

DIFFERING VALUES

Extracts from the 1973 Academic Freedom Lecture delivered at the University of Cape Town.

by E. G. Malherbe



We are apt to think that it is only governments, political parties or the church that have deprived universities of academic freedom. They are, however, not the only violators of academic freedom. University authorities themselves and even students have also been guilty.

Only recently at one of our universities a politician of some standing was officially invited by the students to address them, but when he got on to the platform he was refused a hearing by the students putting up a continuous barrage of noise throughout the whole period that he was supposed to speak. In so doing the students were guilty of violating the fundamental right of free speech so well expressed by Voltaire when he said: 'I disapprove of what you say, but I will defend to the death your right to say it'.

The most scandalous case, however, of violating free speech within the precincts of a university was that recently perpetrated by a bunch of Communist students in the London School of Economics when they, in a lecture, beat up the internationally famous psychologist, Prof. Hans Eysenck, a most tolerant and humane scholar who had been invited to lecture at that institution. The irony of the situation is that he had a short while previously written an article in the journal, *Encounter*, in which he complimented English students by saying that, in contrast with those on the Continent, "they never for a moment indulged in or even threatened violence. Never were my classes broken up. There is obviously a rather more healthy liberal democratic climate in England at the moment." The "*London Times*" in describing this attack said that Dr. Eysenck had the melancholy distinction of being the first man in post-war Britain to be beaten up solely because of the views he holds, or rather **because of the views he did not hold**. You may remember that Dr Eysenck in his book 'Race, Intelligence and Education' (the I.Q. argument in the United States) discussed dispassionately and humanely the evidence for and against the belief that intelligence is to some extent genetically determined and not solely the product of environmental conditions. He did

not conclude, from the intelligence test results obtained from Negro children in comparable environmental backgrounds with white children, that black people were inferior as human beings to white people, or that racial segregation and discrimination were in any way justified, or that resources devoted to the education of Negroes were wasted, or that Negroes had gravitated to the deprived environments in which so many of them live because they were of low intelligence predetermined by genetic factors. In fact, Eysenck's views were in many cases the exact opposite of those attributed to him. The '*London Times*', commenting on this episode, wrote as follows: 'Eysenck is not a racist, but it has to be said that, even if he were, nobody would have the right to prevent others from hearing him, let alone to beat him up, any more than those who wished to call him a racist ought to be prevented by suppression or violence from doing so. The criminal law is armed to catch those who stir up racial hatred, and the civil law is adequate to deal with those who describe as a Fascist a liberal advocate of equality for people of all races and special help for the deprived. That, after all, is what **the rule of law** means, that anybody can operate within its framework and nobody is allowed to prevent anybody else from doing so. Similarly, tolerance is defined not by the agreeable views which it permits us to hear but by the disagreeable ones, and from these two definitions a conclusion can be drawn which was elegantly drawn many years ago: 'Your fist's freedom ends where my nose begins'. (Quoted in *Encounter*, July 1973).

However deplorable these two instances that I have quoted may be, let me point out that their incidence in university life is negligibly small when compared with the grand scale violation of academic freedom which has been perpetrated in this country as a result of government legislation and police action.

At the time when I was a student at Stellenbosch, i.e. about 60 years ago, I don't think we ever heard the words 'academic freedom' mentioned on the campus, during all the years that I spent there. Academic freedom

never came up as an issue in those days despite the fact that they were fraught with great civic trouble. It was at the time of the 1914-1918 World War in which South Africa was actively involved. No sooner had we started to invade South West Africa than the Rebellion broke out and we were engaged in Civil War. There was hot political controversy on the campus as to whether the rebellion was justified or not. Feelings ran high. Some students even went to join the rebels.

I don't remember any of them subsequently being imprisoned or banned. They were not important enough. Nor was any action taken against students for using the most treasonable language in their fiery speeches. There were in our Defence Force many students who, for political reasons, objected to wearing the khaki uniform. Though they looked rather ridiculous they were allowed to appear on parade in their blazers and flannels. These anti-khaki units found themselves, however, at a distinct disadvantage during manoeuvres!

Thinking back I am still amazed at the tolerant attitude of the authorities towards the anti-government activities of students during those critical years of civil strife.

