No Future
Without
Forgiveness
April 27, 1994—the day for which we had waited all these many long years, the day for which the struggle against apartheid had been waged, for which so many of our people had been teargassed, bitten by police dogs, struck with quirts and batons, for which many more had been detained, tortured, and banned, for which others had been imprisoned, sentenced to death, for which others had gone into exile—the day had finally dawned when we would vote, when we could vote for the first time in a democratic election in the land of our birth. I had waited until I was sixty-two years old before I could vote. Nelson Mandela was seventy-six. That was what would happen today, April 27, 1994.

The air was electric with excitement, anticipation, and anxiety, with fear even. Yes, fear that those in the right wing who had promised to disrupt this day of days might in fact succeed in their nefarious schemes. After all, bombs had been going off right, left, and center. There had been bomb explosions at the International Airport in Johannesburg. Anything could happen.

As always, I had got up early for a quiet time before my morning walk and then morning prayers and the Eucharist in the Arch-bishop's Chapel in Bishopscourt. We wanted things to be as normal
as possible on this extraordinary day in the history of our beloved but oh, so sad land whose soil was soaked with the blood of so many of her children. In the time leading up to this epoch-making event, a watershed occurrence in the history of South Africa, violence had become endemic. Until the proverbial eleventh hour Chief Mangosuthu Buthelezi's Inkatha Freedom Party (IFP), playing a major role, had threatened to stay out of the election. We were all bracing ourselves for the most awful bloodletting, especially in the IFP stronghold of KwaZulu/Natal, where the rivalry between the IFP and Nelson Mandela's African National Congress (ANC) was a gory affair that had already cost innumerable lives with the level of political intolerance shockingly high. It had been brinkmanship of an appalling nature. We had held our breaths and wondered what the body count would yield.

Mercifully, through the mediation of a somewhat mysterious Kenyan, Chief Buthelezi was persuaded to abandon his boycott, with its chilling prospect of a blood bath. The country breathed an enormous sigh of relief, and here we were, about to carry out what was a routine political and civic act in normal countries where the concern was usually about voter apathy and not about the risks of violence and mayhem at the polls.

We were excited and we were apprehensive. There was a tight knot of anxiety in the pit of my stomach. We prayed earnestly that God would bless our land and would confound the machinations of the children of darkness. There had been so many moments in the past, during the dark days of apartheid's vicious awfulness, when we had preached, "This is God's world and God is in charge!" Some-times, when evil seemed to be on the rampage and about to overwhelm goodness, one had held on to this article of faith by the skin of one's teeth. It was a kind of theological whistling in the dark and one was frequently tempted to whisper in God's ear, "For goodness' sake, why don't You make it more obvious that You are in charge?"

After breakfast, we drove out of Bishopscourt, the "official" residence of the Archbishop of Cape Town, where Nelson Mandela had spent his first night of freedom after his release on February 11, 1990, and left the leafy upmarket suburb named after the Archbishop's residence to go and vote. I had decided that I would cast my vote in a ghetto township. The symbolism was powerful: the solidarity with those who for so long had been disenfranchised, living daily in the deprivation and squalor of apartheid's racially segregated ghetto townships. After all, I was one of them. When I became Archbishop in 1986 the Group Areas Act, which segregated residential areas racially, was still in force. It was a criminal offence for me, a Nobel laureate without a vote and now Archbishop and Metropolitan of the Anglican Church in southern Africa, to occupy Bishopscourt with my family unless I had first obtained a special permit exempting me from the provisions of the Group Areas Act. I had, however, announced after my election as Archbishop that I would not be applying for such a permit. I said I was Archbishop, would be occupying the Archbishop's official residence, and that the apartheid government could act as it saw fit. No charges were ever preferred against me for contravening this obnoxious law.

I went to vote in Gugulethu, a black township with its typical matchbox-type houses in row after monotonous row. There was a long queue already waiting. People were in good spirits; they were going to need dollops of patience and good humor because they were in for a long wait. My first democratic vote was a media event, and many of our friends from overseas were present, acting as monitors to be able to certify whether the elections were fair and free. But they were doing a great deal more than that. They were really like mid-wives helping to bring to birth this new delicate infant—free, democratic, nonracial, nonsexist South Africa.

The moment for which I had waited so long came and I folded my ballot paper and cast my vote. Wow! I shouted, "Yippee!" It was giddy stuff. It was like falling in love. The sky looked blue and more beautiful. I saw the people in a new light. They were beautiful, they were transfigured. I too was transfigured. It was dreamlike. You were scared someone would rouse you and you would awake to the night-
mare that was apartheid's harsh reality. Someone referring to that
dreamlike quality had said to his wife, "Darling, don't wake me. I like
this dream."

After voting, I went outside and the people cheered and sang and
danced. It was like a festival. It was a wonderful vindication for all of
those who had borne the burden and the heat of repression, the little
people whom apartheid had turned into the anonymous ones, faceless,
voiceless, counting for nothing in their motherland, whose noses had
been rubbed daily in the dust. They had been created in the image of
God but their dignity had been callously trodden underfoot daily by
apartheid's minions and those who might have said they were opposed
to apartheid but had nonetheless gone on enjoying the privileges and
huge benefits that apartheid provided them—just because of an
accident of birth, a biological irrelevance, the color of their skin.

I decided to drive around a bit to see what was happening. I was
appalled by what I saw. The people had come out in droves, standing in
those long lines which have now become world famous. They were so
vulnerable. The police and the security forces were probably stretched
but they were hardly a conspicuous presence. It would have taken just
a few crazy extremists with AK-47s to sow the most awful mayhem
and havoc. It did not happen. And virtually every-where there was a
hitch of one sort or the other. Here it was insufficient ballot papers,
there it was not enough ink pads, else-where the officials had not yet
turned up hours after the polls were due to have opened. The people
were quite amazing in their patience. It was a comprehensive disaster
waiting to happen. And it did not happen.

It was an amazing spectacle. People of all races were standing
together in the same queues, perhaps for the very first time in their
lives. Professionals, domestic workers, cleaners and their madams—all
were standing in those lines that were snaking their way slowly to the
polling booth. What should have been a disaster turned out to be

a blessing in disguise. Those lines produced a new axe—.cl peculiarly
South African status symbol. Afterward people boasted, "I stood for
two hours to vote." "I waited for four hours!"

Those long hours helped us South Africans to find one another.
People shared newspapers, sandwiches, umbrellas, and the scales
began to fall from their eyes. South Africans found fellow South
Africans—they realized what we had been at such pains to tell them,
that they shared a common humanity, that race, ethnicity, skin color
were really irrelevancies. They discovered not a Colored, a black, an
Indian, a white. No, they found fellow human beings. What a pro-found
scientific discovery that blacks, Coloreds (usually people of mixed
race), and Indians were in fact human beings, who had the same
concerns and anxieties and aspirations. They wanted a decent home, a
good job, a safe environment for their families, good schools for their
children, and almost none wanted to drive the whites into the sea. They
just wanted their place in the sun.

