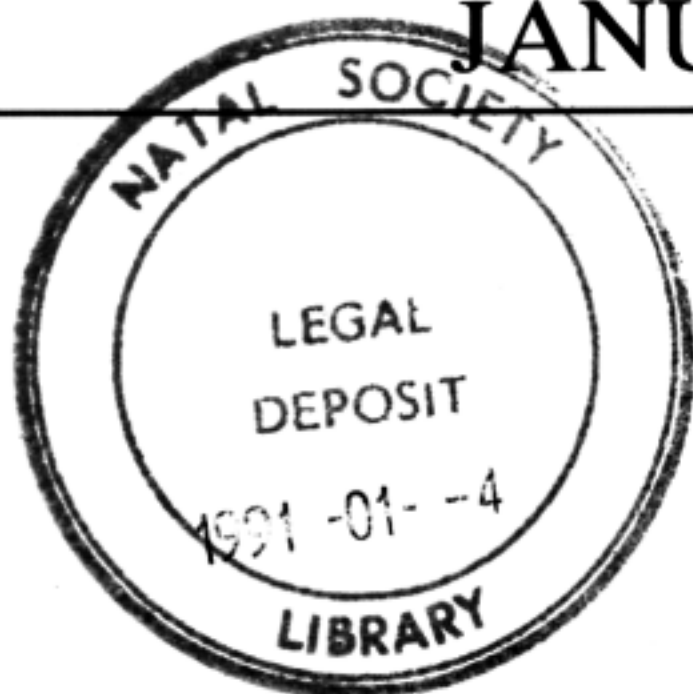


APDUSA VIEWS

ISSUE No 38

JANUARY 1991



THE VIOLATION OF THE FREEDOMS OF THOUGHT, CONSCIENCE AND EXPRESSION

“APDUSA VIEWS” goes on to comment that during the same month, the police of that Bophututswana savagely attacked a peaceful assembly, shot dead 11 people and arrested 2 500.

No action was taken against the police. No Bill of Rights came to the rescue of a violated people. We also learnt that professorship is no bar to idiocy.

Here are some excerpts from another Bill of Rights:

“All human beings are born free and equal in dignity and rights . . .”

“Everyone’s right to life shall be protected by law, and no one may be deprived of his life intentionally . . .”

These are noble and uplifting sentiments which can do proud to any Bill of Rights or constitution.

So where do these statements come from?

Believe it or not, they come from Inkatha via the KwaZulu-Natal Indaba. Can you imagine anything more cynical???

The above is proof positive that there is nothing magical about a Bill of Rights. It is only as strong as the forces which are prepared to defend and enforce the rights and duties contained in a Bill of Rights.

To prate about a Bill of Rights as a cure for all the killings and intolerance that is plaguing the country is to shamelessly mislead the people, and fill them with false hopes. Readers will recollect the fraud perpetrated by Alec Erwin and company on the people when they, amid pomp and publicity and in the glare of the television lights, signed a Peace Accord with Inkatha. How hope rose in people! And how that hope was dashed within minutes of the Accord being signed. That piece of paper did not stop the bullets nor render harmless the petrol bombs.*

IS THERE ANY HOPE?

We are afflicted by a condition called revolutionary optimism. It is that condition which has kept us alive over the decades. We believe that in matters of civil liberties, we are dealing with a people who are all oppressed and who have a real interest in unity and the ideals of democracy.

* On 28 November 1990, the ANC published its umpteenth proposal to the ruling class and its supporters. This one, not unexpectedly, was a Bill of Rights in draft. While this document was being drafted or printed, war erupted between the ANC supporters and PAC/AZAPO. “In one weekend alone there were 25 politically-motivated murders.” (*City Press* : 11 November 1990) It is alleged that BEYCO, a youth organisation of the ANC/UDF grouping, did the killing.

THE VIOLATION OF THE FREEDOMS OF THOUGHT, CONSCIENCE AND EXPRESSION

*(Based on a lecture delivered to the Teachers' Association
of South Africa (Pietermaritzburg Branch) on 24 October 1990)*

INTRODUCTION

The most significant feature in this period is the nation-wide talk about a new South Africa. There is a high degree of expectancy amongst the people. Different people have their own conception of what this new South Africa will look like. In all this talk one thing is very clear: *The new South Africa in the immediate future will not be fashioned after the visions various political organisations have had of **their** new South Africa.* In other words, neither the Ten-Point Programme of the Unity Movement nor the Freedom Charter of the Congress Movement nor the Azanian Manifesto is on the cards for implementation.