Much the same liberal attitude towards students prevailed two decades later in World War II against Nazism and Fascism. South Africa was involved on two fronts: One "Up North" on the battlefields of North Africa and Italy, and one at home because of the numerous Nazi sympathisers within our own borders. The country was rife with subversion. Security was a serious problem. As Director of Military Intelligence at the time, I can speak with some experience and authority in this connection. Though the country was at war and operating under a state of emergency at the time, we did not bother about what students **said**, not even when making the most vociferous speeches on the campuses of the Afrikaans medium universities, or attacking the constitutional order of the country. It was however, when they **did** things, like making bombs in the university laboratories or engaged in overt sabotage, that they were punished – but only after open trial in court. It was General Smuts' policy to lay off the universities.

While Military Intelligence had spies amongst the enemy and subversive organisations, it would have been regarded as an act of sacrilege by General Smuts if anyone had suggested planting informers in our universities. I can honestly say that at the time such a thought never entered my head. General Smuts was always a great protagonist of freedom within the university. At the same time he was able to regard students' opinions about putting the world right in their proper perspective. In this respect he had a statesmanlike wisdom which, alas, is tragically lacking in high places today in this Republic of ours.

..... over the years non-white students began to attend Cape Town and other universities while none went to Stellenbosch and certain other universities. The racial constitution of the student body of the various universities was determined largely by usage and custom, depending on the **mores** of the surrounding community. The universities were autonomous institutions as regards the

admission of students. There was no exclusive legislation forbidding students from entering certain universities or limiting their attendance to others. Even Fort Hare, which was started as an all-black institution, had some white students – no trouble at all.

The Cape Technical College had up to as many as 1 000 Coloured students. Though current custom and usage limited the students' choice of teacher to certain universities, the right to decide **whom** to teach and **whom** not to teach was still the prerogative of the universities themselves, and was entrenched in the university statutes. The only limitation was the so-called 'conscience clause' by which religious belief was not allowed to be taken into account when considering the admission of a student or the appointment of a staff member. As autonomous universities we were then still accepted in the ranks of the Commonwealth and World Universities on a par with denominationally-oriented (especially Catholic) universities in Europe, America and Canada (especially Quebec). After all, it was only a little more than a century ago that those citadels of learning, Oxford and Cambridge, used their autonomy to exclude students who were not members of the established Church from the full privileges of those universities, and it was only by act of parliament that they were ultimately forced to relinquish this. It is interesting to note that throughout civilised democratic countries, and even in Russia, state legislation when it interfered with university autonomy always tended to do so in the interest of a **greater** academic freedom and mobility of students. In South Africa, on the other hand, state legislation has gone in exactly the opposite direction, so much so that South African universities have today become unwelcome in university circles outside this country; and the representatives of South Africa's universities have this year been boycotted from attending the Congress of the Association of Commonwealth Universities held in Edinburgh. The Universities of Holland with whom we always had the most cordial associations have virtually turned their backs on us. This would never have happened 25 years ago. In fact, I can personally testify to the high prestige which South African universities enjoyed in the Commonwealth before racial apartheid became the principle on which the South African government based its interference with the autonomy of our universities. If the same degree of interference had been based on religious grounds, it would probably have been regarded as an anachronism and would not have evoked such vehement and widespread aversion.

In South Africa academic freedom began to be threatened when the Nationalist Party came into power in 1948 and Dr Malan started thundering against the **deurmekaarboerdery** of white and non-white at certain universities. Ever since and right up to the time of the notorious Schibusch Commission the English medium universities have been under threat.

The application of the government's racial policy to the universities in South Africa went through two successive stages; first, in separating white from non-white; and second, in segregating the non-whites into their respective ethnic groups. If they had their way, some of those politicians who are obsessed with ethnic identity would

like to apply the same principle of compulsory ethnic segregation in the education of English and Afrikaans-speaking whites as well. Even here, the only area left over where the parent or student still has freedom in the choice of institution is at the university level – and that only if he is white. We are gravitating towards the position in which Germany found itself under the Nazis, namely “what is not compulsory, is forbidden.”

..... the government proceeded to appoint an Inter-departmental Committee consisting of government officials to deal with the matter.

Though this committee’s report was not published, its outcome was the legislation published under the double-talk but euphemistic-sounding title ‘Act for the Extension of University Education, No. 45 of 1959’. This laid down the basis of the present ethnically segregated universities which, because of their totally unrealistic constitution and administration, are proving at present such a ‘pain in the neck’ for the government as well as for their respective rectors.