Everywhere else elections are secular political events. Ours was
more than this, much, much more. It was a veritable spiritual experi-
ence. It was a mountaintop experience. The black person entered the
booth one person and emerged on the other side a new, transfigured
person. She entered weighed down by the anguish and burden of
oppression, with the memory of being treated like rubbish gnawing
away at her very vitals like some corrosive acid. She reappeared as
someone new, "I am free," as she walked away with head held high, the
shoulders set straighter, and an elastic spring in her step. How do you
convey that sense of freedom that tasted like sweet nectar for the first
time? How do you explain it to someone who was born into freedom? It
is impossible to convey. It is ineffable, like trying perhaps to describe
the color red to a person born blind.

It is a feeling that makes you want to cry and laugh at the same time,
to dance with joy, and yet fearful that it was too good to be true and that
it just might all evaporate. You're on cloud nine. Maybe that is how
people felt on VE and VJ days when the Allies roundly
defeated the Nazis and the Japanese after World War II—people poured out into the streets of their towns, cities, and villages, hugging and kissing perfect strangers. That's how we felt.

The white person entered the voting booth burdened by the load of guilt for having enjoyed the fruits of oppression and injustice. He emerged as somebody new. He too cried out, "The burden has been lifted from my shoulders, I am free, transfigured, made into a new person." He walked tall, with head held high and shoulders set square and straight.

White people found that freedom was indeed indivisible. We had kept saying in the dark days of apartheid's oppression that white South Africans would never be truly free until we blacks were free as well. Many thought it was just another Tutu slogan, irresponsible as all his others had been. Today they were experiencing it as a reality. I used to refer to an intriguing old film The Defiant Ones, in which Sidney Poitier was one of the stars. Two convicts escape from a chain gang. They are manacled together, the one white, the other black. They fall into a ditch with slippery sides. The one convict claws his way nearly to the top and out of the ditch but cannot make it because he is bound to his mate, who has been left at the bottom in the ditch. The only way they can make it is together as they strive up and up and up together and eventually make their way over the side wall and out.

So too I would say we South Africans will survive and prevail only together, black and white bound together by circumstance and history as we strive to claw our way out of the morass that was apartheid racism. Up and out together, black and white together. Neither group on its own could or would make it. God had bound us, manacled us, together. In a way it was to live out what Martin Luther King, Jr., had said, "Unless we learn to live together as brothers [and sisters] we will die together as fools."

Today we were experiencing it in this epoch-making event. Much later South Africans were to find that the coming of democracy and freedom to their land served to open doors that had previously been slammed shut. Now the international community that had treated us as a pariah state threw out its arms in a warm welcome. We were welcomed back into the Commonwealth in a deeply moving ceremony and church service in Westminster Abbey in London, when the new South African flag was carried into the sanctuary to join those of other Commonwealth lands. The sporting world, which had in most cases boycotted us, put out the red carpet of welcome. South Africans had a new kind of experience to deal with. Their country was now the flavor of the month. Whereas previously South Africans had traveled abroad furtively, hiding their national identity for fear of being rebuffed, now they walked tall, wearing their country's flag on their lapels and stuck prominently on their luggage, blazoning abroad for all to know they were from South Africa, that land that had confounded all the prophets of doom by making a remarkably peaceful transition from repression and injustice to democracy and freedom.

The world probably came to a standstill on May 10 when Nelson Mandela was inaugurated as South Africa's first democratically elected President. If it did not stand still then, it ought to have because nearly all the world's heads of state and other leaders were milling around in Pretoria. Anyone who was anyone was there. One of the most unforgettable moments on that historic inauguration day was when jets of the South African Air Force flew overhead in salute to the new President, trailing smoke in the colors of the new national flag. Tears were streaming down my face. Almost as if from one throat, an ear-piercing roar broke forth from the South Africans who were there and I think especially the black South Africans. It was as if it occurred to all of us simultaneously that these war machines that had for so long been ranged against us—hey, now they were ours—no longer just theirs. This was indeed now our country in the profoundest possible way.

A poignant moment on that day was when Nelson Mandela
arrived with his older daughter as his companion, and the various heads of the security forces, the police, and the correctional services strode to his car, saluted him, and then escorted him as the head of state. It was poignant because only a few years previously he had been their prisoner and would have been considered a terrorist to have been hunted down. What a metamorphosis, what an extraordinary turnaround. He invited his white jailer to attend his inauguration as an honored guest, the first of many gestures he would make in his spectacular way, showing his breathtaking magnanimity and willingness to forgive. He would be a potent agent for the reconciliation he would urge his compatriots to work for and which would form part of the Truth and Reconciliation Commission he was going to appoint to deal with our country's past. This man, who had been vilified and hunted down as a dangerous fugitive and incarcerated for nearly three decades, would soon be transformed into the embodiment of forgiveness and reconciliation. Those who had hated him would, most of them, be eating out of his hand—the prisoner become President, in time to be admired by the whole world in an extraordinary outpouring of adulation and hero worship—the world's most admired and revered head of state. South Africa has never had so many state visits as it has had since April 1994 when Nelson Mandela became President. Virtually every head of state has wanted his or her picture taken with our President.

Yet we kept wondering whether it was not all going to blow up in our faces. We were scared that somewhere in another part of our country some madmen would go on the rampage and subvert the entire negotiated settlement. It did not happen. Many things went wrong. In some places it was clearly the result of a deliberate intention to sabotage the whole exercise, and yet it was nothing that the country did not manage to take in its stride.

Yes, the world saw a veritable miracle unfolding before their eyes. They witnessed the almost unbelievable. Instead of the horrendous blood bath that so many had feared and so many others had predicted, here were these amazing South Africans, black and white together, crafting a relatively peaceful changeover and transfer of power.

How amazing that April 27, that extraordinary day, ended with hardly any of the untoward things we had feared and others had predicted. The election was declared to be free and fair. God be praised. We were delirious with joy. We had done it. We had amazed even ourselves in that accomplishment. Nelson Mandela was duly elected President by the first democratically elected National Assembly of the new South Africa. Afterward we went to the Grand Parade outside Cape Town City Hall, which was a sea of humanity, matching the crowd that had gathered there when Nelson Mandela was released from prison.

I had the very great honor to introduce the brand-new President and his two deputies, Thabo Mbeki and F. W. de Klerk, to the waiting and impatient throng and to the world. The cheers were fit to bring the roof down when I led Mandela to the podium and gave him to his people and to the world.

We won a spectacular victory over injustice, oppression, and evil. Yes, that's for sure. How wonderful it is to be able to say to the international community that that spectacular victory would have been totally impossible without your help, your prayers, your commitment to our cause. On behalf of millions of my compatriots it is a great privilege to say, "Thank you, thank you, thank you. Our victory in a real sense is your victory. Thank you." I spoke once at Cambridge University in England and among other things I said, "Now the boycott of South African goods is lifted." After my address a middle-aged woman accosted me and said, "Archbishop, I hear you and cerebrally I agree with you. But my parents brought me up to boycott South African goods and I have brought up my children to boycott South African goods too. So even now, when I buy South African goods I am furtive because all of me says I am doing some-thing wrong." I doubt that any other cause has evoked the same passion and dedication as the anti-apartheid cause and I doubt that any other country has been prayed for by so many people so intensely.
and for so long as has my motherland. In a sense, if a miracle had to happen anywhere, then South Africa would have been the obvious candidate.

When I became Archbishop I set myself three goals for my term of office. Two had to deal with the inner workings of our Anglican (Episcopalian) Church—the ordination of women to the priesthood which our Church approved in 1992 and through which our Church has been wonderfully enriched and blessed; and the other in which I failed to get the Church's backing, the division of the large and sprawling Diocese of Cape Town into smaller episcopal pastoral units. The third goal was the liberation of all our people, black and white, and that we achieved in 1994.

