



Whose WAY?

Keith Matthee SC

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DETAILS OF AUTHOR

After completing his schooling at Grey College, Keith Matthee did a year's compulsory military service in the South African Navy. Thereafter he obtained his BA LLB at the University of Natal. He was admitted as an advocate in 1979.

He left law in 1979 for eight years to work amongst students and for the Methodist Church. During this period he worked on various university campuses in South Africa. During 1981 – 1982 he was based at St Aldates, Oxford. In 1987 he obtained a postgraduate Divinity degree from Rhodes University, majoring in New Testament Studies and Hellenistic Greek. He has been a Lay Preacher in the Methodist Church since 1978.

He returned to the bar as an advocate in 1987. Since 1991 he has served in an adjudicating role in different forums, including serving as an arbitrator, a presiding officer in the Industrial Court, an assessor in the Labour Appeal Court and on a number of occasions as an Acting Judge in the High Courts of Port Elizabeth, Grahamstown, East London, Mthatha, Cape Town and South Gauteng.

He has appeared in all the courts of South Africa, including the Constitutional Court and the Supreme Court of Appeal. In 2002 he was appointed as Senior Counsel by President Mbeki. In 2007 he relocated from the Eastern Cape to the Western Cape.

He is the author of *The Resurrection - a lawyer's view*, *Decolonising Jesus*, *Whose Way*, and with his wife, *One Man, One Woman*. He completed a Doctor of Laws (LLD) in 2025 on the subjective nature of the interpretation of the South African Constitution by the justices of the Constitutional Court. This thesis is available on his website at www.keithmatthee.com

He married Roslyn Stewart in 1980 and they have 2 sons, a daughter and five granddaughters and one grandson. He stays fit by running, long horse rides and hoping that the Sharks rugby team will win more finals!

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AUTHOR'S PREFACE

Recently I argued a matter in the High Court. I spent a fair amount of time telling the judge what I was not arguing!

The reason for this was that my opponent in her argument had made a caricature of my clients and their argument. She successfully distracted the judge from the profound moral choice the judge was being asked to make by my clients.

No matter the setting, speaking of how Jesus views the world attracts the same problem.

This is true whether people speak as Christians or not.

On the one hand, Christians have allowed cultural, economic, political and psychological interests to colonise Jesus and how He views the world.

On the other hand, those rejecting Jesus and how He views the world have created an image of Him and how He views the world, and then rejected this self created image. An image invariably far removed from the Jesus of Scripture.

Many years ago as a university student, through the interpretation and application of Scripture by Martin Luther King and the grandfather of Christian rock, Larry Norman, I met a Jesus I had not encountered before. There followed others who revealed Him and how He viewed the world more clearly to me.

A constant puzzle to me is why not everyone who encounters this Jesus, and His worldview, does not respond as Thomas did – “my Lord and my God”. Perhaps a partial explanation for this is that when people reject Jesus and how He viewed the world, they are rejecting a picture of Jesus which simply is not true. Or because an acceptance would require them to admit that they are a sinner who needs saving. Or, for some Christians, because it would require them to submit everything to the Lordship of Christ. Inclusive of their time, their possessions, their politics, their sexuality, their everything, and that that is simply too costly.

My hope is that in this book the readers, through something of my own lived reality, will find glimpses of the Jesus of the Gospels and how He viewed people and the world we live in, which help address that caricature of Jesus held by Christians or by those who reject Jesus.

In the process I hope to achieve another aim - it was GK Chesterton who wrote that he believed in Christ because His was the only worldview which explained his own reality and the world he lived in.

The pages which follow highlight some of my own, and the wider, reality I have lived through these past 67 years. Integral to this is how Christ's worldview helped me grapple with and through it, and make sense of it all.

It is my hope that as you read this book it will become more clear to you that Christ's worldview, revealed in Scripture, is the only one which makes sense of our own spiritual, psychological and emotional battles and the world we live in.

Dedicated to Talitha, Naomi Joy, Katie Dinah, Bea, Peter,
Elizabeth Stewart and any other grandchildren to come.

*Jesus said to him, 'I am the way, and the truth, and the life.
No one comes to the Father except through me.'*

John 14 verse 6

*See to it that no one takes you captive through hollow and deceptive philosophy,
according to human tradition and the basic principles of the world,
rather than on Christ.*

Colossians 2 verse 8

*I take a very low view of climates of opinion. Every man knows that all discoveries are
made and all errors corrected by those who ignore the climate of opinion.*

CS Lewis

Truth is like poetry, and everyone hates poetry!

From a recent film unmasking the fraud of the big banks of America

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Peter Rose, for always being available to act as a sounding board.

And as ever, Roslyn Stewart, for persevering with me and
remaining patient when I speak about an idea repeatedly!

CONTENTS

1	Is remorse enough? (Boss confession)	1
2	Are we merely products of nurture? (Childhood in Crown Mines, Mayfair, Kroonstad and Grey College)	10
3	Who is my mother, father, brother, sister? (Dismissal as prosecutor, Iron Man, leaving law, are you a communist?, discharge from navy and Ros)	17
4	God's timing – It is all God's grace (Amos, Azania, Adriaan Vlok and a return to law)	26
5	“No new model of Adam and Eve!” (Oupa Gqozo's coup)	29
6	Put down thy sword (The Bisho Massacre, Steve Tshwete, ANC's use of violence, Jules Browde, Ronnie Kasrils, LHR and “what the mob clamours for”)	43
7	The Bill of Rights – a new golden calf?	52
8	Honour thy father and mother	60
9	Go - Commando continued, covid notwithstanding!	65
10	“A-typical sexuality”	79
11	A Christian Chief Justice – why the fuss?	83
12	Actually Mr Mandela, sin is the problem!	92
13	The imprint of God in us	103

CHAPTER 1

Is remorse enough? (Boss confession)

... One of the servants of the high priest, a relative of the man whose ear Peter had cut off, asked, "Did I not see you in the garden with him?" Peter again denied it, and at once a rooster crowed.

John 18 verses 26-27

Peter was grieved because He said to him the third time, "Do you love me?" And Peter said to him, "Lord, you know everything; you know that I love you." Jesus said to him, "Feed my sheep."

John 21 verse 17

As I walked onto the university campus, outwardly my step was confident. With the hindsight of years, arrogant might be a more accurate description. Inwardly my guts were twisted, and to any perceptive person this would have been apparent.

The previous day the banner headlines of the Sunday Times screamed out at me – "I spied for Boss". I had thought my confession might make a small column on one of the inside pages of the newspaper. When I saw the front page article with my photo attached, I, for the first time, started realizing how what I had done would be perceived by the various parties affected by my confession. It was August 1976. I was President of the Student Representative Council (SRC), at the University of Natal, Durban (UND). I was 21 years of age.

When my father was transferred from Bloemfontein to Durban, he decided that it would be most cost effective for me to attend UND after I completed my naval training in 1972.

At the beginning of 1973, he set up a meeting between the two of us and the Security Police (SP). The SP wanted me to undergo training as a policeman first. This would have meant a few years delay before they sent me to university.

We decided against this.

My father then set up a meeting with the Bureau of State Security (Boss). Their terms were simple, and meant I could commence my studies immediately. Their brief to me was to attend public meetings at the university and submit reports to them on the meetings.

I was a policeman's son (and brother). I was fiercely patriotic. I also had been raised to believe that there were students on English campuses whose intention it was to destroy my country. I vividly remember getting involved in an argument with a fellow conscript at Simonstown, about whether or not the police were justified in beating up the University of Cape Town (UCT) students on the steps of St Georges' Cathedral in 1972. To my mind it was sacrilege for the students to use the Cathedral in this way. They deserved the beating they received. I had also received all my high school education during a time when "christian nationalist" education featured prominently - although, in retrospect, Grey College, Bloemfontein, where I was a pupil, did not overtly foist this ideology onto its pupils. For much of my childhood all our family's socialising had been at police stations and with policemen and their children.

The question of whether it was right or wrong to work for Boss, never entered my mind. I was simply doing my Christian duty. I was 18 years old at the time. Other than Boss and my father, no one knew about this arrangement until 1976.

On reflection, I am not sure what Boss hoped to gain from me. During my first year all I could do was to go to public meetings convened by the SRC. These meetings obviously were open to all, including the press. By the end of 1973 I started asking myself questions about Boss. I duly informed Boss that I did not want to continue giving them reports. By this time the excitement of the cloak and dagger arrangements Boss used to meet me, had also died down. I suspect due to the unhelpful nature of my reports, Boss needed no persuasion to terminate my relationship with them.

This all changed in August/September 1974. On a conservative and anti National Union of South African Students (Nusas) ticket, I topped the SRC election polls. Boss immediately contacted me again. What reluctance I displayed to them, was addressed by their argument that they had other people on campus working for them and I could counter any false reporting by them. For good measure, they also indicated that if I did not agree they could not guarantee that my previous

association with them would not become public knowledge. I agreed reluctantly once again to work for them.

Given my conservative ticket, I had no access to the inner workings and deliberations of the “left wing”. This inaccessibility was guaranteed when in 1975 I led a campaign for UND to disaffiliate from NUSAS. Given this, once again, on reflection, I am not sure of what Boss hoped I could achieve for them.

The reservations I had started having by the end of 1973, became overwhelming by 1975.

On the SRC, for the first time in my life, I met young people who had a very different view of South Africa to me, and yet they also were fiercely passionate and patriotic. To further confuse me, they played their rugby hard and were fun people. Chief amongst these was Fink Haysom. Although our world views differed on most things, he had a very significant influence on my thinking. He led the Pro Nusas campaign with great skill and humour, and the only reason I eventually voted for disaffiliation was because I had led the disaffiliation campaign!

Other significant influences in my life in 1975 were a collection of sermons written by Martin Luther King (hereafter referred to either as MLK or King), *Strength to Love*, the Christian rock musician, Larry Norman, and a bible study led by the late Dr. Beyers Naude.

The following words by King had (and still have) a profound effect on me.

“I say to you, this morning, that if you have never found something so dear and precious to you that you will die for it, then you aren’t fit to live.

You may be 38 years old, as I happen to be, and one day, some great opportunity stands before you and calls upon you to stand for some great principle, some great issue, some great cause. And you refuse to do it because you are afraid.

You refuse to do it because you want to live longer. You’re afraid that you will lose your job, or you are afraid that you will be criticized or that you will lose your popularity, or you’re afraid that somebody will stab or shoot or bomb your house. So you refuse to take a stand.

Well, you may go on and live until you are ninety, but you are just as dead at 38 as you would be at ninety. And the cessation of breathing in your life is but the belated announcement of an earlier death of the spirit.

You died when you refused to stand up for right (my emphasis)."

I had had a conversion experience in 1972. I had a fuller conversion experience spanning the years 1974 to 1976. It was during this time that I started realizing that every aspect of my life needed to be brought under Christ's rule, not least of all, my relationships with all people and how I used my time, skills and possessions. I also discovered the Old Testament prophets and their fire for justice and for the eradication of all forms of oppression.

In August/September 1975 I submitted my final report to Boss. In it I told them that they were wasting their time worrying about people like Fink Haysom. I also made it clear that I wanted no further contact with them. That was the last time I ever had contact with Boss. It was a written report and should still be available, unless they destroyed their records.

It was sometime at the beginning of 1976 that I decided I publicly needed to confess my past relationship with Boss. My reasons were threefold.

Firstly, I had been elected SRC President in the early part of 1976. Accordingly, I decided that I was morally bound to take the students into my confidence. Secondly, I believed that Boss would have power over me for as long as my past association with them was kept secret by me. Thirdly, although I had never pretended to be something I was not, with my growing insight as a Christian I had come to realize that what I had done did involve deception. I started realising that genuine remorse required a full confession.

Shortly before this decision, I had joined the Progressive Reform Party (PRP). Accordingly, I contacted Harry Schwarz for advice. He put me onto Horace van Rensburg and Harry Pitman. I was advised by them not to publically confess my past association with Boss. They told me I was too young to cope with the consequences which would follow such a confession. They also argued that it would be an embarrassment to the PRP. Harry Pitman was fighting a bye election in Durban North at the time, and I had already shared platforms with him as one of the youth leaders of the party. I suspect the latter was the main reason for their advice!

As an aside, about the best off the cuff political response to a question I have ever heard was by Harry Pitman during that Durban North bye election, where, as best as I can remember, he was up against Denis Worrall, a member of the Nationalist

Party. At question time the inevitable swartgevaar question came – “Mr Pitman, would you allow your daughter to marry a black man?” Without hesitation Harry replied – “as long as he was not a nationalist!”

I agreed to delay my confession. However for a number of reasons, I decided to tell a senior executive member of NUSAS about my past association. I informed him that I would be confessing it publicly in due course and asked him to keep it confidential. To the best of my knowledge he complied with my request. It was the same student who dared to ask PW Botha, at the time Minister of Defence, at a public meeting in Durban in 1976, whether or not our young men were fighting in Angola. Dripping with arrogance, PW Botha did not bother to answer the question and simply pointed at him and said, “You and your type had better watch yourselves”.

June 16th 1976 and the ensuing days had an enormous impact on me. I was SRC President of a young and divided SRC. I naively believed that the SRC of the Medical School attached to UND (at the time the only University where black folk could train as doctors), would join us in working out an appropriate joint response to the Soweto uprising. Their response, or rather lack of response, to my approaches was my final farewell to political innocence –with apologies to Dr. Allan Boesak! I simply was too young and inexperienced to lead the students of UND in an appropriate response. Added to this, was an increasing alienation from me of part of the SRC. I had had good relations with all of these now dissatisfied members and could not understand what was happening. At the back of my mind was the thought that there must be at least one person on the SRC who was working for Boss, or the Security Police, and that this person was sowing dissension. My arrogant response to this dissension would have made such a person’s task a lot easier!

It was shortly before the elections for a new SRC in August 1976 that I found myself in my office on a Sunday afternoon. Sometime after this, members of the dissident group started arriving in the SRC office, which was attached to my office. I foolishly decided not to reveal my presence in the hope that I could gain some insight into their strategy for the forthcoming election. The longer I did not reveal my presence to them the more difficult it became simply to open my door and walk out through the room they were in. Eventually the inevitable happened – one of them located a spare key to my room and opened it to find me sitting at my desk. I was talking to my girlfriend on the phone when this happened.

The next day revealed some creative and fascinating versions of what had happened the previous day. It was then that I realised that Boss and or the SP must have been active on the SRC and central to their agenda was to diminish my influence amongst the students. I also had topped the polls in my second election to the SRC. Furthermore, whilst SRC President, I had engineered in effect the UND's reaffiliation to NUSAS without a new referendum – in retrospect not very democratic of me! In fact I had served on the NUSAS interim executive during my term as President, which was a prelude to the reestablishment of NUSAS as a power to be reckoned with – ironically, as best I remember, with Fink Haysom, who was now at UCT, being the first elected president subsequent to this interim phase.

I once again contacted PRP MPs and told them I was no longer prepared to delay my confession. They set up a meeting for me with Suzanne Vos of the Sunday Times. I met her on the Wednesday or Thursday and told her everything. Shortly after I left her, she contacted me and told me that the security police had contacted her soon after I left her office and asked her what I had been talking to her about.

That Sunday, surrounded by the Miss SA finalists, the words, “I spied for Boss” shouted out at me from the front page of the Sunday Times. I was now striding out to my SRC office determined to face the music. It was a tumultuous week, filled with fear, angst, grace and touches of humour.

The response I feared most was that of my father and brother. My father was then head of the Murder and Robbery Squad in Durban and was a very well known personality in Durban. Besides telling a few very close friends on the Friday before the report came out about my past association with Boss, and that I had gone to the press, (chief of whom was my closest friend, Leon de Bruyn - his support of me thereafter showed me that he indeed was a friend one always would want in one's foxhole when in the midst of any battle), I had told no one else. The newspaper report was thus a total surprise to my father.

It had been a very tough year for me as regards my relationship with my father. After enduring an unhappy marriage for some 25 years, I had convinced my mother to divorce my father. I unashamedly had taken her side in the divorce and had landed up negotiating on her behalf with my father.

I had also cultivated long hair and a luscious beard, no doubt as a statement against my upbringing by him, which was very strict and amongst other things involved

me having to have a brushcut throughout most of my school career.

When my confession was published my father and I already were not speaking to one another. I knew that my public confession was going to cause him enormous embarrassment. This was probably also part of the reason why I had agreed to delay the confession earlier on in 1976. The divorce in fact came through during the early part of 1976.

I mention my brother, as he had informed me that he was awaiting a reply to an application by him to join the Security Police. My confession no doubt would end any chance he had – a fact which I suspect he now might be appreciative of in the light of the revelations of the Truth Commission! Thus although I was extremely anxious about the response of the student body, I was far more concerned about the impact on my already fractured family.

As it turned out, my father was summoned to Pretoria on the Monday after the newspaper report, by the Commissioner of Police, to explain the behaviour of his son. It was only when I ran my first Comrades Marathon in 1978 and I asked my father to second me, that some sort of healing began.

I was not concerned about my mom's response – she was a humble person with no real insight into the politics of the day. However, she was fiercely loyal to me and simply refused to believe that I could put a foot wrong. She was the first person in my life who showed me what unconditional love was.

The student response largely was channeled through a student body meeting which I convened that week. I convened it to give account of myself to the students and to allow them to ask me questions. God's grace sometimes works in strange ways or through unexpected people. I had heard that a motion calling for my expulsion from the university was going to be introduced at the meeting. Just before the meeting, the proposer of the motion, Bernie Wolfsdorf, came to me to check the accuracy of parts of the resolution. He and I had come a long way together and had often disagreed on the SRC – not least of all about the need for a condom vending machine in the men's toilets on campus! As I was checking the motion, he grabbed it out of my hand, uttered an expletive and said he could not do it. This left the people calling for my expulsion in disarray only a few minutes before the meeting. They managed to get a new proposer, Patrick Flynn, who as it turned out some two years later was one of the main causes of my dismissal as a

public prosecutor. He simply did not have the support or charisma of Bernie.

When the motion was put to a packed meeting it was overwhelmingly defeated. From my perspective this was God's grace. On a number of fronts I had been pushed to my emotional limit during 1976. Although the defeat of the motion fed my ego, I simply would not have been able to take another battering that year.

Despite the overwhelming defeat of the motion and obvious support for me as a person amongst the students, for moral reasons I decided not to make myself available for re-election. I had been involved in a deception and felt it was not sufficient simply to confess and apologise.

There was also an attempt to persuade the trustees of the Abe Bailey Scholarship – who had awarded me the Scholarship earlier that year - to take it away from me. When the trustees refused to accede to this request, my detractors enlisted a member of the Labour Party to raise the issue of my imminent visit to Britain in the British parliament. When this bore no fruit, there was a threat of a “reception committee” to meet me at Heathrow Airport.

What did not help my emotional state was that it seemed as if these initiatives were by folk whose political views I now mostly shared, especially that apartheid was evil and needed to be destroyed.

I guess that is why I always viewed someone like Fink Haysom as different. Despite, or perhaps because of his liberal upbringing, not least of all the teaching and influence he received at a Christian school such as Michaelhouse, it seemed to me that he was able to put himself into my shoes, without agreeing with what I had done. He also at all times treated me with grace. Most of the left wing I was experiencing at UND simply seemed unable to do this. They could not understand how I ever could have thought it was right to work for Boss. And the possibility of forgiveness and a new beginning also did not seem to feature in their thinking.

It is now 46 years on, and the secular “left”, although now in many ways a different political animal, still has very little place in their woke ideology for remorse, forgiveness and new beginnings. In a nutshell, apologies for the tautology, for undeserved grace.

They simply would never give a Peter, nor indeed a Paul, a second chance, let alone make someone like Peter pivotal in their movement, as Jesus did, notwithstanding Peter's three-fold denial of Jesus only days before.

Given my lived reality these past 67 years, involving many mistakes and bad choices on my part, only a worldview which embraces such grace makes sense. Indeed it is only such a worldview which makes emotionally balanced living possible.

For underpinning this worldview is the stark reality that, without exception, because of our moral culpability and brokenness, we all are in need of such grace. Counterfeit "solutions" to this human dilemma simply are not sustainable. It is an intellectual nonsense to base a solution to this dilemma on humanity itself, the source of the problem in the first place!

As Martin Luther King put it, whatever "solution" we try and come up with to cast evil out of our society, we can never forget about "man's capacity to sin."¹ A worldview which does not grasp and address this, is doomed to failure.

Returning to my personal story and for the sake of completion, I was not refused entry to the United Kingdom and the proposed "reception committee" never materialized – not because it was not deserved, but I believe because of God's grace in my life.

The Abe Bailey two month excursion to England and Scotland was nothing less than a gracious gift to me at the end of a year when I, on a number of occasions, came very close to an emotional breakdown. It was a wonderful and exhilarating two months – marred only by a message from my father that the Attorney General of Natal was considering charging me under the Official Secrets Act. Linked to the State's original denial of my existence following my confession, I believe my father's senior position in the police ensured that nothing ever came of this threat.

¹ See full quote in chapter 7.

CHAPTER 2

Are we merely products of nurture?

(Childhood in Crown Mines, Mayfair, Kroonstad and Grey College)

But we ought always to thank God for you, brothers loved by the Lord, because from the beginning God chose you to be saved through the sanctifying work of the Spirit and belief in the truth.

2 Thessalonians 2 verse 13

The dominant memories of my early childhood include hero worshipping my enormously gifted elder brother (by four years), hours and hours of swimming and playing at the Mayfair public swimming bath, many hours of playing at police stations and the police athletic track in Mayfair, climbing the mine dumps at Crown Reef, parking outside of Drive Ins to see what happened in the weekly serial (we only went inside the Drive In about once a month), my mother's fridge tarts and many hidings from my father.

My first few years were spent in Mayfair – my father was one of the local detectives. When I was about 5 we moved to Homestead Park, a few minutes drive from Mayfair. We stayed there until I was about 11 years old.

My first school was Crown Reef Primary School. I seem to remember many hidings from the headmistress – possibly confirming that most of my hidings from my father were justified! However my Nursery School teacher's words about me a month before I went to school might also explain certain things. She wrote: "... His speech has improved quite a lot since his arrival, but is still far from perfect for his age....he would benefit a great deal by remaining at Nursery School for another year, as at the age of 5 years 3 months is still too immature an age to be in complete readiness for formal teaching."

One particular incident at Crown Reef School which I remember certainly merited a beating. Above the boy's urinal was an opening in the wall. One of the challenges amongst the boys was to see who could spray children outside by urinating through this opening. I was a fierce competitor. On one particular day, unfortunately for me, a teacher decided to walk past the opening. The beating which ensued remains with me.

Another vivid memory of my time at Crown Reef was the 31st May 1961, the day South Africa became a Republic. I ran home after school faster than normal as I had been warned that the “natives” might hurt us. As I ran, I clutched a small South African flag and a commemorative coin of that day. Growing up amongst policemen and their families, who also were affected in one way or another by the Sharpeville shootings and subsequent events the previous year, I can now understand why I ran so quickly that day!