That there will be change is not in dispute. What *is* in dispute is the **NATURE** of the change. If change is not based on a radical programme, then what we will be witnessing will be a change in the **SHADOW** while the **SUBSTANCE** will have been left out.

The simple truth is that the liberatory movement is not strong enough to demand for **AND** to get elementary human rights contained in a set of demands like the Ten Point Programme. **FOR THAT REASON ALONE** negotiations are fatally flawed. Time has already confirmed the correctness of this assertion. The future will only reinforce it.

LIBERATION AND THE FREEDOMS OF THOUGHT, CONSCIENCE AND EXPRESSION

Liberation is, in fact, a bundle or conglomeration of various types of freedoms, all inter-acting and influencing one another. These freedoms fall into two main categories.

(a) The Physical Freedoms: This means liberation from poverty, hunger, homelessness, avoidable diseases and the like. They all boil down to an equitable distribution of society's resources and wealth produced.

(b) The Mental or Intellectual Freedoms: This category relates to the insatiable quest by human beings for knowledge, truth and the unending search for beauty. This aspect of liberation expresses itself in the freedom of thought and its associated freedoms.

It is the second category of freedoms which will form the subject matter of this lecture.

THESE FREEDOMS AND DEMOCRACY

These freedoms constitute the heart and spirit of liberation. Their absence will make a mockery of the struggle and sacrifice for liberation. So highly are these freedoms valued that people are prepared to forsake economic and social security for them. This explains, *partly*, the happenings in eastern Europe.

Democracy by definition must include these freedoms. Without them there is no democracy, and without democracy, people have no power to control and determine the quality of their lives. Without democracy, there can be only tyranny of one kind or another.

The hallmark of a tyranny is INTOLERANCE of views, opinions and ideas which are different or contrary to those held by it.

INTOLERANCE takes various forms. It usually progresses from a campaign of lies and slander to thuggery and physical beatings and later imprisonment, torture and finally execution. According to Shaw, censorship or suppression of these freedoms when taken to extremes leads to assassination. There is profound truth in that statement. Salman Rushdie will be the first to agree with Shaw's observation.

THESE FREEDOMS IN A "NEW" SOUTH AFRICA

There are at present four major political actors occupying the stage in this country. They are the Nationalist Party, African National Congress, Inkatha and the South African Communist Party. All four have been and still are responsible for violating these freedoms in one form or another. I, therefore, fear that in the immediate "new" South Africa, these freedoms are in real danger of being trampled underfoot.

1. The Nationalist Party has the worst track record in human rights violations. The rape of civil liberties; the highest number of people executed every year; draconian laws of indefinite detention; the denial of access to a detainee by his lawyer and members of his family; torture as a means of extracting confessions . . . the list is endless.

Fascism was and is the hallmark of the Nationalist Party.

2. Inkatha now called Inkatha Freedom Party started off as a cultural body. It did not take it long to apply its cultural weapons against opponents, especially the youth. It has reached a point when any criticism of Buthelezi, Inkatha or KwaZulu Bantustan is construed as an insult to the so-called Zulu Nation. In practice the "insult" is only washed away with human blood.

In *The Natal Witness* of 20 October 1990, there is a report of the brutal murder of Mr Pius Miya. His only offence was his refusal to join Inkatha. The trial judge described the underlying cause of the murder as "Enforced Recruitment".

3. The African National Congress: There is an excellent summary of recent events which shows the intolerance of sections of the African National Congress towards other segments of the liberation movement in *The City Press* of 9 September 1990. The article is by Sekola Sello.

"While political rivalry and even a measure of intolerance have always been part of our political scene, a more ominous pattern is now beginning to emerge.

Heckling at political rivals, denying them a platform at mass funerals of people killed in the recent upheavals, threatening rivals at schools and in the workplace and preventing them from organising are now becoming the norm.

In Kroonstad members of Azapo were threatened with violence at a funeral of people allegedly killed by the police . . .

In Westonaria Azapo members were allegedly killed by members or supporters of charterist organisations.

In the West Rand township of Kagiso members of the PAC were also allegedly attacked by members or supporters of charterist organisations.

Last week Azapo member Daniel Matsobane was prevented from addressing the mass funeral of 26 Kagiso residents who were killed in the recent violence.

