published by the liberal party of s.a.

VOL. 5 No. 1 MARCH, 1967

LIBERAL OPINION

LIBERAL OPINION subscription is 75 cents for 6 issues.

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Pietermaritzburg.

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COLOURED CADETS BILL

A national statement by Dr. Margaret Ballinger

THE Training Centre for Coloured Cadets Bill, now before Parliament, purports to deal with the acknowledged social evil of unemployed and largely-unemployable Coloured youths. This evil is due largely to social and economic insecurity and its cure cannot lie in extending and deepening that insecurity. Yet that is what this Bill, if translated into law, will inevitably do.

According to the terms of the Bill, every Coloured male between the ages of 18 and 24 must apply to a registering officer (in plain language, a policeman or someone else designated by the Minister) for a registration certificate. If this is issued to him he becomes a "recruit", and if he is then called up to undergo "training" he becomes a "cadet" and receives "pay and allowance".

Training is vaguely defined as "for any kind of employment", but "physical exercises and the performance of any kind of work" are specifically mentioned. Since the Workmen's Compensation Act, the Apprenticeship Act and the Wage Act do not apply to the cadets, it is clearly not the intention to train skilled labour.

Once he has been registered a recruit must produce his certificate on demand* to a registering officer (in plain language, it must be repeated, a policeman) and he may be arrested

without warrant if it is reasonably suspected that he has failed to comply with the law. Every registered recruit must notify the police of a change of address.

Recruits who are at school or the university, are in full-time employment, are apprenticed, or are physically or mentally unfit may (not "shall") be exempted from training. There will obviously have to be written proof of such exemption. **In practice, therefore, every Coloured youth of the apparent age of 18 to 24 may at any time** be asked by a policeman to produce a piece of paper — a certificate either of registration or of exemption — and if he fails to do so may be arrested and lodged in the cells pending trial.

Those in any way familiar with what Africans have to endure will not easily agree to the extension of what is virtually the pass system to yet another section of the community.

Cadets at training centres will be under rigorous semi-military discipline. Indeed, the language of the Bill — recruit, cadet, pay and allowance — creates the impression of a military establishment and is reminiscent of the Special Service Battalion of the 'thirties, with this vital difference: S.S.B. took white youths and turned them into efficient soldiers to serve their country; this Bill proposes to take Coloured youths to turn them into semi-skilled labour in the interests of private employers.

South Africans of all colours should be under no illusions about the effects of this Bill. It can only increase immensely the sense of insecurity of the Coloured people — of the tens of thousands of parents whose children will now for the first time be forced into contact with the police, of the tens of thousands of exempted youths who will, nevertheless, be compelled to carry pieces of paper, and of the thousands of displaced youths whose welfare the Bill purports to have at heart.

The Liberal Party of South Africa wishes to draw attention to the fact that Coloured people, apart from officially-nominated Coloured Affairs Council, have clearly not been consulted on what should have been a welfare scheme, but which has, in fact, all the features of a penal measure — and one, moreover, which seriously invades the parental rights of the Coloured population.

*This provision subsequently altered to "within seven days" — an amendment put forward by Mrs. Helen Suzman. — Ed.

ANOTHER TWIST OF THE KNIFE

by Prof. A. S. Mathews

IN moving the second reading debate in the House of Assembly, Mr. P. C. Pelser, the Minister of Justice, described the Suppression of Communism Amendment Bill as "an innocuous little Bill". There is only one sense in which this description has any meaning at all. The Bill, when it becomes law, need not be feared by Mr. Pelser or by any of his loyal supporters. People arbitrarily deprived of the right to professional practice or of the right to belong to lawful organisations on the Minister's *verboten* list, will not think the measure innocuous. It will not be thought innocuous by those who are un-South African enough to retain a respect for certain basic principles of justice which the Bill will destroy when it becomes law. In making his remark, Mr. Pelser showed no feeling for language, no awareness of the monstrous implications of his "little" legislative measure.

His justification of the measure is equally open to attack on account of an absence of particularity which is the more surprising for having come from a lawyer. He claimed that communists had infiltrated the legal profession and had asserted themselves "particularly vigorously" in it. This charge will not send shudders down the spines of any except the pathologically gullible. The Minister is also reported to have said that persons charged under the Suppression of Communism Act preferred a certain type of legal representation and that if they could not get it they preferred to go without. This cannot rank even as an excuse for depriving people of their professional livelihood because they hold unorthodox views.

