

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO. 18/75/254

12th DECEMBER 1975

In the matter of:

THE STATE

vs

S. COOPER AND EIGHT OTHERS

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VOLUME 54

2903

2853

50

PAGES

2853 - 2903

LUBBE RECORDINGS (PRETORIA)

/VMD.

COURT RESUMES ON 12th DECEMBER 1975STOFFEL JOHANNES VAN DER MERWE, NOG ONDER EED:

CROSS-EXAMINATION BY MR. ALLAWAY CONTINUED: Mr. van der Merwe, yesterday I was discussing the Chatsworth pamphlets with you, and I have completed what I wanted to ask you about the pamphlet on page 33 of the Indictment. Would you kindly turn to page 34, which is the second pamphlet about which you gave evidence, do you have it? --- I have.

Now I think it would be probably for you if you just read through it to refresh your memory. --- PAUSE WHILE WITNESS READS PAMPHLET 10

All right? --- All right.

Mr. van der Merwe, do you know who the leaders are who are being referred to in this particular context, do you know who the author is aiming at? --- Soos wat ek afgelei het hieruit is dit van die Bantustan - ten minste van die leiers van die Bantoe tuislande.

Well you see the factual background to this, and I want in fairness to put this to you, the factual background to these pamphlets, that is the first one and this one, there will be evidence if necessary, that members of the Indian Council had addressed meetings in Chatsworth and had made certain compromise suggestions with regard to the operation of the buses and the railways. Are you aware of that fact at all? --- Soos ek sê ek was nie van die spesifieke feite daar bewus nie, maar dit is duidelik dat hier verwys word na leiers van die soort of instelling, of dit 'n Bantoe tuisland of 'n Indiërraad is is min of meer dieselfde. 20

And are you at all aware of the fact that these gentlemen, one of them at least, suggested a compromise, a solution of running the buses at non-peak periods, and the trains / ... 30

trains at peak periods, are you aware of that? --- Ek is nie bewus van daardie spesifieke omstandigheid nie.

Now your evidence about this pamphlet appears at page 2105 of the record, if I can just give the record references for convenience, page 2105, line 27 it starts, and then on page 2106, starting at line 17, you deal with the first paragraph, and that is you quote the first paragraph starting with the words "The BPC" and you read through to the word "Pretoria" at the end of the second paragraph, and what you said about that was, this was an undermining of the "owerheid". Do you remember saying it? --- Ja. 10

And a demonstration of rejection of persons in authority? --- Ja.

I think we made common cause yesterday, though, Mr. van der Merwe, this is a legitimate basis, when I say legitimate I mean from a political scientific point of view, a legitimate basis for criticism, a person is entitled to say: I don't accept this? --- Ja - I don't accept the authority.

And then you referred in your evidence to the passage 20 "snakes among us who are two-tongued and who will never hesitate to sell us out as they did when the Group Areas affected us" --- Ja.

And you dealt with that particular passage at page 2106, line 21. Now, have you made any specific study of the differences of view which occurred in our society when the Group Areas legislation was first implemented? --- Ek is in die algemeen bewus daarvan.

Are you aware that within the Black community most affected, that is the Indian community - the Coloured community was also affected - within the Indian community there / ... 30

there were some Indians who were not against the notion and there were others who were for it? --- What notion?

The notion that Group Areas was a good thing? --- Ja.

And those who were opposed to the Group Areas legislation regarded those who were in favour of it as carrying their cause out, do you remember that? --- Ja.

Now the paragraph beginning with the words "it is time Brothers and Sisters", you dealt with that particular paragraph at page 2107, line 10, and the points you emphasised were the words "we got together" in the first 10 line of that paragraph, and "we must stand united". --- Ja.

Right? --- This is line what?

This is the paragraph "it is time ... that we got together"? --- Mmmm.

You referred to the whole of the paragraph, but as I understand your evidence you emphasised "we got together" and "we must stand united" --- Mmmm.

Now you described this as an "oproep vir eenheid", you said that at page 2107, line 10. --- Ja.

Now, would you agree with me that in any political 20 organisation there must be cause for unity? --- Ja, in enige politieke organisasie.

You did not deal with the words "Jhali Karo - Aye dhora wara apne mal lak he". --- No.

And my learned friend may want to re-examine you about this so I thought I would ask you some questions first about it. There has been evidence that those words mean inter alia, there are two witnesses who gave evidence about this, "wake up" or "hurry up, lest or otherwise the White man will kill us". --- Mmmm 30

That is what two witnesses have said those words mean.

Now / ...

Now I want to suggest to you that if those words do mean that, would you agree with me as a political scientist they convey the negation of the idea that the Blacks will kill the Whites? --- Nie ten volle nie, nee. Ek meen ek sal sê ten opsigte van sal ek sê op een spesifieke punt, goed, is dit nie 'n aanduiding van opsweping om die Blankes dood te maak so direk nie, maar dit is dan weer 'n persepsie van 'n dreigement deur die stelsel, eintlik deur die Blankes aan hiendie mense wat 'n sekere reaksie kan veroorsaak.

Yes but you see if you look at it in a revolutionary 10 context, would you not agree with me what the man is saying who is using the words is : look, if we don't unite, we are going to be wiped out? --- Dit is korrek.

Therefore unite, and do not let them divide us so that this does not happen to us? --- Ja, maar die punt is hoe gaan hulle dit voorkom, dit is die hele punt daar.

Isn't the suggestion that is being conveyed, and if evidence is necessary on this article this is what the evidence will be, to this effect, that firstly - Accused No.1 is the author of this article you see, and if he has 20 to give evidence about it he will tell His Lordship that what he understood those words to mean were: hurry up, hurry up lest the White man overwhelms us ~~politically~~ we must unite otherwise we will be politically overwhelmed. But witnesses for the State have said, and I am dealing with it at this level that these words mean: hurry up, hurry up, lest the White man kills us, destroys us. Now I am arguing, not arguing, I am asking questions about the position as a political scientist at the level of acceptability of the State evidence, do you follow, in other words on the hypothesis that the State evidence is accepted, that the words mean:

hurry / ...

hurry up, hurry up, lest the White man kills us or destroys us. And you say, do you, that you agree with me to an extent that those words convey the negative of the idea that the Blacks will take up arms against the Whites? --- Sal ek sê nie noodwendig nie.

But if you qualify it by not necessarily, then you must admit the converse possibility as the political scientific construction? --- Nee, ek sal dit in die verband sê stel, Edele, dat indien daardie woorde dit beteken dan pas dit in by die ander gedeeltes hier soos "that we get together as oppressed people, the injustices are endless", dit is in dieselfde - dit sal in dieselfde kategorie as daardie val. 10

And that is the "oproep tot eenheid", that is one of the categories, correct? --- Ja.

And the other category is to show that the system is unfair to the Blacks? --- Ja, goed, in 'n taamlik oortuigende trant.

Well you are not convinced are you? --- Van wat?

When you say "n taamlike oortuigende trant? --- Wel soos wat hy hier uitkom is dit in 'n taamlike oortuigende trant.

Now, Mr. van der Merwe, lastly, I do not want to cover ground that has been dealt with by my learned friend Mr. Soggot, but I have read the evidence, I want to indicate to you certain aspects of Professor Gurr's proposition which I would with respect like to highlight, and just give you an opportunity to deal with unless His Lordship - and inform His Lordship and my learned friend as to where you and he and the gentlemen referred to seem not to be ad idem. Firstly, as far as Professor Gurr is concerned, is he an internationally recognised authority in political science? 30  
--- Ja, ek weet nie hoe internasionaal aanvaard hy is nie, daaroor / ...

daaroor sal ek nie kan getuig nie, maar hy het al artikels geskryf in tydskrifte wat internasionaal versprei word.

Do you know whether he won the Woodrow Wilson award in 1970 for the best contribution to political science?

--- Ja, dit het ek gehoor, dit was ten opsigte van 'n ander aktiwiteit van sy werk.

And what sort of activity was it? --- Ek dink dit was die samestelling van 'n algemene boek oor Staatsleer.

What do you mean by that? --- 'n Soort van 'n - ek is nie presies seker wat die strekking van die boek is nie, 10  
maar dit is in elk geval nie ten opsigte van hoe sal ek sê sy revolusionêre teorieë nie.

It has got nothing to do with rebellion or revolution? --- Sover ek weet nie.

Well in fact the title was "Why men rebel"? --- Is dit waarvoor hy dit gekry het?

Yes, that is one of the books ..(getuie kom tussenbei)  
--- Ek was onder die indruk dat dit vir 'n ander boek was wat hy dit gekry het.

Anyway, according -- well let me deal with the other 20 gentlemen who have been helping us, do you know Mr. Turner -- I beg your pardon, Dr. Turner? --- Wel, vaagweg, ja.

As a political scientist? --- Ja.

University of Natal? --- Dit is reg, ja.

And do you know Dr. Stadler? --- Ja.

He is a political scientist at the University of the Witwatersrand? --- Dit is reg, ja.

And is he head of the department there? --- Ek het so verstaan, ja.

Have you had any reason in the course of your career 30 to come across literature which they have put out or anything of / ...

of that sort? --- Ek dink nie ek het nog van hulle werke eintlik gelees nie.

Do you know what standing they hold in the South African political science field? ---- Edele, dit is 'n moeilike vraag om te antwoord.

I take it that as a political scientist you have got no reason to doubt their ability in the same field in which you are a professional man? --- Wel ek het ook nog nie sal ek sê die - aangesien ek nog nie van hulle werke te sien gekry het nie, kans gehad om hulle te evalueer nie, so ek kan nie 'n opinie uitspreek daaroor nie. 10

So you cannot comment either way about those two gentlemen? --- Ja.

Now, as far as Professor Gurr is concerned, you see he has paid some attention to your "raamwerk", and my learned friend Mr. Soggot has in fact dealt very substantially with the points of difference between your approach and what is suggested is the correct approach. But what I would like to put to you is this, there will be evidence from Professor Gurr that since 1967 he has gathered systematic information 20 on all conflictive evidence, including demonstrations, riots, clashes, coups, terrorist and guerrilla movements, revolutionary movements, civil wars, between the years 1961 and 1970, and these events concern matters which occurred in something like - I may be a little wrong about the number of countries, but it looks to be nearly 200 countries. Now are you aware that Professor Gurr has done that work? --- Ek is bewus dat hy aansienlike navorsing in die verband gedoen het.