The small Eastern Cape town of Uitenhage saw serious bloodletting between ANC and PAC supporters.

An even more ugly incident occurred in Diepkloof when youngsters, allegedly SAYCO members, threatened to attack people at the vigil of Azapo leader, Muntu Myeza . . .

These youngsters threatened to raze Myeza's house. Prior to his death, Myeza had on several occasions been villified by some charterist members. At a June 16 commemoration service, he was even accused of being a police informer . . .

It is against this background that many people are saying that if some elements in the ANC can display this type of intolerance, what hope is there the ANC will be committed to democratic ideals such as political tolerance if it comes to power?"

We make no apologies for this long quotation. It sets out crisply and with illustrations the basis of our fear about the ANC's "commitment" to upholding freedoms.

In the same article, Dr Pallo Jordan, Information Chief of the ANC states that his organisation is committed to political pluralism, i.e., acceptance of organisations of differing viewpoints. He goes on to confess that there may be ANC members who do not adhere to this commitment; that such people are not only condemned but the ANC has taken disciplinary action against them.*

That assurance from Pallo Jordan sounds impressive until it strikes one that in all the years of internecine violence there has been NO instance where a member has been publicly condemned by his or her organisation for violating this commitment. Nor was Pallo Jordan, when asked, able to give a SINGLE instance of disciplinary measures taken against a miscreant of the kind we are dealing with.

The conclusion is inescapable. To date commitment to political tolerance is confined only to words. Not to deeds! These violations are condoned by failure to take disciplinary action and in other cases actually incited. Pallo Jordan tries to justify flagrant violations of these basic freedoms by claiming:

"Our country does not have a culture of democracy; to inculcate such values will not be easy."

We cannot understand how Pallo Jordan can make such a shocking statement. Admittedly, in recent times there has been very little evidence of democracy. But then people have been living in a war situation and political organisations which arrogantly claim to be mass-based have been singularly ineffectual in ensuring the survival of democratic values and practices.

4. The South African Communist Party: In "APDUSA VIEWS", No. 32, dated June 1990, we said the following about the SACP:

* Mr Nelson Mandela also denounced the strong arm tactics used by ANC members against rivals. *The Sunday Tribune* : 02/12/90

“The SACP has been described as the most servile Stalinist party in the world. And not without cause. Throughout its existence of almost 70 years, it has not once criticised the Soviet Union **on its own accord**. Its criticism of the Soviet Union last year was made only **after** Gorbachev made his own criticism. The SACP merely echoed that criticism.

All through the long night of Stalin’s terror, there was no protest against or condemnation of the monstrous crimes committed against Bolshevism. No helping hand was extended, even symbolically, to the close associates of Lenin and other members of the Bolshevik Party who were arrested and placed in the clutches of a killing machine which first thoroughly humiliated the victim by stripping him of any vestige of dignity and then casting him to his executioners. Not only did the SACP defend and justify these heinous crimes, it actively joined the campaign of calumny and villification against innocent victims who were either dead or totally incapable of defending themselves. The SACP also zealously took part in the international Stalinist campaign of spreading lies and falsifying history.”

Lest it be said that this judgement of the SACP is unduly harsh and motivated by political rivalry, let us hasten to assure that this is not the case. Any honest political observer, commentator or historian will pass a similar judgement. For those who are are still sceptical, let us then quote from a source which one cannot possibly quarrel with. It reads:

“One cannot accept at face value Slovo’s protestations about the SACP’s non-Stalinist credentials. Firstly, there is too much evidence to the contrary. Any regular reader of the SACP publications can point to a persistent pattern of praise and support for every violation of freedom perpetrated by the Soviet leadership, both before and after the death of Stalin. It is all too easy in the context of Soviet criticisms of their past for Slovo to boldly come forward. Secondly, the political culture nurtured by the SACP’s leadership over the years has produced **a spirit of intolerance, petty intellectual thuggery and political dissembling** among its membership which regularly emerges in the pages of both *The African Communist* and *Umsebenzi*. (our emphasis). (*Work in Progress*, No. 68, August 1990)

The author of this powerful indictment is none other than Pallo Jordan, Chief Information Officer of the ANC.

Enough has been said to show that there are real grounds for fear for the well-being of these freedoms. It is our firm view that not one of the four political actors can be entrusted with the proper functioning of these freedoms. Their track records do not inspire one with confidence that any one of these organisations will uphold and defend these freedoms.

