

Wilgenhof men's residence, Stellenbosch

Saturday 10 March 2002

***The traditional Wilgenhof and the Bill of Rights***

REMARKS

by

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***PRIVATE AND CONFIDENTIAL***

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- 1 I am hugely honoured to have been invited back to speak at Wilgenhof, and I thank those who arranged this for their effort.
- 2 I hope the title of my talk is not too misleading. It reminds me of an ATKV mass meeting on “Abortion – Political, Ethical and Gynaecological Aspects” hosted in my second year (1974). The lineup included high-profile speakers – a National Party politician, the medical faculty dean, as well as a young, aspiring law professor, Prof Andreas van Wyk. Around that same time, Spekkies Slabber and Brenton Geach decided to start a jukskei club. No one knew whether they were serious, but to drum up support for their campaign, they arranged to have lunch at each of the residences – especially the women’s residences. Next, they decided that a large public meeting would be required to launch the new club. Their posters: “Jukskei – Political, Ethical and Gynaecological Aspects”.

- 3 Perhaps some of you think ‘the traditional Wilgenhof’ is as far removed from the Bill of Rights as jukskei from gynaecology or ethics. Hopefully, however, this is not the case and we can have a meaningful conversation on this today.
- 4 Although I was asked to speak about the future, I would like to start with a story from the past. It offers a few lessons (it would seem to me) for how we should go about approaching the Constitution and Wilgenhof’s current challenges regarding its traditions.
- 5 JvonB, a third-year Theology student, had received the unexpected and unwelcome news that his fiancée was pregnant. The implications were enormous: he would have to leave Stellenbosch and Wilgenhof, discontinue his studies, but worst of all, abandon his calling to be a minister of religion. And so, he decided to address the House, come what may. In fact, he insisted on addressing his fellow residents. This was his last lunch at the residence. His parents were on the way to fetch him straight after. He eventually delivered quite the speech. He expanded on a number of issues in fair detail: temptation and sin, and his own fall from grace; the need for self-restraint and controlling inappropriate impulses; the possibility of salvation, and the harmfulness of sex and the wicked temptations of the fairer sex.
- 6 At the end of Bakkies’s speech, no one really knew what to say. Some thought the talk was uncalled for and inappropriate; others felt that his little sermon had caused unnecessary embarrassment to all involved.

- 7 The dining hall was dead silent, until – fortunately or unfortunately – Rocco Nel got up: [ ... and made a suggestion about self-mutilation ... ].
- 8 What constitutional and sociopolitical lessons may be drawn from this story?
- That facing new challenges is no reason for self-isolation or any other type of self-harm.
  - That preserving something precious does not necessarily mean giving up everything. Sometimes, there are less extreme courses of action to take; all it requires is innovation and imagination.
- 9 Those who are despondent about Wilgenhof's traditions in light of the new prohibitions on initiation, and the new urgency about enforcing those prohibitions, are inclined to follow Rocco Nel's advice. This must be avoided at all costs.
- 10 Let's start with the facts: And the most important and hardest fact is that the Wilgenhof we have known for years, the Wilgenhof we have come to love and take pride in, and those of its sound values and traditions we would be happy to endorse, are facing unprecedented challenges.
- There is immense pressure on all educational institutions, and universities in particular, to ban all forms of initiation.
  - Speaking at Wits<sup>1</sup> last month, the Minister of Education

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<sup>1</sup> Speech of Tuesday 5 February 2002, reported in *Sowetan Education* Friday 8 February 2002.

came out most strongly against the 'flagrant traditions of initiation' at tertiary institutions, which he called 'barbaric'. 'The initiation tradition has been characterised by violent abuse,' he said. He traced its origins back to 'the culture of domination now totally condemned by provisions of our new Constitution.'

- Already at the time of his appointment, the new Rector here at Stellenbosch, Prof Chris Brink, clearly indicated his strong opposition to initiation.<sup>2</sup> Before the start of the current academic year, he addressed a letter to all residence heads and House Committee members. His letter distinguished between initiation, where something is done **to** newcomer students – which is prohibited – and welcoming, which contemplates rendering service, where something is done *for* newcomer students.<sup>3</sup> Some two weeks later, he wrote another letter, this time addressing all students, clearly communicating that 'any form of initiation simply does not pass the test of tolerance and mutual respect'.<sup>4</sup> Meanwhile, at the official opening of the University, he expressed his view as follows: 'I am totally and unequivocally opposed to any practices where newcomers are abused, humiliated or coerced into submission ... I am committed to a process of eradicating

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<sup>2</sup> Chris Brink, 'My viewpoint on initiation', 17 October 2001, available at <http://www.sun.ac.za/rector/ontgroenpolicy.html>

<sup>3</sup> Letter of 25 January 2002 (obtained from author by private communication).