So my wife Leah and I could look forward happily to my retirement, due in 1996. We had been wonderfully blessed in that we had seen what we could only have hoped would happen one day in our lives: to see our land and its people emancipated from the shackles of bondage to racism.

I had been involved in the struggle in a public and high profile way from 1975 when I became Dean of Johannesburg and had in 1976 written a letter to the Prime Minister of the day, Mr. B. J. Vorster, warning him of the growing anger of the black community. He treated my letter with disdain. A few weeks later Soweto exploded and South Africa was never to be the same again. I had been in the public arena for twenty years and now, with the political processes being normalized, it was time to move off center stage.

We really did relish the prospect of being senior citizens in retirement. We had not reckoned with the Synod of Bishops of our Church or with our President and with the Truth and Reconciliation Commission. They all conspired to disrupt our best retirement plans.
Chapter Two

NUREMBERG OR NATIONAL AMNESIA?

A THIRD WAY

April 27, 1994, the watershed date, the beginning of a new era, ushered in the new South Africa, the democratic non-racial, nonsexist South Africa of the election slogans. That was something quite novel—a democracy in place of the repression and injustice of the old discredited apartheid. We were very soon to discover that almost nobody really would now admit to having supported this vicious system. Something new had come into existence on April 27. No longer would someone seriously injured be left by the roadside because the ambulance that had rushed to the scene of the accident was reserved for another race group. Never again would people be uprooted from their homes to be dumped as if they were rubbish in poverty-stricken Bantustan homelands. Just this had happened to over three million fellow South Africans, victims of a heartless piece of social engineering attempting the impossible task of unscrambling the demographic omelet that was the South African reality, which had been anathema to the race-obsessed ideologues of apartheid. Never again would God's children be humili-
ated by the crude methods employed by the Race Classification Boards as they sought to separate South Africa's inhabitants by race as if they were cattle. Often members of the same family were assigned to different race groups just because one member was of a slightly darker hue; this one would be penalized by being consigned to a lower and less privileged group. Some people had committed suicide rather than accept this bizarre and arbitrary classification. Never again would any child receive a thin gruel that purported to be an education when it was a sheer travesty of education, designed to prepare black children for perpetual servitude as the servants of their high and mighty white bosses and mistresses. Dr. Hendrik Verwoerd, architect of this education system, high priest of apartheid and later Prime Minister, had not been abashed to state categorically:

The school must equip the Bantu to meet the demands which the economic life will impose on him... What is the use of teaching a Bantu child mathematics when it cannot use it in practice?... Education must train and teach people in accordance with their opportunities in life... 2

I say "never again" as a commitment of the new South Africa—"never again" could legislation be passed, quite legally and in an orderly fashion, to turn the lives of so many into a hell on earth, because in the new South Africa, it is not Parliament that is sovereign. No, it is our new Constitution, regarded by most people as being one of the most libertarian and human-rights-oriented constitutions in the world. Legislation cannot now be passed as the fancy takes the legislature. No, it must pass muster with our highest court, the Constitutional Court, which has already shown in its short life that it will strike down anything that runs counter to the spirit and the letter of the Constitution. The Constitution is not just a piece of paper. It is a solemn covenant entered into by all South Africans through their elected representatives.

There are many things that the new dispensation has brought with it. But there are other aspects of the old that linger on, hanging over the bright new day as a dark and somber pall. The debilitating legacy of apartheid is going to be with us for many a long day yet. No one possesses a magic wand which the architects of the new dispensation could wave and, "Hey presto!" things will be transformed overnight into a promised land flowing with milk and honey. Apartheid, firmly entrenched for a long half century and carried out with a ruthless efficiency, was too strong for that. It is going to take a long time for the pernicious effects of apartheid's egregiousness to be eradicated.

Apart from the systematic and devastating violation of all sorts of human rights by the nature of apartheid itself—described by five senior judges in a deposition to the commission as "in itself and in the way it was implemented... a gross abuse of human rights"—many South Africans remembered that awful deeds had been perpetrated in the past. They remembered the Sharpeville massacre when, on March 21, 1960, a peaceful crowd demonstrated against the pass laws and sixty-nine people were mown down when the police panicked and opened fire on the demonstrators, most of whom were shot in the back while fleeing.

People recalled the Soweto uprising of June 16, 1976, when unarmed schoolchildren were shot and killed as they demonstrated against the use of the Afrikaans language as a medium of instruction. Afrikaans was regarded as the language of the enforcers of the apartheid policy that an overwhelmingly Afrikaans-speaking political party, the Nationalist Party, had inflicted on the nation from 1948. South Africa remembered that several people had died mysteriously while they were in police detention. It was alleged by the authorities who might perhaps have been believed by most of the white community—they were certainly not believed by most of the black community—that they had committed suicide by hanging themselves.

with their belts, or they had slipped on soap while showering, or they tended to have a penchant for jumping out of the windows of the buildings where they were being detained and questioned. Others died, so we were told, from self-inflicted injuries. One such was Steve Biko, the young student founder of the Black Consciousness Movement. It was said he had banged his head against the wall in an inexplicable and quite unreasonable altercation with his interrogators in September 1977. People recalled that when the then Minister of Police was told of Steve's death he had callously and memorably declared that his death "leaves me cold." People recalled that Steve had been driven naked on the back of a police truck over 1500 kilometers to Pretoria, where it was reported he would have received medical treatment, except that he died soon after he arrived there. No one ever explained why he could not have got the emergency treatment in Port Elizabeth where he had been detained, nor why if he had had to be taken to Pretoria he had had to be humiliated, comatose as he was, by being transported without any clothes on.

People remembered the bombing in Amanzimtoti, KwaZulu/Natal, in 1985 when a limpet mine placed in a refuse bin outside a shopping center exploded among holidaymakers doing last-minute Christmas shopping, killing five persons and injuring over sixty.

South Africa recalled the Magoos Bar bombing of June 1986, when three people were killed and about sixty-nine injured by a car bomb planted by Robert McBride and his two accomplices, allegedly on the orders of a commander of the ANC's armed wing, Umkhonto weSizwe. (MK).

People had been filled with revulsion when they saw how people were killed so gruesomely through the so-called "necklace," a tire placed around the victim's neck and filled with petrol and then set alight. This horrible way of execution was used by township ANC-supporting "comrades" especially against "sellouts," those who were suspected of being collaborators with the state. It was also used in the internecine strife between warring liberation movements, such as the United Democratic Front (UDF), which largely comprised ANC sympathizers while that party was banned, and the Azanian People's Organization (Azapo), the party espousing the principles of black consciousness developed by Steve Biko and his colleagues. You were appalled that human beings, children even, could actually dance around the body of someone dying in such an excruciating fashion. Apartheid had succeeded only too well in dehumanizing its victims and those who implemented it. People remembered that all this was very much a part of our past, a part of our history.

People were appalled at the carnage in Church Street, Pretoria, in May 1983 when a massive bomb exploded outside the administrative headquarters of the South African Air Force. Twenty-one people died and over two hundred were injured. The ANC claimed responsibility for this outrage.

