause for adequate preparation, consultation and courageous commitment to maintain those principles and practices which we have traditionally supported.

Charles Nupen
PRESIDENT