There is no reason for us NOT to believe that organisations like the Nationalist Party, Inkatha and the SACP which have been steeped in intolerance, violence and falsification will not resume with these practices, if given the opportunity. To place blind trust in these organisations will be the height of folly. It is akin to allowing child abusers to run and control orphanages.

BILL OF RIGHTS

Will a Bill of Rights protect and uphold these freedoms? We have heard and read a great deal recently about Bills of Rights as being the **ultimate** in the safeguarding of democracy and civil liberties. There is thus an aura surrounding Bills of Rights. We believe that important as a Bill of Rights may be in appropriate circumstances, it is necessary to reduce the idea of a Bill of Rights to its true dimensions and qualities. If this is not done then one more deception will be perpetrated on the unsuspecting oppressed population.

A Bill of Rights is a document setting out rights and duties of the citizens of a country and a procedure for their enforcement in the event of a violation. The document itself is given legal recognition and the might of the state, in theory, backs the document. Bills of Rights are normally fought for and therefore the rights contained in the document are the rights of the people. The people, by and large, identify with those rights. They will therefore obey, respect and defend those rights, by force of arms, if necessary.

A Bill of Rights grows and develops from a certain socio-political milieu. It is a product of that milieu. It is NOT something that can simply be transplanted in a hostile environment and expected to thrive there. Logically, a Bill of Rights cannot exist and function in a society which does not believe in those rights; nor in a society whose members do not practise the contents and spirit of those rights in their everyday life. It is like taking an acid-loving plant, like the azalea, and transplanting it in soil which is loaded with lime. The gardeners among you will know that the azalea is doomed.

In the "APDUSA VIEWS" of April 1986, we referred to the eulogy a certain Professor A. Naidu recited about the Bill of Rights of Bophutswana in March 1986:

"The Bophutswana Bill of Rights is not a mere paper law. It is living law and is proof that the individual's rights are well protected in Bophutswana. The Bill of Rights sets an excellent precedent for other South African states"

1. Only a people who believe in these freedoms and who cherish them will be able to practise, uphold and defend them.
2. A climate has to be created whereby people come to learn about the value of these freedoms. That is what we would call preparing the soil and applying the nutrients for a Bill of Rights to be planted.
3. An absolute essential of these freedoms or their reflection is tolerance of differing viewpoints and opinions within the framework of the liberatory movement; the necessity for debate, discussion and research as a method reaching sound, rational and scientific decisions; the need for people within the liberatory movement who have different approaches to work together for the achievement of certain specific goals. All this presupposes that the working together does not contravene principles and policy.
4. How can people who belong to different political organisations work together? There are numerous community organisations where people holding opposing views work together on specific issues. When, for example, there is a tragedy in a community, people simply wade in and do the needful. No political credentials are asked for. It is the sectarian elements who have befouled a perfectly healthy state of affairs. Or take the case of a civic organisation or a cultural society. People join these organisations in order to attain certain goals. They join the organisations as residents or neighbours and NOT as persons believing in a particular ideology. These community organisations will consist of members or supporters of the various political organisations and many will belong to NO organisation.

The moment such community organisations are hitched on to a single political organisation, you shatter the unity of the community organisation. Splits are bound to occur — often very acrimonious and bitter.

Community organisations are mechanisms of UNITY which cut across political affiliations and should therefore be preserved as precious possessions of the oppressed. When people work shoulder to shoulder in a community project, when they face and overcome many odds, a special bond develops amongst them. When, therefore, they meet as political rivals subsequently, they will do so as honourable opponents. Labels like “police informer” or “CIA agent” and the like will not hold water. The person whose sweat mingled with yours in the community project will rise to your defence. He knows that you are not what you are accused of. The special bond developed will not be so easily broken.

This is not to say that community organisations can never or must never affiliate to a political organisation. There are cases where all or almost all the members belong to a certain political organisation. The members of that organisation are clearly entitled to affiliate their organisation to a party of their choice. This case must be clearly distinguished from one where there is planned attempt to capture an organisation and failing that to split that organisation or to wreck it.

COMMUNITY ORGANISATIONS AND NON-ALIGNMENT

The active participation of various tendencies in community organisations which accords each tendency a place of honour is referred to as **NON-ALIGNMENT**. In recent times the approach of party political non-alignment is increasingly winning adherents. It is seen as a valuable means of uniting the oppressed and to minimise internecine strife.