More recently people recalled the St. James' Church massacre in Cape Town in July 1993. In that attack, two members of the armed wing of the Pan Africanist Congress (PAC)—the liberation movement which had broken away from the ANC in 1959—burst into a Sunday church service and fired machine guns, killing eleven worshipers and injuring fifty-six. Nothing, it seemed, was sacrosanct anymore in this urban guerrilla warfare.

These and similar atrocities pockmarked our history and on all sides it was agreed that we had to take this past seriously into account. We could not pretend that it had not happened. Much of it was too fresh in the memories of many communities.

There was in fact hardly any controversy about whether we should deal effectively with our past if we were going to be making the transition to a new dispensation. No, the debate was not on whether but on how we might deal with this only too real past.

There were those who wanted to follow the Nuremberg trial paradigm, by bringing to trial all perpetrators of gross violations of human rights and letting them run the gauntlet of the normal judicial process. This, it turned out, was really not a viable option at all,

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5 Translated as "Spear of the Nation." (MK),
perhaps mercifully for us in South Africa. In World War II the Allies defeated the Nazis and their allies comprehensively and were thus able to impose what has been described as "victor's justice." The accused had no say whatsoever in the matter, and because some of those who sat in judgment on the accused, such as the Russians, were themselves guilty of similar gross violations in the excesses perpetrated under Stalin, the whole process left a simmering resentment in many Germans as I found out when I participated in a BBC-TV panel discussion in the very room in Nuremberg where the trial had taken place fifty years previously. The Germans had accepted it because they were down and out and the victors, as it were, could kick the vanquished even as they lay on the ground. Thus the Nuremberg option was rejected by those who were negotiating the delicate process of transition to democracy, the rule of law, and respect for human rights. Neither side could impose victor's justice because neither side won the decisive victory that would have enabled it to do so, since we had a military stalemate.

It is as certain as anything that the security forces of the apartheid regime would not have supported the negotiated settlement which made possible the "miracle" of our relatively peaceful transition from repression to democracy—when most people had been making dire predictions of a blood bath, of a comprehensive disaster that would overwhelm us—had they known that at the end of the negotiations they would be for the high jump, when they would face the full wrath of the law as alleged perpetrators. They still controlled the guns and had the capacity to sabotage the whole process.

As the beneficiaries of a peaceful transition, citizens in a remarkable democratic dispensation, some South Africans—and others in the international community—enjoy the luxury of being able to complain that all the perpetrators ought to have been brought to justice. The fact of the matter is that we do unfortunately have remarkably short memories. We have in our amnesia forgotten that we were on tenterhooks until 1994, within a trice of the most comprehensive disaster, but that, in God's mercy, we were spared all of this. Those who now enjoy the new dispensation have forgotten too soon just how vulnerable and indeed how unlikely it all was and why it is that the world can still look on in amazement that this miracle did in fact unfold. The miracle was the result of the negotiated settlement. There would have been no negotiated settlement and so no new democratic South Africa had the negotiators on one side insisted that all perpetrators be brought to trial. While the Allies could pack up and go home after Nuremberg, we in South Africa had to live with one another.

That is why our Chief Justice, Judge Ismail Mahomed, when he was deputy president of the Constitutional Court and considering a challenge to the constitutional validity of the amnesty provision in our law, could quote with such approval the words of Judge Marvin Frankel in his book, Out of the Shadows of Night: The Struggle for International Human Rights.

The call to punish human rights criminals can present complex and agonizing problems that have no single or simple solution. While the debate over the Nuremberg trials still goes on, that episode—trials of war criminals of a defeated nation—was simplicity itself as compared to the subtle and dangerous issues that can divide a country when it undertakes to punish its own violators.

A nation divided during a repressive regime does not emerge suddenly united when the time of repression has passed. The human rights criminals are fellow citizens, living alongside everyone else, and they may be very powerful and dangerous. If the army and police have been the agencies of terror, the soldiers and the cops aren't going to turn overnight into paragons of respect for human rights. Their numbers and their expert management of deadly weapons remain significant.
facts of life. . . . The soldiers and police may be biding their time, waiting and conspiring to return to power. They may be seeking to keep or win sympathizers in the population at large. If they are treated too harshly—or if the net of punishment is cast too widely—there may be a backlash that plays into their hands. But their victims cannot simply forgive and forget.

These problems are not abstract generalities. They describe tough realities in more than a dozen countries. If, as we hope, more nations are freed from regimes of terror, similar problems will continue to arise. Since the situations vary, the nature of the problems varies from place to place."

As Judge Mahomed said of the situation in South Africa:

For a successfully negotiated transition, the terms of the transition required not only the agreement of those victimised by abuse but also those threatened by the transition to a "democratic society based on freedom and equality." If the Constitution kept alive the prospect of continuous retaliation and revenge, the agreement of those threatened by its implementation might never have been forthcoming. . .

There were other very cogent and important reasons that the Nuremberg trial option found little favor with the negotiators. Even if we had been able to choose it, it would have placed an intolerable burden on an already strained judicial system. We had some experience of cases of this nature because the state had in two major trials prosecuted Colonel Eugene de Kock, former head of a police death squad, in 1995 and 1996, and General Magnus Malan, former Minister of Defense, and a number of generals and other military officers in 1996. It had taken a whole bevy of Department of Justice and Safety and Security (police) personnel eighteen months to make a case successfully against de Kock, and since he had been a former state employee, the state was obliged to foot his legal bill, which came to R5 million (nearly U.S. $1 million)—an amount that did not include the cost of the prosecution and its bureaucracy, or an expensive witness protection program. In the case of General Malan and his co-accused, the prosecution failed to nail their men and the costs were astronomical, running into nearly R12 million (U.S. $2 million) just for the defense, which again had to be borne by the state. In a country strapped for cash and with a whole range of pressing priorities in education, health, housing, and other fields, tough decisions had to be made about what the country could be expected to afford.

We also could not have afforded to canvass day in and day out for an unconscionably long time details which from the nature of the case would be distressing to many and also too disruptive of a fragile peace and stability. We certainly would not have been able to have the tenacity of Nazi hunters who more than fifty years later are still at it. We have had to balance the requirements of justice, account-ability, stability, peace, and reconciliation. We could very well have had justice, retributive justice, and had a South Africa lying in ashes—a truly Pyrrhic victory if ever there was one. Our country had to decide very carefully where it would spend its limited resources to the best possible advantage.

Other important reasons why the trial option was not a viable one could still be adduced. A criminal court requires the evidence produced in a case to pass the most rigorous scrutiny and satisfy the criterion of proving the case beyond reasonable doubt. In many of the cases which came before the commission, the only witnesses to events who were still alive were the perpetrators and they had used the considerable resources of the state to destroy evidence and cover up their heinous deeds. The commission proved to be a better way of getting at the truth than court cases: amnesty applicants had to demonstrate that they had made a full disclosure to qualify for

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amnesty, so the normal legal process was reversed as applicants sought to discharge the onus on them to reveal all.

Most distressingly, we discovered in the course of the TRC investigations and work that the supporters of apartheid were ready to lie at the drop of a hat. This applied to cabinet ministers, commissioners of police, and of course those in the lower echelons as well. They lied as if it were going out of fashion, brazenly and with very considerable apparent conviction. In the courts it was the word of one bewildered victim against that of several perpetrators, other officers in the police or armed forces who perjured themselves as they have now admitted in their applications for amnesty. It would have had to be a very brave judge or magistrate who would find in favor of the solitary witness who would in addition have the further disadvantage of being black facing a phalanx of white police officers who really could never do such a dastardly thing as to lie in court.