This legislation was passed in the face of strong opposition in Parliament, and the dignified warnings and protests contained in that publication, **The Open University**, which was drafted jointly by the Universities of Cape Town and Witwatersrand and which was issued in 1957 by their respective Chancellors, the late Chief Justice, The Hon. Mr Justice Richard Feetham and Mr Justice Albert v.d. S Centlivres. Previous to that Dr T. B. Davie your former principal, an intimate friend, and a fellow student of mine at Stellenbosch, had already formulated “the four essential freedoms” of a university – to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught and who may be admitted to study. These “four freedoms” became the four pillars of the platform on which the students in the English medium universities and NUSAS in particular have all along taken their stand.

On the evening of 30th April, 1959, as the debate on the third reading of the Extension of University Education Bill drew to a close, members of the University of Cape Town stood in silent vigil outside Parliament and a torch of Academic Freedom was extinguished by the S.R.C. President who used a copy of the Bill to put it out.

The University of Natal was most seriously affected by this legislation, because of all the universities it had by far the largest number of non-white students. While Wits. and Cape Town did not have more than a few hundred, Natal, by the time the law came into force, had nearly 900 non-white students consisting of Bantu and Coloureds, as well as Indians – in fact the largest group of non-white university students south of the Sahara studying in various other faculties as well as medical.

I think it was because the University of Natal and its students were at the time so seriously affected, that it became the first university to institute a Day of Affirmation and put up a plaque in the Students’ Union in 1963 to remind students of the loss of university autonomy and academic freedom which Act No. 45 of 1959 had brought about. Academic freedom lectures were also instituted by the students in the early 1960’s – first in Durban and later also in Pietermaritzburg.

Our universities are faced with a choice between differing values. It is a choice as to which should have the higher priority: those values which are **particular**, parochial, i.e. **volksgebonde**, on the one hand, or, on the other hand, those which are **universal** and internationally recognised values as essential for a **Universitas**. Of the two, the universal is undoubtedly a much more difficult and fragile concept to realise and maintain. The history of Christianity with its embracing values has proved how difficult that is. But does that make it less worthy?

It would seem that the preference which the Afrikaans universities have shown in its choice between these two priorities arises from the belief that **volksgebondenheid** should be the main characteristic of the university if it is to serve its people. The university must be a sort of tribal cultural kraal within which the Afrikaner will find his true identity, just as the Zulus and Xhosas are supposed to find their identities in their respective tribal universities. At the moment this attitude also gives the Afrikaner a sense of security and cosiness within his own homogeneously Afrikaans university.

However, this way of achieving identity through isolation has been severely criticised by the Afrikaans poet, van Wyk Louw, in his **Lojale Verset** and in the **Halwe Kring**. Adam Small, in associating himself with van Wyk Louw recently wrote as follows when referring to these ethnically separate universities: “To search for identity by closing their ranks, by drawing a solid circle about them, by negating their **Halwe Kring** . . . they are suffering from the deepest misconceptions about the meaning of identity. The only way to any worthwhile identity for oneself is through other people. The injunction ‘know thyself’ cannot be pursued through separation, but only through relation”.*

If one studies the cultural and linguistic background of those who have contributed most to the building up of Afrikaans literature and language, one finds that the vast majority of them, have had their education almost exclusively through English medium. This applied to all the earlier Afrikaans writers like Jan Celliers, Langenhoven, Totius, D. F. Malherbe, Eugene Marais, Leipoldt, Toon van der Heever, Haarhoff, Fagan, and to most of the younger Afrikaans writers of note, like C.M. van der Heever, N.P. van Wyk Louw, W. E. G. Louw, Elisabeth Eybers, I. D. du Plessis, Dirk Opperman, Uys Krige, Breyten Breytenbach, Andre Brink and Etienne le Roux. As Professor Ernst van Heerden pointed out recently, “English-medium universities, strange as it may seem, have during the last generation achieved a record in contributing to Afrikaans literature which surpasses that of the Afrikaans universities.” The Afrikaner tradition has been enriched by many cultural influences from without, particularly from the English-speaking world. For example, what would the Afrikaner be today without all the forms of sport imported from overseas? Rugby has virtually become the Afrikaner’s second religion.