With hindsight, the memory of which I am most ashamed involved “Flora” (I was never told her full name), our domestic worker in Homestead Park. I forget why, but I was trying to sleep in whilst she was doing the vacuuming. I asked her to stop. She did not oblige. I got up, grabbed one of the attachments of the vacuum cleaner and hit her over the head with it. I must have been about 6 years old. As best I remember I suffered no consequences from anyone for my assault. Even as I write this I cringe as I imagine how she felt. Her utter powerlessness in the face of such naked injustice, by a six year old. What sort of evil system nurtured and allowed such behaviour in a six year old, I ask myself.

From Crown Reef I progressed to John Ware School for standards 2 and 3. The mid week soccer games here were a highlight. Not because I could then show off my prowess – all I could do was toe punch a ball very far so I was put at left back and only used for goal kicks – but because it meant we left school early on that particular day, to go and play the game. Rugby was a foreign game to most boys in Mayfair, including me. The other lasting memory of John Ware for me, were the fundraising Friday evenings when I was introduced to Laurel and Hardy.

My mom never failed to tell her favourite stories about me at this time to any new girlfriend I brought home, long after I left school. Chief amongst them was my preference for Cliff Richard over Elvis Presley. Apparently I would go up to perfect strangers and ask them their preference, and if they answered Elvis Presley my stock response was “‘cause you are a ducktail”. My other great love was bubble gum and on occasion my mother allegedly would find me with a mouth full of bubble gum and on her asking me where I got it from, I would say, “me find it”. When pushed as to where I found it, my response would be, “on the pavement”. Suffice to say that before my wife came along many of my girlfriends did not last very long!

My father was the dominant person in my nuclear and extended family. His forceful personality linked with his four years “up North” during the Second World War, and that he had the most prestigious job of all my uncles, ensured his hero status. I remember him spending many evenings in his “study”, which he had set up in our garage in Homestead Park, studying for his police matric. He had had to leave school after only four years of schooling to help my bywoner grandfather with his work as a labourer on a farm between Bredasdorp and Agulhas. Later on, I found out that he had to have matric to write his commissioned officer’s examination.

When he obtained his matric, the first person to do so on both sides of the family, his status in the extended family became unchallenged, especially when he soon thereafter passed his officer’s examination and was promoted to lieutenant.

Another memory of Homestead Park was my father’s hospitalisation as a result of a brain haemorrhage – as I understood it, his competitive running was the final catalyst for the haemorrhage. His life hung in a balance for what seemed an eternity, even causing his parents to leave the safe environment of Bredasdorp to come to Johannesburg – they had never before ventured more than a 100 kms from Bredasdorp. I cannot remember the details of this period – only the heaviness which permeated our home and everyone in it.

It was also in Homestead Park that I had my first epilepsy attack. I must have been about seven years old and we had just returned from the Drive In, where we had seen The Foster Gang. I am told that my father’s initial response to my attack was to give me a hiding as he thought I was throwing a tantrum. All I can remember is finding myself in a hospital bed. It must have been frightening for my parents. Fortunately, I only had two or three more attacks and with the help of medication have not had a problem in this regard since I was about 12 years old. Some 5 years later however, it was the cause of great disappointment for me. Whilst doing my basic training in the Navy in 1972, I applied to do the Diver’s Course. I successfully completed all the various tests and was on the verge of being selected for the course. At this stage I had to complete a medical questionnaire. Without thinking when asked whether I suffered from epilepsy, I said I had at one stage. Not surprisingly, I was not selected. In retrospect, especially when I found out about the rigours of the course, I was fortunate!

I completed my last two years of primary school in Kroonstad. It was here that my passion for horses and horse riding was ignited. I bought my first horse for R5. To convey him by train from Parys to Kroonstad cost me R10. Years of Post Office savings were depleted in one foul swoop. He was an abused and emaciated ex race horse turned cart horse. He only knew how to walk and how to go flat out. No matter how much we fed him he did not fill out but only developed a huge stomach. I called him Noble.

My most pleasant memory of him came about as follows. We kept him on a farm a few miles out of town. Over weekends I was allowed to ride him home and keep him overnight in our backyard, until someone reported us to the local health inspector. One day when I returned from school, who should be at our back gate, but Noble. Somehow he had escaped from the camp at the farm and found his own way to our back gate. Our home was in the heart of Kroonstad. Of course this meant that I legitimately could ride him during the week to return him to the farm. Thereafter, no matter what the farmer did, on a regular basis he found a way to get out and pitch up at our back gate. A young boy's dream!

In Kroonstad I for the first time was introduced onto a bigger sports stage than I had been exposed to in my schools in Johannesburg. I found it easy to make the sport teams for a serious lack of competition. In my first year, I made the tennis team and promptly went off to the Free State championships at the old Ramblers club in Bloemfontein. I went out in the first round. As best I remember I managed to win three points in a set which ended 6 – 0 – the three points were double faults by my opponent.

The next year I was in the swimming team. Unbeknown to me it also was my introduction to the school where I would finish my schooling, Grey College. It was not an auspicious introduction.

I had been selected to represent Kroonstad Primary School at the Orange Free State Swimming Championships. I was to be the anchor member of our relay team. I think there were only about four boys at the school who could swim, so the selection process was not a very exacting one.

In those days the championship gala took place at the Grey College pool. On arrival at the pool I had absolutely no idea whatsoever of what Grey College even was. It did not take me long to find out that it was a school. And that it won everything!

Come my race, I mounted the starting block to swim the final leg – my school's very reputation in my hands! The moment proved too big for me. I dived in before my team mate touched the wall and promptly had my team disqualified. A mitigating factor was that by then almost all the anchor members of the other teams had finished the race. My teacher and team mates were unpersuaded.

Less than a year later I found myself one of about 900 boys at the High School. My father had been transferred from Kroonstad to Bloemfontein towards the end of my standard 5 year.

I was terrified and completely overawed. The small and underachieving schools I had attended up until then, simply had not prepared me for a school like Grey. To boot I was only just 12 years old, young for standard 6, podgy and sported a brushcut, care of my father's barber. In today's language, I must have been the uncoolest kid in the class.

One of the beatings my father gave me in my standard six year was all about my science teacher. Come the third term my science mark was not great. I complained to my father that it was "Crappy's" fault as he was a dreadful teacher. In character, my father went to see the principal, Mr Cronje (the boys called him "Patat"). Given the size of the standard six class and that I as yet was not known by the hierarchy, he asked my dad who my science teacher was. Mr Crappy, he replied. Only then did my dad find out that his actual name was Mr Wright!

As it turned out, Mr Wright was in fact one of the finest teachers I had – a real Mr Chips of Grey College.

I recently was asked to speak to the boys of Grey College at their usual Friday assembly meeting. I agonized about what to say, not least of all because I thought they usually get Old Grey sport stars like Morne du Plessis and Kepler Wessels to come and talk to them. Quite frankly, I was petrified.

I also was aware that in my matric year I had committed the unforgiveable at Grey – I had put a "social commitment" ahead of a rugby tour!

I ended up telling them about the event in my life at Grey which perhaps taught me most and about which I was proudest. It involved about 50 of us, in my matric year, getting drunk at a local hotel to celebrate defeating one of our main rivals 30 points to 3.

About two weeks later Mr Cronje called the entire school to the hall. He told us that he had received information that some Grey boys two weeks earlier had been drinking in a local hotel. We believed Mr Cronje's suspicions flowed from the investigations of a very keen new upstart teacher at Grey. However, he obviously was not able to get the names of the guilty boys to give to Mr Cronje.

Mr Cronje asked those who were at the hotel that night to remain behind. He then dismissed the assembly. About 47 of us remained behind – the three who did not later on were given a hard time by us.

Later, one by one we went into his office. He stood in the middle of the room, surrounded by the three deputy heads. His one sleeve was rolled up. A cane firmly in his hand. When I walked in all he said was, "Keith, I am bitterly disappointed in you, 'buck.'" I struggled to sit for a few days but his words hurt far more.

My first headmaster, Mr AK Volstedt, at every assembly used to tell us about what makes a Grey gentleman. At the heart of it was that he does not need rules to do what is right. In retrospect, staying behind in the hall when asked to by Mr Cronje, not knowing what the consequences were going to be, most probably was my finest moment at Grey. (I suspect the large number of boys involved, including many prefects and rugby players, prevented expulsion as an option!) It also marked the beginning of a profound change in me which ended up in my initial conversion the following year, when I was doing my naval training.

When I told the boys the story, in passing, I mentioned that Mr Cronje's one son was in the same class as me and we used to call him "Klein Patat". The boys laughed more than I thought was warranted. At the end of the talk, after the boys had been dismissed, one of the teachers who had been sitting behind me came up to me. I looked at him for a moment and then blurted out, "Klein Patat"! No guessing what his nickname now will be!

The Headmaster who invited me and introduced me to the boys that morning, Johan Volstedt, not only is the son of Mr AK Volstedt, but also was that new upstart teacher who hunted us down in my matric year!

After I had spoken to the boys I had a very long coffee with Johan. We covered an array of topics, ranging from the abuse of gifted sports children, to alcoholism, to prostate cancer, to spiritual priorities. I went away enriched by the conversation. It

made me realize how easy it is for people to come to wrong conclusions about other people. There was a depth to him and an empathy that I guess only comes from the sort of walk he has had in his life, much of which has involved Grey. Grey will miss him.

But perhaps my most lasting gift from my Grey years are two of my friends, Leon de Bruyn and Deon Lombard. Through thick and thin they have remained loyal and faithful friends.

As I reflect on my early years and my path since then, Scripture's teaching on the one hand about the centrality of nurture in the moral formation of a person, is clearly borne out in practice. On the other hand, Scripture's teaching that we need not be "victims" of nurture, is also clearly shown in my life and the choices I have made along the way, some in line with my nurture, others fundamentally opposed to my nurture.

Furthermore, thinking about this lived reality of mine (and many other people I have had the good fortune of getting to know over the years), it is clear that a lot more has been at work in my heart than mere nurture.

CHAPTER 3

***Who is my mother, father, brother, sister?
(Dismissal as prosecutor, Iron Man, leaving law,
are you a communist?, discharge from navy and Ros)***

And looking about at those who sat around him, Jesus said, "Here are my mother and my brothers! For whoever does the will of God, he is my brother and sister and mother."

Mark 3 verses 33-35

We gotta serve somebody

Bob Dylan

As I look back at my life, the two years which stand out, other than the year of my marriage and the years during which my three children were born, are 1976 and 1979.

1979 started off with the Dusi Canoe Marathon, the first of three legs of the original Iron Man.

It was my good fortune to be in a double with an experienced canoeist – otherwise we would have swum even more than we did! My memories of those three days include the stifling heat of the first day, the sheer exuberance of meeting the confluence of the Mdunduzi and Umgeni Rivers on the second day, my near death drowning experience later on during the second day when I was sucked down by a whirlpool, the solitude and beauty of camping for two nights in the Valley of a Thousand Hills with the other canoeists (compared to what happens today it was genuine camping!), and my utter exhaustion and relief when we miraculously arrived at the Finish Line on the Friday. Without a doubt, I found it physically and emotionally far tougher than the Comrades marathon.

I woke up early the next morning still feeling the full effects of the Dusi, not least of all with a good dose of heat stroke. The early rising was because I had been called up to do a three week Navy camp in Simonstown.

When I had done my military training directly after school I had volunteered to do a year as opposed to nine months – the incentive was that thereafter there would be no camps. As the nationalists broadened their fight to SWA (now Namibia), and Angola, they changed these rules and I along with many other young white men, in law, became liable to do a number of camps as well.

The change in me since 1972 when as a 17 year old I did my year's military training, and January 1979, was fundamental.

I had removed myself as far as possible from all institutions geared to enforcing apartheid. No institution was more geared to enforce it than the South African Defence Force (the SADF). Ever since I received my call up papers towards the end of 1978, I had agonized about how to respond to the call up. On the one hand by involving my father in my running the Comrades in 1978 there had been a small step towards healing the total brokenness in our relationship. To refuse to do the camp would have simply undone all of that. On the other hand, there was no doubt in my mind what the SADF was being used for.

What made it even more difficult for me was that to my knowledge no one had as yet actually openly refused to do their military training and remained in South Africa. Given the influence of MLK on me, whatever I did had to be done openly with a willingness to face the full consequences of my actions. I simply did not know what the consequences would be.

I decided to go and take it a day at a time. What was of comfort to me was that a good friend of mine, Mike Robertson, also found himself asking the same questions, albeit not specifically from the perspective of someone who was trying to be a Christ follower. As coincidence would have it, we had been called up to the same camp in Simonstown.

We flew from Durban to Cape Town in a Dakota – without a doubt the worst flight I have ever had. My Dusi tiredness and heat stroke did not help. We landed in Cape Town on a day when the mercury hit 40 degrees centigrade. We were “welcomed” in Simonstown by a foul mouthed Petty Officer (PO), who promptly told us all about our mothers and how he was going to knock us into shape. Admittedly most of those who arrived at the camp certainly would have benefitted from some exercise – the eight or nine years since they had left school had had some significant effects on their shapes!

Not even a sense of humour could save Mike and me from total depression. I remember the only humorous moment of that first day was courtesy of Mike. After the PO had explained to us what was required of us, which explanation included telling us that we had to iron a horizontal crease at the back of our shirts, he ended off with the normal gruff, “are there any questions?”. Mike put his hand up, and, as I had got to know him, I could see a mischievous angle to his mouth. “Yes, what is not clear?” barked the PO. “What is the reason for the horizontal crease, PO”, Mike asked. For a few seconds the PO’s eyes went blank – no doubt he had no idea. I suspect he eventually realized Mike was taking the mickey out of him. Slowly his blank eyes disappeared and the expletives began, Mike’s mother once again featuring prominently! I still do not know the reason for the horizontal creases.

By the third day at Gunnery School, where we were based during the day, I could take no more. I am not sure what broke the camel’s back – the blasphemy of the PO on the parade ground whilst practising removing our caps for prayer parade or the crude propaganda in the class rooms.

The final spark was when our one instructor came up with the theory that the half eaten apple motif at the back of jeans, was a plot by the communists to undermine the western youth. His reasoning being based on the commonly, but mistakenly, held belief that Adam and Eve were seduced by the serpent with an apple. I challenged the instructor, at the same time pointing out to him that the word used in Genesis was fruit, and not apple. Within seconds the argument escalated into an all out political confrontation. Mike and me on the one side and the rest of the class on the other side. The instructor simply lost control, and could do nothing to regain control of the class.

Mike and I were promptly confined to barracks for the next week or so, as the powers that be tried to work out what to do with us. During this time I was interviewed on two occasions by the naval security police, and the Commanding Officer of the Gunnery School. One of the things which struck me was that they were all English, in the sense of being from England. I could only conclude that there might have been some exchange policy with the Royal Navy.

Two exchanges remain with me – a variation of the one to be repeated later in 1979, where the security police were Afrikaners from Pretoria.

When I was called to my first interrogation I had decided that this was it – I would refuse to do any further military camps, including completing the present one, irrespective of the consequences. I told them this. In doing so, I clearly set out to them that my sole motivation for this was my attempt to be a faithful Christ follower. That apartheid was of satan and that one of the key weapons being used to enforce it was the SADF. For good measure, I also spelt out my strong revulsion at the scandalous use of Christ's name as an expletive when the PO was getting us to practice for prayer parade.

At the end of about two hours of this, the one interrogator leaned forward and in a fatherly tone whispered to me – “Keith, just between you and me, are you a communist?”!

The other exchange was with the Commanding Officer. Inevitably communism once again came up, and at one stage he challenged me about the use of violence to fight oppression. I temporarily lost it, and found myself refighting the Anglo Boer War as I replied to him along the following lines – “Well, perhaps there comes a time where violence is justified, for example when you and your people oppressed and brutalized us during the Boer war!” Not the way to endear oneself to one's Commanding Officer!

At the end of the week, Mike and I were put onto the train to Durban, the authorities still not knowing what to do with us. A few months later I was interrogated in Durban by two military security police from Pretoria. By now I was very clear about where I stood and told them my position, once again making it perfectly clear that all my actions and decisions were being guided by my desire to be a faithful Christ follower.

Crucial to this was also a willingness to take the consequences and in the process possibly shame the oppressor into changing. As MLK wrote:

“I do not wish to give the impression that nonviolence will accomplish miracles overnight. Men are not easily moved from their mental ruts or purged of their prejudiced and irrational feelings... But the nonviolent approach does something to the hearts and souls of those committed to it. It gives them self-respect. It calls up resources of strength and courage that they did not know they had. Finally, it so stirs the conscience of the opponent that reconciliation becomes a reality”

Inevitably towards the end of the session the question came – “what do you think about communism?” Depends on your definition of communism, I replied, knowing full well that they would have little grasp of what it actually was. There was some hesitation and then replied – “as it is practised?” “As it is practised in which country”, I asked. At that point they moved on to the next question.

When in 1979 Ros and I first started considering marriage, one of the issues Ros had to work through was the possibility that I would be jailed for refusing to do any further camps. Fortunately, for me, she was prepared to take that risk. Sometime during 1980 I received a notice of discharge from the Navy as of December 1979.

One of my responsibilities soon after I received my papers of discharge was to organize a prayer support group for Charles Yeats, one of the bravest and most dignified young South Africans I have had the privilege of meeting. In 1981, he had openly refused to do his military training and remained in South Africa to face the consequences. As best I know he was the first young South African who was jailed for this. (I was dismayed when the End Conscription Campaign some time back celebrated its founding and the reports in the press which I saw made no reference to Charles.)

Reflecting back on this now, I inevitably ask myself, why was I spared Charles’ fate? Perhaps the Navy operated differently to the Army. Perhaps in 1979/1980 the Nationalist government hoped the issue of conscientious objection would not become a major issue, and thus it was best just to ignore people like Mike and myself. I do not know.

One of the ironies for me, was that the prayer support group I arranged for Charles was held in the home of Professor Dawid and Annemarie Bosch, and all its members were Afrikaners, other than one German.

When I returned from the camp in Simonstown I was soon faced by another crisis.

Patrick Flynn, who had proposed the motion calling for my expulsion from UND in 1976, was in the process of being dismissed as a prosecutor, for political reasons. As best I remember, unlike me, he had not received a Justice bursary. It thus was easier for Justice to get rid of him than of me. I was incensed and promptly tried to organize a strike!

Once before I had gone this route with sickly consequences for me. It was during my time in Saldanha in 1972. Fifteen of us had done the Junior Leadership course and then taken the July basics intake of 1972, with the rank of Able Seamen. We each were assigned about 30 troops and one or two dormitories each. The camp quite simply could not function without us – the permanent force folk were almost totally dependent on us for maintaining the discipline at the camp.

One of the fifteen of us was Mark Kasner. Towards the end of the three month basics, Mark failed to salute an officer – or, more accurately, he saluted him on arrival but forgot to salute him when he departed. For this they stripped him of his rank. I was outraged. I immediately tried to convince the rest of our group to go to the Commanding Officer and hand in our ranks, under the guise that we could no longer cope with the stress of the job. Not only could I not persuade my colleagues, one of them secretly informed on me.

The next day I was summoned to the Commanding Officer's office. He informed me of the information he had received, and promptly told me that this amounted to mutiny, which was punishable by death! However, he was in a catch 22 situation as he could not divulge his source and thus could not put me on trial. He had the last laugh. Rather than me staying in Saldanha for the last three months of my year after we had completed our duty with the July intake, he ensured that I was sent to the Frigate, the President Steyn. The last three months in Saldanha would have involved a period in which we would have had to catch and eat crayfish and other such demanding tasks.

In stark contrast, it was on the President Steyn that I discovered the full horror of sea sickness. The only refuge were the few minutes I could spend lying in my hammock, when I was not on watch or at my action station down in the belly of the ship, supposedly handing up shells to the gunners. I could do no more than lie on the deck and groan and rely on my fellow seamen to do the work. I also discovered why the coastline off Cape Town is called the Cape of Storms. And that gall tastes terrible!

The strike did not work, and as best I remember Patrick went off to find work in Swaziland. Soon after this the Chief Magistrate and Senior Public Prosecutor (Mr McKay and Bennie Schonfeldt), called me in and told me the Attorney General, Advocate Rees SC, wanted my reasons in writing for refusing to act as a prosecutor

in certain matters. At this stage I had decided that I was not prepared to act as a prosecutor in any matter where the alleged offence was a means to enforce apartheid, such as security legislation. Both Mr McKay and Bennie had empathized with me, and there was an informal agreement that I simply would not be given such matters. Bennie obviously was obliged to inform the Attorney General of this. A further complication was that my father, still the head of the Murder and Robbery Unit in Durban at that stage, and Advocate Rees were good friends, and worked closely together. Perhaps because of this, he had simply allowed the informal arrangement to remain in place for a while. But I guess when he heard of my attempts at organizing a strike he could no longer ignore my attitude.

My written reasons went very much along the same lines as what I had told the navy. In about April 1979 I was removed as a prosecutor and transferred to the Pietermaritzburg Deeds Office. My job there involved me sharing an office with some 20 female clerks. In the morning, attorneys would come and ask for files and in the afternoon I would have to place the files back in their places. Needless to say, I was a curiosity to my fellow employees – they were not used to having an advocate (I had been admitted earlier in 1979) as a fellow filing clerk.

Advocate Rees' shrewd tactics worked and I resigned from Justice, not knowing how I was ever going to pay back my Justice bursary. To this day, Ros and I still do not know how we eventually managed to pay it back.

During these few months I managed to complete the other two legs of the Iron Man, the Midmar Mile swim at the end of February and the Comrades Marathon in May.

I found myself at sea. I was an advocate without a job. Furthermore, I could not see what sort of job I could get which did not involve me in further benefitting from the apartheid state. Given my background, I simply did not have access to the few progressive lawyers at the time, some of them who unbeknown to me were busy launching the Legal Resources Centre.

I decided to do my pupillage as an advocate at the Pietermaritzburg Bar, and see where that took me.

I had the good fortune of being able to find a place in a flat in Pieter Maritz Street, occupied by an old university friend, Trevor Gorven. Sometime in August 1979 a

friend of his came to visit him. She had been a tennis partner of Trevor's. At that stage my hair and beard were very long. I also was going through my beads era! She was exactly the opposite – trim, proper and politically conservative. When her father described me to his wife a few months later, adding that he thought that as far as their daughter was concerned I was the one for her, my future mother in law's response was "oh hell!"

Without Trevor realizing it, I got him to invite her for a weekend to Himeville in the Drakensberg, which a group of us had arranged for the first week of September. It snowed that weekend. As she tried to enjoy the beauty of the snow covered Drakensberg Mountains, I made much of all those people who had no access to warmth and food. I was painful and I am not sure why she persevered!

Two weeks later, in Queen Elizabeth Park in Pietermaritzburg, we spoke of marriage.

Ros and I were married on 24th May 1980, in the Drakensberg.

To this day I am eternally grateful to Adv Rees for firing me as a prosecutor, and making me a filing clerk in Pietermaritzburg!

At a personal level this outcome has always reminded me of the truth of Christ's words, that we cannot serve two masters. That Christ requires obedience, not results. And that when we are obedient, often in unexpected ways, He will be faithful to us. But that we cannot impose a time limit on God. After all, Abraham, and many other heroes of Scripture, died before God's promises to them were realised.