When the Minister and his colleagues did become precise in argument they were unconvincing. Some lawyers, he charged, had been the spearhead in subversive activities and had planned the downfall of South Africa. This may be true, but it does not make Mr. Pelser's measure one whit more desirable. A lawyer who commits a crime may be convicted and imprisoned just like any other person, and the courts have power under the present laws to debar him from practice. If his offence falls short of a crime, he can still be punished for

unprofessional conduct. The machinery for dealing with the black sheep of the legal profession is impressively effective and does not require overhaul.

The Nationalist argument really boils down to the proposition that communists are *ipso facto* unfit to practise as lawyers. This proposition is refutable both in its general application and in its application to the specific facts. On the general level it is blatantly indefensible as a maxim for government in the Western tradition. Intellectual freedom is at the heart of that system and is violated by a law which deprives a man of the choice of his profession and means of livelihood on account of the beliefs to which he subscribes. It is precisely for a violation of this kind that the communist states are criticised by believers in the open society, and it would be a strange thing if we emulated those states in the heresy for which they are almost universally condemned in the West.

It is often said that communists have forfeited any claim to intellectual freedom because they themselves value it only as a weakness in the democratic system, to be exploited in the struggle for domination. This argument deserves short shrift. It demands that we surrender freedom in order to preserve it — a demand calculated to make the most ardent devotees of the paradox blench. Those who make it are at best faint-hearted allies of freedom; at worst, they constitute an insidious threat to its maintenance. In taking up this position, one does not necessarily underrate the communist threat to freedom. The point is that in resisting communism we must not allow ourselves to become communists in all but the name. There is impressive evidence to show that communism can be kept at bay by vigilant and civilised rule.

In any event, the argument that communists are unfit to be lawyers is only partially relevant in South Africa, where communists are those whom the Government chooses to name as such. The section of the Bill debarring lawyers from practice provides *inter alia* that the court shall not admit to practice, and shall remove from the roll if already admitted, any person who is a listed member of an organisation declared to be unlawful under the Suppression of Communism Act. It is well known that many listed members of unlawful organisations are not communists and that they never have been (or will be) communists. The fact that they are not communists will not constitute a ground for judicial removal from the list, since they will have to prove either that they were not members of the organisation concerned or that they neither knew nor could have known that the organisation was doing things which "might render it liable to be declared an unlawful organisation". It is quite conceivable that many listed non-communists will be unable to produce proof of this kind. Therefore the argument that communists are unfit to practise is not a fully honest argument since it will be possible to debar non-communists from practice. Significantly the courts have never been entrusted with the responsibility of deciding who are communists and what organisations are communist-directed.

A disturbing consequence of Mr. Pelser's Bill is the likelihood that the right of an accused to an adequate defence regardless of his beliefs or political convictions, a right so magnificently exemplified by Lord Erskine in his defence of Thomas Paine, will be weakened or perhaps even placed in jeopardy. Nationalist speeches identifying the defenders of unpopular clients with their heretical beliefs are likely to aggravate the position. This is a danger requiring the urgent attention of South African lawyers, who must act through their official associations to guarantee a vigorous defence to all who require it.

The Minister's "innocent" Bill also extends his powers to cripple the opponents of apartheid by arbitrary decree. He may by notice in the Gazette prohibit all persons who were members (whether listed or not) of an organisation declared to be unlawful, or who have been restricted under the Suppression of Communism Act, from being members of or from participating in any organisation designated by him in the notice. Such persons will be debarred from making or receiving any contributions of any kind for the direct or indirect benefit of the designated organisations. By one stroke of the Ministerial pen he may virtually end the public life of any inhabitant who displeases him. Needless to say, the Minister will not be under the control of the courts, which are condemned by the Act to a role of near impotence. In taking this power, the Nationalist Government has given another twist to the knife it has remorselessly driven into the heart of freedom. It may not be long before its feeble beat finally dies out.

THE NATIONAL EDUCATION POLICY BILL

SOME COMMENTS FROM NATAL

by Prof. J. MacQuarrie

WHEN the four South African States gave up their relative independence and identity in 1909 and entered the Union as provinces, they retained control of certain services, of which the chief was education "other than higher", i.e. almost all education in their areas except university, technical and vocational education. The provinces have developed, or rather, continued to develop, their educational systems in the light of their own needs, their traditions and their general way of life.

