

DR. F. VAN ZYL SLABBERT M P

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The decision of the Federal Council of the PFP to no longer observe the Political Interference Act, when considering applications for membership to the Party, has caused some controversy, raised a number of very pertinent issues concerning political change, and elicited favourable and unfavourable editorial comment. Some have even warned that a dangerous Rubicon is crossed when a political party decides to enter the controversial area of civil disobedience or passive resistance or embarks upon defiance campaigns, etc. etc.

I believe such warnings tend to over interpret, to sensationalize and distort, both the import and the intention, of the PFP's decision. Of course, fundamental, ethical, legal and political principles become involved when such a decision is debated. How does one resolve the conflict of values without sacrificing principles, how does one determine the priorities of values in any given situation. Particularly in the South African context there are no easy answers to these dilemmas.

Our Statute books are riddled with laws that have no justice and in some cases deny the very principle of the rule of law itself. Throughout history great religious leaders have at crucial times in their lives decided to obey a higher law than the law of government, tyrant or dictator. Many of them were persecuted, tortured and even crucified for doing so. Now, not for one moment do I wish to elevate the PFP's decision into this lofty moral climate of martyrdom and supreme commitment. One could argue that there are many other laws far more obnoxious and repulsive than the Political Interference Act that could be worthy of such sacrifice, and those who make this point, have a good point. But, let us put the PFP's decision into a less emotional and more sober perspective. The point is that there are a variety of laws which, for a variety of reasons, are daily not being observed in South Africa.

Take for example, the whole nexus of laws known as Influx Control. Hundreds of thousands of people are arrested in terms of these laws every year. Now these laws are designed to prevent people from coming to the cities. These people who come to the cities, are not motivated by a desire to break the law. On the contrary, they are motivated by a desire to look for food, for work, or to be with their families.

In the vast majority of cases, as the Black Sash Advice Offices will tell one, these people only realize they have broken the law, once they have given effect to their desires and have moved to the urban areas. And after they have been told and explained how they have broken the law, many of them, just shake their head in disbelief and cannot accept that it is a crime to want to find work, or to want to be with one's family. I cannot find it in me as a public representative to tell these people to go back to where they came from, if I know that there is nothing to go back to. By failing to do so, am I inciting them to break the law, am I saying that laws are there to be disobeyed? Surely not. I would rather urge the Government to speed up its work in getting rid of these laws, than spend my time bemoaning the fact that there are so many South Africans who are breaking this law.

Take another example. Is it possible to envisage the changes that have taken place in sport in South Africa without appreciating the fact that a number of laws and bye-laws were deliberately and wilfully ignored, both by Government and by sporting bodies. In many cases, it was only after these laws had been ignored for quite a time that the Government

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decided to amend them for the specific purpose of allowing limited instances of non-racial sport to take place. Now if sporting bodies had religiously observed the spirit and the letter of the law in all cases, it seems highly unlikely that Government would ever have felt the necessity to change those laws. Is this then a case of civil disobedience, passive resistance, or an orchestrated defiance of the law ? I think not.

During my short career as a politician I have had a number of cases where so-called mixed couples have come to me and asked my advice about how they could get married and where they could live. I have explained to them the ramifications of the Group Areas Act, Section 16 of the Immorality Act, the Prohibition of Mixed Marriages Act, and after having done so they have still declared their commitment and love to one another and their intention to live together, and I have said to them, "Well - get married as best you can and I will do whatever I can should you run foul of the law." And, in some cases, I have negotiated with the authorities, and a blind eye has been turned.

I do not find it in me to advise them not to give effect to their love towards one another. It is like telling Breyten Breytenbach not to love Yolande. And I do not know of any power in heaven or on earth that could make that possible.

The simple matter of the fact is that this Government has systematically over the last 36 years made laws which contradict the social, political and economic realities of South Africa, and they are now under pressure to change those laws. But in the case of the Political Interference Act, the PFP is not even the leader in the field in this respect. If anything, we are a rather cautious, if not timid, follower of others who have gone before us. For example, the Leader of the Labour Party is a member of the Cabinet, and has openly declared that it has been his party's policy since 1970 to not observe the Political Interference Act, and they gave clear demonstration of this in the recent Coloured elections for the House of Representatives. It is also at least arguable that the Government itself contravened this act when during the run-up to the new Constitution becoming law, it propagated and tried to sell its own party policy to Coloureds and Indians as being worthy of support. When the PFP comes and says that as far as this law is concerned, it is not going to incite people to break the law, it is not actually going to recruit people to break the law, it is simply going to explain to an individual

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who wishes to join the Party what the consequences could be under certain circumstances as far as this law is concerned, when we do this, all the profound moral, political and legal principles are suddenly paraded as being under attack.

Surely a slightly more even-handed approach is called for.

It is even argued in certain legal circles that the resolution adopted by the Federal Council can have no binding effect on the members of the party, and in this respect has no legal content at all. On the other hand, it is conceded that when a specific individual applies, and is accepted by another individual in this party, then the Act has been contravened. It may be so that the resolution has no real legal standing, but it cannot be denied that it does have political content and significance. I believe it is the PFP's way of saying, a law such as the Political Interference Act has no relevance and is entirely inappropriate for the kind of South Africa for which all of us must prepare.

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