Obviously a university must have its roots in the cultural soil of the country which it serves, just as the students, having grown up in it, have their roots in that country. This does not apply to visiting students. But to confine, by means of state regulation, the association and activities

of a university-on the principle of **volksgebondenheid** — to the ethos of a group in that country not only negates the true spirit of a university, but may even be politically dangerous and disruptive as recent events have shown.

A university is par excellence the place of sharing the fruits of various cultures.

At a university congress which I attended some years ago in Tunis, Professor Cecil Hourani, one of the leading educators in the Middle East, when speaking of training leaders in the Arabic world, said: 'To be a modern Arab man he must pass through the medium of other cultures . . . In order to be himself he must temporarily lose himself . . . One finds oneself through others, not by being enclosed in oneself . . . The University of Damascus was a failure because it did not allow for the re-fertilization of the Arab mind which comes only through outside contact. Such a refertilized mind becomes more and more creative in its own language and culture'

But to return to the question: Why have students in the Afrikaans universities never felt strongly enough about the inroads on university autonomy and academic freedom to institute, like the English medium universities did, a "Day of Affirmation" in order to keep on reminding every batch of new students of the significance of these principles?

The fact is that most students, English as well as Afrikaans, do not seem to think about these matters. They appear to regard the university merely as a service institution provided by the state for getting diplomas and degrees. It remains a fact, however, that whatever articulate thinking has been done on these matters has come only from the English-medium universities.

In a way, one can understand the indifference of the Afrikaans university students as a group, because, after all, they belong to a privileged group, — to a group that is in the saddle at the moment. They feel themselves safe within the framework of the government's ideology. They know that if they do not rock the boat they will be accepted without question in the Public Service and on important government commissions. Students and teachers in the English-medium universities do not feel quite so secure. Cabinet Ministers are repeatedly warning parents not to send their children to English-medium universities. The Prime Minister himself has attacked Nusas as a group, and is continually threatening them with further inquisitorial attentions, despite the fact that 99,9% of them are decent law-abiding young people. The Afrikaans-medium university students know that, as long as they play safe within the framework of the Nationalist ideology, the dice is loaded in their favour. They know that they are members of a group and an institution that is 'right' (regs not necessarily 'reg'). Consequently, they feel no urge to question anything

concerned with the status quo. Why should they? Everything is going their way domestically. I-am-alright,- Jack, thank-you, seems to be the general attitude at Afrikaans-medium universities.

I know, of course, that there are some students and staff in the Afrikaans universities, who are very concerned about what is going on, just as there is complete apathy among some in the English-medium universities. It is unwise to generalize. Nevertheless, there is still a general reluctance on the part of the Afrikaans university students to have open debate with their opposite numbers in the English-medium universities- though there are signs of easing up. The government, of course, frowns on dialogue between groups of students from white and non-white universities and makes that virtually impossible. It seems that they are afraid of what Walter Bagehot, founder of **The Economist**, 140 years ago, puts so well in his remarkable book. **Physics and Politics**: "Once effectively submit a subject to that ordeal of discussion and you can never withdraw it again. You can never again clothe it with mystery, or fence it by consecration. It remains forever open to free choice and exposed to profane deliberation."

I hope you will pardon me if I conclude by repeating what, as President of the Institute of Race Relations, I said here in Cape Town some years ago in an address entitled **The Nemesis of Docility**.

That this unhealthy condition of docile acceptance of the "status quo" and of sitting securely within the laager manifests itself particularly amongst the Afrikaner youth is as unnatural as it is ominous. It goes contrary to our whole history in which we Afrikaners have always been known for our love of independence and freedom.

The fact that it is so out of keeping with our history may be a consolation. Let us hope that it is just a passing phase — a sign of immaturity which we shall outgrow in time.

However, let there be no mistake, this will be no passing phase as long as we persist with threats to do away with the fundamental freedoms, namely freedom of the Press, freedom of the universities, and freedom of human association. These are the self-correcting, self-healing agencies of any society.

As Senator J. William Fulbright pointed out in his recent book "The Arrogance of Power": "A nation which not only allows dissent but encourages it is adult and confident. A people which fearlessly exercises the right of criticisms is civilised and intelligent." He goes on to say — and I hope that all South Africans will get the message: "In a democracy, dissent is an act of faith, and criticism an act of patriotism; a higher form of patriotism than the familiar rituals of adulation."□

Footnote: ***Student perspectives on South Africa** (David Philip, publisher)