But throughout the decades since 1909 the Cape and Natal, and the non-Nationalist element in the Transvaal, have watched developments with growing apprehension. They have seen their educational ideals and policies progressively eroded. They have seen the policies of a narrow Nationalism, and particularly of that peculiar and repellent movement misnamed Christian National Education, steadily and systematically introduced into South African education. First African, then Coloured and then Indian education have been removed from provincial control and provided in a centralised, circumscribed Nationalistic context. Afrikaans - speaking and English - speaking children have been kraaled off, to an increasing extent, in separate schools. Mother-tongue instruction, whatever the wishes of the parents and, often, whatever the particular circumstances of the child, has been made compulsory in three provinces.

Now, as we write, the National Education Policy Bill, which carries the Nationalising process a good deal further, has passed its third reading in the House of Assembly. Its main purpose is to break the power of the provinces, to transfer control of White school educational policy-making from the provinces to the central Government, from the Provincial Councils to the Minister of Education, Arts and Science. The key clause reads: "The Minister may, after consultation with the Administrator and the [National Education Advisory] Council, from time to time determine the general policy which is to be pursued in respect of education in schools . . . within the framework of" certain principles which the Bill proceeds to define.

It will be noted that there is to be consultation. There is no provision that the Minister need act on advice. He is given full power "to determine the general policy" of any or all of the provinces.

Not that he is likely to get unpalatable advice from an Administrator or from the Advisory Council as long as Nationalism remains in power, and that looks like being a long time. Administrators are not likely to be recalcitrant; they are in our time invariably hand-picked, dyed-in-the-wool, trusty functionaries of the Nationalist hierarchy. The Advisory Council is certain to be equally reliable, equally docile. Each member of this new and no doubt improved edition of the 1962 Council is to be appointed by the Minister; its Chairman, its Vice-Chairman and its Executive Committee are all to be designated by him. If the unexpected should happen (and in this imperfect world it sometimes does), if a well-tested tool should turn in the Minister's hand, he is given wide powers for terminating membership — for misconduct, for unfitness or "if for reasons other than unfitness [the member's] removal from office will promote efficiency or economy".

To consider the ten principles. "Education shall have a broad national character." In the deepest and best sense our schools **do** have a broad national character. A visitor from, say, England or Australia will find that we have as heterogeneous a collection of schools as has any other country. St. Anthony's varies from Blikkiesdorp High or Brown Street Primary as much as does Eton from Camden Town Central. But our visitor will have no difficulty in perceiving that they are all distinctively South African. They can't avoid it; education is, unless interfered with, a manifestation of community life.

Education in, say, Britain has a "broad national character" in so far, at least, as we can tell a tree from its fruits. We think, for example, of the unity of the people fighting alone against Hitler in 1940. Yet Britain has in practice four distinct educational systems emphasising the four main distinct elements in the population — England, Wales, Scotland and Northern Ireland. And even these four divisions are again sub-divided. The true national spirit of a country is best fostered on a healthy regional basis and on a frank recognition of differences in history, tradition etc. We can't be good South Africans if we are not proud of ourselves, of our heritage; and some parts of our heritage in Natal differ, must necessarily

differ, from the heritage, say, of Afrikaans-speaking Transvaalers.

How does the Minister define his aim? "Education", he says, "should build on the ideal of national development of all citizens of South Africa, so that our own identity and way of life can remain safeguarded . . ." So far we are with him. We want to preserve our own identity and way of life; that is why we — as, say, in Wales and Northern Ireland — must have some differentiation in education. He continues: ". . . and so that the South African nation will continue to comprehend its task as a sub-section of Western civilisation." "Comprehend its task"? The phrase might have come straight from the tablets of the law, the policy statement on C.N.E. What the Minister and the Government mean by a "broad national character" is a "narrow Nationalistic character". If we must, as the Bill indicates, be made to conform to one standard, uniform, nation-wide pattern, we can be sure that it will be the Transvaal Nationalist pattern.