I duly completed my pupilage at the end of November 1979. However, in the interim one of my spiritual mentors whilst a student, Professor Philpott, came to me with a proposal. He had made a decision to become active in the Student Christian Association (SCA), which operated at most of the tertiary institutions in South Africa. He had a vision for using it to help students biblically engage the many existing injustices in South Africa. He challenged me to join him. I accepted the challenge and for the next eight years Ros and I worked largely amongst students throughout South Africa, and for just under a year in Oxford. First with SCA and then as a probationer minister of the Methodist Church. Our years with SCA, especially the people and authors I was exposed to and worked with,

continue to be central to my worldview. (To this I must also add the name of Mick Milligan, who started the Student YMCA movement at UND in 1976.)

And so 1979 came to an end. A year in which I had been fired as a prosecutor, discharged from the navy, completed the Dusi Canoe Marathon, the Midmar Mile and the Comrades Marathon within a four month period, found a wife and for good measure left law for a job I had received no training for, had no experience in and which was totally dependent on donations. No wonder my future mother in law said 'oh hell', especially as it had been hoped that when Ros went to Stellenbosch University in 1974 she would come back with the son of a rich wine farmer!

And as can be imagined, 1979 was not a good year for my very tenuous relationship with my father, and come to think of it now, my brother. I wondered whether this was self imposed or something of what Christ spoke of when He redefined who His mother and siblings were, using obedience to his Father as the determining criterion.

CHAPTER 4

God's timing – it is all God's grace (Amos, Azania, Adriaan Vlok and a return to law)

God forbid that I boast in anything else than the cross of our Lord Jesus Christ, by which the world has been crucified to me, and I to the world.

Galatians 6 verse 14

Some time back, Adriaan Vlok washed Ros's and my feet.

The occasion was a dinner we had been invited to in Stellenbosch. There were about 14 of us at the dinner. Adriaan Vlok was the guest speaker. As "coincidence" would have it, soon after he started speaking it was suggested that he change seats so that everyone had a better view of him. The suggestion meant he landed up sitting next to me.

One of the talks I gave in the early eighties I entitled "Amos and Azania". It was to the Students Union For Christian Action (SUCA) held in the Katberg. In it I compared South Africa to the Israel the prophet Amos was pronouncing God's judgment on. Amos is a searing indictment of Israel, not least of all in the prophet's devastating analysis of and conclusion about the economic and legal structures of the day.

I argued that South Africa found itself in the same position as the Israel of Amos. That like the Israel of Amos, amongst other things the economic and legal structures of South Africa, could not be reformed. They were so at odds with the justice and righteousness of God that they were going to be destroyed.

At another conference I was invited to in the early eighties, I was asked to lead the evening devotions. My message was similar. It was a national YMCA conference. The next morning I was asked to leave the conference.

Adriaan Vlok was a senior member of the government of the day during this period.

When the State of Emergency was declared, Adriaan Vlok was the Minister of Police. When some 30 000 people were detained without trial in that State of Emergency he was the responsible Minister.

It was as a result of this State of Emergency that I decided to return to law at the end of 1987. Interestingly, it was following on from a conversation with a local attorney, Dave De la Harpe, about his work with detainees. Not the first time God had worked in my life through someone I suspect had no sympathies with me as a Christ follower. My bishop, George Irvine, freed me to return to law with the counsel that I was not leaving the ministry, but simply going into another form of ministry.

During this time my brother also was having to juggle his duties as husband and father of four daughters, with his duties as a senior detective and doing military camps along our borders. Later he also had to bury too many of his men killed in the Durban townships. All of which led to his emotional collapse and premature medical discharge from the police, in his early forties. Once again, Adriaan Vlok was the responsible Minister.

As he told his story, I started experiencing emotions I had not had for a long time. Along with PW Botha, Magnus Malan and FW de Klerk, Adriaan Vlok was the Minister I had most despised.

Why had he not seen the evil of the system?

He told us about his conservative upbringing. About his indoctrination. About his belief that the system he was implementing was necessary to fight godless communism and terrorism.

When it came to question time I could not contain my emotions. I told him about my background, no less conservative than his. And yet as a 21 year old I saw through this indoctrination and said no to it. I told him of the alienation this caused within my family. Of the hurt it caused to my father. I told him about the effects of his policies on my brother.

I asked him why it took so long for him to see the evil of apartheid.

It did not take much for him to pick up my anger and pent up emotions.

He said he did not know why it had taken so long for him to see the evil of apartheid. That Jesus Christ's timing with each person is different.

As the focus moved to other folk at the dinner, he kept looking at me. I sensed he was burdened by my outburst. Towards the end of the dinner, he asked the chairman if he could ask something of me. By now I had a good idea of what the question would be.

I grappled with how I should respond.

He turned to Ros and me, and asked whether I could find it in my heart to forgive him. Whether we would allow him to wash our feet as a symbol of contrition.

As Ros told folk afterwards, when one looked into his eyes there was no doubt about the state of his heart. He clearly was deeply remorseful. He was a very different man to the one I had despised in the eighties. And what is more, there was a profound sense of peace and gentleness in his eyes.

We agreed. It meant full disclosure as regards the state of our feet in front of everyone, in a very sophisticated Stellenbosch setting! Fortunately, I had put on my only good pair of socks that evening. Roslyn's main concern was trying to remember when last she had painted her toe nails!

Paul writes that God chooses the foolish things of the world to shame the wise. Some 46 years ago, I thought that it was due to my insights that despite my lifetime of indoctrination, I was able to see the evil of apartheid.

That evening Jesus used Adriaan Vlok to show me it was all His grace. That it had nothing to do with my insights and courage. That the Holy Spirit's timing with each person is different.

As I re-read my talk on Amos and reflect on the economic and legal structures in South Africa 2021, I think I got one thing wrong. I assumed that with the demise of the Nationalist government, the economic and legal structures would change. The only change has been in form. Amos' prophecy remains as relevant in South Africa today as it was in 1982. As MLK would have reminded me, "Keith, in your analysis you forgot about man's capacity to sin!"²

² See King's full quote in Chapter 7.

CHAPTER 5

“No new model of Adam and Eve!”

(Oupa Gqozo’s coup)

For they loved praise from men more than praise from God

John 12 verse 43

For the Lord sees not as man sees: man looks on the outward appearances, but the Lord looks on the heart.

1 Samuel 16 verse 7

Seek ye first the kingdom of God.

Matthew 6 verse 33

The love of money is the root of all kinds of evil.

1 Timothy 6 verse 10

“We have just taken power in Ciskei, what do we do now?”

I did not have a clue how to answer this question, but that seldom presents a problem to an advocate! I remained outwardly cool and collected, and told Brigadier Gqozo and his three fellow coup leaders that I needed to do some research and would revert to them later that Sunday afternoon. I suspect my attorney, Micky Webb, saw right through my calmness, but being Micky, he exuded confidence on my behalf.

What started out as a leisurely Sunday for me, became the first day of an adrenaline rush which in effect lasted some four years.

It was February 1990, and Brigadier Gqozo had just toppled Lennox Sebe in a military coup. As part of Hendrik Verwoerd’s nightmare for South Africa, Ciskei had been “independent” since 1981, with all the outward trappings of a sovereign state. A parliament of about 80 members, a President with Cabinet Ministers, its own constitution and laws, a huge civil service and its own “international airport”, with a snow plough, because international airports have snow ploughs, even if it never snows! These were but some of the trappings.

Lennox Sebe had done his nationalist masters proud with his rule. The Pan African Congress (PAC), African National Congress (ANC), Trade Unions and other such “troublesome” bodies were banned. There was no free political activity, no labour laws or court, and people were regularly detained without trial if they dared challenge him. Only a few months before my attorney, Lindiwe Ngwane, and I had spent much of our Saturday in Mdantsane trying to implement a court order granted to us by judge Willem Heath, releasing some 50 or so detainees from detention.

All of a sudden and out of the blue I became a “player” in a system I deplored.

After they left me that morning, the level of activity in my chambers became frenetic. I soon established that the jurisprudence on coups at its simplest was, if the coup leaders *de facto* are in control, the courts would recognize them. Up to this day I find this bizarre jurisprudence.

I also made a number of off the record phone calls, not least of all to establish how the South African government viewed the coup. I also phoned my old friend and colleague, Izak Smuts. We had become aware of one another in our student politics days, and on my return to the bar in 1987 I had been his first pupil. We shared a vision for South Africa which included the need for the demise of homelands, such as Ciskei, and the creation of a unified constitutional state in South Africa. We both were avid supporters of Lawyers For Human Rights (LHR) and the abolition of the death penalty. In my book, although still relatively junior, he was the finest constitutional and administrative law counsel in the Eastern Cape at the time.

He arrived in Bisho that afternoon. By the end of that day we had facilitated a meeting between Brigadier Gqozo and the “Chief Justice” of Ciskei (judge Pickard). Our agenda for this meeting included giving Brigadier Gqozo an opportunity to reassure judge Pickard of his commitment to the rule of law (I think the irony of this was lost on all, but Izak and me!), and for judge Pickard to get “a feel’ of Brigadier Gqozo. It was an open secret that judge Pickard had a hotline to the South African Minister of Foreign Affairs, Pik Botha. From our perspective we needed to establish whether the South African government was going to recognize the coup leaders as soon as possible.

We also had written Proclamation 1 (the first of a number of Proclamations, later renamed Decrees), wherein we created a “Council Of State” to govern Ciskei and

abolished parliament with immediate effect. I always have wanted to find out what this abolition saved the South African taxpayer that day, not least of all in salaries and perks for some 80 parliamentarians. In the same proclamation Izak and my “agenda” shone through strongly – the judiciary not only was kept intact, it was also made untouchable by the coup leaders, unless of course they had another coup!

We did not have much difficulty persuading Oupa Gqozo of the need to be seen to be protecting the judiciary – he seemed to have an inordinate regard and respect for judges and the Supreme Court, evidenced a few years later during his trial for murder. But more on that later.

The next day we brought out Proclamation 2. There was a desperate need for this as overnight Izak and I realized that when abolishing parliament, we inadvertently had also abolished the entire civil service! Proclamation 2 amongst other things reinstated the civil service, retrospectively!

The ensuing months became a roller coaster driven by adrenaline, creative lawyering, humour and idealism. At times the scripts we were confronted with were more absurd than those of Monty Python!

Brigadier Gqozo was a breath of fresh air and his openness to our ideas astonished me. He had been trained by the SADF with all its attendant reactionary conservatism, and yet he was prepared to listen to two liberals like Izak and me! We saw it as a wonderful opportunity to implement policies and laws which could serve as experiments for the new South Africa, which we both knew was not far off. In our more idealistic moments we hoped that what was put in place in Ciskei could help restrain any nationalistic tendencies in a new South African constitution – we were very mindful of the fact that the ANC was also a nationalistic movement.

Amazingly we succeeded at least in one regard.

At the time there were some 12 people on death row at the Middledrift Prison. Some had started calling the prison Heathrow, as all of these men had been sentenced to death by judge Willem Heath! In his defence, the accused had left him with no alternative given their denial of any knowledge of the murder, thus making it impossible for him to find any extenuating circumstances.

In principle, Izak and I were strongly opposed to the death penalty. I, for one, had experienced too many matters where the imposition of the death penalty

was completely arbitrary, to be a proponent of it. I also knew that mistakes could be made, not least of all given that most accused people had to rely on interpreters to put their versions to judges and assessors who could not understand their mother tongue.

From the outset we did not miss an opportunity to try and persuade Brigadier Gqozo that he should take the lead in South Africa and abolish the death penalty, not simply suspend it as others were doing. Not surprisingly, we met much resistance from the people surrounding him. Eventually one day we encountered him outside his office and he raised the subject with us. The conversation went something along the following lines, “People say this death penalty issue is complicated, but it isn’t. Either one is for it, or against it. And I am against it.”

By the following day we had written the legislation abolishing the death penalty and defined a life sentence as staying in prison until the end of one’s natural life – this was central to our selling the idea to him. Monty Pythonish and totally undemocratic, but I suspect the folk on death row did not mind.

In the death penalty decision of the Constitutional Court in 1995, one of the reasons for the court’s decision outlawing the death penalty as being in conflict with the new South African Constitution, was the equality provision in the Constitution. Chief Justice Chaskalson in effect found that given that there was no death penalty in the old Ciskei, it would be offensive to the equality provision for the rest of South Africa to be subject to the death penalty whilst those who lived in Ciskei were not. Lo and behold, that rather arbitrary decision of Brigadier Gqozo had helped shape a decision of the Constitutional Court, in a very positive way.

Some years later I had occasion to visit those former death row inmates, all of whose sentences had been changed to a period of imprisonment given the abolition of the death penalty. They had approached LHR with a view to apply for amnesty. I asked them for their version of events and they all simply repeated what they had told judge Willem Heath – they were not at the murder and knew nothing about it. I then explained to them that as they had not committed the murder, they obviously did not qualify for amnesty, as such amnesty was premised on having a political motive for what one had actually done. There were a few seconds of silence, and then 12 confessions!

Another illustration of Brigadier Gqozo's openness to liberal action was the mandate he gave us concerning the non-existent labour law in Ciskei. He, in effect, gave us a blank cheque to do whatever needed to be done for Ciskei to catch up with the rest of South Africa.

We immediately contacted Cosatu and Business and asked that they both appoint someone to represent them in the talks. Halton Cheadle and Peter Williams were appointed. After initial talks, the two of them, Izak, Micky and I went to Crawford Cabins, along the beautiful Eastern Cape coastline just outside East London, for a few days to write the legislation. The clear leader during these days was Halton, and he used the opportunity to put into practice all sorts of ideas he obviously had been toying with for a long time. The Labour Decree was simple and innovative. Perhaps the two most important innovations were the focus on compulsory mediation before proceeding to court, and how the presiding officers of the court were to be appointed. Halton emphasized the need for appointees to have the confidence of Cosatu and Business. We ended up with a system which forced the relevant Minister to appoint people from a panel agreed to by Cosatu and Business. Three of us were appointed – Izak, the late Fikile Bam, who later became the first President of the Land Claims Court, and me. One of my lasting memories of those few days at Crawford Cabins was the incredibly expensive glass of red wine I drank at the end of our time there. Halton reassured me that I need not be concerned, it was on Cosatu!

The Labour Decree No 15 was legislated 6 weeks after Izak and I had received the mandate from Brigadier Gqozo. Once again, not very democratic, but for the first time in their history, Ciskei workers could organise freely and had the protection of a liberal labour dispensation. The Labour Court was well utilized until it was rationalized in 1995.

Another part of South Africa's history which has gone unnoticed was the Treaty signed by Brigadier Gqozo and Pik Botha, in March 1991.

No matter our best efforts, the Nationalist government simply refused to be persuaded that their homeland policy was still-born and a process of reincorporation had to begin, pending the outcome of the wider talks in the country. The mere fact that only the Department of Foreign Affairs would talk with us spoke volumes about their attitude at the time. With the Ciskei civil servant strike in full cry,

Brigadier Gqozo had started wilting under the pressure and was open to our persuasion that reincorporation should commence sooner than later.

On the Monday we contacted Botha's deputy, Leon Wessels (the only high profile nationalist I have ever trusted), and gave him an ultimatum. Begin the reincorporation process forthwith or by the end of that week the Council of State would pass a decree legislating Ciskei out of existence. One of the advantages of a military dictatorship is that a threat can be implemented rather promptly!

By Wednesday Izak and I were asked to meet with Leon in Pretoria. Not very long after that, we found ourselves in Pik Botha's offices in Cape Town where he co-signed the treaty with Oupa Gqozo.

The effect of the treaty was that Ciskei was no longer a sovereign state, not even on paper. Ciskei once again, on paper, in effect became subject to South Africa's control. In the key sectors of Finance, Public Works, Transport and Justice, the heads of these departments were to be joint appointments by South Africa and Ciskei.

At the signing of the Treaty we had an interesting exchange with Pik Botha. Having just met us, he immediately attempted to persuade Izak and me, total strangers to him, that he and the notorious Vito Palazollo were not friends! (It was alleged that Palazollo had Mafia connections and had illicitly been granted a safe haven in South Africa/Ciskei to escape the Italian authorities.) Perhaps our being from the Eastern Cape and the press coverage there of Palazollo's alleged relationship with Botha, made him overly defensive. With bemused looks on our faces, we changed the subject.

One of the unexpected results of this treaty was that I was approached to make myself available for the Minister of Justice position. One of the many ironies to confront me at this time – Minister of Justice of a "country" I did not recognize, jointly appointed by a government I had come to despise since the seventies!

After much prayerful agonizing and consultations with various individuals, I agreed. These consultations included Steve Tshwete, individuals from the National Association of Democratic Lawyers (Nadel – in effect an arm of the ANC) and LHR. I also had a session with three senior leaders of the Methodist Church. All of these men were unanimous - I should accept and try and do whatever good I could before the inevitable happened, and I was dismissed.

Thus started only my second 8 to 5 job in my life – the other one being when I worked as a prosecutor to repay my bursary in 1978/9. My tenure as Minister of Justice only lasted for about three months before I was dismissed – a few months shorter than it took the Nationalist government to dismiss me as a public prosecutor in 1979. My father and brother, who had only one employer until their retirement, could only shake their heads at their son/brother who only had a “proper” job on two occasions, and on both occasions was fired after a few months!

Perhaps the most rewarding part of my tenure as Minister was making sure the Bill of Rights was put in place; the establishment of the Public Defender’s Office; giving the cleaning ladies at the Mdantsane court a voice and power over the Director General (DG) when it came to the choice of cleaning materials (they were absolutely delighted when the Minister in front of them told the DG that they were the experts in the field and not him!); and ensuring the passage of the Inquests Amendment Decree which gave me the power as Minister to ensure that a judge could preside at an inquest rather than only a magistrate.

The practical importance of this inquest legislation concerned the much publicised statements by Brigadier Gqozo of his role in the deaths of Charles Sebe and Onward Guzana. I had given a public undertaking in an interview with the South African Broadcast Company that the law would take its course no matter where the evidence led. Given the political realities in Ciskei, and the rest of South Africa for that matter at the time, I realized that the probabilities were overwhelmingly against a magistrate being able to withstand political pressure not to find Brigadier Gqozo culpable if that was where the evidence took him. I had confidence in the judges in Bisho at the time (judge Pickard was on long leave), and knew that they would assess the evidence independently and go wherever it took them. Thus in effect the Inquest Amendment Decree was put in place specifically for this one matter – I was able to sell it as there recently had been a similar amendment in South Africa. The late judge Mike Claassen presided at the inquest. He found Brigadier Gqozo culpable, which finding led to his subsequent murder trial.

Looking at the two very forthright letters I sent Brigadier Gqozo in the weeks leading up to my dismissal by him and the SA government, one would conclude that the main reasons for the total breakdown between them and me was my unwillingness to be part of the hairbrain scheme to sideline the ANC from the

consultations in Ciskei. Linked to this, was the Alice In Wonderland rubbish Oupa Gqozo was being fed by folk who said that he in fact could win an election against the ANC.

From the outset, when he first came to me, I had made it clear to him that he should never see himself as more than an interim administrator of Ciskei until such time as Ciskei was once again reincorporated into South Africa. I repeatedly reminded him, that he had no political legitimacy and the best he could do, both morally and pragmatically, for his own future, was to use the interim period to improve the lot of people who were in Ciskei. And perhaps put institutions in place which could serve as a possible example of what could serve the wider South Africa, after the normalisation of the country. Hence, for example, the Bill of Rights, the Labour Decree and the Public Defender Office.

I guess the final nail in my coffin was when he established a political party, I very forthrightly and openly attacked this decision.

But he still had to get the support of the rest of his Ministers for his decision to dismiss me. They gave him their support, except for Stats Salie who was also sacked at the same time as me, without having the courage to actually engage me about it. On reflection, I believe that what got them to support his decision had nothing to do with policy or principle, but was all about cars.

As Ministers we were entitled to the same perks as Cabinet Ministers in South Africa. This no doubt was all part of the attempt by the Nationalist government to co-opt and to convince Ministers of homelands, that they were real Ministers. I simply refused to accept the normal ministerial car allowance, and insisted on a smaller vehicle. (I still think that if South African Ministers are to be servants of the people, they should be far less ostentatious in the type of vehicle they drive and the various perks they receive.) Of course this attitude of mine threatened the perks of the other Ministers. My take on what got them to accept Brigadier Gqozo and the South African government's decision to fire me, was that it would mean taking someone out of the equation who was making it more difficult for them to enjoy the perks of the job.

But perhaps Izak's and my most meaningful contribution at this time concerned the disposal of toxic waste. Coincidentally, Izak and I came across a signed contract between the Ciskei government and a European based multinational. In a nutshell,

in exchange for a significant amount of money, it allowed this company to dispose of huge quantities of toxic waste at a base along the beautiful Ciskei coastline. Obviously it was cloaked in very nice sounding promises of guaranteeing no threat to people and the environment, creating jobs and making Ciskei one of the world leaders in recycling.

The question for us was, if it was such an attractive option why did the company not set up such a plant in its own country?! No doubt there were very similar promises to those given in the South African arms deal, fracking in the Karoo and mining along the Wild Coast. When we found out about it it was a done deal. We felt morally obliged to do whatever it took to stop it in its tracks, not least of all because of our great love for the Eastern Cape coastline. We went directly to a contact within the South African government and gave them a copy of the contract. To its credit, somehow the Nationalist government intervened and made sure the contract was never implemented.

Towards the end of the honeymoon period of Brigadier Gqozo, he gave us a mandate to do whatever was necessary to put a bill of rights, with teeth, in place. We realized that it was only a matter of time before he started grasping the fact that a justiciable bill of rights would curb his power and make him accountable through the courts. Being a military man, we realized that most probably in the long run this would not appeal to him. (Perhaps part of “man’s capacity to sin” is an aversion in all of us to being held accountable, particularly to God?)

We adopted a similar process to the one we used in drawing up the Labour Decree. This time we turned to Prof Wiechers to lead us, especially given his very practical experience in Namibia. We also tried to make the consultative process leading up to the final product as inclusive as possible. The most helpful input during this consultative process came from members of NADEL and LHR.

Professor Wiechers made it quite clear to us, the crux of the problem facing us was to entrench a bill of rights within the context of a military dictatorship! He also realized the honeymoon period was fast drawing to an end.

The result was simplicity itself, and as it turned out it remained in place throughout the next three and a half years until Ciskei was reincorporated back into South Africa. A careful reading of the reported judgments in the South African Law Reports from 1991 to 1995, will show the birth of bill of rights jurisprudence in

South Africa. Almost all of these judgments were written by judge Heath. One of the dishonesties of much of the legal fraternity involved in constitutional litigation, is its failure to acknowledge the significant role judge Heath played in the development of the Bill of Rights jurisprudence in South Africa. In the early days of our new Constitution, judgments clearly drew on judge Heath's judgments, but often failed to acknowledge this. I count myself as privileged that I was present in court on the day Jules Browde SC educated all of us present, including judge Heath, on the correct approach to a bill of rights. I was his junior in the matter.

During this period, in terms of this Bill of Rights, detention without trial was declared unlawful, in effect a state of emergency was revoked, shortened periods of prescription when the state was involved were declared unconstitutional and indemnity laws were found repugnant and unlawful.