And I understand from his precognition that he will 30 be telling His Lordship that this sort of investigation, specific / ...



specific investigation, provides a solid empirical base for generalising about what kind of groups take what kind of action and why and with what effect. Could you agree? --- Ek kan nie daaroor kommentaar lewer nie, want dit hang af hoe die werk gedoen word.

And as far as these groups of countries were concerned they were divided into two different groups - I am just foreshadowing the events you see? --- Ja.

Now, Mr. van der Merwe, please, I am not trying to be disrespectful to you, you have not undertaken any work of that magnitude have you? --- Nie van daardie omvang op daardie gebied nie, Edele. 10

Would you think that work of that kind would better qualify a political scientist to express an opinion about revolutionary movements and prognosing about them? --- Edele, ek meen as 'n algemene stelling met alle ander dinge gelyksynde, is 'n persoon wat meer werk gedoen het op 'n sekere terrein gewoonlik meer gespesialiseerd op daardie terrein, 'n mens het natuurlik die probleem dat - dit wil ek nie insinueer ten opsigte van professor Gurr nie - dat persone wat op 'n baie eng gebied spesialiseer dikwels bietjie perspektief verloor en kontak met die res van die dissipline verloor - maar dit wil ek nie insinueer nie. 20

Well there will be evidence about his other contributions, and I think you know for a fact that he has contributed works over a whole broad spectrum ..(getuie kom tussenbei) --- Ja, nee, soos ek sê u maak 'n algemene stelling ek moet dit net 'n bietjie kwalifiseer.

Now, what apparently in addition to the matter dealt with by my learned friend Mr. Soggot, Professor Gurr will be suggesting or telling His Lordship that there are no tested theories / ... 30

theories about the probabilities of revolutionary events or activities, do you agree with that evidence? That there are no tested theories about the probabilities of revolutionary events or activities? ---- Dit is bietjie 'n mondvul.

It is just one sentence? ---- Ja, nee, dit is die probleem. Daar is geen getoetste teorieë wat 'n mens sou kon gaan toepas op 'n spesifieke gemeenskap en dan daaruit voorspel wat die waarskynlikheid vir revolusionêre aktiwiteite of sal ek sê revolusie in daardie besondere gemeenskap is nie, ek sou in beginsel daarmee saamgaan, ja. Ek ken nie 10 al die teorieë nie.

Well what he will be saying is that there are many theories about causes and processes of revolution, but most writers on the subject contend that revolutions are such a rare event that theories cannot be definitely tested, and therefore you cannot forecast when revolutions are about to occur? ---- Dit is korrek, 'n mens kan nie, 'n mens kan waarskynlik op die stand van sake soos dit is op die oomblik nie gaan voorspel dat 'n revolusie in 'n gegewe staat gaan voorkom nie, omdat daar soveel tussenkomende veranderlikes 20 is tussen byvoorbeeld die voorbereiding vir revolusie deur 'n groep en die ander gebeure soos die stelsel se reaksie en buitelandse gebeure ensovoorts.

Well inter alia one of the points that will be made in the course of Defence evidence on this question, is that there is a very substantial overlapping between the activities of process groups and the activities of embryonic revolutionary groups? ---- Ja.

And I gather you have already conceded that? ---- Ja.

And it is this overlapping aspect I suggest that 30 makes prediction very unscientific? ---- POUSE

Diagnostic / ...

Diagnostic predictions? --- Ja, dit is een van die probleme, maar ek sal nie sê die heel grootste probleem nie.

You see even in this little elementary book which I gather is of some assistance as an elementary guide to political science, "Modern political analysis", I am going to show you a photostatic copy of page 105? --- Is dit van Dahl?

Yes - M'lord, these are not going to be exhibits, they are just references - this page comes from a chapter on political evaluation, and the sub-title is "The quality of 10 factual judgments", and he says:

"As these examples suggest - and these are the examples that you have been given on the preceding page - reliable predictive knowledge about human and social systems has been very much harder to gain than reliable empirical knowledge about physical or strictly biological systems".

Now that seems to be a trite statement of fact, does it not?

--- Ja.

What is more important though he says:

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"Hence, much of the predictive knowledge used in making political decisions must be, in the absence of anything better, a relatively low level of reliability".

Would you agree with that statement, it also seems to follow?

--- Ja, wel, behalwe, ek meen as hy nou sê - ek meen hy gebruik die woord "relatively" daar, dit maak die ding oop na alle kante toe.

Well this is a political scientist confessing the shortcomings of the system which he practises, is it not?

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--- Ja.

He /

He then goes on to say:

"Much political knowledge is pre-scientific or non-scientific in character"

would you agree with that? --- Wel dit is weer 'n baie breë stelling, en weer baie relatief.

Well I am trying to get some sort of first principle basis, you see? --- Ja, nee, ek meen soos ek sê dit is so breed en so relatief dat 'n mens nie regtig daarop kan reageer nie. Hy is reg en hy is verkeerd.

He goes on to say:

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"Often one must draw upon prevailing common sense notions, with full awareness that the common sense of one generation is frequently seen as childish nonsense by a later generation. Also too one must rely upon inference from a wealth of limited and unanalysed body of experience".

Now as a general proposition, would you agree with that?

--- Met baie voorbehoude, ja.

And is not this very thing that you have been talking about, Mr. van der Merwe, that is the diagnosis of revolutionary symptoms precisely one of those fields where one has got to deal with an unanalysed body of experience? If you have not done the sort of analysis that Professor Gurr has done? --- Wel, soos ek sê, revolusie is reeds een van die oudste verskynsels in die politiek amper, so land as wat daar regerings was was daar revolusie.

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But did Plato and Aristotle analyse revolution?

--- Dit hang af wat u bedoel met analiseer.

Well what I am talking about is he says: wealth of limited and unanalysed body of experience. Now the only point I am trying to make is this, will you concede or not

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that / ...

that if one has not done the sort of analysis that Professor Gurr has done, then one is in a less favourable position to diagnose by analysis, that is all I am asking you, to agree or disagree with it? --- Edele, 'n mens kan heelwat daaroor sê, 'n mens kan 'n hele verhandeling daaroor skryf, dit is moeilik om op so 'n vraag sommer net so te antwoord. Dikwels is die meer veralgemeende analises wat plaasvind, en wat onderneem word, meer, hoe sal ek sê, meer vol insig, as die spesifieke detail analise gepaard met kwantitatiewe meting wat in sommige van die detail studies onderneem word. 10

Mr. van der Merwe, have you ever done a comparative study of those two ways of going about the task in political science? --- Nie 'n formele studie in daardie verband nie, maar 'n evaluering vel.

Now, the last thing I would like you to refer to please, is something out of the Encyclopaedia Britannica, I am sorry for going to such elementary sources.

HOF: Maar gee David Easton nie ook hierdie argument as sy rede waarom hy die derde boek geskryf het nie, om 'n basis vir 'n teorie eintlik te probeer uitwerk as 'n stap in die rigting om hierdie regsleer nader te bring aan die natuurwetenskappe waar jy meer vaste beginsels het nie? --- Dit is korrek, Edele, dat hy 'n raamwerk probeer daarstel wat kan werk in die rigting van so 'n algemene teorie. 20

Maar sê hy tog nie dat jy kan nie 'n algemene onfeilbare teorie hê nie, weens al hierdie ander probleme nie? --- Dit is korrek, Edele, maar die punt aan die ander kant is dat wanneer daar gepraat word van analise of van ~~analities~~ analities, dan is byvoorbeeld Easton se werk ook analities van aard maar op 'n ander vlak, sal ek sê nie op die detail vlak nie, op 'n meer breë begripsvlak. 30

Wel / ...

Wel in 'n poging om veralgemenings sover as moontlik te reduseer, maar hy aanvaar dat jy kan veralgemenings nie heeltemal elimineer nie? --- Nee, Edele, veralgemenings is juis aan die een kant een van die boustene van teorie.

Ja, maar is dit betroubare veralgemenings, in die natuur wetenskap is dit 'n betroubare veralgemening, by die maatskaplike wetenskap is daar so baie veranderlikes dat dit nie 'n betroubare veralgemening is nie? ---- Soms kan 'n mens tog betroubare veralgemenings maak, Edele. En ek meen Easton het ook in daardie stuk van hom gesê dat hoewel dit sy 10 basiese doel is om 'n analitiese raamwerk daar te stel, ek meen, beteken dit nie dat omdat dit sy hoofdoel is, dat daar nie in sy werk baie bruikbare veralgemenings en proposisies voorkom nie.

Maar sê hy nie sy raamwerk is maar alleen net 'n stap in die rigting van 'n teorie wat van die aard hoop hy uiteindelik sal wees soos dié wat jy by die natuur wetenskap kry nie? --- Dit is korrek, Edele, soos daardie aanhaling wat ek uit Green ook vir u gelees het, wat sê dat 'n mens aan teorie daardie vereiste stel wat die natuur wetenskap daaraan 20 stel, daardie veralgemeende teorie, in daardie opsig het ons nie 'n algemene teorie in die politieke wetenskap of 'n algemene teorie van revolusie nie, ek meen in daardie streng; streng sin nie. En Easton se werk is 'n poging om in daardie rigting te werk, maar ek meen soos wat hy self toegee, is dit 'n eerste stap in daardie rigting. Maar die punt wat ek eintlik wil maak is dat ten spyte daarvan, ten spyte van die afwesigheid van daardie teorie, daardie hoogstaande teorie, is daar tog baie bruikbare konsepte en veralgemenings, en hoe sal ek sê enkelvoudige teorieë wat gebruik kan word. 30

Maar sê Easton ook nie dat daar is baie dinge wat 'n

mens / ...

mens eintlik kennis van moet neem wanneer jy veralgemenings maak nie. Is dit nie dat iemand wat die gemeenskap ken kan kennis neem van sekere agtergrond vir veralgemenings nie?

--- Ja, Edele, dit is korrek, ek meen 'n mens moet, indien 'n mens Easton se werk byvoorbeeld wil van toepassing maak op 'n spesifieke gemeenskap of gedeeltes daarvan, 'n spesifieke gemeenskap, dan moet 'n mens seersekerlik kennis van daardie samelewing hê.