Archbishop Tutu who has been notorious for his partisanship in the past has now seen the virtues of non-alignment and has stated that the church workers are forbidden from being card-carrying members of any political organisation.

Similar considerations, in all probability, prompted Mr Poobie Naicker, President of the Teachers' Association of South Africa to say:

“SADTU was not affiliated and will not affiliate to any political organisation . . . Contrary to fears and criticisms SADTU will not affiliate to the ANC . . .” (*Post*, 17-20 October 1990)

The International Conference Against Apartheid Sport has endorsed the position of political non-alignment of the Sports Movement in South Africa. This was a slap in the face for the NOSC which tried to wield the MDM stick in order to bully people into deserting SACOS. It will, therefore, be seen that Non-Alignment recognizes the right of different tendencies to function in a community organisation. This means **TOLERANCE** of views other than our own. Tolerance provides the fertile ground for the flourishing of the freedoms of thought, conscience and expression. Insistence of alignment in community organisations breeds intolerance of other viewpoints and, therefore, is the mortal enemy of the freedoms of thought and other related freedoms.

5. In all the organisations in the liberatory movement, there are persons who place a very high premium on these freedoms. Pallo Jordan's criticism of Joe Slovo's distortion of truth about Stalinism is an important event. It took courage. There are other persons like

M.J. Naidoo, the past president of the Natal Indian Congress, who spoke out against the CABAL at a time when prominent public figures were dishonestly trying to deny the existence of the Cabal. There is a fair amount of cross-organisational contact in which people exchange views, debate matters in a spirit of comradeship and tolerance*. These people must reach out to one another for they have a great deal in common. They can exert great pressure in their respective organisations. After all they do occupy the moral high ground because even the most intolerant has to pay lip service to these freedoms. There is also the question of survival. Defenders of these freedoms have made mortal enemies of the Stalinists and those who employ the Stalinist attitude towards these freedoms. The INTOLERANTS will not stop with silencing opposition in rival organisations. Intolerance is, in a manner of speaking, in their blood. When they polish off dissenting voices in other organisations, they will turn their attention on their own organisation and liquidate those who seek to bring light in political thinking.

6. But by far the greatest responsibility for propagating and upholding these freedoms rests on the intelligentsia — the writers, the artists, teachers, doctors, lawyers, priests, etc. They deal in ideas. Ideas are their stock in trade. The intelligentsia cannot survive as a functioning stratum in society without the freedom of thought, conscience and expression. They can and do abdicate their historic role. When that happens, the intellectual either becomes a tool of the ruling class or he dives into a funkhole. We have the example of **certain** teachers whose sole purpose is to feather their own nests at the expense of society as a whole, especially the children. We all know those types. They care for nothing except promotions, increase in salary and favourable reports. To achieve these ends, no means is low enough. They become the compulsive bootlickers of principals, inspectors and authority.

To the intellectual these freedoms are what oxygen is to the heart. It is, therefore, a matter of life and death that the intelligentsia fights tooth and nail in the spread and defence of these freedoms, which, incidentally, are the only application and exercise of a human being's greatest asset — the marvellous brain.

* At the Conference of the ANC for Southern Natal held in November 1990, a document from Robben Island prisoners (all ANC members) advocates, amongst other things, political tolerance by ANC supporters.

The teachers are placed in a particularly advantageous position to ensure the spread of libertarian ideals. You have accessible the young idealist minds for assisting to mould and fashion. Youth power is a force to reckon with. It is not accidental that our children are in the forefront in the fight to save the environment. They have drawn their parents into the struggle. Parents, in order to retain the respect of their critical children have had to find the time to take on the destroyers of our ecological system.

Youth power has also changed the face of the liberatory movement in this country. Militancy and uncompromising radicalism comes from the youth in the townships.

When millions of young people imbued with libertarian ideals are released in society, the foundations of a new culture will have been laid — a culture which will give place of pride and honour to the human intellect, to tolerance, to debate and discussion which will give birth to new ideas and to revolutionary thinking — all designed to facilitate the advancement of society and the search for truth and knowledge.

CONCLUSION

The challenge is there for members of the teaching profession to take up. It is also a challenge for the honest intellectual, the intellectual of integrity and courage who will adopt a principled position and will not be brow-beaten into submission and conformity.