To top it all, Brigadier Gqozo, after the inquest finding by judge Claassen, was forced to stand trial for murder whilst he was still head of the Ciskei government. To the best of my knowledge, in modern history no other head of state has ever stood trial during his tenure as head of state. There was an attempt by his counsel to argue that whilst he was the head of state, he could not be put on trial. Judge Heath did not buy this argument, and found that in terms of the Bill of Rights all people were equal before the law, and that he thus had to stand trial even though he was still the head of state. The fact that he accepted this judgment, and thereafter for months attended his trial on a daily basis while being the military dictator of Ciskei, is perhaps one of the great ironies of what happened in Ciskei during this time. Perhaps it also was his most unheralded contribution to the rule of law in the country. (It is sobering to compare his conduct in this regard with what has subsequently happened within a democratic South Africa.) In line with his other courageous judgments, judge Heath went where the evidence presented to him at the trial took him, and acquitted him. This notwithstanding huge pressure from the ANC and their allies, to convict Brigadier Gqozo.

Another experiment introduced during this period was that of a Public Defender. I had come across the idea during my legal studies at UND. By the time it was put in place in Ciskei, Brigadier Gqozo had started listening to people who were more at home in the Nationalist party, than in a context where for at least a year Brigadier Gqozo had sanctioned progressive ideas totally at variance with his training in the SADF.

For this, and other reasons, I realized that for the Public Defender's Office to work, it should be accountable to a body largely controlled by lawyers and be manned by competent and militantly independent lawyers.

As regards the former I drafted legislation creating a body chaired by a judge of the Supreme Court (judge Mike Claassen) and consisting of one representative each from Nadel, Black Lawyers Association (BLA – aligned to the PAC), LHR, the Bar and the Cape Law Society. In addition to this, there was to be a person appointed by the Minister of Justice and the chairperson of the Legal Aid Board. Not only did this composition ensure that lawyers from across the political spectrum would control the Board, but it also was part of what we had tried to do from the outset of the coup – wherever possible to make innovative decisions as inclusive as possible.

The always present irony for us was doing what we were trying to do within the context of a military dictatorship! From their involvement in initiatives such as introducing the Bill of Rights, the Labour Decree and the Office of the Public Defender, bodies such as Nadel, BLA and LHR showed in a practical way that they had bought into the idea of trying to use the interregnum between the coup in Ciskei, and the eventual reunification of South Africa, as creatively as possible. This both for the short term in Ciskei and also for the possible contribution it could make to the bigger picture in South Africa.

At its heart the object of creating this office was to make justice more accessible to the poor in criminal matters. (A reading of the South African Law Reports will show that in 1988 I argued a matter before judges Heath and Liebenberg, the essence of which was that if an indigent person was not provided free legal assistance by the state in a criminal matter, then such trial was unfair. Judge Heath went as far as he most probably could at the time in giving me what I was asking for in this matter. The creation of the Public Defender Office, I guess, was me trying to put in place a state institution which in practice could give indigent people the assistance I had argued for in 1988. It is instructive to compare judge Heath's response to what I was asking for, to how three Grahamstown judges in the Rudman matter, which can also be found in the Law Reports, responded to my identical pleas for indigent people in the jurisdiction of the Grahamstown Supreme Court. A comparison of the two judgments reveals just how much more progressive judge Heath was, than the three Grahamstown judges.)

But of course the key component was who were going to be the Public Defenders. I recruited two people – one was a dismal failure, the other was exactly what was needed.

I had met Russell Linde a few years before when he was a young attorney in King William's Town (KWT). He was passionate about doing justice and had a deep hatred for the apartheid policies. He also was a person who was prepared to do the unconventional and the system could not intimidate him.

He agreed to the position. He immediately made an impact and in the process ruffled feathers, not least of all the feathers of the other appointment. It soon became apparent to me that my other choice was more interested in status, perks and form, than justice.

Russell only survived for about a year. Through political engineering by the other person and others within the ministry (I was dismissed as minister within a few weeks of the establishment of the Office of The Public Defender and thus could no longer give Russell the official support he needed), he was discarded and another person was appointed in his place. Unlike Russell, he was compliant to government and lacked any sense of passion for making justice accessible to the poor. One of my real sadnesses was that even the representatives from Nadel and BLA allowed themselves to be co-opted and used, in getting a compliant person appointed to the position.

One of Russell's innovations was to arrive at the Mdantsane Courts early on a Monday morning, and demand to see all children who were being held in custody. He would then consult with them and child by child challenge the system which allowed children to be imprisoned for the weekend, without any effort by the police to contact their parents and make them aware of the plight of their children.

As can be imagined this made Russell very unpopular with the police and the prosecutors – possibly this was one of the main reasons why it was decided to get rid of him. It also did not help that Russell accepted many cases involving accused people who opposed Oupa Gqozo.

The replacement of Russell was one of the experiences in this Ciskei experiment which demonstrated to me that an institution such as the Public Defender Office (in principle comparable to chapter 9 institutions in the South African Constitution), is as good as the competence and independence of the persons appointed to such an institution.

Two incidents during my time as Minister are possibly depressing portents of the scale of the problem we are facing in the public sector today.

The one concerned the grounds of the Mdantsane Magistrate's Court. It was a relatively new building and was impressive given its surroundings. One of the things I tried to do was visit all the courts in Ciskei. This was either by appointment or at times unannounced. When unannounced there often were very amusing consequences, especially when I arrived in an unmarked vehicle without any escort and thus on more than one occasion simply was not recognized as the Minister!

The lawns around the court were almost waist high. I turned to my DG and asked why they were not being cut. He said he did not know as that was the responsibility of another department. I asked which department and he said he did not know, but he thought Works. I asked what stopped us from simply going ahead and having the grass cut. He cited various circulars, gazettes etc. Much to his disbelief I instructed him to engage a private individual that week to cut the lawn. With great reluctance he did. For a few months the court was transformed. Added to this was the new enthusiasm of the cleaning ladies and all of a sudden the floors shone and the courts looked like Justice actually cared for the public it said it was serving. A few months later when I had occasion to appear in that court as an advocate, it was back to what it was before, grass and all, and not least of all the energy levels and passion, or lack of passion, of the people who worked in that building. So often part of the solution is simple and practical.

But perhaps far more revealing was a demand made by striking civil servants during the 1991 civil servant strike in Ciskei. One of their demands was a name change – with great passion and anger they argued that they were not servants and thus should no longer be called civil servants!

I will have an abiding affection for Oupa Gqozo. If he had not started believing the rubbish he was told about becoming a political force in the Eastern Cape and remained a soldier, in a free South Africa he could have become a man of real influence within a unified Defence Force. Other than Stats Salie, Izak Smuts, and me, most of those around him either fed him this disinformation or kept quiet – the power of money and perks to corrupt, never ceases to amaze me. As Christ alluded to, money really has an identity and power of its own.

Very few leaders are secure enough to surround themselves with men and women who are prepared to tell them what they need to hear, as opposed to what they and their egos want to hear. Those surrounding Oupa knew what he wanted to hear, and duly obliged, thereby ensuring their own financial benefit. Added to this and far more sinister, was the influence of securocrats no doubt placed there by the Nationalist government in their fight against the ANC. Oupa was no more than a good soldier and simply was politically too naïve to see how he was being used.

Some of these people have gone on to senior positions post 1994 – having swept this part of their history under the carpet or having rewritten their part of what happened in Ciskei from May 1991 to 1994.

As I reflect on what happened in Ciskei during this period, and indeed on what has happened subsequently in South Africa as a whole, I am reminded of what a friend of mine (Rev. Howard Kirkby) used to say when confronted with evidence of our basic self centredness, “God did not see fit to bring out a new model of Adam and Eve!”

Scripture also teaches that with the passage of time we all will eventually reap what we sow. Unless of course we allow Christ’s grace to break into our lives.

CHAPTER 6

Put down thy sword

(The Bisho Massacre, Steve Tshwete, ANC's use of violence, Jules Browde, Ronnie Kasrils, LHR and "what the mob clamours for")

Perceiving then that they were about to come and take Him by force to make Him king, Jesus withdrew again to the mountains by Himself.

John 6 verse 15

Inevitably, after my dismissal I received many briefs on behalf of people who found themselves at the receiving end of the increasingly oppressive rule of Oupa.

On reflection, more interesting were the exchanges and incidents which taught me a fair amount about human nature. Much of it depressing, but some of it uplifting and humorous.

I also discovered that all dogs are racists!

During this time the home of Steve Tshwete in Peelton was bombed. Steve, who was in Cape Town at the time, contacted me and asked whether I could take Pam, his wife, out to Peelton to assess the damage. As I have mentioned before, when I had been offered the post of Minister of Justice I had had a long session with Steve about it. I had given him my full background including my past Boss connections. He responded to me warmly and with much empathy and understanding. Immediately there was a good chemistry between us. I also had persuaded him to join me and make himself available for election to the Dale Junior Governing Body, so that Dale could take the lead in terms of transformation. In the first election the parents rejected both of us! Not much more than a year later, the same parents were prepared to do anything to gain Steve's approval!

Given the security situation in Ciskei at the time, I decided it would be prudent to take my wife and three children with us to Peelton. My reasoning being that it would be more difficult for the Ciskei security forces to take action against a whole family, inclusive of three small children. It also would look more innocent.

On arrival our one son of some 8 years, Matthew, went off to play soccer with the local boys as we went into the bombed house. Not long after that we heard Matthew screaming. He had been singled out by a local dog which had bitten him. Other than the colour of his skin, there was nothing to distinguish him from the other little boys. Pam, a nurse, was mortified and immediately treated him. The next morning at about 5 am we received a call from Steve, who could not apologise enough.

I found Steve mostly a warm and gracious man. However I did on one occasion see another side to him, which made my blood run cold. It was at a meeting in a private home in KWT. A few local white folk had been invited to a meeting with Steve. The purpose of the meeting obviously was to recruit them to the ANC. When it came to question time, I posed a question about the rationale for the continued existence of *umkhonto we sizwe* – given the profound influence of the teaching of Martin Luther King on me during the seventies, the decision by the ANC in 1960 to resort to violence had always deeply troubled me.

MLK's words spoken in 1963 had had an indelible effect on me:

“Violence brings only temporary victories; violence, by creating many more social problems than it solves, never brings permanent peace. I am convinced that if we succumb to the temptation to use violence in our struggle for freedom, unborn generations will be the recipients of a long and desolate night of bitterness, and our chief legacy to them will be a never-ending chaos. A Voice, echoing through the corridors of time, says to every intemperate Peter, ‘Put up thy sword.’ History is cluttered with the wreckage of nations that failed to follow Christ’s command.”

As I look at the moral state of our country today, not least of all the levels of violence throughout our communities, MLK's argument that the means is the end in the making rings true. The ANC chose to meet violence with violence. Today we are living with the consequences of that decision. Had they persisted with radical non violent forms of civil disobedience as propagated by MLK and Albert Luthuli, who knows what the state of our nation would have been today.

Perhaps history is starting to show us that Nelson Mandela got it wrong when in 1960 he persuaded the ANC to adopt violence as a strategy. (I deal with this at greater length in a later chapter.)

In any event, I also could not see any justification for its continued existence in the light of the unbanning of the ANC and the release of political prisoners.

Perhaps Steve was just tired or perhaps for a moment he lifted the veil to another side of his being. His eyes became almost lifeless, and his voice both menacing and chilling, as he responded to my question. For him the use of, or threat of, violence remained a non negotiable until such time as the ANC had power. At that moment I realized that the deep emotional and moral damage done by Verwoerd's evil policy, was going to be with us for a very long time.

The last time I saw Steve was at a rugby test. He was then Minister of Sport. I was one of the rabble entering the gate into the stadium when Steve and his large entourage arrived amongst much fanfare. He caught my eye. He immediately broke ranks from his entourage, came over to me and gave me a huge bear hug. It is the image of Steve I prefer.

It was during this time that I became very involved with the Seymour community. It was unashamedly ANC and challenged the Gqozo government at every turn. The response of the state was persistent, and at times, brutal. The most high profile victim was Sister Mahonga, a tower of strength for the community. Her home, not far from the police station, was bombed and she was killed in the process. I represented her family at the inquest, which attracted the attention of Amnesty International. No person was ever prosecuted for her murder. Russell and I also ended up one Saturday morning helping one of the local leaders escape from the security police - we drove from Seymour to Fort Beaufort with him in our boot! When I was nominated in 1994 for appointment to the bench by LHR, the community supported the nomination in a letter which moved me greatly.

Sadly a few years later my association with Seymour ended on a sour note. I was briefed to defend a family member of one of the leading ANC families in the community. He was charged with murder. He denied all knowledge of the murder. As part of his defence, I had to cross examine the young son of the man who had been murdered in his presence. He could not have been more than 12 years old.

My client was acquitted. To this day, I get a heavy feeling when I think of that young boy who had to grow up without a father. And I wonder if my client was not lying to me.

During this period I also learnt anew about the fickleness of people and the danger of succumbing to "what the mob clamours for"³, when pressurised to do so.

3 See the later quote in this chapter from *Freedom For My People* by ZK Matthews.

Much of my practice involved representing victims of Brigadier Gqozo and the Nationalist party, often on a pro bono or contingency basis. One of the main vehicles I worked through was LHR – it was through it that I met Jules Browde, one of the few giants at the bar at the time. It reached a stage where judge Pickard actually used the bar dinner as an opportunity to attack me, *inter alia* for “politicising” the bar. At the same time, I was lecturing paralegals who were working at various rural advice centres in the Border/Ciskei region through Rhodes University.

During this period I was approached to make myself available to be appointed as a full time employee of LHR – as the Director in the Border Region. After carefully assessing the cost to my practice as an advocate, which would have been significant, I agreed to the appointment. After an interview in Pretoria with the National Director, Brian Currin, and one or two other people, I was duly appointed.

Unbeknown to me, at the same time there was a problem with certain internal staff relationships in the area, which had absolutely nothing to do with me. Nevertheless, one of the disaffected staff members latched on to my appointment as a rallying point for his grievances. Before I had even started in the post, he managed to rally most of the other employees and various trade union leaders in the area against my appointment – ostensibly because I had at one stage worked for Brigadier Gqozo.

It was simply lost on the ordinary person who was being manipulated that when I worked for him, the ANC, Cosatu, Nadel, BLA and of course LHR, all had been supportive of his innovations and actually served on some of the institutions put in place by him. In fact, during Brigadier Gqozo’s first year he had hosted Nelson Mandela when the workers at Mercedes Benz famously had made a red Mercedes for Mandela. It was also lost on them that since my dismissal, almost my entire practice consisted of working for their members. Which work they had no problem accepting, especially as for much of the time it was at no financial cost to them!

With hindsight, I guess my real problem was with many of the top echelons of LHR – they succumbed to what the mob clamoured for out of expediency. The compromise was that I would not take up the post, but the national office would express its full confidence in me, in the capacity of non executive chairman of the Border region of LHR, through the local press. I remained involved in LHR in this capacity for another four or so years.

For me a real reward for this involvement, besides being able to help powerless people, was getting to know Jules Browde – a real inspiration to me as to what an advocate should be. He also educated my brother in law, Graeme Dorrington, and me, on our way to a LHR conference, about Bruce Mitchell the cricketer. He was appalled when we said the only Mitchell we knew was Brian Mitchell the boxer! (During this period there were very few cases I was involved in where Graeme, or his partner Russell Linde, were not my attorneys. We were referred to as the three musketeers by some attorneys in the region, usually in a disparaging manner.)

One of the cases I was involved in was on the side of the Hamburg community in their fight against Oupa Gqozo. He was attempting to remove community leaders from the municipal body in Hamburg who did not support him. The state brought out its big guns, senior counsel from Pretoria, to meet our legal attack. We had no resources, so I went in on my own during the first round, and was dealt a humiliating defeat.

We called in the cavalry, in the person of Jules, to help us in round two!

He without hesitation agreed to help and also told us that he would do it on a pro bono basis. A seven month battle ensued climaxing in a full day's argument in court. At the end of the day when he was summing up our argument, he concluded by asking for the order we were seeking including the costs of two counsel. The judge, Roger Claasen, reserved judgment, but given the exchanges during argument it was clear he was going to find in our favour.

Early the next morning Jules phoned me from Johannesburg. He wanted me immediately to contact the judge, and inform him that he had made an error asking for the costs of two counsel in the event of us winning the matter. He had remembered his promise to Graeme and me concerning doing it *pro bono*, and thus did not want any payment from the state in the event of us being successful.

It was a lesson in professionalism and integrity which always has challenged me in my subsequent years as counsel, especially as by the year the profession has become no more than a money making racket merely having the form of a profession, as the word was originally meant. It was also at the end of this matter that Jules told me he would like to give me a red bag – a very special tradition within the ranks of counsel. And to get my red bag from a man such as Jules, was the proudest moment of my career as counsel.

As an aside, two of the folk involved in this matter on behalf of Gqozo are now senior counsel. They now receive a lot of work from the present government. I suspect they also would have no problem at the Judicial Service Commission (JSC) were they to apply to be appointed as judges. It would be interesting to know whether there has been any rewriting of their history. The same applies to a number of attorneys who had no problem accepting work from Brigadier Gqozo well after he had lost the plot, but I suspect they also have rewritten their histories during this period.

This highlights a real struggle I have had over the past few years. I see folk appointed as judges or getting lots of government work who delighted in doing work for the apartheid state. Or who used the cab rank rule (which requires advocates to take any work which an attorney brings to him – and so a cab driver must take a customer who arrives at the cab rank, whoever he is), as an excuse to hide behind when it came to doing the work they received from the Nationalist party State Attorney, to defend things such as the states of emergency in the eighties. And at the same time, candidates such as Geoff Budlender and Halton Cheadle, people who were in the trenches in the seventies and eighties, are turned down by the JSC for judicial appointment. I suspect someone like Izak also would struggle to get an appointment, despite his work in the trenches when it counted.

As I reflect on this, perhaps there is a consistent thread – executive minded (inclined to find for government in cases in which it is a party) before 1994, and thus the probabilities are that they will be executive minded after 1994 as well. The converse applies as regards being independent minded before 1994, and thus independent minded after 1994. And no doubt, the ANC government wants as far as is possible an executive minded judiciary as much as the Nationalist party government wanted it.

I guess at such times it helps to know that we do live in a moral universe. But then again we need to be mindful of Paul's words in Romans 12 verses 19 – 21: "Never take revenge, my friends, but instead let God's anger do it. For the Scripture says, I will take revenge, I will pay back, says the Lord. Instead, as the Scripture says: If your enemy is hungry, feed him; if he is thirsty, give him a drink; for by doing this you will make him burn with shame. Do not let evil defeat you; instead, conquer evil with good."

A few years later Jules taught me another lesson.

I had had an almighty fall out with judge Pickard, culminating in me reporting him to the JSC and asking him to recuse himself as a judge in any matter where I appeared as counsel. He refused, and our dispute ended up in the Appeal Court in Bloemfontein (it was after Ciskei had been reincorporated into South Africa, hence the jurisdiction of the Bloemfontein Appeal Court). Jules agreed to represent me.

However, before the appeal was argued, Jules asked my permission to set up a meeting between judge Pickard, him and me in Bisho to see whether he could not mediate a “settlement”. He argued that I had to continue practising in the area and it would be far better for me to resolve the matter in this way than to win it in the Appeal Court. I found it ironic that a secular Jew was being used to teach a practising Christian, theoretically wedded to being a peacemaker, all about reconciliation! I guess a bit like a Fink Haysom being used to teach me about justice!

I agreed. He flew to Bisho on the 6 am flight, duly facilitated a settlement and flew back that afternoon. He refused any payment, not even for his disbursements. I sent him a cheque for his flight and he never cashed it. When judge Pickard asked him why he came all the way to Bisho, his answer was simple, he wanted to help a friend.

The upshot of his efforts was a fair degree of reconciliation between judge Pickard and me. Sometime after that he in fact invited my wife and I to drinks at his home in Kidds Beach, and when sometime after that he was involved in a motorcycle accident, I think I was about the only practitioner who contacted him to find out how he was. I was sad to hear of his unhappy death a few years after he left the Eastern Cape. He was brash and a bully, but I always felt a sadness about him and that in a normal society he could have been a good lawyer.

The last time I saw Jules was at his home. I was acting as a judge in Johannesburg at the time and he invited me on a number of occasions to come and have a whisky with him. They were wonderfully intimate times, as we recalled some of our shared Ciskei and LHR experiences, including the Bruce Mitchell episode! At one of these meetings he asked me for a copy of my book, *The Resurrection, a lawyer's view*. I was taken aback, as I had always felt it would be inappropriate of me to talk about Jesus with Jules. Two days later he contacted me to tell me he had thoroughly enjoyed it. Sadly, he passed away before I could ask him why.

I guess no account of this period would be complete without dealing with the tragic events now known as the Bisho Massacre. I and my family were at our home in KWT, when we heard what sounded like hundreds of fire crackers. I immediately sensed that a tragedy was unfolding.

It happened on 7th September 1992 – some 16 months after Brigadier Gqozo had dismissed Stats Salie and me.

Brigadier Gqozo, and those in direct command of the soldiers, should be held accountable for what happened that day. But so also should Ronnie Kasrils, and the other leaders who played a part in trying to lead some of the crowd out of the stadium into Bisho itself.

Anybody who lived in the area and kept their ears open leading up to the march, knew that things were only an incident away from a tragedy. They also would have known that the soldiers of Oupa were ill trained, and frightened.

By leading part of the crowd as he did, Ronnie Kasrils either was exceedingly naïve, hopelessly out of touch with reality, or cynical with the lives of those people.

What happened that day, on both sides, is another example of leaders using ordinary people as expendable pawns. It is why I hold a man like FW de Klerk in contempt. He and the cabinet he was part of used young white males as pawns in their evil fight. And when they saw they could not win the fight, they negotiated peace, got a Nobel Peace prize and disavowed any knowledge of the atrocities committed by those very young impressionable men. And of course those young men today are simply forgotten, while FW and his colleagues continue to live in luxury and self righteously pontificate on the rule of law, human rights and democracy. It is the same attitude which saw those people in Bisho as expendable for “the revolution”.

That great First World War anti war poem by Wilfred Owen, *Dulce et Decorum est*, sums it up. In a few words he paints the full horror of war and its ravishes on young men and then concludes: “My friend, you would not tell with such zest to children ardent for some desperate glory, the old lie: *dulce et decorum est pro patria mori* (it is sweet and fitting to die for one’s country).”

How the Oupa Gqozo whom I first met in my chambers in February 1990, became the Oupa Gqozo who allowed the Bisho massacre, is worth a book in itself. I am

convinced that the explanation lies in his training by the SADF, covert nationalist operators who got to him, in being surrounded by people who fed him lies to ensure their own continued access to the spoils of power, and in the ANC not being prepared to accept anything other than complete control and loyalty.

I remember incurring the wrath of Arnold Stofile when I wrote a letter to the local press during that time criticizing Oupa Gqozo, and part of the local ANC leadership. I ended that letter off with the following quote from *Freedom For My People* by ZK Matthews – he was given these words by Professor Alexander when he left Fort Hare in 1925 to become the first black person to be Headmaster of Adams College:

“You may be tempted into facile views of the difficulties around you ... You may be tempted to cut yourself off from the rest of your people, or on the other hand to an *unthinking advocacy of what the mob clamours for* (my emphasis).

But I am sure you will examine all things with a clarity of intellectual vision, free from passion unless it be a moral passion for the good, and when you have thought things through to present your views with temperate courage.”

