

# CIVIL

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# RIGHTS

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## Our President's address

We give as much as space permits of the thoughtful and challenging address delivered by Sir Richard Luyt at our recent annual general meeting.

Sir Richard took as his text a saying attributed to Confucius: "To disregard the past when fashioning the future is foolish; but to adhere unduly unto it is fatal". He then reviewed briefly the Articles of the United Nations Declaration of Human Rights as relevant to the South African situation.

He referred to his own experience in Guyana where, even in a state of emergency, though the normal processes of the courts were temporarily suspended, there was still a tribunal of three judges before which detained persons must be brought within three days of arrest, with legal advice if desired. He felt such restrictions should, however, be imposed only after the declaration of an emergency; and he thought it strange that any country introducing such restrictions should not provide for similar processes of appeal.

Turning to South Africa, Sir Richard said he had never suggested there should not be provision in the law for entry and search when necessary; but although, in the October, 1971 raids in Cape Town, seven staff and sixteen students of U.C.T. had been searched, all documents removed had been promptly returned and no prosecutions had been instituted - which suggested that nothing was found on which a prosecution could be mounted, in spite of the "information taken on oath" mentioned in the search warrant.

He referred to the harm done to the University by the inevitable publicity surrounding such action, diverting them away from full freedom of choice in their academic endeavours, even perhaps affecting the registration of students and the appointment of staff. Such "nipping in the bud" tactics destroyed the flower

of freedom. To the argument that such methods were necessary because of the threats to security and good order in the structure of our society, he would reply: It is then better to change the structure of our society and lessen these threats to security and good order.

### Position in South Africa

Sir Richard quoted Professor Barend van Niekerk of Natal as saying recently in Johannesburg:

"There is not one single basic human right, not one single civil right as understood by the world to which we claim ideological allegiance, which is not to some extent flouted, denied, trampled or at least diluted in South Africa."

The League's aim, said Sir Richard, is simple and clear: "to assist in the maintenance and extension of civil rights". He congratulated the League on what it had been doing, particularly in the past twelve months. He felt that the League was adhering to its aims, judging by the annual report: continually reminding us of how far we are from complying with the Declaration of Human Rights.

All round the world there are grievances and shortcomings, but this is no excuse for us. South Africa's shortcomings do not mean that South Africans are basically an evil people. Sir Richard quoted Mencius (+ 300 B.C.): "The tendency of man's nature to good is like the tendency of water to flow downwards. All people are naturally good, just as all water naturally flows downwards." Men, said Sir Richard, are mostly naturally good. How, then, in a number of countries is there this great failure to meet these higher standards which man has set for himself? Naturally tending to the good does not insulate us from making mistakes through foolishness, fear or even temporary selfishness which may be conveniently blinded!

However, the tendency to the good gives hope, and opportunity. We need more understanding of others, as to how they go further away from these standards. We must be humble, and not too quickly condemnatory of others: if we are, we do not create the atmosphere in which we can meet others. If we believe that we are right in everything (the halo attitude), we are not being sufficiently understanding or sufficiently humble to have much chance of getting men together to put things right.

We must be intolerant of wrong, but we must do it in a way that does not include arrogance. This is where we in South Af-

rica must pay tribute to the young, and usually by "the young" in this context must be meant students. Over the last ten to fifteen years, have not the strongest reminders of the importance of human rights come from universities, and often from their more junior members?

The older members of the university might be irritated by the methods chosen by the younger ones. This is bound to happen. We can hardly expect the young not to make the occasional mistake, or perhaps not even to annoy some of the rest of us in the methods that they choose. But it is important to keep a sense of perspective. It is disappointing that when something like the Cathedral steps episode happens, there should be large-scale criticism of matters much less important than the fact of championing human rights. Is it not true that the idealism, the purposefulness, the social conscience of the young people are among the richest treasures of our nation? I hope that no government of our land will ever act to curb the exercise of these faculties by the students. All South Africans would be the poorer. A student, before he acquires vested interests (family, job, home, career ambition, status, wage level) has the freedom and the will to do that which does not get done after all these inhibiting interests come along.

I believe that I have a duty in both my capacities - as Principal of the University and as President of the Civil Rights League. Universities themselves have a duty to be as good as possible in the interests of society. This is only possible in circumstances of full academic freedom and of the freedom of all men as set forth in the Declaration of Human Rights. We would not therefore be doing our duty to society if we did not draw attention to anything that prevents our being better universities.

To return to my original quotation, we must draw on the past when fashioning the future. There are examples in South African history of courage, initiative, willingness to face what is new. Of less importance are the trappings, perhaps, of any particular point of time as being something of a considerable validity. We tend to assume, especially when we are younger, that many of the things that provide the structure of our way of life are permanent and immutable. It is qualities, rather than patterns, that we must take from the past and use in the future. The more stirring, the more epic, the more inspiring a people's history, the more do a people cling to all the details of their past, however invalid some may be in changing circumstances.

Race relations in the 19th century naturally took the form they did, owing to contemporary circumstances. As the circumstances change, can we claim that the race relationships which were perhaps valid and suited to those circumstances are now firm and valid in that same pattern for all time, merely because we have inherited them from a proud history? Think of the change of the spread of education, growth of population, the availability of news media - can we possibly imagine that the circumstances now have much relation to those of earlier years, and will not soon change even more drastically? I believe we adhere very much too much to the pattern of the past merely as a pattern, and unless we can find a way quickly, and spectacularly, to effect change and somehow achieve a proper assessment of the things that are eternally valuable, and achieve a change in the pattern to meet the changed circumstances, we shall not see the happiness stretching out that the Declaration aims to offer to all mankind.

Men of all groups must somehow soon met together and pool their aims, their purposes. They will all have to note what is good in our history, and to accept that some of it is not valid for all time.

I believe this can be done if our present leaders would be big enough to take steps which are worthy of the need. But they can be encouraged by knowing that there is perhaps a much greater willingness throughout the land to accept change than is often thought - particularly among the young, who are ready to face great changes to bring society more into accord with their consciences.

If any of our civil rights are going to survive in this land, and we are not going to have to face the situation mentioned in the Preamble to the Declaration of Human Rights, this action of consultation is vital.

Away with selfishness, the crabbed and the petty, the need to suppress human rights because of the desire to retain an outdated past. One can only succeed in doing so if one denies human rights to many.

May the League ever be around to assist in the maintaining and extension of human rights.

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