Sal 'n man wat byvoorbeeld vreemd is vir hierdie milieu dieselfde afleidings kan maak van 'n situasie as ene wat nou 10 vertrou is met hierdie milieu? --- Edele, ja en nee, in dié sin dat ek meen 'n persoon wat homself baie instudeer en baie sistematies instudeer op 'n besondere situasie waarmee hy nie lewenslank vertrou was nie, mag miskien uiteindelik meer daarvan verstaan as iemand wat sy lewelank daar woon. Maar 'n wetenskaplike wat homself daarop toelê om sy gemeenskap te verstaan, het ongetwyfeld 'n baie groot voorsprong, in baie gevalle oninhaalbare voorsprong op iemand wat nie daardie gemeenskap so intiem ken nie.

MR. ALLAWAY: And of course Dr. Stadler and Dr. Turner would 20 have had the same advantage as you have had of studying the South African society? --- Ek neem aan hulle woon min of meer dieselfde ..(Mr. Allaway intervenes)

They would have had the same media available? --- Dit is reg.

You see just to summarise this aspect of Professor Gurr's treatment of your analysis, it will be suggested that the framework for diagnosing revolutionary activity has not been derived from any tested empirical theory, that you have not done that, I think you agree with that do you not? 30

--- As 'n mens weer 'n keer in daardie sin "tested empirical theory / ...

theory" dit in daardie sin aanvaar, ja.

HCF: Ek wil net die benaming regkry, die natuur wetenskap is uitsluitlik gebaseer op empiriese waarnemings en aanvaardings? --- Edele, dit is 'n bietjie van my terrein af, maar ek verstaan dat dit ook nie altyd so uitsluitlik daarop gebaseer is nie, want selfs in, hoe sal ek sê, die teorie formulerings of teorieformuleringsproses in die natuur wetenskap word dikwels van afleidings gebruik gemaak om sekere konsepte aannekbaar te koppel. Die prosedure wat hulle dan volg is om daardie afleidings te gaan proposisionaliseer en empiries - pouse - en in die natuur wetenskap is dit makliker om daardie afleidings dan empiries wel te gaan toets, en bo alle twyfel te gaan toets.

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Het u die uittreksel van die ensiklopedie voor u?  
--- Ek het dit voor my Edele.

MR. ALLAWAY: M'lord, may I deal with that now. You see, this is what - and I suggest this as a very uninformed lawyer on the subject of political science, Mr. van der Merwe, have a look at this extract from the Encyclopaedia Brittanica, it seems with respect to hit the nail on the head. It says:

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"Political science must be distinguished from natural science" -

well that is clear is it not? --- Sure.

And according to the Encyclopaedia Brittanica, and the volume is given and the page reference:

"If the term science is to be applied to any body of systematically organised knowledge based on facts ascertained by clinical methods and described by as much measurement as the material allows, then political science is a science, just as are other social / ...

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social disciplines".

Now given that premise the conclusion is correct, is it not?

--- Ja.

Right. Then, paragraph 3:

"If on the other hand the term science is to be limited to those disciplines in which the scholar can control the material to be studied, and can perform the experiments that others can reproduce under the same conditions" -

now, in political science can you do that, can you as a scholar control the material to be studied and perform experiments that can be reproduced by your political science colleagues under the same conditions? --- Edele, nee, die probleem kom daarby, by die "control the material" en "perform experiments", dit is nie in die staatsleer moontlik nie, behalwe ten opsigte van baie, eintlik nietige aspekte waar dit eintlik ooreenstem met sulke dissiplines soos sielkunde en sekere aspekte van sosiologie, so in den breede is dit nie van toepassing op staatsleer nie. 10

And in which predictability is possible then the label is appropriate although not entirely 20

....(AWAY FROM MICROPHONE)

- you would go along with that would you not? --- Ja, breedweg daar in die sin dat as 'n mens sê "in which predictability is possible", as 'n mens nou moet gaan sê goed as 'n mens nou daaruit gaan aflei en sê dat omdat dit nie moontlik is nie, daarom "predictability is impossible" dan stem ek nie meer saam nie. Ek meen 'n mens moet net so soos hy sê "it is less appropriate".

Well you cannot be adamant, isn't that what the gist of this is, that if you try to predict as a political scientist / ... 30

scientist, you cannot be adamant? --- Jy kan nie sal ek sê met eksaktheid voorspel ten opsigte van breë verskynsels nie.

Because what you are giving is an educated guess I would suggest? --- Wel ek sou sê 'n berekende raaiskoot, nee ... (Hof kom tussenbei)

COURT: Well Easton calls it a logical deduction. --- Ja.

MR. ALLAWAY: And I suppose also like in the law regrettably different advocates, lawyers have different opinions and I suppose political scientists have different opinions? --- Ja, dit is so. 10

Would you say that your thinking as a political scientist falls into the Eastonian mould, would you say you are a disciple of Easton? --- Nee, 'n dissipel van hom is ek nie.

If you fit into any schools of political science at all, would you call it into the Eastonian school? --- Wel ek weet nie daaroor sal ek nie kan oordeel nie, ten opsigte van sekere fasette volg 'n mens in 'n mate daardie benadering en ten opsigte van ander fasette nie.

How have you tested your framework, your "raamwerk" 20 against this proposition, that is can you show that most revolutionary groups do the things cited in your framework and that other non-revolutionary groups do not do them? --- Edele, ek dink nie dit is 'n toepaslike toets daardie nie, .. (Mr. Allaway intervenes)

The question is have you done it? --- Soos ek sê dit is nie vir my 'n honderd persent toepaslike toets soos wat dit so streng daar geformuleer is nie, want dit hang af soos wat daar in elke werk feitlik oor hierdie saak geskryf staan .. (Mr. Allaway intervenes) 30

I am sorry to interrupt you please, all I want to know is / ...

is whether you have done it, I can understand you can give reasons later, but have you done that? --- Gedeeltelik ja en gedeeltelik nie.

Because I rather understood from one of your earlier answers to my learned friend Mr. Soggot that you had not done it at all? --- Sal ek sê as ek kan verduidelik hoekom ek nie met daardie stelling presies saangaan nie, dan kan ek ook verduidelik - ek meen wat ek nie gedoen het nie is om 'n groep revolusionêre gebeurtenisse te neem en byvoorbeeld 'n historiese beskrywing daarvan te vat en dan sistematies 10 te ontleed of dit daarop inpas nie. Wat ek eerder gedoen het is om die gevolgtrekkings van ander mense wat geskryf het oor hierdie onderwerp, wat in hulle bevindings en teorieë vervat is, om my raamwerk daarteen te toets.

You took a bit out of several authors? --- Nee, dit is nie heeltemal so nie.

Well, Mr. van der Merwe, I am having trouble with your evidence at times, because that is not entirely correct. You did not rely exclusively on one author did you? --- Nee, nie uitsluitlik op een nie. 20

You did rely upon a variety of authors? --- Dit is korrek, ja.

And you took some of each of what they said? --- Nee, sal ek sê ek het gekyk na die teorieë van die verskillende mense, en gekyk in hoe verre mate ek daarin ondersteuning of weerspreking van my eie gedagtes gekry het.

In other words you looked at a variety of authors and you took what appealed to you as being correct, and formed your own "raamwerk"? --- Nee.

MR. REES OBJECTS: My learned friend has just twisted 30 around exactly what the witness has said. Surely it is clear, the / ...

the witness says: I formed my opinion, and then I looked whether these people agreed, now my learned friend says: you looked at those people and then you formed your opinion, which is entirely different to what the witness has said.

MR. ALLAWAY: Then I misunderstand it, M'lord, and I am properly corrected. It is exactly as Mr. Rees explained it is it not? --- Ja, laat ek dit so verduidelik, ek het my raamwerk vergelyk met die raamwerke van ander mense en getyk in hoe verre mate daar ooreenstemming of verskil tussen hulle was.

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This is water under the bridge, I think when I first cross-examined you you made it quite clear that this was your own raamwerk, it was in die lawyer's terminology sui generis to you? --- Wat die spesifieke detail betref wel seker, maar nie wat die gees daarvan betref nie.

You see, there will be evidence that it is utterly illogical in the field in which you practise, to use a list of things that revolutionaries might do as a means of diagnosing what they will do, either in a general situation or a specific situation, would you agree with that proposition, because that is what Professor Gurr is going to say? --- Wel ek sal ontken dat dit is wat ek gedoen het.

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No, but you will agree that it is illogical to do such a thing, you say you never did it, but do you agree with the proposition that it is illogical to use a list of things that revolutionaries might do as a means of diagnosing what they will do either in a general or a specific situation? --- Dit is weer 'n keer so 'n absolute proposisie daardie dat 'n mens nie daarmee kan saamstem nie as gevolg van sy absoluutheid.

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Are there no absolute propositions ..(Court intervenes)

Court / ...

COURT: Where is this taking us to, Mr. Allaway?

MR. ALLAWAY: M'lord, I just want to indicate with respect, foreshadow Professor Gurr's evidence where it has not emerged or been highlighted in the record, I would not like my learned friend to suggest that the witness has not been given the thinking of the gentlemen who have been assisting us, M'lord. My learned friend Mr. Soggot has dealt with it and I have certainly avoided the patches where he has covered this, M'lord, but I want to be sure by the time that we finish with the witness that it cannot be said that he was not given an opportunity of dealing with our approach. Do you claim, Mr. van der Merwe, that your framework consists of any cases of activities that are unique to revolutionaries? ----- Nie almal nie. 10

Which of them within your framework is unique to revolutionaries? ---- Edele, laat ek dit so stel ..(Mr. Allaway intervenes)

Is any of them unique? ---- Die vraag is 'n bietjie -- hoe sal ek sê, 'n bietjie moeilik om te hanteer in die sin dat dit nie ..(Mr. Allaway intervenes) 20

I am sorry to interrupt you, Mr. van der Merwe, but may I help you...(Mr. Rees intervenes)

MR. REES: M'lord, please let the witness answer in his own way, this helping always confuses the issue.

MR. ALLAWAY: M'lord, I am trying to assist the witness, and trying to expedite the cross-examination. I think it would be easier if the witness with respect had his "raamwerk" in front of him and indicated with reference to it, which of the -- M'lord, will recall the get-up of the "raamwerk" -- there are paragraphs and sub-paragraphs, which of those the witness says are exclusive to revolutionaries, apart from number 3

of / ...

of course "waar omstandighede gunstig is word oorgegaan tot gewelddadige optrede". Do you have your "raamwerk" in front of you? --- Ja.