In the 70s and 80’s these words challenged and helped me to resist the unthinking advocacy of what my family, much of the business fraternity, and the white nationalist “mob”, clamoured for. In the 80’s it also helped me resist the unthinking advocacy of what part of the liberation “mob” clamoured for, not least of all the strategy of necklacing and other forms of violence against people.

Today when “political correctness” threatens to make us prisoners, I once again find these words challenging and inspirational.

I now also have a deeper understanding of why Jesus resisted what the mob clamoured for, when they wanted to forcibly make Him king, no doubt in their own violent image.

CHAPTER 7

The Bill of Rights – a new golden calf?

Their land is filled with idols; they bow down to the work of their hands, to what their own fingers have made.

Isaiah 2 verse 8

And they made a calf in those days, and offered sacrifice unto the idol, and rejoiced in the works of their own hands.

Acts 7 verse 41

A few years back I was invited to speak at the Grahamstown Festival. My topic was whether or not our Bill of Rights was a new golden calf. In other words, whether we had allowed it to usurp the role of God.

My preparation for it took me on an unexpected personal journey back in time.

The South Africa I grew up in was a country where every state institution and most of its officials, tragically, including many of its judges, were geared towards ensuring that we became citizens who unquestioningly placed our trust in the ideology of “christian” nationalism, amongst other things camouflaged as patriotism and our “christian duty” to fight godless communism and its allies.

How often did we not unquestioningly sing “ons sal lewe ons sal sterwe, ons vir jou Suid Afrika”? How many young men unquestioningly killed and died for this ideology?

Any sober assessment of what happened during those years will conclude that a significant portion of our population, particularly those who had political and economic power, by omission or commission, for different motivations, allowed this ideology to usurp the role of God and the Scriptures, not least of all those portions of Scripture referred to as the Law and the Prophets, and of course the Gospels.

As I prepared for the talk it struck me again how much clearer things were as to who and what the enemy was, pre 1994. There was no grey, only black and white. Judging people on the colour of their skin as opposed to the content of their hearts, torture,

detention without trial, forced separation of families, forced removals from the Cape Flats in the midst of the cold Cape winters, sending young men or old boys to kill or be killed in defence of this system, was clearly wrong and abhorrent.

I vividly remember one of the key moments in my own life – an SRC conference in 1976 at the University of Stellenbosch – where I first refused to stand for or sing “Die Stem”. Given my personal history it was an extremely difficult and emotional decision. But also enormously liberating.

At this time I also vowed never again to sing any national anthem, nor again to be manipulated and hoodwinked by “the mob” or anything under the guise of patriotism, nationalism or whatever other label it was given. (To this day I refuse to sing any national anthem.)

And then 1994 and the Bill of Rights arrived, and at one level everything changed.

Now the people in power spoke not of nationalism but nation building, not of reforming society but transforming it, not of plural or separate development but of the freedom, dignity and equality of every person, not of free enterprise but of the need for a fair distribution of wealth – concepts, as I understood them, very dear to the heart and ministry of Christ and the Jewish prophets. And the Bill of Rights and its application was to be fundamental to this new approach.

The political liberal in me, in the Alan Paton sense of the word, and the “christian socialist” in me, rejoiced.

This response of mine was buttressed by my three to four years personal experience of the Ciskei High Court’s application of Ciskei’s Bill of Rights, referred to in the previous chapter. There was no doubt in my mind that creative lawyers and judges could use a bill of rights to curb the abuse of power and make our country a better place to live in.

Then in 1998 I was part of a team in a High Court application to declare the Abortion Act⁴ unconstitutional in that it gave no protection whatsoever to the unborn child.

The court found that our application was fatally defective as the Bill of Rights did not recognise the unborn child as human life. Perhaps the most defenceless persons of all, thus received no protection from the Bill of Rights.

⁴ The Choice on Termination of Pregnancy Act, 92 of 1996.

A few years later I was part of another attempt to use the Bill of Rights, this time to compel the state to do more to assist girl children who fell pregnant, and were considering an abortion. Once again we were unsuccessful.

Subsequent to my talk at the Festival, and for the sake of completion, I was involved in yet another court application aimed at obtaining some recognition and protection for unborn children. I did not ask the court to outlaw abortion. All I asked of the court was to declare that unborn children were human life worthy of dignity, and thus had to be considered when it came to balancing the respective claims to life and dignity of the mom and her unborn child. This in stark contrast to the Abortion Act which describes an unborn child as the “contents of the woman’s uterus.”

Once again I was unsuccessful. The justices of the Constitutional Court disposed of the claim of unborn children for such affirmation in one sentence, giving no reasons for their decision. This choice by them not to give reasons clearly was a strategic and/or a utilitarian decision, and for me exposed the moral bankruptcy of those Constitutional Court justices. This same court had in 1995 gone to great lengths to explain why the dignity and life of a vicious and cruel murderer was protected by the same Bill of Rights, yet now chose to give no reasons why it saw no problem with millions of unborn babies who had been intentionally killed since the inception of the Abortion Act, being treated as medical waste⁵.

(Since the Abortion Act has been put in place, according to official statistics, some three million unborn children have had their lives lawfully “terminated” simply on the demand of their mothers⁶.)

In my talk I stated: “Faced with the Psalmist’s words : ‘Thou it was who didst fashion my inward parts; thou didst knit me together in my mother’s womb’, and that the courts used the concepts of freedom, dignity and equality to justify their findings, I started to re-evaluate my unquestioning embracing of the new Bill of Rights’ dispensation. (This re-evaluation became even more intense after the reprehensible conduct of the justices of the Constitutional Court, referred to above.)

⁵ I deal with this at length in my book, *The Emperor Has No Clothing*, available on my website www.keithmattthee.com (all downloads from it are free).

⁶ Extrapolated from footnote 3 on page 1 of the above book, up to 2021.

The question I asked myself was whether I once again was being manipulated by the ‘mob’, only this time under the guise of nation building, freedom, dignity and equality?

If I was, then the serpent of Genesis 3 would have been most impressed with the subtlety of the temptation!”

Most of the leaders in the legal fraternity dealing with constitutional law, are clear.

The Bill of Rights has to be seen as a moral document. The first Chief Justice in fact entitled one of his talks: “From wickedness to equality: The moral transformation of South African Law”. In it he wrote: “The foundational values of the Constitution – the rule of law, dignity, equality and freedom – are foundations on which we can build our future... they raise moral issues that can be addressed adequately only through a moral reading of the Constitution”.

Elsewhere Constitutional Court justices Ackerman and Goldstone have written:

“Our Constitution is not merely a formal document regulating public power. It also embodies, ... an objective normative value system.”⁷

Other prominent leaders in the country have been of the same view. Professor Kader Asmal said that we must “internalize the moral values of the Constitution”, in the process borrowing from Nelson Mandela’s expression, “the RDP” of the soul.

Professor Badat at his inaugural address as Vice Chancellor of Rhodes University said that “the Constitution is the fundamental bedrock that informs my responsibilities, guides my conduct and animates my social relationships and existence”.

An erstwhile General Secretary of the South African Council of Churches has spoken of his belief that South Africa was a nation founded on moral principles enshrined in the Bill of Rights.

I find myself asking whether it is acceptable for politicians, judges and theologians to use the Bill of Rights in this way. Whether in principle this is any different to how politicians, judges and some theologians pre 1994 used “christian” nationalism.

⁷ I have done extensive research on these words and my reflections which follow on these words. This research is available on my website entitled: *Is there ‘an objective normative value system’ in the South African Bill of Rights? Does the answer to this question have an effect on the prophetic role of the church in South Africa?*

As I reflect back on my talk, of course the obvious difference is that concepts such as freedom, dignity and equality are as old as Genesis and central to the teaching of the Judeo-Christian Faith.

However, the fundamental difference between the Bill of Rights and the Judeo-Christian Faith, is that this Faith believes it has an objective normative moral reference point outside of something authored by people – the Holy Scriptures.

And the Bill of Rights at the end of the day is no more or less than a political document, authored by people after negotiations and bargaining.

This brought me to the crux of the question posed to me in my preparation for the talk.

I asked myself - in placing trust in something which people have authored, to morally transform and inspire our society, was this not to allow the Bill of Rights to usurp the role which Christians (and indeed Jews and Muslims), believe rightfully belongs to God? Was this not the divide it should not cross?

There is of course an obvious question flowing from the argument that we now have “an objective normative value system” contained in the Bill of Rights. By what standard does our Constitutional Court decide what freedom, dignity and equality are in specific contexts? The words themselves are only words, and only become more than empty shells when actual meaning is given to them. This I learnt in the abortion matters.

And where there is no objective reference point outside of the Bill of Rights to measure whether one’s interpretation and application of these concepts are “correct”, where does one go other than one’s own reason and value system?

Yes, the interpretation of these words will to varying degrees be informed or assisted by International Law, comparable Foreign Law and the Common Law, but when one adopts the view that interpreting the Bill of Rights is more than simply giving effect to the literal meaning of the Constitution, and that the aim must be to use the Bill of Rights morally to transform South Africa, then the intrusion of one’s own value system is inevitable. (I have dealt at length with these and associated questions in my research referred to in footnote 7, above.)

Thus it becomes even more troublesome to speak of “the objective normative value system contained in the Bill of Rights”, for with this approach, in effect is

there not the danger of the men and women who make up the Constitutional Court becoming the new High Priests as they prescribe to us what morally is right and wrong with the Bill of Rights as their Scriptures?

Towards the end of my talk I opined:

“However, at the very least, what I do believe is that, as we enter the next few years of the new dispensation I believe we all need to be vigilant, whether we be believers in God or secular humanists, lest we by omission or commission replace one form of idol worship, ‘christian nationalism’, with another, ‘bill of rightism’. ...

I have no doubt of the truth of Martin Luther King’s statement that although laws cannot change the hearts of men, they can restrain heartless men – and in this regard our Bill of Rights is a sound, albeit imperfect, tool.

My ‘dis – ease’ enters when the Bill of Rights is ascribed a role and status greater than this. When it is used to decide morally what is right and wrong, when it is approached as if it was a living document able in itself to grant insight into moral issues and also to inspire and strengthen one to live accordingly – ..., when it in effect makes High Priests of judges as they pronounce on what is right and wrong, with the Bill of Rights as their Scriptures.

For me as a Christian that is uniquely the role of the Holy Scriptures and the Holy Spirit, to the Jew and Muslim primarily the Law and the Prophets and the Koran respectively.

Secular humanists constantly must remind themselves of this fact, lest they unwittingly attempt to foist a golden calf, the Bill of Rights and their interpretation of it, onto such believers.

The secular state must not cross the line by creating a secular religion and then foisting it onto such believers under the guise of nation building, transformation or whatever other word it might use.

Of course there is another danger for all of us, namely, unlike in the Interim Constitution, where lawyers were in the majority, the JSC which appoints judges, is now dominated by politicians. If we ascribe a role to the Bill of Rights greater than is warranted or prudent, there is no guarantee that in years to come judges will not be appointed by these politicians to ensure that their views of equality, dignity and freedom are foisted onto South Africans, irrespective of their own

personal moral and spiritual reference points, under the guise of a much needed ‘moral transformation’ or ‘political re-education’ of the country.

We must remember that words such as freedom and dignity were very much part of the rhetoric of many a dictator, and sadly still part of the vocabulary of modern day dictators.

The Constitutional Court must be extremely cautious as it interprets and applies the Bill of Rights lest they cross the line between church and state, as the nationalists and many of their judges did, so forcing Christians, Jews and Muslims once again to join Peter in asking the Constitutional Court and the state the rhetorical question: ‘Are we to obey man rather than God?’ ”

Subsequent to my talk at the Festival, the Constitutional Court has in fact gone where it ought not to have gone. Reminiscent of Nazi Germany it has ruled on what human life is worthy of dignity and protection, so attaching more value to some human life than other human life. It has criminalised parents who use reasonable and moderate chastisement in the discipline of their children. It has redefined marriage. It has undermined marriage by making adultery lawful. In effect, it is well on the way to declaring that parts of Scripture should be seen as “hate speech”, inclusive of some teachings of Jesus and the prophets.

I concluded my talk as follows:

“Let me conclude ... by sharing the thoughts of two great men which I believe have a direct bearing on what our expectations of the man made document, the Bill of Rights, should be, especially as regards its ability to transform our hearts and our country.

In the early part of the twentieth century, that great Christian thinker, GK Chesterton, was asked by the Editor of the London Times to write an article on what was wrong with society. He responded as follows in a letter to the Editor:

‘Dear Sir,

I am.

Yours faithfully,

GK Chesterton.’

Many years later in the sixties, Martin Luther King developed on this theme in a

sermon entitled ‘The answer to a perplexing question’, wherein he addressed the question of why we cannot remove evil from earth. Towards the end of the sermon he said the following:

‘But in spite of these new astounding scientific developments, the old evils continue and the age of reason has been transformed into an age of terror. Selfishness and hatred have not vanished with an enlargement of our educational system and the extension of our legislative policies. A once optimistic generation now asks in utter bewilderment, why could we not cast it out?’

The answer is rather simple: Man by his own power can never cast evil from this world. The humanist’s hope is an illusion, based on too great an optimism concerning the inherent goodness of human nature.

I would be the last to condemn the thousands of sincere and dedicated people outside the churches who have laboured unselfishly through various humanitarian movements to cure the world of social evils, for I would rather a man be a committed humanist than an uncommitted Christian. But so many of these dedicated people, seeking salvation within the human context, have become understandably pessimistic and disillusioned, because their efforts are based on a kind of self delusion which ignores the fundamental facts about our mortal nature.

Nor would I minimize the importance of science and the great contributions which have come in the wake of the Renaissance. These have lifted us from the stagnating valleys of superstition and half-truth to the sunlit mountains of creative analysis and objective appraisal. The unquestioned authority of the church in scientific matters needed to be freed from paralyzing obscurantism, antiquated notions, and shameful inquisitions. *But the exalted Renaissance optimism, while attempting to free the mind of man, forgot about man’s capacity to sin.’”*

My lived reality these past 67 years tells me that at best, the Bill of Rights can help curb the abuses of our sinful natures and societal structures. However to transform our hearts and societal structures, we need to look elsewhere. To look to the Bill of Rights for this, or rather the subjective interpretation of it by justices of the Constitutional Court, is to make it a new golden calf, to worship the works of our own hands. To create a god and a society in our own image, or in the image of the 11 justices of the Constitutional Court.

And that clearly is idol worship.

CHAPTER 8

Honour thy father and mother

Honour your father and your mother, that your days may be long in the land that the Lord your God is giving you.

Exodus 20 verse 12

About a year before my father's death, in the midst of his dementia, I had to sleep next to him, a man of 87 years, as a parent would have to sleep with a fearful child. It was with very mixed emotions that I lay beside him.

Being a product of a particular upbringing, I tend to scoff at all the talk of the need for post traumatic counselling for policemen and soldiers. My father entered the Second World War as a 17 year old. On his return 4 or so years later, he joined the police force, retiring some 40 years later. Throughout most of this period he was a detective, almost invariably investigating crimes such as murder, rape and robbery. For many years he was head of the Durban Murder and Robbery Squad. As a child, there were many many nights I lay awake, anxious about whether or not my father was going to return home.

He never received any counselling of any kind.

As I lay next to him, I did not feel any great warmth or intimacy towards him from my side. Duty, yes.

As I thought back over the previous 55 years or so, I could not remember ever being hugged by him.

My dominant memory of my relationship with him was one of strict, and at times harsh, discipline. In my early childhood I hero worshipped him as a man seemingly always in control, and never at a loss of what to do in a crisis. In 1966, standing on the banks of a swollen river near Heilbron, I was in awe of his strength and courage as he risked his life to save some of the people who had been washed away by the river. They foolishly had tried to cross it on a horse cart. For good measure, he then saved one of the horses as well, whilst no one else along the banks of the river dared enter the water. The sight of the bodies of those drowned and of the other horse which had drowned, simply cemented his god like status in my mind.

Poems were written in his honour by black poets for putting his life at risk for black people. His superiors did not think it merited a medal! (After 1994 I brought this travesty of justice to the attention of the new leaders of the police force, but they never responded to my letter.)

As I entered High School, I increasingly became aware of another side to my father. He bullied my mother emotionally. She was a humble and simple person, who adored my father. She simply could not stand up to him in any way whatsoever. She worked hard to please him, to take care of me (my father arranged for my brother to join the police at the tender age of 16), to run the household, not to mention having an 8 to 5 job as a cashier. I also became aware of my mother's suspicions concerning affairs with other women. I simply refused to accept these suspicions, until I came across a letter from one of these women.

It was during this period that he also gave me one hiding too many, and I sensed he realized this after the fact. I cannot remember the reason for the hiding, but I was in my penultimate year of schooling and, for once, was correct in my belief that I did not deserve any punishment. I did not make a sound, no matter his best efforts. This in stark contrast to the many hidings I had received in the previous 14 or so years, when I would cry hysterically simply in anticipation of what was to come. At times my mother would try to come between him and me during these beatings. I use this word purposefully.

Another trait of my father was his inability to see things from someone else's perspective. So for example he decided what was best for my brother and me and simply acted on it. For me that included being recruited either by the Security Police, or Boss, at the age of 18 as I entered university.

However, what remained consistent in my view of him was that he was a fine and courageous detective, who went wherever the evidence took him. On occasion this led to the downfall of well placed individuals in society. One such person was the top civil servant of the province - as best I remember this person conveniently was allowed to go on retirement by his political masters. Nothing has changed! Other well placed "victims" of my father's detective work included Professors Crichton and Barend van Niekerk – the former for in effect aiding and abetting backstreet abortions, the latter for contempt of court for criticizing members of the judiciary.

It is a measure of how most of his “victims” saw him, that when I was trying to make a decision about what to do after school, he asked Professor van Niekerk whether he would be prepared to meet with me. He agreed to see me, even though my father had led the investigation leading up to his successful prosecution. I might add that the other meeting my father set up for me in this regard was with his hero, Percy Yutar SC, who had prosecuted Nelson Mandela. At the time, the irony of my father setting up meetings with people so ideologically opposed to one another, was lost on me.

Often other “victims” would contact him from prison or at their release, for assistance or simply to touch base with him. He was very tough, but in his work as a detective he was fair and earned the respect of these tough men.

His conduct in the Rick Turner (an influential anti-apartheid academic) assassination investigation, was typical. At the time he was head of the Murder and Robbery Squad. He was well into the investigation when he received a directive from Pretoria to withdraw from the matter as someone else had been assigned to the case.

Typical old school civil servant, he complied without a murmur and would not reveal to me where his investigation was taking him. Uncharacteristically, a few years before his death, he did indicate to me that the Nationalist government of the day would have been embarrassed, had he been allowed to complete his investigation. Many years later the daughter of Rick Turner wrote for a Durban Newspaper concerning the murder of her father. In her article she wrote that, save for my father’s conduct, the police investigation into the murder was cynical.

A glaring exception was the matter of Professor Crichton, a world renowned gynaecologist, highly regarded by the intellectual elite of Durban. This matter became very personal for my father. I sensed that what spurred him on, was the arrogant contempt in which he was held by Crichton. In his eyes my father was a “mere” uneducated policeman. He found the convictions he obtained and Professor Crichton’s subsequent removal from the medical roll as a doctor, satisfying.

Although at times a bully himself, on reflection I think central to what drove him was his childhood experience of poverty, and the lack of power and status of his father and mother, who were bywoners. Their employer was a fellow Afrikaner. This notwithstanding, his father was not allowed to go to the front door of the

farmhouse. Furthermore, despite the farmer being wealthy, my father had vivid memories of being allowed to go very hungry by this farmer. Perhaps this partially explains why he loved investigating anyone who had power, whether it was financial, political or academic power.

As I write this, I wonder what influence my father has had on me as a husband, a father, a friend. I have inherited his love for athletics and horse riding. To an extent his self discipline. His perseverance in the face of adversity. His distaste for arrogance in people who are wealthy, be it financially, politically or intellectually.

I have consciously confronted my inclination to want to control, to force my will onto a situation, to lay down the law for my children, without first listening to them. I tried never to use corporal punishment simply out of anger. I have tried to see things from my wife, children and others' perspective. I actively have sought opportunities to hug my children. To tell them I love them. To spend quantity time with them, so that those moments of quality time can happen. To set out a moral reference point for them outside of my subjective opinions and viewpoints.

But has the influence of my father been deeper than I would like to admit?

I guess only my wife, children and friends will be able to answer that question honestly.

However, by looking to my father's influence, am I not simply failing to take full responsibility for my shortcomings as a husband, father and friend? For indeed, if I want to use my upbringing as an excuse for my failings, I then have to explain away my mom's fundamental role in my upbringing. My mother never tried to control me, always thought the best of me, always listened to me and always treated me with kindness and gentleness.

Perhaps if my father had received post traumatic counselling, things would have been different. How does one judge someone who as an 18 year old is the only survivor in his tent after a bombing raid by the Germans? Who spent some 40 years seeing the victims of gruesome crimes and trying to outsmart the brutal perpetrators?

As I left his room that evening, having emotionally and physically spent myself on him that day, he thanked me, and I think for the first time I can remember, simply said to me: "I love you."

Perhaps if I had yielded completely to the Holy Spirit, I would have been able to respond with: “And I love you too” – and not only out of a sense of duty.

Perhaps for some, emotionally honouring one’s mother and father is only possible with the help of the Holy Spirit.

What is clear, is that honouring one’s parents is the only Commandment which has a blessing.

Perhaps this is not so much the Lord commanding, and then rewarding us for obedience, but simply stating a reality of how He has created us and the universe. That when we intentionally honour our parents, even difficult parents, by our conduct, even if the “feeling” is not there, blessings will flow in our own meaningful relationships, not least of all in our extended families.

What also has struck me is that with the passage of time, as I become more and more aware of my own frailties as a father, I increasingly find myself thinking back only to all the good my father did for me. Perhaps this also is how the Lord created us, to help us in the long run to honour our parents?

CHAPTER 9

Go - Commando continued, covid notwithstanding!

Go therefore and make disciples of all nations, baptising them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all that I have commanded you. And behold, I am with you always, to the end of the age.

Matthew 28 verses 19 - 20

And he said to all, "If anyone would come after me, let him deny himself and take up his cross daily and follow me. For whoever would save his life will lose it, but whoever loses his life for my sake will save it. For what does it profit a man if he gains the whole world and loses or forfeits himself?"

Luke 9 verses 23 - 25

Jesus said to them, "Why are you so afraid? Have you still no faith?"

Mark 4 verse 40

We had only been on the road for a couple of hours when Shawn turned to me and said, "Keith, I love war!" Here I was, a conscientious objector and a wannabe Christian pacifist, starting a 600 kilometre horse ride with a fellow Christ follower as my only companion, and he loved war. Was it going to be a longer than expected ride?!

Or was putting us together for three weeks, 24 hours a day, a further illustration of the sense of humour of Jesus. A bit like the motley crew He chose for His disciples?

A few months earlier I had suggested to a friend in Grahamstown, Shawn Warren, that we retrace a part of the route followed by Deneys Reitz during the Boer War recorded by him in his book, *Commando*. He had called my bluff and a few months later we were on our way.