"Education", says the Bill, "shall have a Christian character." If this means what it says, it is superfluous. All our provincial schools have, and always have had, a Christian character. All our Provincial Councils have always made detailed legal provision for religious education in every class of every primary and secondary school. Then why bring this clause into the Bill? The only possible construction, unless of course the Minister is marking his approval of present practice, is that to Nationalist South Africa the present provisions are unsatisfactory. In Natal, for example, we have a conscience clause for teachers; a teacher may opt out of religious teaching and still teach, say, mathematics. Must that be changed? In principle and practice, there is freedom to Catholics, to Jews, to non-Calvinists etc. to abstain from classes held in religious education. In some areas Catholic schools are State-supported. Do such practices detract from the Christian character of the system? Are we here up against the crude precepts of Christion Nationalism for all? Is a Roman Catholic teacher of music or a Jewish teacher of typing "nothing less than the deadliest danger to us"? We are assured "that the religious convictions of the parents and the pupils shall be respected in regard to religious instruction and religious ceremonies". If this means what it says, then why attempt to change the prevailing arrangement?

Whatever the desires of the parents, "mother tongue, if English or Afrikaans, shall be the medium of instruction". There must be few White children in South Africa who do not receive education through the tongue of the parents. Where one parent speaks English and the other Afrikaans there may, however, be undue pressure by what C.N.E. calls "the parents in community" to force a particular medium upon the child. Again, in many parts of South Africa Afrikaans-speaking parents may be in an English environment, or vice versa, and the child may be more familiar with the other language. Or again, the parents may have an enthusiasm for bilingualism, no unworthy ideal, and want the child to master the other tongue. Why should the parent be deprived of this, one of his inalienable rights, unless he is a criminal or imbecile? He **has** been deprived in the three other provinces. Now it appears to be Natal's turn.

Until the end of the second reading of the Bill the position of what we in Natal know as the government-aided schools has been obscure, but in his reply to the debate on the second reading, the Minister appears to have made clear the Government's intention. With the very few wholly-private schools such as Michaelhouse, Cordwalles and St. Anne's the Bill makes no attempt to interfere. But most of what are popularly called our private schools — the Convent High Schools in Durban and Pietermaritzburg, Epworth, St. Charles', St. John's, Hilton, Kearsney, Collegiate, Wykeham, Durban Girls' College, St. Mary's, Marist Brothers etc — are technically Government-aided schools. The list of names alone reminds us of how well the system has worked. These schools derive their revenue from pupils' fees, from donations, bequests etc., and from provincial grants. Thus, on the one hand, they have been enabled to supply an excellent education, to group the pupils in smallish classes, to provide praiseworthy amenities, and to build up enviable loyalties and traditions. On the other hand, the Province and indirectly the State, have been spared much of the expense of educating the pupils in these schools. The system, we repeat, has worked well.

But this type of private school — and it includes almost all the so-called private schools of the province — seems to be in danger. These schools will still be allowed to charge fees. But here comes the rub. Fees may be used for the "improvement of sports facilities, film projectors, library books over and above those provided by the State, mural charts, models and other visual aids". No fees, however, may be levied for the salaries of teachers, and at

present a proportion, possibly a large proportion, of the teachers in such schools receive no Government grants. We do not know to what extent the various schools are dependent on the Government grant for the payment of teachers. We can only conclude that the principle aims at embarrassing, or hindering, or crippling or destroying these schools.

"The parent community [is] to be given a place in the educational system through Parent Teachers' Associations, School Committees, Boards of Control, School Boards or in any other manner." The principle seems superfluous in that it is wide enough to cover the present practices of the different provinces. Three of the provinces have School Boards and Committees and Natal fosters Parent Teachers' Associations and similar organisations. But Natal, with some reason, fears School Boards and School Committees. There seems to be general satisfaction with the present varying systems of administration, and boards and committees are, to echo a well-worn C.N.E. phrase, foreign to our way of life. Also, "the parent community", the C.N.E. "parent in community", smacks of the parents regimented by the local Fuhrer or Party boss.

There will be universal agreement that "education must be provided in accordance with the ability, aptitude" (is there some subtle difference here?) "and interest shown by the pupil" and that "requirements as to compulsory education and the limits relating to school age must be uniform". A most unexceptionable principle. Extend it to all races and it will receive the approval of every Liberal.

Another principle aims at bringing about uniform conditions of service and salary scales. We here in Natal look with some distaste upon the possibility of conditions of service which, as in other provinces, may bring party politics into the classroom. In general, however, we should welcome uniformity in salary scales, leave conditions, completely-transferable pension rights and similar conditions of service. But such a principle could easily be implemented within the present framework and without disturbing the essential autonomy of the provinces. Yet another principle aims at "co-ordination on a national basis of syllabuses, courses and examination standards". We should welcome the co-ordination of examination standards, but the co-ordination of syllabuses and courses in, say, history offers us the most alarming of prospects.