<sup>4</sup> Letter of 5 February 2002 (obtained from author by private communication).

such practices from our campus.’<sup>5</sup>

- Of course, the new Rector’s general stance is in no way unrelated to the spotlight that was turned on Wilgenhof specifically last year, and the dramatic events that saw the House Committee and Nagligte summoned to appear before a disciplinary committee.
- For instance, most people reasonably assume that the case of ‘John Smith’ that the Rector referred to in his opening address had come from Wilgenhof, and that he used Wilgenhof as an example of unacceptable ‘structural violence’ at Stellenbosch. From the ‘John Smith’ incident, he concluded that undesirable initiation practices were still occurring at Stellenbosch, and that coercive methods, including humiliation, intimidation, physical violence and the curtailment of basic freedoms, were still being applied in residences.
- If the Rector did have Wilgenhof in mind, it would have been the information in ‘John Smith’s’ file that led him to believe that the Nagligte were operating ‘in the style of security police’.
- These allegations and inferences are shocking to us as Wilgenhof, and rightly so. They are extremely serious and should again drive us to further self-examination. And while we self-reflect, we cannot doubt that, against the

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<sup>5</sup> ‘Speech at the official opening of the University, 2002’, 30 January 2002, available at <http://www.sun.ac.za/rector/speech2002.html>

backdrop of the ban on undesirable practices, Wilgenhof will remain in the most glaring of spotlights.

- 11 The public stances taken by the Minister and the Rector should also be understood within the context of important developments at national level.
- 12 FIRST, we have our new constitutional dispensation, which upholds the values of human dignity, freedom and security of the person, and equality.
- 13 The Constitution applies to all organs of state and, to the extent that it is applicable, to other institutions as well (section 8(2)). Clearly, universities are not excluded.
- 14 In any event, in a country where we differ at so many levels and in so many ways – ethnically, culturally, linguistically and racially – the values of our Constitution are our most important shared asset, and the vital foundation on which our future as South Africans ought to be built.
- 15 The Constitution should also be our point of departure in assessing the traditional Wilgenhof.
- 16 This approach is communicated and applied in detail in the recent report by the Human Rights Commission (October 2001),<sup>6</sup> which recommends as follows (para 49): ‘A distinction should ... be drawn between orientation, where dignity is enhanced as students are advised, guided and mentored; and initiation, where dignity is diminished as

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<sup>6</sup> South African Human Rights Commission *Report into Initiation Practices at Educational Institutions and a Preliminary Report on Cultural Initiations* (October 2001).

students are bullied, embarrassed and alienated.’ The report concludes (para 70): ‘The practice of initiation seeks to undermine the intrinsic worth of human beings by treating some as inferior to others. Initiation practices undermine the values that underpin our Constitution. Initiation therefore impedes the development of a true democratic culture that entitles an individual to be treated as worthy of respect and concern. Initiation practices should accordingly be abolished and prohibited at all educational institutions.’

17 The inquiry from which the SAHRC report emanated was launched following the death of a second-year student of Huis Visser, Charl Strydom, in a road collision last year, having been dropped off during the night in the middle of nowhere (wearing very little) and left to find his own way back to the residence.<sup>7</sup> Such senseless and humiliating – and obviously dangerous – practices are those that elicit entirely justified criticism.

18 SECONDLY, the debate is taking place against the backdrop of renewed national reflection on the significance of university autonomy. We cannot afford to underestimate what is at stake here for universities. The SAHRC report states that while the Minister may issue regulations in respect of schools (paras 34-36), the 1997 Act<sup>8</sup> does not confer similar powers – precisely since universities are allowed to remain ‘relatively autonomous’. Yet the report goes on to state: ‘Therein, therefore, lies the dilemma in respect of those institutions who

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<sup>7</sup> See SAHRC Report para 11; Andrew Donaldson ‘It’s time to stop this cycle of abuse on campuses’ *Sunday Times* 14 October 2001.

<sup>8</sup> Higher Education Act 101 of 1997.

as regulators of their own rules of conduct for staff and students actively condone or offer a deaf ear to initiation practices that violate the rights of students' (para 37).

19 This 'dilemma' that the report speaks of may, in fact, ultimately entail a threat to universities. In plain words: If universities do not take firm action against undesirable practices, this may offer another source of attacks on their autonomy.

20 Therefore, nationally, all universities have a lot at stake. Universities face immense pressure to justify their spending of public funds, openly live up to their strategic objectives and service delivery promises to the public, and to adjust their admissions criteria for students and employment measures for staff in light of constitutional aims.

21 No university can thus afford to hand critics yet another stick with which to beat it by allowing unjustifiable and indefensible practices on campus.