No wonder the judicial system gained such a notorious reputation in the black community. It was taken for granted that the judges and magistrates colluded with the police to produce miscarriages of justice. Until fairly recently the magistrates and judges were all white, sharing the apprehensions and prejudices of their white compatriots, secure in enjoying the privileges that the injustices of apartheid provided them so lavishly and therefore inclined to believe that all opposition to that status quo was Communist-inspired and generally supporting the executive and the legislative branches of government against the black person who was excluded by law from the governance of his motherland. Many judges in the old dispensation were blatantly political appointees and they did nothing to redeem the reputation of the judiciary as a willing collaborator with an unjust dispensation. Of course there were some exceptions, but by and large the dice were heavily loaded against the black litigant or accused or complainant. It will take some time for our black people to have confidence in the police and the judicial system, which was so badly discredited in the bad old days.

We cannot do better than to quote again from Judge Mahomed's elegant judgment:

Every decent human being must feel grave discomfort in living with a consequence which might allow the perpetrators of evil acts to walk the streets of this land with impunity, protected in their freedom by an amnesty immune from constitutional attack, but the circumstances in support of this course require carefully to be appreciated. Most of the acts of brutality and torture which have taken place have occurred during an era in which neither the laws which permitted the incarceration of persons or the investigation of crimes, nor the methods and the culture which informed such investigations, were easily open to public investigation, verification and correction. Much of what transpired in this shameful period is shrouded in secrecy and not easily capable of objective demonstration and 'proof. Loved ones have disappeared, sometimes mysteriously, and most of them no longer survive to tell their tales. Others have had their freedom invaded, their dignity assaulted or their reputations tarnished by grossly unfair imputations hurled in the fire and the cross-fire of a deep and wounding conflict. The wicked and the innocent have often both been victims. Secrecy and authoritarianism have concealed the truth in little crevices of obscurity in our history. Records are not easily accessible, witnesses are often unknown, dead, unavailable or unwilling. All that often effectively remains is the truth of wounded memories of loved ones sharing instinctive suspicions, deep and traumatising to the survivors but otherwise incapable of translating themselves into objective and corroborative evidence which could survive the rigours of the law. . .

Thus there were evidentiary constraints as well as the statute of limitations that proscribed prosecutions of certain crimes if they were
out of time, which made the trial option, even had it been available, not viable. Judge Mahomed pointed out the consequences in another passage of his judgment:

The alternative to the grant of immunity from criminal prosecution of offenders is to keep intact the abstract right to such a prosecution for particular persons without the evidence to sustain the prosecution successfully, to continue to keep the dependants of such victims in many cases substantially ignorant about what precisely happened to their loved ones, to leave their yearning for the truth effectively unassuaged, to perpetuate their legitimate sense of resentment and grief and correspondingly to allow the culprits of such deeds to remain perhaps physically free but inhibited in their capacity to become active, full and creative members of the new order by a menacing combination of confused fear, guilt, uncertainty and sometimes even trepidation.

When it came to hearing evidence from victims, because we were not a criminal court, we established facts on the basis of a balance of probability. Since we were exhorted by our enabling legislation to rehabilitate the human and civil dignity of victims, we allowed those who came to testify mainly to tell their stories in their own words. We did do all we could to corroborate these stories and we soon discovered that, as Judge Albie Sachs, a member of our Constitutional Court, has pointed out, there were in fact different orders of truth which did not necessarily mutually exclude one another. There was what could be termed forensic factual truth—verifiable and documentable—and there was "social truth, the truth of experience that is established through interaction, discussion and debate." The personal truth—Judge Mahomed's "truth of wounded memories"—was a healing truth and a court of law would

have left many of those who came to testify, who were frequently uneducated and unsophisticated, bewildered and even more traumatized than before, whereas many bore witness to the fact that coming to talk to the commission had had a marked therapeutic effect on them. We learned this from unsolicited comment by the brother of one of the Cradock Four, ANC-supporting activists who left their homes in Cradock to attend a political rally in Port Elizabeth and never made it back home, having been gruesomely murdered by the police. The brother said to me after one of his relatives had testified at the TRC's first hearing, and before the policemen responsible had confessed and applied for amnesty: "Archbishop, we have told our story to many on several occasions, to newspapers and to the TV. This is the first time though that after telling it we feel as if a heavy load has been removed from our shoulders."

Thus the option of trials, which represented one extreme of the possible ways of dealing with our past, was rejected.

Then there were those others who opposed the trial option and suggested rather glibly that we let bygones be bygones. This was much sought after by the members of the previous government and those who had carried out their behest in their security forces. They clamored for a blanket or general amnesty as had happened in, for instance, Chile, where General Augusto Pinochet and his cohorts gave themselves amnesty as a precondition to handing over from their military junta to a civilian government. Even though they agreed to the appointment of a Truth Commission, such a commission would deliberate only behind closed doors and the record of General Pinochet and his government and the security forces would not be scrutinized by the commission, certainly not for the purpose of apportioning blame. It has been important in the whole debate over impunity to point out that General Pinochet and his officers and government forgave themselves, they alone knew what precisely they had done; they were the accused, the prosecution, and the judges in their own case. In the absence of amnesty designed, as it was in South Africa, to establish accountability, I am a strong supporter of
... the recent extradition proceedings against General Pinochet. It would be quite intolerable that the perpetrator should decide not only whether he should get amnesty but that no one else should have the right to question the grounds on which he had so granted himself amnesty and for what offense.

In the South African case there was to be no general amnesty. This amnesty was not automatic and the applicant had to make an individual application, then appear before an independent panel which decided whether the applicant satisfied the stringent conditions for granting amnesty. So the other extreme, of blanket amnesty, was also rejected. Apart from the reasons given above, it was felt very strongly that general amnesty was really amnesia. It was pointed out that we none of us possess a kind of fiat by which we can say, "Let bygones be bygones" and, hey presto, they then become bygones. Our common experience in fact is the opposite—that the past, far from disappearing or lying down and being quiet, has an embarrassing and persistent way of returning and haunting us unless it has in fact been dealt with adequately. Unless we look the beast in the eye we find it has an uncanny habit of returning to hold us hostage.

The English and Afrikaners in South Africa are a perfect case study in point. During the Anglo-Boer War at the turn of the century, the British incarcerated more than 200,000 people, including Boer women and children and black workers on Boer farms, in what was a new British invention at the time—concentration camps, which were to gain, appropriately, a foul reputation as a special feature of the Jewish Holocaust in Hitler's mad obsession with Aryan purity. Nearly 50,000 of the inmates are estimated to have died in unacceptable conditions. At the end of the war neither side ever sat down with the other to talk about this aspect of their war. It seemed that in time the wounds inflicted then had healed and English and Afrikaner seemed to live happily together. Alas, however, the amicable relationship was only superficial and really quite unstable and uneasy. In 1998 I traveled by road from Zurich to attend the World Economic Forum in Davos. I was accompanied by a young Afrikaner who said he remembered so clearly his grandmother telling him of the awful things that had happened to his people in the concentration camps and he said with some feeling that he was ready to fight the Anglo-Boer War over again whenever he remembered his grand-mother’s stories.