Which of those ideas or notions in paragraph 1, 2(a) and 2(b) is exclusive to a revolutionary movement? --- Edele, die moeilikheid met die vraag hier is dat dit nie in dieselfde terme geformuleer is as my bewerings nie. Maar ten einde om min of meer ..(Court intervenes)

COURT: Well it is an unfair question, Mr. Allaway, the position is he says that he did not rely on any one of those 10 grounds for coming to the conclusion that it has the potential of a revolution, he merely says that : I found these symptoms present, and because of these symptoms I look at the matter as a whole.

MR. ALLAWAY: Yes, M'lord, but foreshadowing the evidence that we shall be leading, one of the questions I would like to ask the witness is, within this "raamwerk" is there anything that is exclusive to a revolutionary movement, it is just that question I would like answered, M'lord.

HOF: Is daar enige een van daardie simptome wat u sê 20 dat u tot die gevolgtrekking kom dat daar 'n revolusionêre potensiaal? --- Edele, ten opsigte van die ontwikkeling van die sametrekende idee, indien daardie idee waarde georiënteerd is, en baie breed is, sodat daardie idee slegs geïmplementeer kan word met radikale wysiging van die bestaande regime en/of gemeenskap, en indien daar gepaard met daardie , sal ek sê, daardie graad van idee wat gepropageer word, daar 'n totale verwerping van die bestaande kanale ook is en indien daar dan gesinspeel word op gewelddadige optrede. Hierdie faktore gesamentlik sou ek sê sou 'n mens slegs by revolusionêre groepe 30 aantref.

Daardie / ...

Daardie benadering toon dat u evalueer 'n besondere simptome, 'n simptome is daar maar om dit revolusionêre potensieel te gee, moet die simptome as sulks evalueer word na sy inhoud? --- Dit is korrek, Edele.

I think that is what he says in broad outline.

MR. ALLAWAY: But specifically as such there is nothing that is unique to revolutionary movements in this "raamwerk", nothing that is unique? --- POUSE

I understand your evidence, Mr. van der Merwe, you say the whole, look at it in its composite, and you can draw certain conclusions about symptoms, but what I am asking you is this, is there anything that you say that is unique to revolutionary movements in any particular subdivision? --- Edele, ek meen ek wil die vraag so antwoord .. (Mr. Allaway intervenes) 10

I am sorry to persist, but I must have an answer to that question. --- 'n Mens sou kon kry byvoorbeeld dat daar opsweping tot geweld is, sê maar duidelike opsweping tot geweld, maar dit is nie - dit gaan gepaard met hierdie waarde georiënteerde idee, en met aftakeling van die stelsel aan die een kant, dan sal daardie voorbereiding vir gewelddadige optrede moontlik wel daar wees, maar dit sal nie 'n revolusie impliseer nie. 20

HOF: Dit sal miskien sedisie impliseer of soiets? --- Ja, Edele, dit wel.

MR. ALLAWAY: Mr. van der Merwe, just dealing with this question of the "saantrekkende idee", in your "raamwerk" you talk in paragraph 1 about having a "saantrekkende idee"? --- Ja.

Now in your evidence, I am going to give the reference, page 2041, line 9, when you were dealing with - my learned / ... 30

learned friend Mr. Rees was leading you and he said: "Gaan maar aan asseblief? A. Edele, as 'n groep persone 'n massa gewapende revolusie sou wou teweegbring, sou 'n mens verwag eerstens dat daar 'n kern groep sou bestaan of sou ontstaan. 'n Mens sou ook verwag dat daar 'n sametrekende idee is" - that is what you said in chief, right? --- Ja.

And then you went on at page 2045 at line 27, you talk again about a "sametrekende idee", then on page 2046 at line 3, you talked about a "sametrekende ideologie".

--- Ja.

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And then on page 2046 ..(getuie kom tussenbei) --- Maar u sal oplet dat ek het op bladsy 2046 myself gekwalifiseer.

Yes, I am about to deal with that right now, that is my next question, page 2046, you said, and this is in the first nine lines "en daaruit verstaan ek dat hierdie twee konsepte" - that is the concepts of Black Consciousness and Black Solidarity "aangehang word as 'n sentrale ideologie waar rondom georganiseer behoort te word". --- Ja.

And then further down the page, the same page, page 2046 at line 30 you said this: "Ek wil beweer dat hierdie 20 duidelik stel dat hierdie idee van Swart bewustheid hier aanvaar word as ideologie, of miskien moet mens dit nie ideologie noem nie, maar eerder net 'n idee, in terme waarvan die heil van die betrokkenes ...." and then you went on.

--- Ja.

Now in your evidence-in-chief you made no reference and in your "raamwerk" paragraph 1, you do not talk about the "revolutionêre idee", you talk about a "sametrekende idee, ideologie", or as I have explained here "miskien moet mens dit nie ideologie noem nie, maar eerder net 'n idee". 30

---- Mmmm

Now / ...



Now in your own theory, is there any distinction between a "sametrekende idee, of ideologie, of net 'n idee 'n revolusionêre idee, of 'n potensiele revolusionêre idee?

COURT: Well I thought he went through that very fully in his cross-examination by Mr. Soggot.

MR. ALLAWAY: M'lord, if he did then I am sorry, I haven't read it correctly, but one of the criticisms which will be levelled is that Mr. van der Merwe has not defined the terms, and I want to ask him, I do not want the State to be taken by surprise, M'lord, I do not think he has been asked this 10 question.

COURT: Yes, he has answered to two possibilities, the one is the revolutionary potential and the other one is not the revolutionary potential.

MR. ALLAWAY: M'lord, my question is directed only at this level and that is, is there any distinction, I do not believe this has been asked, M'lord, is there any distinction in your own mind between a "sametrekende idee, en 'n revolusionêre idee" at all? --- Edele, miskien moet ek hier 'n bietjie tog verduidelik. 20

Are they the same in your mind or not? --- Ek moet net 'n bietjie verduidelik in die sin dat ek het hier 'n paar keer myself verspreek deur van ideologie te praat en myself gekorrigeer 'n paar plekke en slegs van 'n idee gepraat. Dit het ek spesifiek gedoen omdat daar baie verskillende definisies is van wat presies 'n ideologie is en wat nie 'n ideologie is nie. Om net enige kontroversie op daardie punt wat ek as onnodig geag het te vermy, so ek wil liefs enige plek waar ek moontlik van ideologie mag gepraat het, sê dat ek bedoel het idee, hierdie sametrekende idee. Maar 'n 30 sametrekende idee is 'n breër gedagte, dit is 'n breër konsep wat / ...

wat 'n ideologie kan insluit of iets wat baie minder is as 'n ideologie. Miskien is dit op hierdie stadium nodig om net te verduidelik dit sluit aan by wat ek so 'n rukkie vantevore gesê het, enige idee vir verandering op enige vlak van die stelsel kan ek maar sê, gaan gewoonlik gepaard met 'n idee waar rondom mense kan, sal ek sê, hulleself kan verenig vir aksie. Maar so 'n idee kan òf byvoorbeeld teen een - om twee uiterstes te noem, teen een spesifieke beleidsaksie van die regering gerig wees soos die prys van wit brood, of dit kan aan die ander kant te doene hê met die totale waarde struktuur 10 van die regime. En in die een geval, aan die een kant sal dit waarskynlik net aanleiding gee tot politieke aksie op 'n baie normale vlak, terwyl hierdie waarde georiënteerde idee baie moontlik tot revolusie kan lei, heel revolutionêr met ander woorde.

All right, what you are saying is that if the idea is against the root of the system, then it has got potential for revolution? --- En indien dit ook sal ek sê baie implisief is, met ander woorde totaal is.

Now, the secondary point which has not been touched 20 on with you is - about Professor Gurr's evidence - he apparently will tell His Lordship he has had considerable experience with investigating the Black Power movement etcetera in the United States, and he will be saying that most of the violence by the Blacks in the United States in the ghetto riots occurred before the Black Power and Black Consciousness ideas emerged, do you know about that, can you comment on it? Do you agree with that evidence or disagree or do you not know? ---- Nee, ek meen ek sal heeltewel bereid wees om dit te aanvaar. 30

And according to our instructions the Black Power and Black / ...

Black Consciousness idea emerged towards the end of the period and provided the basis for alternative, that is, non-violent kinds of protest. Would you agree with that evidence or disagree with it? --- POUSE

That Black Consciousness provided the basis for non-violent protests and that kind of activity in America? --- Dit is, sal ek sê, 'n baie duidelik baie gekompliseerde gevolgtrekking waaroor ek nie die kennis beskik om presies daarop te antwoord nie.

COURT ADJOURNS

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COURT RESUMES:

S.J.VAN DER MERWE, NOG ONDER BED:

CROSS-EXAMINATION BY MR. ALLAWAY CONTINUED: Mr. van der Merwe, would you kindly turn to page 72 of the Indictment, that is the Doornkop resolution, do you have it? --- Yes I have it.

And your evidence just for convenience about this is at page 2110 - I am sorry, 2109, it starts at line 27, and proceeds through to 2110, line 24. Now, Mr. van der Merwe, what you said about the first paragraph of this resolution and "noting with grave concern and disgust the display of naked terrorism by the S.A. government by the inhuman eviction" etcetera, you said that this was designed to undermine support for the system, I do not want to spend any time at all about what I am going to call the preambles to the resolution, that is the "noting" and the "further noting", save to ask you this, would you agree with me that removals of this kind, that is the one at Doornkop, Limehill, Dimbaza and the other places noted, removals of this kind have caused a large amount of adverse criticisms of the Government when they have been effected. Do you know that

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or / ...

or not? ---- Ek is bewus van kritiet op die Regering in daardie verband.

The Government may have certain reasons for doing so, and as a political scientist do you see that these removals are necessarily part of a policy of effecting separate development? ---- Nee, dit kan ek nie op kommentaar lewer nie want ..(Mr. Allaway intervenes)

It is outside your scope, I see. But to a Black political organisation, would you concede as a political scientist removals of this kind would be something of interest? ---- Hulle sal seker daarin belangstel. 10

And also of concern?

MR. REES OBJECTS: M'lord, that is an opinion on a subjective matter on which this witness is not qualified to express an opinion, whether it is a matter of concern to the people or not.