We started our journey just after Alicedale, in the Eastern Cape. The plan was to ride for three to four weeks and see how far we got. Our route would take us over the Zuurberg Pass, past the Mentz/Darlington Dam to Wolwenfontein, where we would turn right to Steytlerville en route to Willowmore. At Willowmore, we

would take the direct route to Klaarstroom via Vondeling, which as it turned out was not nearly as alluring as the name would suggest! Once through Meiringspoort, from de Rust we would head for Calitzdorp all along the Swartberg Mountains. We would re-assess our thinking once we approached Calitzdorp. As it turned out, we called it a day at Calitzdorp.

Our plan was simple – we would only take what we could carry on our horses, and would have no back up vehicle or horses. We would sleep wherever we found ourselves late afternoon. Tar roads were to be avoided at all costs. Out of some 570 kilometres, we only rode alongside tar roads for about 40 kilometres.

Besides both of us loving horses, and wanting to live out childhood fantasies from all the cowboy movies we had seen, we had different expectations and agendas for the ride. I wanted uncluttered time to think and reflect. Shawn wanted to share Christ with the poor, and, without them realizing it, with the farmers we met along the way.

A parabat, Shawn was approached by the USA soon after they had invaded Iraq to head up a VIP protection squad. It was made up of South Africans who had been trained, mostly in the eighties, as part of the special forces of the old SADF. Quite obviously, the tasks assigned to them in Iraq were considered too dangerous for soldiers of the USA army! He served in Iraq for a year.

Shawn's motives for accepting that invitation were mixed. He saw it as an opportunity to minister in a Muslim country. Also to minister to fellow white South African males who had been used as cannon fodder by the Nationalist party in the eighties and early nineties and then had simply been discarded by people such as FW de Klerk and Pik Botha. He also wanted to earn enough money to fulfil a dream of being trained as a farrier in Kentucky. And of course for anyone who knows Shawn, he needed the adrenaline rush of going where most other people would refuse to go.

Apart from the generational gap, I am 17 years his senior, his and my paths in many ways were similar up to the end of school. A blue collar upbringing, in a rigidly segregated society. We both did our military training directly after school. However, after a year I went off to university whereas he stayed on as a permanent member of the SADF.

It was obvious, from day one of our ride, that our journeys had taken us along very different paths since school and that we had arrived at very different destinations.

The bond was that along the way, in very different ways, we both had been confronted by Christ.

On the third day of our ride, I made the mistake of telling him that I was getting a blister on one of my fingers. “Is the advocate getting a blister?”, was his response. Much to my delight, a few days later, in an unguarded moment he let slip that his shoes were giving him blisters. My revenge was swift and sweet. Pastor Chuck, as my brothers-in-law had dubbed him, was mortal and I rubbed it in.

We had been riding for 5 days. Other than one night, our “beds” had been the veld or a concrete floor in a shed. I acutely was feeling the effects of some 7 to 9 hours a day in the saddle. Our diet had also been very different to what I was used to. We were thus overjoyed when we were taken in for the night by a local farming couple and their friends. For us their simple home might as well have been the Taj Mahal. A warm shower was followed by our first decent meal in five days.

As the conversation developed, my feeling of well-being quickly was replaced with despair. Although it was 2012, I might as well have been in a conversation in 1975. And what caused me the most distress, was the assumption that as a white person I shared their views on South Africa and her people. Of course we said grace before supper. It took me back to practising taking off our caps for prayer parade in the navy – all form, and no substance.

I went to bed with a heavy heart. The main heaviness was the realization that Shawn and I would have a very different take on the evening’s conversation. How could I spell out to him where I stood on things such as racism and prejudice, without damaging our relationship? We still had some 450 kilometres to go. And the nature of our undertaking meant that for most of the trip we would only have one another for company.

The next day was a really tough day in the saddle. The last 10 kilometres seemed to go on for an eternity. It was the first tar road we had encountered. It took us over a steep Nek to Wolvenfontein. The traffic was very heavy.

But at a deeper level, it was a good day for Shawn and me. I took the bull by the horns and told him about my disquiet about the previous evening, and about his “I love war” statement. What followed was a long, frank and robust exchange between the two of us. In the process we both shared something of our life stories with one another.

What struck me was that despite our many differences, we still were both drawn to the person of Christ. This for me was a recurring theme over the next two and a half weeks. I found myself constantly revisiting the Gospel accounts of Jesus, to reflect on this universal appeal of Jesus which cut through everything, not least of all class, culture, race and education. I, in a new way came to understand Paul's words that in Christ there is neither Greek nor Jew, slave nor free, male nor female, circumcised nor uncircumcised.

However, this did not help me understand how as a Christ follower Shawn could hold on to certain views. And even more unsettling, was the obvious way in which Jesus was using him, notwithstanding these views! (I suspect he had the same problem with me, after all not only was I politically radical, I also had only been baptized as an infant!)

I guess the experience helped further liberate me from the need to have everything tied up in a neat package. To better understand God's response to Moses that "I am who I am", when Moses needed something neat and rational to tell the people of Israel. Or Job's final response to God in the face of unexplained suffering – "Therefore I have uttered what I did not understand, things too wonderful for me, which I did not know."

From our exchanges, Shawn's love of war also became more understandable. He was of the view that war will always be part of our lot as fallen people. That politicians and business people always will cynically use and manipulate situations to suit their ends. They will move between being pro or anti violence, depending on what suits their agendas and pockets.

For him, going into combat meant he would find out who he could trust, when it counted. He knew that he would have the privilege of gaining access to the inner beings of people, and not simply to the masks they would normally wear. He also knew from his own experience as a parabat, that there were many men in South Africa who had been traumatized by national service, and desperately needed emotional and spiritual healing. If for no other reason, for the sake of their wives and children who often suffered at the hands of such damaged men.

In a nutshell, he found that there was nothing like living and working in the red zone of Baghdad to cut out bullshit and help these men deal with the reality of their lives! And of course Shawn being something of a Chuck Norris, he could

provide such help with authenticity.

One of his dreams also was to distribute bibles in Iraq. But he did not know where to start, not least of all how to finance Arabic bibles and where to get them from. One day a big box arrived addressed to him. It contained Arabic bibles – sent to him by an American soldier who had returned to the USA after his stint of active duty. He had been a member of one of the bible study groups Shawn had initiated in Baghdad. “But Shawn, how on earth did you manage to distribute bibles in an Islamic country”, I asked. “You need to understand how things worked at the time in Baghdad, Keith. In my left hand I had the biggest machine gun I could lay my hands on, and with my right hand I handed out bibles. Who was going to stop me?” A real challenge to my take on how to go about spreading the Good News!

His stock response in Iraq to those who said there was no real difference between the god of Islam and the Good News of Jesus Christ, was that the former demanded we die for him, the Latter died for us. Which type of father would they prefer, he would ask them. He did not believe in beating about the bush.

The journey was for me a remarkable experience at many different levels – ranging from a self indulgent level of just loving riding almost 600 kilometres through mostly unspoilt parts of our beautiful country, to God using it to remind me of certain basic Biblical imperatives for Christ followers and the huge spiritual needs and hunger in the forgotten and neglected rural areas of South Africa.

The main Biblical imperative I was reminded of was Christ’s command to share the Good News of Christ with the poor – I guess “old fashioned” evangelism is what I have in mind. But an evangelism which in addition to dealing with sin, repentance and forgiveness, also deals with the ongoing fruit of such conversion. The folk we encountered had no sense of self worth, no sense of being loved, of being able to escape their social/economic/substance abuse/psychological prisons. They saw themselves as no better than throw-away apples.

In his proclamation to them, Shawn, in pictures these working class, largely unemployed, Afrikaners could understand, challenged and encouraged them to help their Heavenly Father in His efforts and desires to set them free in all areas of their lives.

He repeatedly told them that their Heavenly Father has a particular love for the materially poor and uneducated, but that with this there came a responsibility for

them to respond in practical ways to this love, not least of all in discipline, obedience and hard work. That no matter how little they had, they must use it carefully and responsibly to grow it for the benefit of their families. The patronizing liberal within me would flinch when he told them that if they used their little money for tobacco and alcohol, how did they expect a loving Father to give them more when all they would do with it was destroy themselves with more alcohol and tobacco. But if they used the little they had to grow crops or start a small business, then a loving Father would give them more. Thus squarely laying the responsibility for their poverty on them, and not on the system or some other third party.

Not once did Shawn in any way suggest that they should wait to be helped by hand outs or whatever – and given his own humble background and willingness to work very hard to feed his family and poor members of his flock, he could with credibility issue this challenge to the people he ministered to.

As I listened to him tell them the story of the rich young man, and how his riches prevented him from enjoying the full benefit of following Christ, of how difficult Jesus said it is for a rich man to enter the Kingdom of God, I found myself realizing that at a deeper level, it was these poor folk, and not me, who were privileged. For compared to them, materially speaking, I was very wealthy.

One picture which will stay with me was when he was putting shoes on his horse, Gypsy Girl (Gypsy). Before we had left Grahamstown, in addition to her front hooves, he had tried to put shoes on her rear hooves, but Gypsy was not having anything of it. By the fourth day of our trip, we both could see that she needed those shoes. Shawn managed to get shoes and nails from a local farmer, and then enlisted about six of his workers to help him. Once again, he tried to put the shoes on in the conventional way, this time with six workers trying to control Gypsy with ropes. To no avail. Shawn decided there was no other way but through brute force and strength. Between him and the six workers they managed to force her down on her side, and secure her rear feet. The six workers surrounded Gypsy holding her down with ropes.

As he proceeded to put the shoes on, he started preaching to the workers. It was an impressive sight. He was covered with sweat and blood from what had gone before, and the task at hand. Gypsy's eyes and pinned down body spoke of panic and

distress. It was a very physical and emotional experience all at once, for everyone present.

“I love this horse dearly”, he said. “I know what lies before her and that for her own good she desperately needs these shoes. I have tried the easy route. It did not work. And now, because of my love for her I have been forced to go this difficult route. And that is how it is with us and Jesus – we can submit to the easy route, but if we do not, because He loves us deeply, He will go the difficult route with us”.

And as he shod Gypsy, he elaborated on this picture applying it to their day to day reality as farm workers, fathers, husbands and sons. It is a picture which all of those workers will never forget.

Another dimension of Shawn’s work on the trip involved the farmers we met – staying for a night in a number of their homes. Some of them were supportive of his ministry, others were cynical of it saying that there was no hope for these folk, especially given the grip of alcohol on them. Shawn invariably told these farmers what he had told their workers under the guise of keeping them informed about their workers – thus in a non threatening way sharing the Good News with the farmers as well.

It was a real challenge for me to stay up with him – I liked to think it was because I was 17 years older than him. For example, at one farm where we were housed for two nights he used our day off to break in one of their horses, falling off twice in the process, shod two of their horses and preached twice, once in the morning to a small group and again that afternoon to a much bigger group of workers – by that afternoon word had got around about the cowboy preacher. When he received phone calls, invariably I would hear him say to the caller – “nee hy is okay” – quite obviously the caller’s main concern was about whether I was going to survive Shawn!

Another occasion where I chose not to stay up with him, was when we came across a jackal in the middle of the road. Gypsy seemed more interested in it than we were. With not much encouragement the chase was on. Within moments all I saw in front of me was Gypsy at full throttle, with Shawn and his luggage flapping wildly. The chase went on for about 400 metres, before the jackal worked out a means of escape. For me it seemed an eternity, as I tried to work out how I was going to get Shawn to a hospital when he came a cropper and we were in the middle of nowhere.

A growth point for Shawn was that some of his stereotypes were seriously challenged.

One such stereotype was of rich, private school educated Englishmen. When he received a phone call telling him that his son's rugby team had just defeated Kingswood College (Shawn believed it was a school for privileged English children), his joy was overwhelming – it was like the Anglo-Boer War all over!

We were well into the trip between Willowmore and Klaarstroom. We had arrived too late the previous day, a Saturday, in Willowmore to buy “kragfood” for our horses. We could feel the horses were tired. We also were tired and we had no idea of where we would sleep that evening. There simply were no farm houses to be seen. It also was hot and we were struggling to find water for the horses. For the first time on our trip, Shawn's body language was not good.

Enter my friend, Anthony Still. English, a product of St Andrews College, Grahamstown, and to make things worse for Shawn, a Rhodes scholar to Oxford University. Of course a further problem for Shawn was that along the way Jesus had also confronted Anthony. So now he would have to spend eternity at least with two English liberals, who “nokal” had only been baptised as infants.

Anthony was based on a farm at de Rust, some 100 kilometres from Vondeling, which we had seen on a map and tentatively had decided to aim for that evening. At one point on the road there was some cell phone reception. Fortunately, I was able to make contact with Anthony. I explained our dilemma to him. Without hesitation, he volunteered to forfeit his Sunday and go hunting for appropriate “kragfood” and then make the round trip of some 200 kilometres to Vondeling.

We met in Vondeling – a non descript settlement consisting of the poorest of the poor, where substance abuse was palpable immediately on our arrival that Sunday afternoon. As I anticipated, the chemistry between Shawn and Anthony was immediate. With one foul swoop gone were Shawn's stereotypes about products of private schooling and the like. Shawn immediately saw that Anthony did not fit any of those stereotypes.

Mischievously I had withheld two bits of information about Anthony from Shawn. A few days later, when we rested for a day and two nights with Anthony in de Rust, Shawn found out that not only had Anthony trained as a parabat in 1976, he had

also boxed for them! And Shawn knew how tough that would have been for an Englishman in the South Africa of 1976! Needless to say, Shawn will now go to war with Anthony, even though he is a private school product. And he would not mind spending eternity with him either!

Our trip reminded me of the beauty of South Africa. What could compare with the Milky Way at 3am, with the Swartberg Mountains as the backdrop? Of her complexity. Of the needs and challenges still facing us as a nation. Of why emigration has never been an option to me. Of why I am an African.

As I slept in the veld just outside Willowmore, two weeks into our trip, I woke at about 2 am. It was the night the moon was so close to the earth. There, only a few metres away from me, lay Vonk, my horse. We were in a big fenced camp and he chose a place a few metres from me. It is a picture which will stay with me for a very long time.

Shawn and I have now done five of these horse trips together, and many relationships along the route are now consolidated. The problem with certain experiences, is that unless one has experienced them personally, it is not really possible to communicate it to others. **Given this problem, some time back I wrote the following letter to friends:**

"In an attempt to share something of the essence of these experiences, let me describe something of one of the days of such a trip. From it, it will soon emerge that Shawn has developed a clear vision of these rides, way beyond the original aim of retracing Reitz's footsteps. And that I am no more than a 'handlanger', a very willing one I might add!

The day started on a farm near Darlington/Mentz Dam – which is in the Noorsveld. It was very dry and about 30 degrees centigrade. By the time I got up, Shawn was already with the farm workers. When I came across them Shawn and about 7 workers were praying together in the skuur - in a circle and all on their knees. The picture of this really tough ex-parabat blue collar white Afrikaner on his knees, with the workers, was deeply moving.

At breakfast he reported back to the woman working in the house about his huisbesoek to her husband earlier that morning – she had confided in him the night before that he was abusing her and her children, and that alcohol was the problem.

We then set off towards Wolvefontein via Perdepoort – not knowing where we were going

to stop along the way, or sleep that night. It was a trip of about 80 kilometres, and we hoped to get about half way by that evening.

After about 2 hours of riding, we came to a small cluster of shacks. There was no apparent reason for their existence (eg no farm house, shop or station in the vicinity), other than giving some protection against the elements to the people who stayed there. Shawn had stopped off there on a previous trip, and had ministered to an old woman in a wheelchair. We stopped, and Shawn went off to the nearest one roomed shack – I was left looking after the horses. There were four women, one man and 5 children, who ought to have been in school. (On the trip we came across a number of illiterate people – some in their thirties/forties – these children no doubt were heading the same way.)

The man studiously avoided Shawn as he met with the women under an 'afdak'. He spent about an hour with them. At the end of the time once again Shawn and the women ended up on their knees, praying together. Obviously the one woman was greatly moved as she began to sob uncontrollably. The woman then called the children to come and receive prayer from Shawn – I had been entertaining them with the horses. In some of their features were signs of alcohol foetal syndrome. All along our route, Shawn would educate them about it. He would start with the picture of John The Baptist kicking whilst still in Elizabeth's womb when Mary, pregnant with Jesus, entered the house. He would go on to a simple explanation of how what the mother eats, drinks or smokes goes straight into the unborn child's system, and conclude with a challenge to them personally to desist whilst pregnant, and to 'skel' pregnant women who do drink.

As we rode off, Shawn was on a real high as he shared with me that the woman who was sobbing clearly had been ministered to by the Holy Spirit – she was a squatter in a squatter's shack and was being abused by all and sundry. From her perspective, and by outward appearances, she was on the very bottom rung of the ladder of society and absolutely of no consequence whatsoever to anyone. And here a white Afrikaner had told her that the Lord had told him that he must get on his horse and ride all the way from Grahamstown to tell her that she was of infinite worth to Jesus. And as Shawn physically laid hands on her, she obviously felt this love and affirmation of the Lord. As I write this, once again I feel hugely moved and humbled.

(Shawn found out that the old lady in the wheelchair had passed away since our last visit.)

A few hours later we stopped at one of the many broken down and deserted farm houses along the way, to rest our horses and make some of my infamous really strong

cowboy coffee over a fire. (The picture of these abandoned houses, so prominent in the area, featured regularly in Shawn's sharing of the Gospel - he would always use images from the daily lives of the people, almost invariably agricultural, to illustrate Scriptural truths.)

As the end of the day approached, we had to start looking for a place to camp overnight. We decided to push through Perdepoort in the hope of finding a place beyond it. It was a stunning hour's ride through the poort – sunset was very near and the silence, other than the birds, was quite overwhelming. Ros would have been in raptures about the lighting and shadows as we passed between high cliffs and prehistoric looking trees. Our sheer delight started making way for growing trepidation as the light began to fade, and we still had no idea where we were going to camp that night. Much to our relief, as we came out of the poort on the left there was a small kraal with water for the horses. Although there was no grass for us to sleep on, the main thing was that the horses would be secure and watered.

We unsaddled, gave the horses the feed we had been carrying on our saddles and set about making a fire to cook our supper. On the top of the hill we saw a worker's cottage – Shawn went to ask permission to stay the night and promptly invited them to join us for supper! Fortunately, they did not come as all there was to sit on was the ground and we only each had one spoon and a dixie to eat from – the menu also was not five star.

As we got ready for bed we decided to climb over a locked gate across the road to see whether we could find some grass to sleep on – we had found out from the worker that the owner of the farm lived in Nelson Mandela Bay, and had a small weekend cottage across the way. Not only was there grass, there was also a verandah with a roof over it and an outside tap – we had moved to a five star establishment!

One small complication was that Shawn had forgotten to bring his sleeping bag. His matter of fact attitude about this changed when from about 11h00 to 03h00 he kept me awake by employing various schemes to keep warm. He eventually quietened down after much noise from the verandah. When I got up at about 6 am, I discovered his cunning scheme to keep warm. He had made a fire in half of the braai place, dragged a table to in front of the fire and then lay with his torso on the table with the lower part of his body, his boots still on, right inside the fire place next to where the fire was burning. It was with great delight that he told me he had landed up being warmer than me in my sleeping bag.

As I reflect on that day I am greatly humbled and challenged – Shawn had with great love, urgency and compassion touched on eternal matters with the poorest of the poor – and then after a very simple meal in a cattle kraal had slept partially in a fire place to keep warm, and yet at all times his heart was transparently full of thanksgiving for the privilege Jesus had given him on that day of ministering to people our society have forgotten, whom he had met along the way.

Another lesson I have taken away from that outing arose after an exchange the following day between us and a local farmer. We had just had our morning break and were on a tight schedule to get to Wolffontein that afternoon – Shawn planned to hold an outside service at 6 pm that evening for the local community. As we were taking a new route we were not sure how long the ride would take us. The farmer seemed tired and heavy hearted. Behind him his house and stables looked very run down. The only real spirited thing around, was a magnificent lone arab stallion who was very excited by the presence of Shawn's mare. The farmer told us he had not yet been able to ride the arab – which sort of summed up his life I guess. He invited us in for coffee, but we declined because of time constraints.

*As we rode away we both felt the heaviness in the farmer. On my way back to Cape Town I stayed over with Anthony in de Rust. I was reflecting on the trip and on the profound influence the book by Ronald Sider, **Rich Christians in an age of hunger** had had on me in the seventies. More particularly, on a sentence from it which had been a constant challenge to Ros and me to the present day – 'We must live more simply in order that others may simply live.' Central to this was to live within our budget, so that we always had something spare to help someone out if the need unexpectedly arose.*

Anthony then made the very challenging observation that the same principle must apply to our time. We must not plan in such a way that all 24 hours of each day is fully booked. We must leave time 'free' every day, so that we are able to care for anyone we might encounter, whether planned or unplanned. This way we are able to entertain Jesus coming in the guise of a stranger. We should have budgeted more 'free' time on that day, to accept the invite for coffee from that farmer.

One writer has put it this way – 'busyness is not of the devil, it is the devil!' In today's world where busyness, and a 'productive' use of all time, is seen as a virtue, I have no doubt satan uses this to make sure we are too busy to entertain the stranger, our neighbour, the one who is facing a crisis. At Wolffontein our host told us that this

particular farmer had once owned the entire valley, but had fallen on very hard times and now was left with a small piece of land – clearly it was a mistake for us not to have accepted his invitation for coffee.

It was on the same day that I received an sms from a colleague telling me that my application for the vacant position for a judge had been unsuccessful and that four women had been shortlisted for the post. (I knew the women and that I had significantly more experience than any of them.) For the next three or so hours, in the middle of nowhere, I grappled with my pride, my anger, my indignation, my frustration. And then slowly it dawned on me that all I can boast in is the cross and that my response to the news showed that I still had much growing to do, as quite obviously I also wanted to boast in other things!

Those last few days of that ride with my friend Shawn, reminded me of many things. Amongst other things it reminded me to check my priorities. To put God's Kingdom first. To only boast in the cross and not in the false gods of pride, wealth, self sufficiency, tradition, being seen to be 'productive' (for example that trip was seen by most people as a holiday and this worried me!), busyness and status. That I should budget my time in such a way that I would be able to minister to Jesus, when he comes in the guise of a stranger, or a neighbour. That there are many forgotten people in our land, and that they are of infinite worth to Jesus.

At our final destination (where we left our horses), we were welcomed by the farmer who had become key to Shawn's horse ministry (his farm is close to Steytlerville). He was having a business meeting with various people when we arrived. One of them turned out to be the retired Dean of a Law Faculty and a previous National Party Cabinet Minister. Although I had never met him before, I had some pretty fundamental problems with his previous political profile. To cut a long story short, out of the blue he approached me in the kitchen where Shawn and I were having tea with the farmer's wife, and started talking law and other things. One thing led to the other and I ended up giving him a copy of my book on the Resurrection. As Shawn and I are strange 'pardners', so this man and I would be – one simply cannot place God and His methods in a box, can one? "

It is with great satisfaction that I have realized, that if it was not for Shawn, most of the people we meet along the way in the Noorsveld and Karoo will never hear the Good News of Jesus Christ. And that in some small way, albeit as a "handlanger", I

am helping him. The wider South African society is simply unaware of these lost and forgotten people, let alone reaching them.