At Dachau, the former concentration camp near Nuremberg, there is a museum to commemorate what happened there—you can see the gas chambers and the ovens where the bodies of the Jews were incinerated. The gas chambers look so innocuous, like normal shower rooms, until you see the vents through which the lethal gas could be pumped into the chamber. In the museum are pictures of prisoners marching behind brass bands while they are carrying some inmate to his execution—macabre humor indeed. The Germans were so methodical and systematic. They recorded everything, including the experiments they carried out to see what depths and altitudes human beings could tolerate, and of course the guinea pigs were the subhuman, non-Aryan, Jewish inmates and it is all there to see in those photographs, showing faces grimacing like hideous gargoyles.

Over the entrance to this museum are philosopher George Santayana's haunting words, "Those who forget the past are doomed to repeat it." Those who were negotiating our future were aware that, unless the past was acknowledged and dealt with adequately, it could put paid to that future as a baneful blight on it.

To accept national amnesia would be bad for another telling reason. It would in effect be to victimize the victims of apartheid a second time around. We would have denied something that contributed to the identity of who they were. Ariel Dorfman, the Chilean playwright, wrote a play entitled, Death and the Maiden. The maiden's husband has just been appointed to his country's Truth Commission. While she is busy in the kitchen someone whose car has broken down and who has been helped by her husband enters the house. The woman does not see him but hears him speak and she recognizes his voice as that of the man who tortured and raped her when she was in detention. She is then shown with the man completely at her
mercy, tied up and helpless. She holds a gun to him and is ready to kill him because he denies strenuously that he could have done this and tries to produce an elaborate alibi. Much later, he eventually admits that he was the culprit and, very strangely, she lets him go. His denial hit at the core of her being, at her integrity, at her identity, and these were all tied up intimately with her experiences, with her memory. Denial subverted her personhood. She was in a real sense her memory, as someone who has Alzheimer’s disease is no longer quite the same person we knew when she or he possessed all her or his faculties.

Our nation sought to rehabilitate and affirm the dignity and personhood of those who for so long had been silenced, had been turned into anonymous, marginalized ones. Now they would be able to tell their stories, they would remember, and in remembering would be acknowledged to be persons with an inalienable personhood.

Our country’s negotiators rejected the two extremes and opted for a "third way," a compromise between the extreme of Nuremberg trials and blanket amnesty or national amnesia. And that third way was granting amnesty to individuals in exchange for a full disclosure relating to the crime for which amnesty was being sought. It was the carrot of possible freedom in exchange for truth and the stick was, for those already in jail, the prospect of lengthy prison sentences and, for those still free, the probability of arrest and prosecution and imprisonment.

The option South Africa chose raises major issues which I will touch on later, such as the whole question of impunity. Was what the government intended doing through the Truth and Reconciliation Commission not going to encourage people to think that they could commit crimes knowing that they would get amnesty? Is it ever enough for perpetrators merely to apologize and be humiliated through public exposure? What about justice? And since amnesty expunged the civil and criminal liability of the successful applicant, was it fair to deny victims their constitutional right to claim civil damages from the perpetrator and the state?

Let us conclude this chapter by pointing out that ultimately this third way of amnesty was consistent with a central feature of the African Weltanschaung—what we know in our languages as ubuntu, in the Nguni group of languages, or botho, in the Sotho languages. What is it that constrained so many to choose to forgive rather than to demand retribution, to be so magnanimous and ready to forgive rather than wreak revenge?

Ubuntu is very difficult to render into a Western language. It speaks of the very essence of being human. When we want to give high praise to someone we say, "Yu, u nobuntu"; "Hey, so-and-so has ubuntu." Then you are generous, you are hospitable, you are friendly and caring and compassionate. You share what you have. It is to say, "My humanity is caught up, is inextricably bound up, in yours." We belong in a bundle of life. We say, "A person is a person through other persons." It is not, "I think therefore I am." It says rather: "I am human because I belong. I participate, I share." A person with ubuntu is open and available to others, affirming of others, does not feel threatened that others are able and good, for he or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed, or treated as if they were less than who they are.

Harmony, friendliness, community are great goods. Social harmony is for us the summum bonum—the greatest good. Anything that subverts, that undermines this sought-after good, is to be avoided like the plague. Anger, resentment, lust for revenge, even success through aggressive competitiveness, are corrosive of this good. To forgive is not just to be altruistic. It is the best form of self-interest. What dehumanizes you inexorably dehumanizes me. It gives people resilience, enabling them to survive and emerge still human despite all efforts to dehumanize them.
When *uhuru*, or freedom and independence, came to Kenya, many expected the Mau Mau to embark on a campaign to turn Kenya into the white man's grave through an orgy of revenge and retribution. Instead President Jomo Kenyatta came to be so revered that there was much consternation at his death. There was anxiety about what Kenya would become after Kenyatta. *Ubuntu* was abroad in the post-*uhuru* Kenya. One could point to the opposite that had occurred in the Belgian Congo in the early 1960s, and more recently in the genocide in Rwanda in 1994. Where was *ubuntu* then? But in Zimbabwe, after one of the most bruising bush wars, Robert Mugabe on the night of his election victory in 1980 amazed all by talking about reconciliation, rehabilitation, and reconstruction. That was *ubuntu* at work. In Namibia after SWAPO won the first democratic elections in 1989, President Sam Nujoma wowed everyone with his engaging smile. There were no reprisals against whites. That was *ubuntu* in evidence. What happened in South Africa had already taken place in these other countries.
Chapter Three

IN THE FULLNESS OF TIME

We are bound up in a delicate network of interdependence because, as we say in our African idiom, a person is a person through other persons. To dehumanize another inexorably means that one is dehumanized as well. It is not too surprising that, having been involved in a policy as evil and dehumanizing as apartheid, Cabinet minister Jimmy Kruger could heartlessly declare that the death in detention of a Steve Biko "left him cold." Thus to forgive is indeed the best form of self-interest since anger, resentment, and revenge are corrosive of that sumnum bonum, that greatest good, communal harmony that enhances the humanity and personhood of all in the community.

Why did the Rwandans not show forth this quality of ubuntu to one another and instead destroyed one another in that most awful genocide that overwhelmed their beautiful country? I don't really know except to say it clearly is not a mechanical, automatic, and inevitable process and that we in South Africa have been blessed with some quite remarkable people of all races, not just black South Africans. Mr. Johan Smit of Pretoria lost his young son, who was killed in an ANC bomb blast. Mr. Smit is an Afrikaner, and conventional wisdom would have led us to expect that he would be bris-
Cling with anger and hostility against those the apartheid government propaganda made out to be Communist-inspired terrorists. When Mr. Smit spoke about his son's death, what he said was quite breath-taking. He said he was not angry. If he was angry at all it was against the apartheid government. He believed that his son's death had contributed to the transition we were experiencing from repression and injustice to democracy and freedom.

**Why did it happen in South Africa when it did?**

There is a lovely phrase which Saint Paul uses in his letter to the new Christian converts in Galatia. And that phrase is "in the fullness of time." Paul speaks about how when Jesus was born it was at just the right time, all the pieces had fallen into place, the antecedents were just right, and it all happened at exactly the right moment. A little earlier would have been too soon and a little later would have been too late. When it happened it could not have been at any other moment. Freedom broke out in the 1990s in the most unlikely places—the Berlin Wall fell and the Communist empire began to unravel as a result of Mikhail Gorbachev's perestroika and glasnost. It would have been impossible for all these changes to happen as they did in the time of his more hard-line predecessors such as Leonid Brezhnev, and had the global geopolitical scene not changed as it did, much of what did take place subsequently would not have done so, or it would have occurred at much greater cost in human lives and resulted in very much more unrest and turmoil.