MR. ALLAWAY: M'lord, it is my submission that as a political scientist he ought to be able to help M'lord and say: from my profession, my science, I can say something as a scientist, one would expect Black people to be concerned about this, that is the question? --- Edele, as "concerned" bedoel word om te sê ontevrede, of bekommerd en/of ontevrede, dan sal ek sê dan moet ek oordeel oor die regverdigheid van die gebeure, die wyse waarop dit geskied het ensovoorts, voordat ek kan sê dat hierdie mense reg het om daaroor ontevrede te voel, en daardie detail kennis van daardie spesifieke insident het ek nie. 20

But in any event you do know that various political parties spoke on these subjects? ---- Ek weet dat mense kritiek gelewer het. 30

But what I am suggesting to you is this, is that  
the / ...

the fact that a student organisation such as SASO notes these matters in the terms that they are here noted, merely expresses, not an intention to undermine the system, but an intention of complaint about the system? --- Edele, hier is weer 'n kwessie van intensie waarom daar heelwat te sê val, maar die punt wat ek wil maak is om hierdie griewe sy hulle regverdig sy hulle onregverdig op hierdie wyse na vore te bring sal ongetwyfeld die effek hê om steun vir die stelsel af te breek.

You see, the Accused who was the proposer of this 10 resolution is Accused No.2, and I just want to foreshadow his evidence about this resolution, do you know where it was passed at? --- Dit was by as ek reg onthou òf SASO òf BPC algemene vergadering.

It was the 6th GSC of SASO which is the policy-making organ of SASO held in 1974. --- Ja.

And did you notice in any of the documents that you were shown that in earlier meetings of SASO there are resolutions which deal with providing soup kitchens for places where removals have been? --- Ek herinner my soiets. 20

This is the point, you see, if Accused No.2 gives evidence to the effect that what was being complained about here was the fact of compulsory removals, not with the intention of undermining support for the system, but with the intention of getting the system to pay attention and not to do these things. Would you have any comment to offer about his evidence? --- Edele, ek sou net dit sê, ek meen ek sal net eintlik weer 'n keer wil herhaal wat ek netnou gesê het, wat ook al die motivering daaragter ...(Mr. Allaway intervenes)

Sorry for interrupting, may I help you, you do not 30 want to go into - you do not feel it is part of your province to / ...

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to deal with the question of motivation? ---- Edele, ek voel dit is vir die Hof om af te lei wat die intensie was.

And you will not conclude, as a political scientist, that the Accused might not have had that intention, you will not say he did not have that intention? ---- Ek kyk net na wat hier na vore kom, en soos wat dit hier na vore kom, kan dit ook wees dat hy die intensie gehad het om revolusie te stook.

Something I wanted to ask you near the end of the cross-examination, are political scientists, and here I am 10 not speaking on behalf of Dr. Turner or Dr. Stadler or Professor Gurr, are they in any better position to interpret documents than lawyers or anyone else? --- Edele, ek dink ten opsigte van die politieke implikasies van die dokumente wel.

Is that because political science has built up a theory of support and things like that that you have been speaking about? ---- Nie net daarom nie.

Now another thing you have dealt with at page 2110 lines 17 to 24, that was the reference to Dr. Phatudi, 20 as being typical of a man bent on selling out Black people, "I have nothing to think". --- Mmmm

As a political scientist would you venture any view at all as to whether the Black homeland leaders ought to have views about these things or not? ---- Ought to?

Ought to have views about the rights or wrongs of these removals? --- Edele, die feit dat, kan ek maar sê, in 'n SASO dokument aangehaal word dat dr. Phatudi sou gesê het "ek het niks om te dink nie", beteken nie dat hy byvoorbeeld nie sterk gevoelens daaroor na een of ander 30 kant gehad het nie. Ek meen as 'n voorbeeld kan dit bloot

wees / ...

wees dat hy òf nie gevoel het dat die tyd en die geleentheid reg is om kommentaar te lewer nie.

Dr. Phatudi just for the record as at the time this resolution was passed, he was a homeland leader was he? --- Dit is sover my inligting strek.

Now the actual resolution itself, the only resolution to do something appears in paragraph 4 does it not, the other parts of the resolution merely express views, they are states of mind, 4 involves doing something, communicating? --- Nee, Edele, ek meen ..(Mr. Allaway intervenes) 10

I must say in fairness 3 also involves doing something and making an impression on the Black people? --- En 1 ook.

In any event the matter I wanted to deal with specifically is sub-paragraph (3) of this resolution, and your evidence about this is on page 2111 at line 3. What you said was that this was legitimising - an example of legitimising of the revolutionary idea, and you made particular reference to the words "that the day of reckoning is nigh" and "that time and truth are on our side". --- Ja.

Now when you talk about revolutionary idea, this is 20 the potentially revolutionary idea that you refer to in your evidence? --- Die sametrekkende idee, en ek verwys daar spesifiek na die - onder andere spesifiek "truth is on our side".

The day of reckoning has got a Biblical connotation has it not, it is Judgment Day? --- Ek weet nie, dit is sekerlik sy oorsprong, maar ek dink nie dit is die enigste - hoe sal ek sê hy word baie dikwels in omgangstaal gebruik.

Yes, I think in one of the Buthelezi speeches, the one at Umlazi, he talks about the day of reckoning and time 30 and truth? --- Ja, dit kan ek nie onthou nie.

But / ...



But in any event you see what I am suggesting to you is that in the context in paragraph 3 this is again, if you approach it objectively, a negation of the idea of revolution. What is being suggested is: we don't have to do anything positive because time and tide will take a toll of the events and change will happen, without any intervention on our part. I suggest that that is the logical construction of that even to a political scientist? ----- PAUSE

We have just got to wait - isn't that what it means? --- Edele, hoe sal ek sê, hier word die versekering gegee 10 "that the day of reckoning is nigh", met ander woorde dit skep 'n verwagting by die mense. En indien daardie verwagting hoe sal ek sê nie aan voldoen gaan word nie, dit laat die gemoedere hoër loop in afwagting dat iets nou moet gebeur, en ek wil nie sê dat hierdie spesifiek op sy eie 'n aanmoediging tot of sal ek sê 'n direkte oproep tot gewelddadige aksie is nie, maar dat dit eerder deel is van die proses om hierdie verwagtings op te bou.

Well I do not want to argue about the meanings of words with you, Mr. van der Merwe, but I am going to be 20 making submissions to His Lordship about this and I just suggest that this simply means inevitably we will get our freedom, you will be judged but we have just got to wait. You do not agree with me or do you? ----- PAUSE

I mean in all realism is that not really correct, that statement? ---- I am just trying to consider your statement.

Sorry. --- Edele, ek kan nie anders nie as om tot die gevolgtrekking te kom, sal ek sê, dat hierdie stuk by die mense die verwagting sal opwek dat al hierdie verkeerde 30 dinge soos "die savage atrocity of the moribund organisation called / ...

called the South African government" en so aan, al hierdie verkeerde dinge sal binnekort iets van die verlede wees. En die vermelding daar van veral "truth on our side" skep die indruk dat hulle geregtig is om hierdie verlossing te verwag, en my bewering is nie dink ek dat hierdie as sodanig 'n indikasie is dat hierdie mense sal optree nie, maar my kontensie is dat dit 'n hoë verwagting in die nabye toekoms opwek wat dan feitlik deel is daarvan om die mense sal ek sê, as hulle verwagtings opgewek word, dan gaan hulle wag vir daradie ding om te gebeur, en indien hulle dan daarin 10 teleurgestel word dan sal die frustrasie soveel groter wees. En hierdie skepping van frustrasie as't ware is deel van die voorbereiding vir uiteindelijke geweld.

Well anyway, Accused No.2 will be telling His Lordship that he has no training in political science, but that it was his belief that there are many instances in history where a majority group that was ruled by a minority group merely had to wait and they got what they wanted without revolution. Would you say as a political scientist that there is some justification for that thinking? --- Maar 20 Edele, aan die ander kant as hulle sê kyk, hulle moes net wag, dan sal hulle nie so dikwels sê die tyd om op te tree is nou nie.

He does not say the time to do anything is now?  
--- Nee, dit gee ek toe.

But what is expressed by the proposer of this resolution, that is Accused No.2, is that the South African government is moribund, do you know what that word means?  
--- Ja, ek weet wat dit beteken.

It is about to expire, it is on the way out? --- Ja. 30  
Of its own making? --- Dit is nie noodwendig nie.

Well / ...

Well anyway, that is the context in which he will tell His Lordship he used these words, that it is his belief that the South African government will as it were consume itself by its policy, the Blacks have got to do nothing but wait because the judgment day will come? ---- Wel, dit is seker sy opinie.

And do you see anything inconsistent with that opinion in the words that he used, as a political scientist? ---- Edele, ek sal net miskien weer die dokument hier moet deurlees, maar as 'n mens -- ek meen ek praat nou 'n bietjie uit die vuur 10 uit hierse, Edele, as 'n mens dink byvoorbeeld aan soiets soos hierdie punt 2 onder "also further noting: that these people collaborating in the perpetual persecution of Black people retard the progress of liberation of Black people", maar dan aan die ander kant gaan dit vanself kom. Dit is effe teenstrydig daarmee, maar ek sal nie, kyk, hoe sal ek sê effense teenstrydighede soms is aanvaarbaar. Maar u het gevra vir iets wat teenstrydig is daarmee, daar is iets wat myns insiens op die oog af teenstrydig is. Ek meen as ek die dokument verder ontleed kan ek sien of daar nog is. 20

In any event you have the advantage of having training as a political scientist which Accused No.2 does not have? --- Dit is reg, ja, ek meen ek neem so aan, maar, Edele, wat ek net daarop wil byvoeg, is dat ek dink nie dat dit meer as 'n ingesteldheid en 'n sensitiwiteit vir die tipe ding vereis om daardie interpretasie daaraan te heg nie.

Is this really your point, Mr. van der Merwe, that the right to criticise, viewed by you as a political scientist, is a right which should exist, correct? --- Dit is 'n normale vraag (?) (MR. ALLAWAY SPEAKING SIMULTANEOUSLY 30 WHILE WITNESS REPLIES)

And / ...

And it is a question of degree how far you go with this criticism whether you are trying to undermine the state? --- Ja, daar is veel oor te sê oor daardie graad.