22 Perhaps this is even more applicable to Stellenbosch, which, according to Prof Brink 'would prefer to remain a predominantly Afrikaans university'.<sup>9</sup> While the general trend is to favour English as the sole language of tertiary instruction, Stellenbosch's preference undoubtedly renders it vulnerable, which is why the institution can hardly afford to expose itself to more public criticism.

23 This is particularly so when the subtext of the Minister's reference to a now condemned 'culture of domination', and of

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<sup>9</sup> Speech at official opening of the University, 30 January 2002.



the SAHRC's observation about undemocratic practices, is that these practices have their origin in an obsolete ethos of *Afrikaner* dominance. This brew (Afrikaans, *Afrikaner*, dominance, anti-democracy, initiation) is dangerous, and we must be clear about it.

24 Where does this leave the traditional Wilgenhof? Depending on one's perspective, I reckon there is both 'bad' and good news.

25 Let me start with the 'bad' news, which is that I believe the Rector is serious about eradicating unacceptable practices, and that in doing so, he is not only acting in the best interests of Stellenbosch, but he is also acting in accordance with an unequivocal public and official climate.

26 Here, one must acknowledge right from the outset that there were transgressions during past initiation processes, and that they are likely to recur in the future. We rightly regard Wilgenhof as special. We would like to believe that its 'Dooop' is intended to be disciplined and purposeful, and that it is conducted under strict supervision. We also believe that it is not aimed at senseless humiliation and abuse of power. In the current climate, however, *all* residence traditions will inevitably be monitored extremely closely, and everyone will be curtailed until there simply is no more risk of transgression.

27 This means that, to preserve and build on what is good about Wilgenhof's traditions, we will have to radically change our practices to align with the inevitable constitutional values that now demand to be enforced.

- 28 This has principally two practical consequences. The first is VOLUNTARY PARTICIPATION. Here, the Rector is right in cautioning against playing semantics.<sup>10</sup> Voluntary means voluntary. There cannot be penalties for opting not to participate in something that is presented as voluntary.
- 29 The consequence is that participation in both the ‘Dooop’ and the Nagligte’s disciplinary system must be *a choice* that each resident should be able to exercise voluntarily. This means that non-participants may not be penalised in any way whatsoever, such as by exclusion from residence facilities or benefits. They may be excluded only from what they voluntarily opt not to be a part of, namely the activity itself.
- 30 And we will have to anticipate that there will in fact be persons who prefer, and will choose, not to take part. To prove that the choice presented to them is not merely for show, they must be offered a parallel system of true welcoming and discipline – one that holds no disadvantage for them.
- 31 And this brings me to the second practical consequence: INFORMED CONSENT. This refers to the elementary principle that one cannot consent to something you do not fully understand. One cannot agree to something if its implications have not been spelled out for you.
- 32 Therefore, to participate voluntarily in the Dooop, every first-year will have to be informed in reasonably comprehensive detail of what he would be signing up for. This includes any practices –

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<sup>10</sup> Speech at official opening of the University, 30 January 2002.

‘surprises’ – that it is possible he might object to later. Without being informed in this way, he will not be able to offer valid advance consent to participate.

33 The same goes for the Nagligte disciplinary system. I see no reason why having one’s own, unique system of discipline and enforcement cannot be acceptable, provided that participation in it is truly voluntary. Those who choose not to participate must be offered a separate – entirely fair – disciplinary system. And that system may not in any way entail any meaningful disadvantage to those who exercise this choice.

34 And now for the good news, gentlemen. I personally believe that, even within this framework, Wilgenhof’s traditions may be preserved and may flourish. Those traditions rely heavily on inherently sound values: independent thought, no parroting, inclusion for all, and respect for all.

35 My own experience of Wilgenhof’s Doop was that it was strictly disciplined, effective, purposeful, not degrading, constructive, *and above all, extremely funny*. But that was thirty years ago: That was the year after Johannes Pfuhl, a student from Huis Marais, broke his neck in a ‘slootjie’ ceremony. Despite his paralysis, he graduated along with us in our fourth year of study – two years later than he would have, had there been no accident. And he was expected to go on stage, in his wheelchair, to receive his degree. He received a standing ovation from the rest of us and our parents, but the occasion still left a bittersweet taste.

36 I believe it was because of this tragedy that Christoff Pauw, our

Primarius, and Nikki Brink, our initiation captain, acted very firmly against any senseless humiliation or physical contact. Manhandling of any kind was out of the question. But can the same be said of every Doop since then? Can we say with the same certainty that the possibility of transgressions has been adequately anticipated?

37 I am also convinced that our Doop three decades ago was not in the least affected by the extremely strict supervision and genuine discipline that was applied. In fact, I reckon our first-year cohort were stronger advocates of the Doop precisely because we had not suffered senseless humiliation and physical discomfort because of it.