It would have been a great deal more difficult for an F. W. de Klerk to have announced his extraordinary and courageous initiatives of February 2, 1990, had there still been a robust and predatory Communist empire, President Reagan's "evil empire." That was one of the pieces that helped to bring about the changes in South Africa. The apartheid regime had been able to hoodwink an easily gullible and willing West to accept that South Africa was indeed the last bastion against Communism in Africa.

The apartheid government could, however, no longer with any hope of credibility claim that it had to use repressive measures to stem the flow of Communism when Communism had been routed. We were richly blessed that, at this crucial time in the history of the world and the history of South Africa, an F. W. de Klerk replaced the stiff-necked and irascible P. W. Botha as President of South Africa. In 1985, Mr. Botha had failed dismally to rise to the occasion when he produced a damp squib in what had been billed as a major speech in which he would "cross the Rubicon" and announce re-forms. It is highly inconceivable that the granite-like Botha would have announced the kind of bold initiatives that F. W. de Klerk announced to a startled and scarcely believing world in a speech to Parliament on that February day: that the political process in South Africa was to be normalized through the unbanning of political organizations which had been proscribed since the Sharpeville massacre of 1960; that the ANC, PAC, and the South African Communist Party (SACP) would be permitted to operate again as legal entities in a South Africa seeking to emerge from the claustrophobia of apartheid's injustice and oppression.

Nothing will ever take away from F. W. de Klerk the enormous credit that belongs to him for what he said and did then. He has carved out a niche for himself in the history of South Africa and, whatever his reasons for doing so and whatever our assessment of what he did subsequently, we should salute him for what he did in 1990.

I believe that, had he not done what he did then, we would have experienced the blood bath and disaster that so many were predicting would be South Africa's lot. It required a considerable degree of courage to try to persuade the white community that its best interests

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1 Galatians 4:4.
would be served by negotiating themselves out of exclusive control of political power. Very few constituencies are likely to take too kindly to candidates for political office who say their platform is to hand over power to their traditional adversaries. Mr. F. W. de Klerk did not of course say anything quite so categorical. He spoke about power sharing and made what was unpalatable and even unthinkable a little less offputting. At his political career on the line and we would be churlish in the extreme if we did not doff our hats to him for all that. He may have hoped to be able to negotiate a position for the whites where he and his followers would be able to exercise a veto. He might have hoped to ride in a rotating presidential triumvirate. Be that as it may, we were blessed at that critical point in our history by having him there, ready to take risks and to lead by leading.

Of course, all this would have been utterly pointless had his counterpart on the other side been someone who would not measure up to the challenges of the time. Had F. W. de Klerk encountered in jail a man bristling with bitterness and a lust for retribution, it is highly unlikely that he would have gone ahead with announcing his initiatives. Mercifully for us, he encountered in prison a man who had developed into the prisoner of conscience par excellence. Nelson Mandela had attained a stature in prison that filled many with concern that this veritable saint would emerge from prison and disillusion those who venerated him by turning out to have feet of clay. In fact a rumor had been going around that some in his movement were planning his assassination because they were scared that the world would be so deeply disappointed that he did not measure up to the stature he had attained while in prison. They feared that their benefactors might jettison the ANC and it would be bereft of the enormous international support it had received, largely because of the almost larger-than-life image the world had built of their leader in prison.

We need not have worried. Mr. de Klerk had met not someone vindictive, hell-bent on paying back the whites with their own coin, seeking to give them liberal doses of their own medicine. He found a man regal in dignity, bubbling over with magnanimity and a desire to dedicate himself to the reconciliation of those whom apartheid and the injustice and pain of racism had alienated from one another. Nelson Mandela emerged from prison not spewing words of hatred and revenge. He amazed us all by his heroic embodiment of reconciliation and forgiveness. No one could have accused him of speaking glibly and facilely about forgiveness and reconciliation. He had been harassed for a long time before his arrest, making impossible a normal family life. By the time of his release on February 11, 1990, he had spent all of twenty-seven years in jail. No one could say that he knew nothing about suffering. A famous picture shows him on Robben Island with Walter Sisulu in the courtyard where they and others—who can be seen behind them in the photograph—sit in a row breaking rocks into small pieces. Such utterly futile drudgery could have destroyed lesser mortals with its pointlessness. And we know that his eye-sight was ruined by the glare to which prisoners were later exposed as they labored in the lime quarry. Everything had been done to break his spirit and to make him hate-filled. In all this the system mercifully failed dismally. He emerged a whole person. Humanly speaking, we would be inclined to say that those twenty-seven years were utter shameful waste; just think of all he could have contributed to the good of South Africa and the world. I don't think so. Those twenty-seven years and all the suffering they entailed were the fires of the furnace that tempered his steel, that removed the dross. Perhaps without that suffering he would have been less able to be as compassionate and as magnanimous as he turned out to be. And that suffering on behalf of others gave him an authority and credibility that can be provided by nothing else in quite the same way. The true leader must at some point or other convince her or his followers that she or he is in this whole business not for self-aggrandizement but for the sake of others. Nothing is able to prove this quite so convincingly as suffering.
Mr. de Klerk encountered such a person and was emboldened to continue with his intentions.

Sometimes we believe that Mr. Mandela is such a colossus, such a moral giant standing head and shoulders above others, that he just has to say something for everyone to scramble to do his bidding. This is to misconstrue the nature of the ANC and his own remarkable loyalty as a party member. The ANC, like other political collectives of its kind, is really a huge coalition of different political philosophies, views, and attitudes. Founded in 1912, it grouped a range of African leaders who combined to resist their exclusion from political power by the newly formed Union of South Africa and the extension of controls over Africans by the white government of the Union. During the course of the struggle there were and to this day there are all sorts of personalities and affiliations and organizations contained within it, "from hard-core Marxists to the most outright libertarians. There are young Turks who want to storm the Bastille at the drop of a hat and scholarly, urbane thinkers. When it was unbanned in 1990, its leader was Oliver Tambo, who played an extraordinary role in holding together the movement in exile, and he and his fellow leaders had to integrate an organization comprising exiles, under-ground activists within South Africa, and those emerging from prison after twenty-seven years. It is a considerable feat to hold the party together because its members believe deeply in consensus, in what they call "receiving the mandate." It is wonderful to behold when people are serious about a participatory way of operating when the views of the least are taken seriously into account. But it can also be debilitating of initiative, making the entire organization move at the pace of the slowest. (I came to believe that, while Mr. Mandela's loyalty to the party was something to admire, it was excessive and turned out to be his chief weakness.)