Well I think a lot has been said and I do not want to prolong that matter. Lastly, on the question of these organisations, I want to be quite clear about this, you are not saying, and I think your evidence seems to suggest this, forgive me for underlining it - the references, M'lord, are pages 2205 lines 13 to 20, 2321 line 30 to 2326, page 2324 lines 20 to 21. I would just like you to look at the first 10 reference page 2205 lines 13 to 20, do you have the passage. Am I correct in understanding that your opinion is not related in any way to what you say the objects of SASO or BPC are. I want to understand that perfectly correctly?

--- Ja, Edele, ek dink miskien moet ek dit mooi verduidelik, en laat ek dit sò stel, ek behou myself dit voor ..(Mr. Allaway intervenes)

Mr. van der Merwe, if you look at the passage, does that correctly convey what you want the Court to understand?

--- Miskien moet ek dit net 'n bietjie vollediger stel. 20

HOF: Wel u kan dit doen as u voel dat dit nie die posisie reg stel daar nie.

MR. ALLAWAY: If it is necessary please do, if the passage does not correctly convey it, please do so? --- No, I would just like to amplify slightly.

Right --- In dié sin, Edele, dat ek myself ten opsigte van SASO en BPC en enige gevolgtrekkings wat ek mag maak het van hulle, beperk het tot min of meer primêr die dokumente voor die Hof, en in daardie opsig is dit moontlik om sekere afleidings te maak ten opsigte van die organisasies 30 maar soos wat dit na vore kom in die dokumente voor die Hof.

Maar / ...

Maar ek het myself sover as moontlik probeer weerhou daarvan om te sê dit is die aksie van SASO of dit is die aksie van BPC of die intensie van hulle, omdat ek dit net baseer op die deel van SASO en BPC wat ek uit hierdie dokumente kry.

And you are not giving any evidence as to SASO or BPC per se? --- Nee, net ten opsigte van -- hoe sal ek sê -- die gevolge of die implikasies van wat uit die dokumente voorkom.

And is it in any way relevant to do a mathematical addition of the number of documents, I take it that is quite an irrelevant thing? --- Sê dit weer? 10

The number of BPC documents in your "raamwerk" and the number of SASO documents, that is not a relevant thing? --- Nee, dit is grootliks nie.

Just penultimately, did you have given to you at all the reports which were made by the various presidents or secretaries to the organisations before their annual general meetings? --- Daar is sommige van hulle in die dokumente.

Now, did you need in any way to know, in order to either establish your "raamwerk" or come to your conclusion about the specific documents that you examined, what the membership of SASO was with regard to its numbers, did you need to know that or not? --- Nee, Edele, dit is grootliks irrelevant, in die sin dat dit nie gaan sal ek sê, vir my nie gaan oor die omvang van die -- hoe sal ek sê die omvang daarvan/oor die idee daarvan. As 'n mens sou wou gaan ontloed watter moontlike effek hierdie goed op die politieke stelesel spesifiek in Suid-Afrika kan hê in die sin dat of die revolusie -- ons noem dit maar so, die revolusie wat gestook word sou slaag al dan nie, dan sou mens sulke dinge in berekening bring. 30

Do / ...

Do you know anything about the regulation that controls the withdrawal of foreign investment in South Africa, the Exchange Control Act and the regulations? --- Ek is nie in besonder op hoogte daarvan nie.

And the last thing, Mr. van der Merwe, obviously from the documents you have examined, the complaints seem to relate to Bantustans, the question of ..(INAUDIBLE) registration, all the infrastructure of what one might call the South African system of separate development, this is where the criticism is directed, to a very substantial 10 extent, not extensively, substantially? --- Ja, dit is 'n vraag wat ek eers weer sou moes gaan oorweeg, ek meen, goed dit is in 'n mate daarteen, maar my indruk is dat dit amper instrumenteel is in die sin dat dit is 'n front waarop aangeval word omdat dit die basiese idee dwarsboom.

Now, is a political scientist entitled to have any views of his own about whether a system should be regulated in a particular way? --- Ek neem aan enige persoon is.

And in coming to an opinion as a scientist - is a political scientist affected at all by his own political 20 views? --- Sommige meer en sommige minder. Totale objektiwiteit is myns insiens nie moontlik nie.

And for example, you see, I would have thought that human beings being what they are, if you read a document that criticises something that you prima facie accept is correct, one is inclined to have a stronger reaction to it than if you do not accept it as being correct? --- As 'n algemene stelling is dit waar, Edele, hoe sal ek sê 'n mens se wetenskaplike dissipline is juis daarop gerig om daardie soort ding sover as wat enigsins moontlik is te elimineer. 30

Now, please, Mr. van der Merwe, I do not want to enquire / ...

enquire into your politics at all, not at all, but I do think it might be relevant in assessing your evidence, I am not going to suggest that your evidence is biased, I have not cross-examined you sufficiently for that, but I would like to know this, do you agree with the system of Bantustans as being a better solution to the problem than to giving a direct vote to Black people to be represented in Parliament? --- Edele, ek sou nie graag op die vraag wou antwoord, omdat ek - hoe sal ek sê - want dit is 'n baie baie gekompliseerde saak in elk geval indien 'n mens saamstem 10 met 'n besondere beleid en hoe verre 'n mens daarmee saamstem ensovoorts. Die versekering wat ek graag wil gee is dat dit bewus is van my eie sentimente, en wanneer ek met werk soos hierdie besig is, my uiterste bes doen, synde bewus van hierdie spesifieke sentimente, om dit buite rekening te laat.

No, I appreciate that, I thought that anyone in your capacity would want to do that. I do not want to insist but are you prepared to indicate where those sentiments lie with regard to the structure of Bantustans? --- Soos ek sê, Edele, ek sou verkies om nie op die tipe vraag te antwoord nie. 20

No, I respect that, and as far as for example influx control regulations are concerned, do you have any sentiments either way there? --- Dieselfde sou daar geld..(Mr. Rees intervenes)

MR. REES: M'lord, I object to this line of cross-examining it does not take the case one iota further, it is just adding - it is fruitless cross-examination.

MR. ALLAWAY: M'lord, with respect, I am not going to insist that the witness discloses what his sentiments are if he does not wish to do so, but it is a relevant consideration, I 30 think the witness has been candid enough to say that anyone coming / ...

coming to a value judgment obviously might have conscious or sub-conscious predisposition ..(Court intervenes)

COURT: But influx control has got nothing to do with the subject, influx control concerns employment control.

MR. ALLAWAY: M'lord, this is one of the things which is criticised in the documents, M'lord, I am only dealing with things where the Accused are alleged to have attacked the system, only there, and I confine myself entirely to that M'lord, there are three other topics, one is trade unions .. (Court intervenes) 10

COURT: Well if he says he is in favour of influx control, am I now to enquire why he is in favour of it, or why is he not in favour thereof?

MR. ALLAWAY: No, M'lord, I just want to know whether he is or is not, that is all, it may be relevant to the issue.

COURT: But why is it relevant?

MR. ALLAWAY: Because, M'lord, when we come to argue the case we may want to suggest to Your Lordship that Mr. van der Merwe's predisposed ideas might have influenced ultimately - although he tried not to let them influence - his ultimate judgment. 20

COURT: And must I ask you the same question while you argue the case for the Defence, the same sort of question?

MR. ALLAWAY: No, M'lord, Counsel is not ...(Court intervenes)

COURT: Well if it is not in your mind then why do you expect it from the witness?

MR. ALLAWAY: M'lord, I am not giving evidence ..(Court intervenes)

COURT: No, but you are going to argue and you are going to put certain contentions to the Court, and I am entitled to see whether they are biased contentions or whether they 30

are / ...



are objective contentions.

MR. ALLAWAY: M'lord, with respect, Counsel's function is to try and assist the Court.

COURT: Yes, well so is he, why is he giving evidence if it is not to try and assist the Court?

MR. ALLAWAY: Well I am not trying to give Your Lordship an opinion with respect ..(Court intervenes)

COURT: You do when you make submissions to me.

MR. ALLAWAY: M'lord when I make submissions I will be saying that the submissions are founded upon the facts in the record, this is not an opinion. I am not going to give an opinion with regard to the matter, that is not my function with respect. 10

COURT: Well can I not test the value of that submission.

MR. ALLAWAY: M'lord my belief is irrelevant to my submissions.

COURT: Well so are his, I mean he is a professional man and he is giving scientific evidence.

MR. ALLAWAY: M'lord, with respect, it is a recognised basis for cross-examination to ask a witness who gives evidence about these matters whether he holds any such opinions and what they are. One does not ask him why because he is entitled to have his own view, but one is entitled to know for the proper assessment of his evidence, whether he has any such opinion, he is in a position entirely different from Counsel. 20

COURT: Well he is not obliged to answer, you can ask him the question.

MR. ALLAWAY: Mr. van der Merwe, if I were to ask you questions about your own views on things which appear in the documents like the question of forming a Black trade union for instance independently of the White trade union, on the question / ... 30

question of job reservation which is dealt with in the foreign investment aspect, namely, there are reservations for certain jobs, we want equal pay for equal work, would you care to express your opinions on that, your own views, or not, would you prefer not to express your views at all? --- Edele, ek sal sover gaan as om te sê dat ek ten opsigte van - as ek nou reg onthou - feitlik al die aspekte wat daar genoem is, gevoelens ten gunste van sekere besonderhede het en gevoelens teen sekere besonderhede het. In ander woorde om 'n spesifieke voorbeeld te neem van invloei beheer, toestromingsbeheer, 10 is daar sekere fasette daarvan waarmee ek saamstem en sekere fasette daarvan waarmee ek nie saamstem nie. Ek sal dit daarby laat.

Now, Mr. van der Merwe, would you say as a political scientist keeping observation of events in South Africa, that pressure in the form of criticism of government policy - I am going to name a few instances, job reservation, sport policy, trade unions, attitude towards Black labour, that criticism of that policy during the years 1970 to 1974, have led to very dramatic changes in those policies? --- Edele, 20 daar is baie verskil van mening in politieke kringe in welke mate kritiek gelei het tot veranderinge wat dan deur sommige beskryf word as oorwinnings en die ander as toegewings, en someer. En ander mense beweer weer dat daar byvoorbeeld in die regerende party en in die - daar sal ek sê - ek wil dit nie noem druk nie, maar tog inisiatief van binne kom wat grootliks verantwoordelik is vir hierdie veranderinge. So om 'n kousale verband tussen die twee goed te lê is baie moeilik spesifiek. Al wat 'n mens kan sê is die een was daar en die ander een was daar. 30

If we can have your help as a political scientist,

do / ...

do you not agree with the suggestion that these, pressure for change, criticism, are inexplicably mixed, one cannot ever measure it with change that the government brings about? --- Nee, ek kan net sê soos in hierdie geval, Edele, dat al wat 'n mens op vaste gronde kan sê is die een is daar en die ander een is daar, die presiese kousale verband daarvan sou ek nie wou op ingaan op hierdie stadium nie.