The central and fundamental evil of the Bill, however, is the usurpation from the provinces of the right to control education. The people of Natal should protest and resist in every way open to them. We quote from a man who is both a true son of Natal and a true son of South Africa, Edgar Brookes. If the people of Natal are not ready to protest, "they deserve what is coming to them. They are selling their own children and grandchildren down the river for the sake of immediate peace and comfort for themselves. As for the provincial system by which Natal has set so much store, there will soon be nothing left except the building of hospitals and the preservation of crocodiles. With the loss of control of education goes its main function."

HAVE WE BEEN JUST TO THE NATIONALISTS ?

An attempt at a **positive** and **constructive** contribution to the great Bantustan debate, as recommended by the *Natal Mercury*.

by "Vortex"

LIBERALS have not always done perfect justice to the subtlety and complexity of the Government's thinking on the question of the Bantustans.

For example, Liberals often accuse the Government of refusing Africans the right to express their own views about their political future. But this is clearly an inaccurate accusation. The Nationalist Government believes profoundly in the Bantu's right to self-determination. Indeed it is so insistent that the Bantu shall have this right that it is certainly not prepared to allow the opinions of mere Africans to stand in the way of so great an aim. After all, if Africans are to say what they desire politically (a most untraditional concept anyhow), what will become of Bantu self-expression? No, the Government is determined to implement a policy of self-determination. (It goes without saying that the old African political parties became unpopular with the Government because, instead of putting forward the views of the Bantu people, they selfishly and rashly put forward their own views.)

Take further the question of separate development. The freedom that is being accorded to the Bantu is remarkable. Most Africans had wanted, oddly, to work and live by the side of the Europeans, and to remain cooped up within the boundaries of civilisation; but the Government discerned that the real desire of the Bantu was for a clean break, for the freedom that is their birthright, for the great wide open spaces. And, in spite of strong opposition from Africans (who have never been able to understand the Bantu), the Government is imposing its generous vision with its usual resoluteness. It has decided that nothing shall interfere with Bantu freedom. All sorts of valuable laws have been devised: wherever Africans infringe Bantu freedom by acting freely, or go against Bantu interests by consulting their own thoughts or desires, their consciences (and sometimes not only their consciences) are touched by the benevolent arm of the law. And indeed nothing is more "touching" in the great Transkei project than the way in which the Nationalist Government has been willing to reinforce it with vigorous and bracing emergency regulations. How many governments in the world would have been so thoughtful? The Bantu simply aren't going to be permitted to escape their deeply-desired separate destiny. Mr. Vorster's compassionate thoughts and officials are too powerful to be denied. "Greater love hath no man than this, that a man lay down a way of life for his friends."

But of course many liberal-minded people carpingly object that separate development won't work, or even that it isn't meant to work. A typical over-simplification! The full and complex fact is this: it is traditional for Africans to live and work in the towns, but on the other hand it is of course traditional that the Bantu should live and develop separately. Thus the policy of the Government is that the Bantu should remain in the towns **and also** (here is the subtlety) be removed from them. Any sympathetic observer will appreciate the delicate flexibility of this arrangement. From the point of view of their work, the Bantu will be in the towns as ever, day and night; from the point of view of their personal separate development (their living, starving, voting and not being educated) they will be miles away in a Bantustan. The apparent paradox of the situation was summed up wittily the other day by a prominent Nationalist, who is reported to have said: "They're here because we want them, but they're not here because we don't want them. . . ." Some critics have protested absurdly that people can't be in two places at the same time; but such communistic debating tricks have been met by the obvious counter-arguments (banning, house-arrest etc.).

At every point in these processes, the will of the Bantu has been respected: as soon as an African has been prepared to agree with the Government's point of view, he has been allowed, and even encouraged, to say so. And occasionally — so far does Nationalist generosity and open-mindedness extend — he has actually been **paid** to say so.

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Published by the Liberal Party of S.A., Room 1, 268 Longmarket St., Pietermaritzburg. Printed by L. Backhouse, 91-93 Church St., Pietermaritzburg.
69870