Shawn receives no great accolades or publicity for this work of his. But then that does not worry him. All he desires is to obey his Lord, and go ... *and make disciples of all nations, baptising them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all that I have commanded you.*

And he does this with the unequivocal certainty of the promise of Jesus, *And behold, I am with you always, to the end of the age.*

No more has this been a reality to Shawn than throughout the madness of the response of many to covid. (This madness has included declaring the intentional ongoing killing of unborn children an “essential service”, from day one of lockdown. That would give us some 275 000 unborn children who have been intentionally killed during lockdown so far by doctors and nurses, at the behest of their moms – some 180 000 more than what we have been told have died from covid - although in the official statistics, amongst other things, it is never clear whether a person has died from, or with, covid.)

Unlike many ministers, priests and pastors, Shawn’s response has been simple and, to him, obvious. Sheep desperately need their shepherd at all times, especially when danger presents itself. For Shawn, as a shepherd he is always involved in “an essential service”.

Thus throughout covid, as their shepherd, he has not once avoided physical contact with his “sheep”. This has included holding services and other pastoral meetings at all times. Quite simply, he has been convicted that “sheep” cannot be cared for remotely through zoom. That the snake is once again at work, passing off a counterfeit for the real thing under the guise of it “being the responsible thing to do”.

For him, the promise of Jesus is not an empty promise. And it is this which frees him from fear to serve and love his “sheep”, unto the uttermost.

After all, becoming a human being was an inherently dangerous decision by Jesus. Because of his love for His “sheep”, this did not stop him. Likewise, Jesus knew that following Him would be inherently dangerous to the health of his followers. This did not stop Him from challenging people to follow Him!

CHAPTER 10

“A-typical sexuality”

Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh.

Genesis 2 verse 24 and Jesus in Matthew 19 verse 5

As my memory served me, the man sitting in front of me had literally faced bulldozers in his struggle for the poor. He had been banned. He had always eschewed the material trappings of power and status. He had never deviated from engaging evil, using methods consistent with the teachings of Jesus. David also had an intimate knowledge of and reverence for Scripture.

I had asked for the meeting in response to a young friend (I will call him Simon), sharing with my wife and me that he was gay. Simon had been an integral part of a student bible study group which we had led for a number of years in our home.

As our young friend shared with us, it was obvious that as far as he was concerned he had been born gay and God was okay with that. He shared with us some of his agony over the last ten or so years, before he accepted that he was gay and declared this to others.

I was not sure of all his motives for sharing this with us. But I concluded that part of his motive, was to convince us that biblically it was okay for him to live a sexually fulfilled life as a gay man.

We left one another with the undertaking that we would both revisit our positions on the issue with an openness to go wherever the Holy Spirit, confirmed by Scripture, took us.

Hence my meeting with David – I knew him to have a view different to me. I also knew him as a man of great courage and compassion with an intellect superior to mine. I had decided he would be a good “devil’s advocate”!

It is he who used the word “a-typical” as opposed to “abnormal”, when referring to gay and lesbian sexuality. I thought it pastorally a helpful word.

In addition to this meeting, I read many articles by the gay lobby within the church. Unfortunately, unlike David, all these writers clearly had first adopted a position and then sought to justify that position biblically.

Other than by torturous logic and abandoning all basic principles of interpretation, I simply could not find anything in Scripture to support the gay lobby as regards it being okay biblically for gay and lesbian folk to give full expression to their sexual needs and desires. Even if it was within the context of a monogamous and permanent relationship. For me the creation ordinance pattern spelt out at the end of Genesis 2 was clearly backed up by the rest of Scripture, not least of all by Jesus.

What then was I to do with my young friend's agony and desire to live a faithful and full life, in line with how he believed his Lord had created him? A further conundrum for me was what to do with the views of a man I respected and who shared with me a reverence for Scripture?

Along with the response of the older brother, the most striking feature of Christ's parable of the prodigal son is the conduct of the father. Despite the prodigal son's behaviour, the father no doubt without fail goes out every day in the hope of seeing his younger son. And then he sees his younger son in the distance. The reader of the parable knows the selfish reasons which drive the younger son to return, and that he had a prepared speech of profuse apology for his father.

The father runs to meet him, embraces him, clothes him with the finest clothes and throws a huge party for him. There is absolutely no indication that the father was interested in his son's prepared speech, his apologies or whatever. He was lost and now was found! And that is all that mattered to the father – he once again could be in relationship with his son.

Of course, we do not know what happened thereafter in their relationship and whether the younger son changed. However, although we do not know the details of what happened, we do know from the father's response that at all times his actions would be driven by his love for his son. And that this could once again require the father painfully to let the son go, if he ever again wanted to follow his own way. It is why I prefer to call it the parable of the forgiving father.

What is the relevance of this parable to my conundrum?

It would be patronising and dishonest of me to say that the creation ordinance in Scripture speaks of any other model for a wholly fulfilled sexual relationship, than a life long and monogamous relationship between one man and one woman. But it also would be naïve of me not to acknowledge that the work of Christ and His church is not yet complete, as far as restoring His creation to what it once was before the fall in Genesis 3. And that until such day, out of obedience we are constantly being called on to make tough calls, often involving profound and costly personal sacrifices.

Obedience to his Father cost Jesus an excruciating dying to self. Likewise He says again to us: *If anyone would come after me, let him deny himself and take up his cross daily and follow me.* In a nutshell, unlike the way of the world and our flesh, it is not about us, it is about obedience to Christ and His kingdom.

The ever present temptation we first see in Genesis 3, is to yield to self, especially when what we see and feel is “good...a delight... and to be desired.” As we read at the end of Judges: *In those days there was no king in Israel. Everyone did what was right in his own eyes.*

I thus encouraged our young friend to allow his Father to continue to embrace him as he sees himself, just as the father in the parable accepted his son on his return. Obviously, Simon’s view of his sexuality is important to how he sees himself. But I have absolutely no doubt, that irrespective of that view, our Heavenly Father would keep on loving him, and, if he submits to the Lord and His love, keep on embracing him, encouraging him, challenging him, transforming him.

But, I reminded him of the challenge to all of us as Christ followers. As we allow our Heavenly Father to embrace us, we must be willing to go wherever He takes us, not least of all as revealed in Scripture. Whether that impacts upon our finances, our family, our self image, our status, and of course our sexuality. **And we need to remember that the way of the cross, although free, is not cheap.**

Of course the challenge to me is not to be like the older brother in the parable - who like the pharisees in the crowd Jesus told the parable to, grumble at the company Jesus chooses! Especially when the Gospels are full of Jesus choosing to spend time with minorities, with the “a-typical”, who the Pharisees and Teachers of the Law had cast aside.

But my young friend (and the gay lobby), also must be cautious that he does not behave like the older brother towards those brothers and sisters in Christ who do not share his view – for it could be argued that in the circles he and I move in, his view is the more politically correct one and the view of the majority. In such a case that would make me “a-typical”, a part of a persecuted minority!

CHAPTER 11

A Christian Chief Justice – why the fuss?

Judge righteously between a man and his brother or the alien who is with him. You shall not be partial in judgment. You shall hear the small and the great alike. You shall not be intimidated by anyone, for the judgment is God's. And the case that is too hard for you, you shall bring to me, and I will hear it.

Deuteronomy 1 verses 16 b – 17

Do not be afraid or dismayed at this great horde, for the battle is not yours but God's.

2 Chronicles 20 verse 15

At the June 2012 Grahamstown Festival I was asked to give an address under the title, “Why all the fuss about a Christian Chief Justice – something rotten in the state of Denmark or much ado about nothing?” What follows is part of that address:

“In the build up to the interview of justice Moegeng Moegeng by the Judicial Services Commission (JSC), the vitriolic attacks on him within certain portions of the legal profession, and much of the media, sounded alarm bells within me. It was difficult to find anyone in the circles in which I moved in Cape Town who had not been caught up in what can only be described as a feeding frenzy of venom against justice Moegeng Moegeng.

I found myself once again asking the question, was this feeding frenzy once again a case of an ‘unthinking advocacy of what the mob clamours for’, albeit in this instance a very educated and erudite mob?

After some research and reflection I made the following submissions to the JSC, some 5 or so days before the interview. I only will refer to germane portions of my submissions.

I quote:

‘It is with a measure of disquiet that I have read some of the submissions concerning the suitability of justice Mogoeng as the future Chief Justice.

Firstly, if the submissions were to be accepted one needs to ask the question how it is that he was appointed a judge in the first place. And yet justice Mogoeng has gone through the rigorous process following on from an application for appointment as a judge when he was appointed as a High Court judge, a judge of the Labour Appeal Court and most recently his appointment as a justice of the Constitutional Court.

However my main concern relates to the criticism aimed at justice Mogoeng as a result of his personal faith as a Christ follower.

In this regard my first problem is that much of this criticism presupposes an objective interpretation of the Bill of Rights devoid of subjective influence. This is unattainable⁸.

It would be disingenuous to submit that there is even one judge in the land whose personal faith position, be that Atheist, Secular Humanist, Christian, Jew or Muslim does not in some way impinge on their judgments. Furthermore, it would be naïve to believe that no part of any such faith position is in conflict with the present understanding or application of the Bill of Rights. That must be a constant tightrope walking act by all justices and judges when faced with such a conflict – options open to them would include recusing themselves, resigning or declaring what the law is, even if they find it distasteful.

I pause here.

One of the lies being spread far and wide in our country is that the secular humanist or atheist position, is not a faith position with a specific worldview with practical consequences when it comes to giving content to constitutional concepts such as dignity, freedom and equality. This is simply false. I will develop on this at a later stage in my talk.

I return to my submissions to the JSC:

‘Which brings me to my second problem. What has struck me is that one of the recurring themes in the criticism aimed at justice Mogoeng is that his particular chosen faith position, that of being a Christ follower, in some way makes him unsuitable for the post. In one of the submissions the church he belongs to, relying

⁸ See footnote 7 above. In this research I deal in depth with my reasoning and the various judgments referred to hereafter. This includes the flawed assumption that objectivity by any judge is possible. I also deal with the false proposition that a secular humanist/atheistic approach to interpretation does not involve the same subjectivity problem which people of other faiths have, when it comes to interpreting and applying values.

on the hearsay of a member of the particular bar, is described as ‘a conservative church’. The word conservative clearly is used in a negative sense, without unpacking what is meant by ‘conservative’ other than references to homosexuality and abortion.

Not only is this criticism ill informed, it is also deeply offensive to the overwhelming majority of people in South Africa who call themselves Christians, Jews (and to a limited extent, Muslims). Common to all these faiths is the Torah and the Prophets. At the heart of these Scriptures are the so-called ‘conservative’ views about for example the final authority of God in all things, the dignity and worth of all people, marriage and the moral imperative to protect the weak and helpless, be they inside or outside the womb.

In this regard it is illogical, and offensive to the people of the said Scriptures, to argue that if one supports the traditional view of marriage one is homophobic and does not support the constitutional rights of gay and lesbian people. Or that if one seeks to defend the unborn child, one is against caring for the pregnant woman in need.

If a nominee was open about their faith as an Atheist, would this have been seen as a disqualification by those making these arguments in the media and the legal profession? (And here it needs to be remembered that often very divergent views on topical moral issues are held by Atheists.) Quite correctly, I think not. In similar vein for example, if a person in their **personal** life openly advocates a view of family or sexuality different to the ‘traditional/conservative’ one, quite correctly, constitutionally speaking, it should not be seen as a negative for appointment.’

At this point let us again pause and reflect on the response, or lack of response, of those portions of the legal profession and the media which were so vitriolic in their attack on justice Mogoeng for his faith position, to an applicant for the Constitutional Court who on fundamental issues openly advocated a worldview very different to the Christian/Jewish/Muslim one.

Justice Edwin Cameron, when he was still a judge in the Supreme Court of Appeal, in his book Witness to Aids wrote:

‘And even if heterosexual Africans did behave differently in their frequency of sexual intercourse and their number of partners, why should that earn condemnation? The

supposition is that frequency of sexual intercourse or variety of partners is in itself demeaning, revealing, shaming, degrading. Is it? We are back to self-stigma – internalized stigma – and its destructive, self-damaging effects.'

Later he concludes: 'AIDS is above all a remediable adversity. Our living and our life forces are stronger, our capacity for wholeness as humans is larger, than the individual effects of the virus. Africa seeks healing. That healing lies within the power of our own actions. In inviting us to deal with the losses it has already inflicted, and, more importantly, in enjoining us to avoid future losses that our own capacity to action make unnecessary, AIDS beckons us to the fullness and power of our own humanity. It is not an invitation that we should avoid or refuse.'

In stark contrast to the underlying points of departure of Justice Cameron's worldview revealed in these extracts, for example in Jeremiah 31 verses 33 to 34, sacred to Christians and Jews, we read:

'But this is the covenant that I will make ..., declares the Lord. I will put my law within them, and I will write it on their hearts. And I will be their God, and they shall be my people. And no longer shall each one teach his neighbour and each his brother, saying, "Know the Lord", for they shall all know me, from the least of them to the greatest, declares the Lord. For I will forgive their iniquity, and I will remember their sin no more.'

And in Romans 7 verses 21 to 25, St Paul wrote:

'For I do not understand my own actions. For I do not do what I want, but I do the very thing I hate. ... So I find it to be a law that when I want to do right, evil lies close at hand. For I delight in the law of God, in my inner being, but I see in my members another law waging war against the law of my mind and making me captive to the law of sin that dwells in my members. Wretched man that I am! Who will deliver me from this body of death? Thanks be to God through Jesus Christ our Lord! So then, I myself serve the law of God with my mind, but with my flesh I serve the law of sin.'

In the Scriptures quoted, God and God's righteousness and grace are the points of departure for all conduct of men and women. Unlike in justice Cameron's worldview, men and women are not merely slaves of self and social stigma when they feel guilt about falling short of a standard of conduct.

Christians and Jews believe that the Lord has written His law on their hearts, and hence the guilt and struggle so graphically described by Paul when they fall short of that

standard. As the late Martin Luther King put it: 'But the exalted Renaissance optimism, while attempting to free the mind of man, forgot about man's capacity to sin.'

Furthermore, unlike in justice Cameron's worldview where the answer to the problem seems to lie alone with our actions, Christians, Jews and Muslims also believe that by His mercy God does forgive their iniquity, and will remember their sin no more. Christians also believe that by grace they can be set free from all forms of enslavement and that the Holy Spirit helps us to be partners of God in achieving His mission of proclaiming Good News to the poor, liberty to the captives and recovering of sight to the blind, setting at liberty those who are oppressed, and proclaiming the year of the Lord's favour.

In other words, the Christian, Jewish (and indeed Muslim) worldview is that without God there is no way out of the problems which face us. Thus a worldview which envisages a partnership with God, as opposed to merely relying on ourselves and our programmes to rid the world of evil and suffering.

At its simplest, the one worldview is God-centred, the other human-centred.

The question for the purposes of my talk is not which is the better worldview, but why the vitriolic response to the God - centred worldview by those portions of the legal profession and the media which were so vitriolic in their attack on justice Mogoeng, but not a whisper to the human - centred worldview of justice Cameron when he applied for a seat on the Constitutional Court?

At this stage another example from a different forum might be of use to illustrate the inconsistency.

Professor Badat at his inaugural address as vice chancellor of Rhodes University stated:

'Our Constitution is the fundamental bedrock that informs my responsibilities, guides my conduct and animates my social relationships and existence.'

In stark contrast in Psalm 1 we read:

"Blessed is the man ... who delights in the Law of the Lord, who meditates on God's law day and night.

And in Matthew 7 verses 24 to 27 we read:

'Everyone then who hears these words of mine and does them will be like a wise man who built his house on the rock. And the rain fell, and the floods came, and the winds

blew and beat on that house, but it did not fall, because it had been founded on the rock. And everyone who hears these words of mine and does not do them will be like a foolish man who built his house on the sand. And the rain fell, and the floods came, and the winds blew and beat against that house, and it fell, and great was the fall of it.' Once again, two very different worldviews – the one looks primarily to a political document written by people for inspiration and guidance - the other looks primarily to Scripture for inspiration and guidance.

A few years back my wife applied for a post at Rhodes University. At one stage in the interview she told the members of the interviewing committee that she was a Christ follower, and that this obviously had practical consequences for her daily life and practice. She immediately sensed a chill in the air. She was not appointed.

I suspect there was no chill in the air when Professor Badat shared his worldview with his interviewing committee.

The question is, why this inconsistency?

Perhaps it is partially because of the failure to see the secular worldview for what it is – also a faith position, just like the Christian/Jewish/Muslim worldviews are faith positions. Perhaps there is an educated elite of secular humanists who have a disproportionate influence to their numbers, when it comes to the media and parts of the legal fraternity.

Perhaps nothing has changed since St Paul wrote that the cross will always be offensive to those who have a human-centred worldview. Or whose ego, power or privilege are threatened by the implications of the cross. So much so, that usually bitter enemies such as the Pharisees, Sadducees, Zealots, Herodians and Romans conspired to kill Jesus, and thereafter His followers⁹.

Perhaps much of the educated elite simply is too proud and self sufficient to accept the words of the Psalmist that a fear of the Lord is the beginning of knowledge and that they need help in dealing with the effects of their own sin.

But even if they do not accept this God-centred worldview, what is perplexing is the intolerant and vicious response to someone who is open about his God-centred worldview – and here it must be remembered that much of the venom originated from institutions which like to be seen as champions inter alia of tolerance and freedom of conscience.

⁹ See Chapter 2 of my book, *Decolonising Jesus*, available on my website www.keithmatthee.com

I ended my submission to the JSC as follows:

‘However, in terms of some of the submissions concerning justice Mogoeng, if in one’s **personal life** one advocates the “traditional/conservative” view for example about marriage and sexuality, which it would seem is the case with justice Mogoeng, then in effect according to some of the submissions it becomes a cause for disqualification! Such a position lacks consistency and also is in breach *inter alia* of justice Mogoeng’s rights in terms of sections 9(1), 10 and 15(1) of the Bill Of Rights.

Furthermore the suggestion that justice Mogoeng must be interrogated about what his church believes has an Orwellian ring about it. To take such a step would be to cross the church state divide and would smack of an inquisition. And to be consistent it also would open the floodgates to future questioning of candidates for appointment on the details of their faith, whether Atheist, Christian, Jew or Muslim. (His open membership of a Christian church simply cannot be compared to a person’s secret membership of a secret political society.)

Christians and orthodox Jews, and indeed Muslims, subscribe to Scriptures which are thousands of years old and which from the first chapter through to the end deal with issues *inter alia* of dignity, equality, freedom, discrimination, and economic, environmental and social justice. As justices of the Constitutional Court seek to give content to the words dignity, equality and freedom it would be simple foolishness, and arrogance, to require such justices who seek to follow these Scriptures in their personal lives, to cast aside the wisdom and insight of thousands of years.

Likewise, justices who subscribe to the faith of Atheism, Secular Humanism or Materialism, no doubt will not cast aside the insights of their spiritual fathers and mothers.

Obviously at the end of the day justices must as justices apply the law of the land, which is the Constitution. But, as already stated, it would be disingenuous to argue that a person’s “story” will not have some impact on their interpretation of the Constitution, no matter how hard they try and remain detached, independent and objective.

Given the enormous importance of the Constitutional Court in influencing the moral future of South African society, it would be a sad day if the JSC only

appointed likeminded justices when it comes to the more contentious moral issues of the day. That bench, like the rest of the judiciary, needs to reflect the moral and religious demographics of South Africa. (And here it must be remembered that in the most recent census in excess of 75% of our people described themselves as Christian, Jewish or Muslim.)

Accordingly, to the extent that some have argued that justice Mogoeng's personal faith position as a Christ follower should count against him, I submit such submissions are at the end of the day not only unsustainable and unconstitutional, but also dangerous.' ”

It is now nine years later, and justice Mogoeng Mogoeng has just retired as Chief Justice.

During his term he penned, what I in my research referred to as “the street naming matter¹⁰”. The practical effect of his reasoning, in effect, has opened the floodgates for justices following him to abandon the rule of law, when the Constitutional Court wants to push its own particular subjective vision of what South Africa should look like.

However, far more concerning, is that during his term as Chief Justice the Constitutional Court chose to legitimise the mass ongoing killing of unborn babies¹¹. (Although he was not part of the actual bench of justices for that decision, he was when the first time round that court found that such killings did not warrant an urgent hearing by the Constitutional Court.)

Furthermore, he wrote the judgment which criminalises loving parents who use “moderate and reasonable chastisement” to discipline their children.

He also wrote a concurring judgment making adultery lawful, which in effect took away existing protection for the core creation unit for society we see in Genesis 2, marriage. Biblically speaking, the very context where, when necessary and appropriate, loving parents can use “moderate and reasonable chastisement”, to discipline their children.

¹⁰ See my in depth analysis of this judgment in chapter 6 of my research referred to in footnote 7 above, available on my website www.keithmatthee.com

¹¹ See footnote 3 of *The Emperor Has No Clothing*, previously referenced in footnotes 5 and 6.

Perhaps because of the initial onslaught on him when he was appointed, he unwittingly penned these judgments to counter the narrative of his detractors, and to show that he is objective when it comes to interpreting and applying the Bill of Rights? If so, sadly he did not grasp that such objectivity is simply not possible.

And I say sadly, as he could have written judgments more in line with the mores of the wider South African society, without compromising on sound rule of law interpretive principles.

Reflecting on the quote from Deuteronomy at the beginning of this chapter, during his tenure there are fundamental problems with crucial Constitutional Court judgments involving the very soul of the nation.

Chief amongst these problems is the dishonest and cowardly manner in which that court disposed of the cry of unborn babies to give them some protection. This judgment contains no righteousness. It smacks of partiality to a specific narrative. Of allowing itself to be intimidated not only into dismissing the plea of unborn babies, but also into not giving a justification for its dismissal. Of favouring the strong over the weak and vulnerable. (It is the same court which has bent over backwards to accommodate Mr Jacob Zuma, which simply disposed of the plight of the most vulnerable of all in our society, the unborn, without bothering even to dignify these unborn children with reasons.)

The adultery and corporal punishment judgements reveal some of the same deficiencies.

There also is no insight in these judgments that there are areas of our lives which not only are too hard for people to judge, but which involves sacred areas only open to the Lord's judgment.

Be that as it may, what strikes me as I read the Old Testament is that the measure of "success" for the kings (judges) who reigned in Israel and Judah over the years, are not the achievements valued by wider society, but whether or not what they did pleased the Lord.

When it comes to justice Mogoeng Mogoeng's period as Chief Justice, happily that is not my or any other person's call. It is only the Lord who knows our hearts.

CHAPTER 12

Actually Mr Mandela, sin is the problem!

Everyone then who hears these words of mine and does them will be like a wise man who built his house on the rock. And the rain fell, and the floods came, and the wind blew and beat on the house, but it did not fall, because it had been founded on the rock. And everyone who hears these words of mine and does not do them will be like a foolish man who built his house on the sand. And the rain fell, and the floods came, and the winds blew and beat against that house, and it fell, and great was the fall of it.

Matthew 7 verses 24 – 27

Then Jesus said to him, “Put your sword back into its place. For all who take the sword will perish by the sword.”

Matthew 26 verse 52

Do not be conformed to this world, but be transformed by the renewal of your mind, that by testing you may discern what is the will of God, what is good and acceptable and perfect.

Romans 12 verse 2

I have dwelt on this subject for a long time. Up until now I was of the view that discretion was better than valour!

