

CIVIL



RIGHTS



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News Letter

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Realism on Education (Cape Times, 19/7/82)

The Cape Times reports that the Afrikaanse Studentebond has rejected differentiation in education as "neither ethically nor socially justifiable", and has thus "added its voice to those of individuals and institutions calling increasingly stridently for an end to one of the most manifest examples of discrimination under Nationalist policy".

The paper says the De Lange committee "recognised last year that equal education should more properly be defined as equal opportunity, and demonstrated clearly ... that education opportunities in this country are manifestly unequal". Constitutional reform, says the Cape Times, "has no credibility when it seeks support from communities who know their children do not have the same opportunities as white schoolgoers to acquire a sound education ..."

The paper considers that "the electorate is showing increasing preparedness for equal, open education". What, then, is the government waiting for?

The real issue (Cape Times, 27/7/82)

Dr R.E. van der Ross has commented that the real issue in education is not the possibility of a single education system, but the need for such a system to be inspired by a philosophy of equality and non-discrimination and the application of only educationally valid criteria. "We need to have a place at which those intimately concerned with the practice and control of education can meet one another regularly, frequently, and as equals", as had been the case of the educators (black, white, coloured and Indian) involved in the De Lange Commission.

An academic lead? (Cape Times, 16/7/82; Sunday Times, 11/7/82)

There is a stirring at Stellenbosch! A professor has challenged some of his "verligte" colleagues to show they were not an obstacle to fundamental change by "unequivocally and openly" opposing the Mixed Marriages Act, the Immorality Act and the Group

Areas Act and by supporting representation of black and brown in a common parliament, freedom of association, a drastic revision of influx control and open schools and universities.

Professor Degenaar has commented that "it is a very healthy sign when academics openly debate the meaning of structural reform - and the Afrikaner's rôle in the process".

We hope that this movement will grow and that the government will take it seriously, and that this academic argument will start a process of rethinking all over South Africa, especially in the Afrikaans universities.

We agree, too, with the view of Dr Gilicmee that it is desirable for business men to play a more active rôle in the different political parties.

Conscientious objection (Cape Times, 21/7/82)

Another conscientious objector, Mr Neil Mitchell, a qualified high school teacher, has been sentenced to a year's detention for refusing to do military service. According to the Defence Act, he is liable to be called up - and presumably sentenced - again after the year is over.

The Defence Force lawyer who defended him urged the court to impose a fine on Mr Mitchell because, he said, new legislation covering conscientious objection was "in the pipeline", and urged that Mr Mitchell should be allowed to continue teaching "for the benefit of society".

We hope that the projected new legislation will be such as to stop people being imprisoned for obeying their consciences.

Will he be charged this time? (Cape Times, 19,24/7/82)

Mr Peter Jones, black consciousness leader, was arrested in 1977 and detained for eighteen months, without being charged. In 1980 he was again detained for a week, but released without charge. He has now been detained a third time.

No wonder security police were not available for comment.

According to the Detainees Parents' Support Committee, 151 people have been detained so far this year, and five (including people held in Ciskei, Transkei and Venda) have died in detention since 1980.

"Techniques" (Cape Times, 16/7/82)

The Detainees Parents' Support Committee has submitted to the CID and the Minister of Law and Order a third batch of allegations about torture and abuses of detainees: inter alia:

- * the use of sleep, food and toilet deprivation
- * electric shocks
- * hooding
- * prolonged interrogation with or without physical exertion
- * physical assault
- * psychological pressure and humiliation.

The Commissioner of Police has announced an investigation into the allegations, which had previously been rejected by the Ministers of Justice and Law and Order. We hope the results of the investigation will be made public.

The "four freedoms" (Cape Times, 15/7/82)

Because public memory is apt to be short, it is perhaps worth quoting here the statement of the late Dr T.B. Davie in 1959. He said:

"The university had the right 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."

Dr Davie's present successor at UCT, Dr Stuart Saunders, has recently said in no uncertain terms that the Universities would not accept the recently suggested quota system. Such a system, he said, which denied the right of a student to study at a university, even though he was qualified to do so and acceptable to it, would be just as unjust as the permit system had been, and would give rise to the same degree of bitterness and frustration. The open universities would find the addition of race as a criterion for admission "unacceptable in principle and distasteful to administer", and they rejected it "out of hand". For them to accept a quota system would be a "total negation" of what they have stood for and continue to stand for.

It is timely that the University of Cape Town should again make it clear where the university stands, as the Cape Times comments, "in a matter important to the institution and the community".

In his recently delivered T.B. Davie Memorial Lecture the speaker, Professor Howard Zinn of Boston University, urging the University to continue its struggle for academic freedom, asked whether universities "could fulfil their obligations to society and the principles of justice and equality without renouncing unquestioning obedience to the state." He said:

"Can we accept a measure of wealth, privilege and status in return for quiescence and obedience - in short, for the surrender of academic freedom? ... To me, academic freedom has always meant the right to insist that freedom be more than academic - that the university, because of its special claim to be a place for the pursuit of truth, be a place where we can challenge not only the ideas, but the institutions, the practices of society, measuring them against millenia-old ideals of equality and justice."

Legal aid (Cape Times, 26/7/82)

It is significant that the General Council of the Bar of South Africa should have declared itself as regarding legal aid to people charged with capital offences as "essential". Such people, says the General Council, should not have to rely solely on pro Deo defences.

We hope the government will give attention to this aspect of the administration of justice, which might well be regarded as a civil right.

Making the punishment fit the crime (Cape Times, 26/7/82)

From time to time, it is pointed out in the press and elsewhere what an unduly high percentage of our population finds its way into prison for longer or shorter periods. It is generally agreed that, though it may often be necessary, this is a waste of possibly productive human material and one, moreover, which all too often does not improve the offender.

It is therefore interesting to know more about the activities of the National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO), which is operating an experimental community service project in the Cape. This is still in its infancy, and issues in particular of legal liability have still to be worked out. The offender is sentenced to do voluntary service in the community during his leisure time, and each case has been fully investigated before the individual is sentenced. Of 32 people so sentenced in the last two years, three have completed their sentences and 29 are still carrying them out. They are placed with non-profit organisations such as Red Cross, St John Ambulance, NSRI, Animal Welfare and Kirstenbosch. They are mostly people convicted of possession of dagga, housebreaking and theft, culpable homicide or drunken driving. More power to NICRO!