In such a party, it was not to be taken for granted that all would acquiesce in the conciliatory approach. It was not aut that all would believe that perpetrators should not in face face trial and be dealt with harshly because of all the suffering at our people had experienced at their hands. Many of the younger members were often hotheaded and easily pandered to the angry emotions of their contemporaries. The ANC had to decide seriously whether even to negotiate. When the TRC charged Mr. P. W. Botha with contempt for disregarding a subpoena to appear before it, I recall a young black man who was present every day in court during that trial. One day during a lunch break he said to me, "Archbishop, this old man [P. W. Botha] should be sent to jail even just for a few days." When I remonstrated with him that he was such an old man he retorted, "He should feel a little what our leaders experienced. After all, they imprisoned Oscar Mpetha." (Mr. Mpetha was a leader in the West-ern Cape who was detained although he was in his eighties and suffering from diabetes. When I visited him in the hospital he was chained to his bed and I asked his police guard if I could speak to him. He said, "No." When I asked if I could pray with him, he said, "No," so I said, "Well, you will have to do what you like because I am going to pray," which I did.)

There were other political organizations that sought to portray themselves as more radical than the ANC and which opposed any thought of negotiating with the "enemy" as a sign of weakness. The PAC and its armed wing, the Azanian People's Liberation Army (APLA), continued the armed struggle even at the time negotiations were taking place. There would have been those in the ANC who would be sympathetic to this point of view. Mr. Mandela had to contend with that as well.

It required a great deal of political courage and skill and authority to bring his organization along with him. We were fortunate that he and others in the leadership were convinced that that was the way to go. Mr. Mandela was aided and abetted by some of the more radical among the party hierarchy, who carried a lot of clout among the young and radical-minded. It was fortunate that the much-admired general secretary of the Communist Party, Joe Slovo, had shown himself committed to the entire process of negotiation and of making concessions and accommodation. He was particularly respon-
sible for persuading the firebrands to accept what have been called the "sunset clauses" that ensured that no government official or civil servant of the old dispensation would stand to lose his or her job or pension when the transition happened. Only someone with the credibility of a Joe Slovo could get those who might have wanted to penalize apartheid's servants to accept this compromise. It was this kind of spirit that permeated the negotiation process, certainly from the ANC side.

Chris Hani, who was later assassinated on the eve of our historic elections, had established his unassailable place in the hearts of the militant township youth. He had been a leader of Umkhonto weSizwe and had succeeded Joe Slovo as general secretary of the Communist Party. So he had impeccable credentials and had most of the young eating out of his hand. A military man himself, he could have drawn hordes to his side had he declared himself opposed to the negotiation process, if he had aligned himself to those who wanted to continue the armed struggle. Instead he took his reputation in his hands and went around the country urging the youth to be henceforth "soldiers of peace," and the youth responded enthusiastically to the call to work for peace and reconciliation.

We were blessed to have had outstanding leaders on both sides of the racial divide who were ready to take risks to put their political careers and their lives on the line to commend peace, forgiveness, and reconciliation. When I visited countries in Africa and other parts of the world that were experiencing conflict or were dealing with the aftermath of conflict and repression, almost everywhere the lament was that they lacked leaders of the caliber, courage, stature, and vision of a Nelson Mandela and they bemoaned lacking someone like a de Klerk who would have had the courage and common sense to make himself redundant.

While Nelson Mandela was the most spectacular embodiment of the ANC's commitment to peace and reconciliation, he was not the only leader so committed. There were others, younger and less well known, who had had harrowing experiences at the hands of apartheid's exponents and had yet emerged from the ordeal unscathed, wonderfully seeking not revenge against the perpetrators' but a healing for their traumatized and divided nation. Two such were themselves up and coming stars in the political firmament. They had been among the accused in one of the longest treason trials, dubbed the Delmas treason trial after the small town on the East Rand where it was held. One of this pair was Patrick "Terror" Lekota and the other was Popo Molefe. Both spent a spell in jail when they had met legends such as Nelson Mandela on Robben Island.

When the new dispensation came into being, Terror was elected Premier of the Free State, one of nine provinces into which South Africa was divided. (He gained his nickname not for his political activity but for his prowess on the soccer field.) When he came to greet our Synod of Bishops, which was meeting in his province, he spoke warmly and appreciatively of the work of the churches in South Africa, particularly about their role in education. Nearly all the leaders in the black community had been educated in church mission schools. When we asked him why he was so dedicated to reconciliation and to being willing to make concessions to his opponents, he did not hesitate to say that it had all been due to the influence and witness of the Christian churches. This was echoed by Tokyo Sexwale, the first Premier of the leading industrial province of Gauteng, when he too came to greet our synod as it was meeting in his province.

Clearly the Church had made a contribution to what was happening in our land, even though its witness and ministry had been something of a mixed bag. Presumably without that influence things might have turned out a little differently. It could also be that at a very difficult time in our struggle, when most of our leaders were in jail or in exile or proscribed in some way or other, some of the leaders in the churches were thrust into the forefront of the struggle and had thereby given the churches a particular kind of credibility—people like Allan Boesak, formerly leader of the Dutch Reformed Mission Church, Frank Chikane, former general secretary of the South Afri-
can Council of Churches (SACC), Peter Storey, former head of the Methodist Church, Beyers Naude, the most prominent Afrikaner church dissident and also a general secretary of the SACC, Denis Hurley, formerly Roman Catholic Archbishop of Durban, and leaders of other faith communities who were there where the people were hurting. Thus when they spoke about forgiveness and reconciliation they had won their spurs and would be listened to with respect.

Popo Molefe became Premier of the North-West Province when democracy came. Some while later he organized a rally in the capital of his province to thank the Council of Churches and others for the support they had given them during the Delmas trial. Andrew Young, former United States ambassador to the UN, was present. I sat next to him at the main table. He said he had asked Popo who the white man was who was sitting next to the Premier, and who was among those who had received gifts. Andy Young says he nearly broke down when Popo Molefe told him, "This is the man who was the judge in our trial."

Dullah Omar, the new Minister of Justice, would introduce in Parliament the act that was to bring the Truth and Reconciliation Commission into being. I recall how devastated he had been as a lawyer who had defended some of apartheid's opponents when, after obtaining a scholarship to study at the University of London, he had been denied a passport at the last moment before his departure. It was to be revealed much later that he had been on a death list compiled by a South African Government hit squad. They had tried to swap the tablets he had to take for a heart condition so that he would take the wrong medication. It was this man who would pilot through Parliament the legislation that would enable the men who had tried to kill him to apply for amnesty.

Yes, we have been richly blessed and it was a member of the ANC, Professor Kader Asmal, who suggested in his inaugural lecture as professor of human rights law at the University of the Western Cape, that South Africa should look not to have Nuremberg trials but a Truth and Reconciliation Commission. The ANC had in a sense paved the way for such a commission because, in order to deal with allegations about atrocities having happened in its camps out-side South Africa, it had done something almost unprecedented as a liberation movement. It had set up no less than three commissions of inquiry and the leadership had accepted responsibility for the abuses that came to light and had publicly apologized.

Thus it was not surprising that, after the long and exhausting negotiations which provided our land with the interim Constitution which led us to democracy, this historic instrument should have contained a postscript that became the constitutional underpinning for the Truth and Reconciliation Commission in these words:

**NATIONAL UNITY AND RECONCILIATION**

This Constitution provides a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of color, race, class, belief or sex. The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.

The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimization.

In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and
offences associated with political objectives and committed in the
course of the conflicts of the past. To this end, Parliament under
this Constitution shall adopt a law determining a firm cut-off
date . . . and providing for the mechanisms, criteria and
procedures, including tribunals, if any, through which such
amnesty shall be dealt with at any time after the law has been
passed.