38 I was personally surprised by the Doop. And I knew nothing about the Nagligte. But many of my peers did, and they were not less loyal or committed Wilgenhof residents. This means that surprise and ignorance are not indispensable to the continuation of our traditions.

39 But last year's tragedy compels us to ask even tougher questions: Was it for nothing that Johannes Pfuhl's neck was broken, thirty years before Charl Strydom's death last year?

40 To my knowledge, not all Wilgenhof residents experienced the Doop as affirming or inclusive. One emailed me, describing his experience of the Doop as negative, one that had rendered him vulnerable, and damaged his self-esteem.

41 The current debate instructs us very clearly that people in this position should be allowed to go about their business in

Wilgenhof with dignity and without penalty, whether directly or indirectly, without being subjected to the Doop or any other practices in which they have not explicitly chosen to participate.

42 The underlying question we have to ask ourselves is whether a practice that is premised on coercion and that relies on the ignorance of those subjected to it can ever be of value. Some would respond that we often dread doing something, and that it is only after we are forced to do it that we appreciate its value.

43 The question however is whether a tertiary institution is the right place for these involuntary practices and for so paternalistic an approach. And the answer is clearly No.

44 We can do special pleading for Wilgenhof and say that our traditions are more meaningful and applied better, and that we have stricter supervision. But the fact remains that the climate of involuntariness leads to transgressions elsewhere: In short, it leads to the perpetration of 'structural violence', and as long as this is the case, we cannot argue for one measure at Wilgenhof and another everywhere else.

45 Speaking more broadly, we should thus ask ourselves as Wilgenhof: will another tragedy in another thirty years disfigure or destroy another life, because senseless displays of power, coercion and humiliation, and pointless practices continue to be tolerated?

46 Wilgenhof is in a far better position than any other residence at Stellenbosch – any other institution at any university, I believe – to survive the current crisis and emerge stronger.

47 Here, I want to stress that the current debate is a *debate*. The pendulum may (and probably will) still swing back. After all, the SAHRC report speaks approvingly of ‘effective orientation processes’ that need to be encouraged ‘to ensure that students from all backgrounds are quickly integrated into learning and social activities’. The SAHRC’s report also struggles conspicuously not to have to perform an egg-dance about ‘cultural initiations’.<sup>11</sup>

48 However, what is beyond all doubt is that the pendulum cannot swing back to abuse of power, humiliation, intimidation, violence and senseless suffering as part of residence traditions. This, we *ourselves* cannot – and do not want to – allow.

49 Nevertheless, as we continue this debate, we can rightly point out that adults who fully comprehend their human rights and have their human dignity intact may choose to participate in practices and customs that others may find strange – but that such unique practices can enrich an institution and a culture.

50 This, I believe, can indeed be said of Wilgenhof’s best traditions and customs.

51 I do not believe that Wilgenhof’s core values are irreconcilable with the values that we are now urged to respect and enforce. In fact, we have always prided ourselves on our independent

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<sup>11</sup> PART B – ‘Cultural Initiations and Human Rights’, paras 76-91. The report here recommends ‘that the Department of Education convene an indaba in which all the relevant stakeholders participate to develop a legal framework which the organisers of initiation schools have to comply with’, and promises that the SAHRC ‘will continue to be seized of this matter and enhance this preliminary report’.

thought, our aversion to parroting, our critical minds, political freedom and frank conversation at the Plek.

52 Recently I saw Franklin Sonn again, head of the Mandela Trust, and reminded him of his very first speaking engagement on an Afrikaans campus. It happened in 1973, in Wilgenhof's Common Room, at the invitation of the Wilgenhof Discussion Club. We'd had to ask special permission from the administration to receive Franklin and his brother, Julian, at the residence. We were specifically prohibited from inviting them to lunch [which would have been the custom otherwise]. I believe the Sonn brothers were the first black speakers on an Afrikaans campus, and they spoke at Wilgenhof, and rather fervently at that. Franklin certainly enjoyed recalling the event.

53 Another example of the independent thought cultivated at Wilgenhof was the vote in favour of fully opening the residence to all racial groups in 1983. On this topic, Wilgenhof stood alone among Stellenbosch residences. This kind of strong stand is an integral part of the traditions on which we rightly pride ourselves.

54 And if we, as Wilgenhof, attach value to community, togetherness and group activities, to knowing and greeting each other, to solidarity and loyalty, and to taking pride in Wilgenhof and belonging to Wilgenhof, let it not be the result of coerced participation and implicitly violent structures of authority. On the contrary, it should spring from a spontaneous desire to be part of an institution steeped in tradition, which, as

we know only too well, has so much to offer its residents. Let this be our aim for the future.