Thank you, Mr. van der Merwe.

HERONDERVRAGING DEUR MNR. REES: Net kortliks in verband met hierdie Encyclopaedia Britannica se definisies eintlik 10 my geleerde vriend was besonder begaan oor die kwessie van voorspelling, is die kern van die probleem nie ... (Mr. Allaway intervenes)

MR. ALLAWAY: M'lord, is that not a leading question?

MR. REES: M'lord, may I first formulate it?

COURT: Well he has been leading him about you now.

MR. ALLAWAY: I have no objection to being led by my learned friend, M'lord.

MNR. REES: Is die kern van die probleem nie dat daar gekyk moet word -- of altans dat daar 'n onderskeid is tussen wat 20 'n persoon besig is of 'n groep besig is om voor voor te berei en die bereiking van die doel waarvoor hulle voorberei? --- Edele, daardie verskil as gevolg van die tussenkomende veranderlikes is een van die dinge wat dit moeilik maak om te voorspel dat byvoorbeeld soos in hierdie geval, dat voorbereiding vir revolusie sal lei tot revolusie. Omdat daar tussenkomende veranderlikes is wat kan veroorsaak dat hierdie groep se ideale nie verwesenlik word nie.

HOF: Ek weet nie of ek dit nou gevolg het nie, herhaal bietjie die vraag asseblief, mnr. Rees? 30

MNR. REES: Edele, die kern van die vraag is - ek weet nie of

ek / ...

ek hom in dieselfde woorde kan herhaal nie, maar die kern gedagte is dié, mens kan redelik maklik vasstel wat 'n organisasie besig is om voor te berei, of wat hulle eind doel is, maar of hulle die doel sal bereik, dit is waar die voorspellingsselement inkom, of hulle daardie doel gaan bereik, is eintlik -- word eintlik vertroebel deur allerlei veranderlikes wat intree. Eintlik is die bedoeling hier dat dit gaan nie -- die Staat se saak is nie dat hulle uiteindelik gaan slaag om 'n revolusie te bereik nie, die Staat se saak is dat hulle is besig om saam te sweer om 'n revolusie te verkry, 'n gewelddadige revolusie te verkry, in ander woorde hulle is nou besig met voorbereiding daarvoor, of hulle dit gaan bereik is 'n voël van 'n ander kleur, dit is die kern van die ding. Nou, my geleerde vriend mnr. Soggot, toe u gehandel het met die bewysstuk F.1, sal u net daarna kyk asseblief -- dit is die een wat handel oor "let it be warned that there will never be another Sharpeville, but there could be another Vietnam". En hy het u verwys na die datum van die dokument en dit het my voorgekom asof hy wou voorgee dat daar op daardie datum nog niks beslis was in Vietnam nie. Nou, Edele, ek wil die stelling aan die getuie maak om uit te vind wat die Verdediging se standpunt is, so nie sal ek getuienis moet lei op die punt. Dat die Amerikaanse het eintlik gedurende Augustus 1972 uit Vietnam uitgetrek, en dat die staakvuur het gedurende Januarie 1973 plaasgevind. Sou dit min of meer ooreenstem met u herinneringe van die dinge? --- Dit is min of meer my herinnering van die ding. En 'n mens kan miskien daarby byvoeg dat die staakvuur -- dit het, hoe sal ek sê, met ander woorde die buitelandse troepe was reeds onttrek en die staakvuur was algemeen aanvaar as staande op baie losse skroewe.

Hof / ...

HOF: Wat is die punt wat u maak daarvan, mnr. Rees?

MNR. REES: Edele, my geleerde vriend het, toe hy handel met hierdie BPC F.1 toe het die getuie, wel die effek van die getuienis was dat die verwysing na Vietnam was 'n verwysing na 'n geslaagde revolusionêre geweld. Toe het die vraag aan hom, of die effek van die Verdediging se stelling aan die getuie was dat daar op daardie stadium nog geen suksesvolle geweld was nie, dit is die effek.

HOF: Wel die getuienis bewys dit nie, as ek reg onthou het Kissinger 'n Nobel prys gekry vir die vrede wat hy daar 10 bewerkstellig het.

MNR. REES: Presies.

HOE. So daar was geen oorwinning gewees nie, dit was 'n heeltemal onbesliste oorlog gewees, die oorweldiging het eers daarna gekom as ek reg onthou, ek mag verkeerd wees, maar ek meen hierdie feite wat u hier nou meld verklaar nie daardie feite nie.

MNR. REES: Edele, die feite wat ek noem is dat daar het die Amerikaners teruggetrek in 1973.

HOF: Ja, maar omdat hulle vrede gemaak het en Kissinger 20 het 'n prys gekry omdat hy vrede gemaak het.

MNR. REES: Ja, nee, die Amerikaners het net geepad, dit is die punt.

HOF: Wel, vrede is vir alle praktiese doeleindes op daardie stadium verklaar.

MNR. REES: Soos dit die Hof behaag. Dan wil ek nog net 'n paar ~~selfie~~ duidelik kry, die lot dokumente wat die Verdediging aan u gestel het - dit is die sogenaamde Buthelezi verklaring en hierdie uittreksels uit die koerante ensovoorts, u weet niks van hulle egtheid of oorsprong nie? --- Nee, Edele. 30 Ek kan net sê ek het my uitsprake daarvoor gegrond op die

vertroue / ...

vertroue gegee deur die Verdediging dat die dokumente wel eg is, maar van die egtheid weet ek niks.

U was gevra deur die Verdediging of daar enige tuisland leiers is wat nie die Black Consciousness ten volle aanvaar nie, kon u enigiets kry in verband met wat SASO se opvatting of houding was in dié verband? ---- Edele, ek kon vasstel ten minste dat dit die opvatting van SASO is dat die tuisland leiers die idee van Swart bewustheid en Swart solidariteit nie - of dat dit geweld aandwing, ek sou u verwys na SASO dokumente N.1 en G.4. Edele, in SASO N.1 10 op bladsy 109 van die getikte bladsye, sal ek sê van die bygevoegde nommers, dit wil sê bladsy getikte 13, resoluie 44 van 1974: "This GSC noting the growing false feeling of relevance of homelands - ek neem aan daardie is CRU en SAAIC - leaders in Black politics, manifested in their convention of the summit conference, resulting in the rape of Black solidarity in the concept of federation", en in G.4 op die gedrukte bladsy 130, dit is weer, Edele, 'n kommissie van die vierde of derde algemene vergadering van die studente, en dan "commissions internal relations" so in 20 die middel van die bladsy net onder daardie paragraaf wat in die middel van die bladsy staan, die laaste drie lyntjies: "the commission condemned the prostitution of Black Consciousness by some Bantustan leaders which show Black solidarity whereas they mean Xhosa, Zulu, or Zulu, Sotho Tswana, Xhosa solidarity". Dit is al waarna ek daar verwys.

Sal u in soverre u dit nie reeds volledig behandel het nie, net kortliks sê wat is die belangrikste verskil tussen gewone nie-gewelddadige politieke bedrywigheid, en die voorbereiding vir 'n gewelddadige revolusie? ---- Edele, 30 ek dink dit sluit aan by die vraag wat u vir my 'n paar dae

gelede / ...

gelede gestel het. Miskien is dit nuttig dat ek effens n uiteensetting kan gee sodat u kan sien hoe dat my gedagtes werk in die verband. Edele, indien persone ontevrede of ongelukkig sou voel oor iets in die politiek, dan sal daar gewoonlik n algemene idee ontwikkel, waarvan die inhoud min of meer spesifiseer wat verkeerd is, wie daarvoor verantwoordelik is of daar iets aan kan doen, en hoe dit - daardie ding - verander kan word. Nou, hierdie ongelukkigheid kan ek maar sê kan eerstens in diepte verskil. Dit kan betrekking hê bloot op n enkele beleidsaksie of sal 10 ek sê beleidaksies van die owerheid waarin dan n verandering teweeggebring moet word, of dit kan te doene hê met die struktuur van die gemeenskap, ek bedoel die struktuur van die regime, Edele, ek behandel dit spesifiek soos wat u gevra het aan die hand van my verwysings puntjies, of dit kan ook betrekking hê op die norme van die regime, of die waardes onderliggend aan die regime, of dit kan ook uiteindelik selfs betrekking hê op die samestelling van die politieke gemeenskap. Edele, dit is wat die diepte van die idee betref. Wat sy breedte betref, kan dit op elkeen van hierdie vlakke 20 beteken dat die kritiek gerig is op n enkele faset of een aspek van die beleid of die struktuur of die norme of die waardes, of dit kan aan die teenoorgestelde kant die totaal op elke vlak insluit. In ander woorde dit kan byvoorbeeld die totale beleid van die bestaande owerheid aanval, of slegs n enkele faset en so op elkeen van daardie vlakke, Edele. En dan, Edele, gewoonlik sal n mens vind dat indien die kritiek wat gestel word of die eise wat gestel word, op n smaller grond soos byvoorbeeld, hoe sal ek sê werksomstandighede van n groep betrekking het, dan sal daar gewoonlik wat ons noem 30 n belange groep te voorskyn tree, wat dan gewoonlik homself ten / ...

ten doel sal stel om deur middel van eise die spesifieke belang wat hulle oor ongelukkig voel te beregtig. Aan die ander kant indien dit oor 'n breë grond strek, byvoorbeeld die totaal van die regering se beleid, die totaal van die waardes van die regime, dit wil sê sy effek het op alle terreine van die lewe, dan sal daar gewoonlik 'n politieke party rondom daardie idee gevorm word, of 'n soortgelyke politieke organisasie. Edele, en dan ek wil net vir u hierdie agtergrond geskets het, dan as daar ... (Hof kom tussenbei)

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HOF: Die politieke party is die steun daarvan? --- Die politieke party stel hom dan ten doel om daardie idee .. (Hof kom tussenbei)

Die eis te steun? --- Ja, en gewoonlik, Edele, omdat by hierdie vlakke waar of sal ek sê by die gevalle waar oor die breë front eise gestel word kan ek maar sê, sal die politieke party of politieke beweging dan daarheen streef om die regering oor te neem, bloot om praktiese redes, bloot omdat hulle dan makliker hulle eie sienswyse kan implementeer. Maar ek meen dit is nie onbekend nie dat daar politieke partye bestaan het wat minder as die hele spektrum strek, of ander groepe wat oor 'n breër grond strek wat nie partye geword het nie.

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Die tegniese taal wat u gebruik is met ander woorde as dit nie deur die gesag en die regime geprosesseer word nie, en jou eis is alleen 'n eis wat jy verwag wat outoritatief prosesseer sal word, maar as dit nie prosesseer word nie dan sal jy probeer oorneem sodat dit self kan .. (getuie kom tussenbei) --- Dit is normaalweg die inslag van 'n politieke party. Edele, en dan wat betref eise vir verandering wat dikwels in die vorm van kritiek na vore kom,

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of / ...



of hulle op 'n breë front lê of 'n smal front, en of hulle hoe sal ek sê op die laagste vlak of op die diepste vlak lê, sal dan gewoonlik in terme daarvan eise aan die owerheid gestel word vir verandering. Edele, enige so 'n eis wat aan die owerheid gestel word deur die blote feit dat hy aan die owerheid gestel word, impliseer gewoonlik steun vir die regering in daardie verband, dit is iets wat ons vantevore gesels het. Maar daardie kritiek of eis, omdat dit gepaard gaan met steun vir die owerheid, sal dan nie noemenswaardige of sal ek sê sal nie die effek hê om steun vir die owerheid 10 te laat verminder nie. Maar indien daar geen satisfaksie gevind word van die owerheid nie, sal daar kritiek teen die owerheid ingebring word, wat van so 'n aard is dat dit daarop gemik is om die steun vir spesifiek die owerheid te laat afneem, sodat die owerheid dan kan tot 'n val kom en 'n ander in sy plek geplaas word. En, Edele, die prosesse waardeur dit geskied is verskillend, maar die algemene beginsel is gemeenskaplik aan beide demokratiese en totatilêre stelsels. Edele, indien daar byvoorbeeld selfs na 'n owerheids- verandering, of in die geval waar dit nie moontlik is om 20 die owerheid te verander nie, sal die kritiek al meer en meer, die afbrekende kritiek al meer en meer teen die regime self gerig word, omdat daar sal gevoel word dat die regime nie in staat is om 'n owerheid wat die regte dinge doen na vore te bring nie. Sodat na lang frustrasie van dieselfde eise en veral as dit eise op 'n breë front en taamlik diep- gaande is, sal daar al meer en meer afbrekende kritiek teen die regime ingebring word, wat natuurlik dan die owerheid ook, sal ek sê wat ook die owerheid insluit, en 'n mens sal dan al meer en meer vind dat verwagtings nie meer gekoester 30 word van die owerheid of die regime nie, maar moontlik van

die / ...

die politieke gemeenskap as sodanig, of 'n gedeelte van die politieke gemeenskap wat hulle met hierdie idee vereenselwig. Edele, en so kan ons dan sien dat iets wat miskien aanvanklik 'n strydpunt kon wees, later veralgemeen kan raak en verdiep kan raak, sodat dit gerig word teen die struktuur van die regime, die norme van die regime, en uiteindelik die waardes van die regime, en dan op daardie stadium sal hierdie idee ontwikkel het tot 'n waardebelaaide idee, wat daarvan ideologieë een verskynsel is. Edele, so sodra as wat daar sal ek sê 'n idee ontstaan waarvoor of op grond waarvan eise 10 gestel gaan word, sal daar mobilisering plaasvind rondom die idee, of die idee nou - laat ek dit so stel, 'n opervlakkige beperkte idee is, en of dit 'n omvangryke waarde idee is. In altwee van hierdie gevalle sal daar dan mobilisering van die massa plaasvind, daar sal waarskynlik 'n opbou van eenheid tussen daardie groep plaasvind, daar sal waarskynlik organisering wees, daar sal waarskynlik propaganda wees om hierdie idee by ander mense te laat inslag vind, waar die verskil inkom is dat by smalgerigte idees daar propaganda gewoonlik gerig sal wees op 'n enkele segment van die 20 bevolking soos byvoorbeeld bouwerkers of so. Of indien dit 'n breë idee is sal daardie propaganda oor die hele gemeenskap heen gerig wees. Een interessante ding wat ontstaan, Edele, is dat soos wat die - laat ek dit so stel, enige bestaande regime funksioneer binne die raamwerk van 'n algemene omvattende waarde idee waaruit dit voortspruit, en soos wat die afwykende idee kan ek sê begin verdiep, sal hy begin afwyk tot 'n grotere mate van die bestaande idee. En in die mate wat hy begin afwyk van die bestaande idee, sal daar legitimering vir hierdie afwykende idee nodig wees. Sodat 30 as ons kom by die waarde idee wat totaal afwyk van die bestaande waarde / ...

waarde idee sal daar 'n totale nuwe legitimering moet plaasvind. Edele, u sal sien dat ek vir u feitlik grade van vervreemding van groepe vanaf die bestaande overheid, en regime en stelsel geskets het, en hierdie idees is dan altyd kompetierend met mekaar in die gemeenskap, en indien daar nie 'n versoening plaasvind nie, kan dit tot die ondergang van die stelsel lei. En om nou die verskil aan te dui tussen normale politieke bedrywighede en revolusionêre bedrywighede is om dit baie kortliks te stel, is waar daar in die eise wat gestel word die veronderstelling is meegaan dat die veranderinge wat beoog word, wat hulle aard ook al mag wees, deur die bestaande overheid of deur die bestaande regime teweeggebring kan word. Ek dink dit is sover as wat ek sou wou gaan, Edele.

MNR. REES: Hier was aan u gestel dat geweld deur die Staat die effek het om geweld deur groepe in die bevolking te ontmoedig eerder as om teengeweld te ontlok. Kan u vir die Hof, spesifiek met verwysing na die BPC se benadering soos uiteengesit in Bylae 3, dit is bladsy 35 van die klagstaat, hoe hulle die saak uiteensit, en sal u dan net uitbrei sover as nodig daarop? --- Edele, 'n mens werk hier met twee basiese begrippe, die een is dat die mens se basiese reaksie op geweld is om met teengeweld te antwoord, en die ander wat eintlik net die verdere uitbreiding daarvan is, is dat enige geweld uit die gemeenskap waarskynlik met oorweldigende geweld vanuit die stelsel beantwoord sal word, sodat geweld deur die stelsel dan onder sekere omstandighede 'n inhiberende effek op geweld uit die gemeenskap kan hê. Maar hierdie word ook - sal ek sê daar is ook nog verdere dinge daarmee in verband, en die eerste is dat die legitimitêit van die geweld wat gebruik word, of deur - ek meen deur enigeen / ...

enigee van die twee groepe, bydra tot die waarskynlikheid dat mense dit sal gebruik, en, Edele, dwarsdeur die dokumente voor die Hof van SASO en BPC, vind 'n mens dat die geweld wat deur die Staat gebruik word, in t erme van onwettigheid gestel word. Dit sal die stelling daarvan in t erme van onwettigheid, sal die afskrikingswaarde daarvan of hoe sal ek sê die bedwingingswaarde daarvan verminder. Dan is daar 'n verdere aspek en dit is dat dit ook in die dokumente van SASO en BPC voorgekom het, die teenoorgestelde van hierdie ding, naamlik, dat gebeurtenisse soos Sharpeville of die inperking 10 van persone wat 'n mens normaalweg sou beskou as terugslae vir die gedagte, dat dit voorgestel word as heroïese gebeurtenisse, wat dan eintlik die dubbele doel dien, naamlik om die sogenaamde neerlaag eintlik te minimaliseer, en aan die ander kant om die wettigheid van die stryd wat gestry word te verhoog. Aan die ander kant kom daar ook dikwels verwysings voor wat wil voorgee dat die regering nie meer - of dat die bestaande regime bang is, wat die idee van effektiewe bedwang - in bedwanghouding kan ondermyn. Ek wil u spesifiek verwys na die een geval, of die een uitstaande geval waar my stelling nie water hou nie in die sin dat hier byvoorbeeld op bladsy 38, waar daar uiteengesit word die onlangse stakings wat gehou is, en dan volg daar 'n hofie: "some results", en daaronder word dan die omvang van die vergelding deur die stelsel en sy meelopers uiteengesit. Ek wil u aandag daarop vestig dat hierdie een geval voortom spesifiek met die verwysing na stakings en protes, en dat dit vir my in lyn is met die algemene of sal ek sê met die gedagte wat 'n mens teëkom dat die tyd om te praat is verby. Want hier word net by protesbewegings gewys op die effek van die vergelding deur die stelsel, terwyl dit in ander gevalle / ...

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gevalle geminimaliseer word. Ek sal sover gaan, Edele.

Dankie, Edele, geen verdere vrae nie.

HOF: Baie dankie, mnr. Van der Merwe.

S T A A T S A A K

MR. ALLAWAY: M'lord, may the matter be postponed, we obviously will be wanting to make an application for discharge on certain counts. M'lord, I understand it has been arranged that the trial will recommence when the term starts again in February, and may the case be postponed till that date, 10 M'lord, that is the 2nd February. And, M'lord, we shall endeavour to have Heads of Argument available for Your Lordship. Will it assist Your Lordship if we let you have them before term actually commences, and we shall let the State have ours as long as we get some from the State.

COURT: Mr. Rees, will the 2nd February suit you?

MR. REES: Yes, M'lord.

COURT: Well then this case will stand adjourned until the 2nd February, 1976.

COURT ADJOURNS

/VMD.

**Collection Number: AD1719**

**State v S Cooper and 8 others.**

***PUBLISHER:***

*Publisher:- Historical Papers, University of the Witwatersrand*

*Location:- Johannesburg*

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***DOCUMENT DETAILS:***

*Document ID:- AD1719-Vol54*

*Document Title:- Volume 54, Pages 2853 - 2903.*