The final straw for me was when sometime back, an organizer of a cricket series between South Africa and India introduced a gold coin minted for the occasion and in the process, either in ignorance or expedient deception, simply rewrote history. On the one side of the coin was an image of Mahatma Ghandi. On the other, Nelson Mandela. It was a fitting commemoration of the two men, he stated with great conviction, given their shared commitment to non-violence.

George Orwell's reflections on Nationalism are apposite. I quote:

“Nationalism is power-hunger tempered by self-deception, ... (As a result,) every nationalist is haunted by the belief that the past can be altered ... (An) indifference to objective truth is encouraged by the sealing-off of one part of the world from

another, which makes it harder and harder to discover what is actually happening. There can often be a genuine doubt about the most enormous events.”

In his famous statement from the dock in his 1964 trial Mandela stated amongst other things:

“... I admit immediately that I was one of the persons who helped to form *Umkhonto we Sizwe*, and that I played a prominent role in its affairs until I was arrested in August 1962.

... I, and the others who started the organization, did so for two reasons. Firstly, we believed that as a result of Government policy, violence by the African people had become inevitable, and that unless responsible leadership was given to canalize and control the feelings of our people, there would be outbreaks of terrorism which would produce an intensity of bitterness and hostility between the various races of this country which is not produced even by war. Secondly, we felt that without violence there would be no way open to the African people to succeed in their struggle against the principle of white supremacy. All lawful modes of expressing opposition to this principle had been closed by legislation, and we were placed in a position in which we had either to accept a permanent state of inferiority, or to defy the Government. We chose to defy the law. We first broke the law in a way which avoided any recourse to violence; when this form was legislated against, and then the Government resorted to a show of force to crush opposition to its policies, only then did we decide to answer violence with violence.

... In the Manifesto of *Umkhonto* published on 16 December 1961, which is Exhibit AD, we said:

“The time comes in the life of any nation when there remain only two choices - submit or fight. That time has now come to South Africa. We shall not submit and we have no choice but to hit back by all means in our power in defence of our people, our future, and our freedom’.

... During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination.... It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.”

It is now some 57 years later. Mandela was released in 1990 and the ANC was voted into power in 1994. South Africa now has been ruled by the ANC for 27 years, Mandela being President for the first five years of that period.

Today the very moral fabric of our society is in tatters. A few examples will suffice. South Africa is one of the most violent countries in the world. The horror of the mass rape of girl children¹² and murder statistics leave this in no doubt. There simply is very little respect for human life. Further evidence of this are the official abortion statistics. As previously highlighted, from 1998 to 2021 in the region of three million¹³ unborn babies have intentionally and “lawfully” been killed by doctors and nurses at the behest of their moms. Furthermore, corruption is endemic.

To compound this moral bankruptcy is that the wealth gap between rich and poor has grown exponentially since the first democratic elections in 1994. In this regard as far back as 2007 the late Professor Fatima Meer, after a blistering attack on the economic policies of the ANC and prophesizing a nation-wide groundswell of resistance by the poor, ended off her speech at the Rhodes graduation as follows:

“Instead of government announcing a surplus in our budget, let it announce plans of action to alleviate the oppressive poverty faced by the majority of South Africans.” (Ironically Mandela was in attendance as his grandson was graduating.)

This was 13 years after the ANC obtained power, and with apologies to George Orwell’s *Animal Farm*, all that had happened by then was that the number of pigs at the trough had marginally increased, and the hue of a few of the pigs had changed. But the many “Boxers” of our country continued being sacrificed for the comfort and sushi of the few. To paraphrase Martin Luther King, hearts had not been changed. Only laws.

That gap is now even larger, aided and abetted by the mob mentality of those in political and medical power in their response to covid.

I am in agreement with the “politically correct” version that this decision of Mandela in 1961 to use violence to resist violence was a seminal point in our history. I fundamentally disagree with the “politically correct” version that it must

¹² I give statistics in two of my judgments which dealt with the mass rape of very young girls. They are available on my website. In them I expressed the view that these statistics reveal “an evil of gigantic proportions”.

¹³ See footnotes 5 and 6.

be celebrated as a necessary step to liberation. On the contrary, it was the moment in history where the ANC lost the moral high ground. It was the commencement of the long slippery slide which always accompanies ends justifying means, moral relativism.

It indeed was seminal – but to the all pervasive culture of violence and lack of respect for human life in South Africa today.

Some have sought to draw a comparison between Mandela's choice and that of Dietrich Bonhoeffer, when in 1941 he became an active part of a conspiracy to assassinate Hitler.

David Pacchioli¹⁴, assessing Bonhoeffer's decision to be part of an assassination plot against Hitler, amongst other things writes:

“This effectiveness, Stoltzfus said, points to a larger possibility ‘that the Nazi regime may not have advanced to Holocaust in the absence of social acceptance. The Nazis built on social norms and social pressures. It was the passivity of the large majority of Germans that gave the government the green light. By 1938, it was too late for nonviolent resistance. The ‘community’ between the people and Hitler was strong,’ ... Brute force was the standard method of control.

As Bonhoeffer moved more deeply into the conspiracy, concurred Wayne Whitson Floyd, he realized that the time for any moral solution to Hitler had passed. He and other responsible Germans were faced with only immoral choices: to let it happen, or to renounce the principle of non-violence. ‘Guilt would have to be incurred.’

Floyd argued that the decision for violence *does* represent a profound failure for Bonhoeffer. ‘For Bonhoeffer, violence is *always* evidence of human brokenness,’ he said. ‘Concern for the ethics of violence is not a boundary issue. Rather, it touches on our most basic assumption about what it means to be human.’

Clear in Bonhoeffer's early writing, Floyd said, is that, ‘What is extraordinary about the Christian story is the command to love our enemies as God on the cross did, accepting the punishment due to our enemy, with our greatest concern being for the enemy's redemption. This concept is, for Bonhoeffer, the absolute center of Christianity. . . . It is the way by which we affirm the other as of the very same value as ourselves. Bonhoeffer leaves no room for ambiguity on this point ... The human

¹⁴ *Bonhoeffer's Dilemma*: David Pacchioli, 2000. (Penn State's Institute for the Arts and Humanistic Studies.)

desire for revenge is stronger than any other, and giving up that desire is probably the hardest sacrifice we are asked to make, but there can be no retributive justice. This is the cost of discipleship. He never attempted to justify his action,'

In fact, Bonhoeffer told friends that he considered that his participation in the conspiracy had made him unfit for the pulpit should he survive the war.

... And, finally,

'It is better to do evil than to be evil.'

These lines are Bonhoeffer's own, Hatten had noted a few nights earlier, outside the room where the orchestra was playing. The last 'is more of a concession than a proclamation,' he had said. 'He is throwing himself on God's mercy.' "

There are stark differences between Bonhoeffer's decision and that of Mandela.

Firstly, Bonhoeffer was deeply aware of the flawed nature of his decision for violence. He was not naïve about the evil contained therein. Central to this no doubt was his deep reverence for and consciousness of a holy God, a Christ crucified, who from the cross called on His Father to forgive His murderers. Bonhoeffer never attempted to justify his decision. He cast himself on the mercy of God given what he had seen in Germany since 1933 already. In a nutshell, he knew that throughout he remained answerable to God.

There is no hint of such a grappling by Mandela. There is not a hint of the fear of the Lord. Furthermore, there appears to be no real grasp of the fundamental nature of the evil contained in violence and that it is not simply something which can be turned on and off at the behest of political leaders. It is of note that subsequent to his death, it emerged that notwithstanding his denial in this regard at the time of his trial, when he made the decision to use violence he was a member of the South African Communist Party. Accordingly, unlike Bonhoeffer, he would have seen himself as accountable to the Party, not a holy and righteous God who is clear that all vengeance is His alone. Principially this is an unbridgeable divide between Bonhoeffer and Mandela.

Secondly, context is crucial. By 1943, when Bonhoeffer was arrested, Hitler and his satanic regime had murdered millions of Jews, gypsies, homosexuals and anyone else who did not fit Hitler's bill. In addition to this, many millions of people had been killed in four years of a world war precipitated and perpetuated by Hitler.

The evidence was overwhelming that Hitler and his henchman were well beyond being shamed into change by militant non violent disobedience and martyrdom, or would be open to moral persuasion by the rest of the world through something like economic sanctions.

Furthermore, the ideology upon which the Nazis based their murderous policies did not in any way invite engagement by a brave and disciplined Christ follower such as Bonhoeffer. In addition, Bonhoeffer's decision was to kill one man, Hitler, in the hope that this would prevent the continued slaughter of millions of people. It was not a decision for violence as an ongoing strategy against injustice.

The political and economic masters of South Africa in 1961 were using evil policies and methods, causing incalculable suffering to fellow South Africans, especially black South Africans. However, it would be disingenuous to compare the South Africa of 1961 to Germany and the rest of Europe in 1943. Furthermore, the theoretical basis for the policy of apartheid, albeit a distorted and cynical abuse of parts of Scripture, permitted of the militant non violent preaching of Christ crucified for all, as a means of engaging and possibly shaming those in power and the wider white population. (In fact any person who knows South African history would be aware of many people from 1961 through to 1994 who bravely, and effectively, resisted the evil of apartheid without using violence. Obvious examples which spring to mind are the brave women of the Black Sash and the late David Russel, the latter sitting alone in front of apartheid bulldozers. One can only ask what the effects would have been if such non violent civil disobedience was used involving millions of black and some white South Africans.)

Ample evidence of the difference in context is that Mandela was allowed to use his open trial to publicise his cause. He also was not sentenced to death, no doubt because even apartheid oppressors, inclusive of some of their judges, had a vestige of decency left in them. That vestige remained until 1994, which partially explains why the white oppressors reluctantly, but largely peacefully, relinquished power in 1994. Bonhoeffer had no public trial. After two years detention, a few days before Hitler killed himself, behind closed doors, Bonhoeffer went through the charade of a "summary court-martial" and was immediately hanged thereafter, or more accurately, slowly strangled to death with piano wire. His body was then put on a pile of bodies and burnt by the Nazis.

A more helpful comparison is that of Martin Luther King.

Dealing with the heart of the problem of injustice and suffering, King in a sermon titled “The answer to a perplexing question”, dealt with the difficult question of why we cannot remove evil from earth. Towards the end of the sermon he said the following (I have previously quoted these words, but they are crucial to understanding the problem facing humankind, and so I am comfortable with repeating them!):

“But in spite of these new astounding scientific developments, the old evils continue and the age of reason has been transformed into an age of terror. Selfishness and hatred have not vanished with an enlargement of our educational system and the extension of our legislative policies. A once optimistic generation now asks in utter bewilderment, ‘why could we not cast it out?’

The answer is rather simple: Man by his own power can never cast evil from this world. The humanist’s hope is an illusion, based on too great an optimism concerning the inherent goodness of human nature.

I would be the last to condemn the thousands of sincere and dedicated people outside the churches who have laboured unselfishly through various humanitarian movements to cure the world of social evils, for I would rather a man be a committed humanist than an uncommitted Christian. But so many of these dedicated people, seeking salvation within the human context, have become understandably pessimistic and disillusioned, because their efforts are based on a kind of self delusion which ignores the fundamental facts about our mortal nature.

Nor would I minimize the importance of science and the great contributions which have come in the wake of the Renaissance. These have lifted us from the stagnating valleys of superstition and half-truth to the sunlit mountains of creative analysis and objective appraisal. The unquestioned authority of the church in scientific matters needed to be freed from paralyzing obscurantism, antiquated notions, and shameful inquisitions. **But the exalted Renaissance optimism, while attempting to free the mind of man, forgot about man’s capacity to sin** (my emphasis).”

At a similar time to the statement from the dock by Mandela, King, grappling with the use of violence in his fight against racism and injustice and his Lord's teaching and example¹⁵ in this regard, wrote:

"Darkness cannot drive out darkness; only light can do that. ...

We must meet hate with love. We must meet physical force with soul force. There is still a voice crying out through the vista of time saying: 'Love your enemies, bless them that curse you, pray for them that despitefully use you.' Then and only then, can you matriculate into the university of eternal life. That same voice cries out in terms lifted to cosmic proportions: 'He who lives by the sword will perish by the sword.' And history is replete with the bleached bones of nations that failed to follow this command. ...

... One of (the ways of fighting oppression) is to rise up against their oppressors with physical violence and corroding hatred. But oh this isn't the way. For the danger and weakness of this method is its futility. Violence creates many more social problems than it solves. And I've said, in so many instances, that as the Negro, in particular, and the coloured peoples all over the world struggle for freedom, if they succumb to the temptation of using violence in their struggle, unborn generations will be the recipients of a long and desolate night of bitterness, **and our chief legacy to the future will be an endless reign of meaningless chaos.** Violence is not the way. ... Violence often brings about momentary results. Nations have frequently won their independence in battle. But in spite of temporary victories, **violence never brings permanent peace. It solves no social problems; it merely creates new and more complicated ones.** ... (my emphasis).

Violence as a way of achieving racial justice is both impractical and immoral. It is impractical because it is a descending spiral ending in destruction for all... It is immoral (*inter alia*) because it thrives on hatred rather than love. It creates bitterness in the survivors and brutality in the destroyers."

Unlike King, one of the fundamental flaws in Mandela's analysis is that he did not grasp the real problem. His understanding of the problem was at best shallow, if not naïve. He failed to understand that the real problem, were the hearts of men

¹⁵ When assessing the teaching of Jesus to love our enemies, often forgotten is the extreme and cruel oppression of the Jews by the Romans in the time of Jesus. For example, it is estimated that in His life time some 25 000 men were crucified in Palestine by the Romans. See chapter 2 of *Decolonising Jesus*.

and women, including his own heart, and not only the heart of Verwoerd. And thus for example, notwithstanding 27 years of democracy, today racism is as prevalent as ever in South Africa. As King said elsewhere, laws can only restrain heartless men, not change their hearts.

Mandela's prescription for fighting the evil of apartheid also was short-sighted. As one reads his full statement from the dock there is no sense of him grasping King's insights about the inevitability of reaping what one sows, when opting for violence. There is no sense of the inherent evil of violence, which Bonhoeffer also painfully was aware of. That it has a life of its own. He naively believed that the consequences of the decision to use violence could be controlled and managed. This simply emphasized his failure to understand the real problem, the hearts of men and women, indeed including his own heart. History is replete with oppressed people becoming oppressors, not least of all the Afrikaner nationalists.

Even more fundamentally, Mandela, like all communists, failed to grasp or understand the full consequences of justifying evil means by a "noble" end. That at that moment in the history of the ANC, it lost the moral high ground and provided the generations which followed, and still follow Mandela, with the justification to use whatever means necessary to achieve their "just" ends. As I write this, not a day passes without individuals and various groupings in South Africa, inclusive of university students, using violence and destruction to highlight their cause, the justification being that justice demands the use of such violence.

The graphic and colour photos handed up by prosecutors to judges in the "necklace" murder trials of the eighties still haunt me. The evidence of six year old children dancing around a person with a burning tyre around their neck in the presence of adults, remains with me, and no doubt with those children who are now adults.

And crucially, what is now ignored in the narrative of the ANC is the thundering silence from the leadership of the ANC in the face of this barbarism. The only high profile black leader who spoke out in words and deeds in this regard, was Desmond Tutu. And this in submission to Jesus, *not* a political party. Indeed necklacing was the end in the making when violence was chosen in 1961 to resist violence. As King stated: "The means we choose to fight injustice, is the end in the making." In this regard Bonhoeffer argued that the ultimate question for a responsible person

to ask “is not how he is to extricate himself heroically from the affair, but how the coming generation is to live.”

And even when Mandela was released in 1990, he still refused to abandon the “armed struggle” until he achieved his ends. And thousands upon thousands of people, overwhelmingly black people, were murdered in the period between 1990 and 1994. Many by the forces of the Nationalist Party, but many also as victims of a brutal fight for power within the black community, leading up to the 1994 elections¹⁶. This all in the name of the “noble end”, power and liberation.

Some would argue that Mandela in his statement from the dock specifically spoke against such violence. The point King, and indeed Bonhoeffer, makes is that once one opts for violence as a strategy to fight injustice, the devastating consequences will prevail for years to come.

In effect, King’s point was that by opting to meet violence with violence, someone like Mandela was feeding the tyrant. To apply King’s challenge, the aim should have been to starve the twin tyrant of the Nationalist Party and white capital through mass and ongoing non violent civil disobedience.

And then 1994 came and Mandela, having achieved power, preached reconciliation, love, tolerance and non violence. The problem with this, is that by then morally speaking the nation as a whole had been grievously damaged.

Quite simply, by 1994 the nation had lost its moral compass. It was established on the hatred central to the use of violence and the moving sands of relativism. And as Jesus said, when the floods and gales come such houses fall. The satanic system of apartheid combined with the ANC’s decision to fight violence with violence, a decision King would have termed as immoral, was a toxic cocktail.

The results of which, as King in effect prophesised, are still with us today. I have already alluded to our crime statistics, corruption and burning campuses – indeed recently a student stated on national television that the only option open for them was to use violence, or the threat of violence, until their demands were met. And this in a country where in elections for the National Assembly, some 63 per cent of the people have voted for the governing party.

¹⁶ Anthea Jeffery’s *Peoples War* at xxxiv – xxxv, where of an estimated 20 500 people killed in political violence during the period 1984 – 1994, it is estimated that some 15 000 were killed in the years 1990 – 1994.

Today there is an acknowledgment by all and sundry of the moral depravity of our nation.

But, with apologies to GK Chesterton, “political correctness” would have that we alter the test instead of trying to pass the test. That we rewrite the history of Mandela rather than engaging truthfully with it. Only if we are brave and honest enough to call a spade a spade when it comes to the fatally flawed choice of the ANC in 1961, will we as a nation be able to begin to deal with the devastating effects of apartheid AND the ANC’s post 1961 response to it.

Oh for another Chief Albert Luthuli, or Martin Luther King, to emerge. Leaders who understand the need for and are committed to building our house on rock, irrespective of the personal cost of such an option.

And for leaders such as King who grasped that the real problem facing us, and which needs to be tackled upfront, are the sinful hearts of all the men and women of our country. And that only when our hearts are transformed will unjust economic and other unjust systems meaningfully be transformed.

CHAPTER 13

The imprint of God in us

So God created man in his own image, in the image of God he created him; male and female he created them.

Genesis 1 verse 27

And the serpent said unto the woman, you shall surely not die. For God knows that when you eat of the fruit, your eyes will be opened and you will be like God, knowing good and evil. So when the woman saw that the tree was good for food, and that it was pleasant to the eyes, and a tree to be desired to make one wise, she took of the fruit, ate it, and also gave it to her husband to eat.

Genesis 3 verses 4 – 6

For God so loved the world, that he gave his only Son, that whoever believes in Him should not perish but have eternal life.

John 3 verses 16

For the word of the cross is folly to those who are perishing, but to us who are being saved it is the power of God.

1 Corinthians 1 verse 18

In those days there was no king in Israel. Everyone did what was right in his own eyes.

Judges 21 verse 25

As I reflect on Genesis 1 to 3, so central to how Christ viewed the world, and my some 67 years in this world, parts of which I have touched on in the preceding chapters, I find myself in agreement with Chesterton's observation in my Preface¹⁷.

Central to my daily life has been the inward battle between my selfishness on the one hand, and my knowing that it is good to be selfless. To a lesser or greater extent I also over the years have seen this battle all around me.

¹⁷ "In the process I hope to achieve another aim - it was GK Chesterton who wrote that he believed in Christ because His was the only worldview which explained his own reality and the world he lived in."

Mere evolution simply does not explain this battle. On their own, neither do nature, nurture, indoctrination or socialisation. These explanations may make this battle more or less real, but they do not explain why there is this battle in the first place. In fact, the existence of this battle makes no sense if our world was simply shaped by human beings adapting to their ever changing environment.

The opening chapters of Genesis do.

In Genesis 1 verse 27 we read that God created male and female in God's image.

We read in John's Gospel that Jesus revealed God's very nature to us. The climax of John's Gospel is when Jesus, out of love for His Father and all of humanity, voluntarily submits Himself to the cross - thus revealing that selflessness in all relationships is core to the very nature of God.

Any reading of the Gospels also shows that central to God's nature being fully revealed by Jesus, is Christ's deep concern for the poor, the vulnerable, the helpless and the marginalised in our society. Humanism in its different forms teaches that we should care for such people, without being able to explain why. Evolution offers not even this teaching.

Very simply, Genesis 1 and 2, read with the Gospels, tell me why I and my fellow human beings know that it is good to be selfless and to care for the poor. Why we just know it is good to persevere with a commitment made to one's wife or husband. Why we know it is good to put our children before our own emotional or other demands. Why we "instinctively" know that the ideal environment for a child to grow up in, is the family unit grounded in Genesis 2¹⁸. It is God's image imprinted in us¹⁹. A God and Father, who sacrificed even His own Son for us. Through Jesus agreeing to come as a helpless baby, and then obediently submitting to His Father's will by giving His life for us, we have seen the very nature of God, in whose image we have been created.

And for those who do not yet know Christ, Paul writes in Romans 1: "For what can be known about God is plain to them, because God has shown it to them. For His invisible attributes, namely, His eternal power and divine nature, have been

¹⁸ Ros and I hope together to write a book in 2022 dealing with the full implications of Genesis 2 when it comes to men and women, marriage and raising boys and girls.

¹⁹ I use "in" and not "on" purposefully. It is not merely an external imprint.

clearly perceived, ever since the creation of the world, in the things that have been made. So they are without excuse.”

Over time and with daily intentional decisions by us which go against this general revelation of God’s nature Paul writes of, and the revelation of the nature of God through the life and death of Jesus, that imprint of God in us can be hugely damaged.

For example, although as a result of his own conduct that image was hugely damaged in him, even an Adolf Hitler, in his own mind, first had to make Jewish people less than human before he murdered them.

Mere nature and nurture, evolution and socialisation simply does not explain why a person like Hitler needed to rationalise his horrific conduct. And of course, there are our own countless rationalisations to justify **obviously** selfish and destructive intentional decisions and behaviour. God’s DNA in us explains Hitler’s need to rationalise, as it does our own rationalisations.

The closest to an honest response to this conundrum by an atheist is that of the moral nihilism of nineteenth century philosopher, Friederich Nietzsche. He basically told us to stop being cowards now that we had killed off God, admit we are driven by self and act accordingly! The problem with this route is that the end result of following this advice is an Adolf Hitler! Which takes us back to our conflict. Even if we do not know why, all sane and decent people know that Adolf Hitler was exactly opposite to how we should be.

Another illustration is in how the intentional killing of unborn babies is rationalised.

Reflecting on the distorted logic involved, and the horrific and evil consequences of such rationalisations, I am convinced Satan is at his most active and deceptive when it comes to sanitising the unspeakable evil of the mass ongoing killing of unborn babies.

Thus the baby is first referred to as “the contents of a woman’s uterus”. After the killing, the baby becomes “medical waste.” In principle no different to what someone like Hitler did when it came to killing Jews, Gypsies, homosexuals and anyone else who did not fit his picture of a human being worthy of dignity and protection.

But in their guts they know that they are dealing with a human life. This is God’s image imprinted in them. They intuitively know that who they are killing was “knit together” by the Creator in the mother’s womb.

To help them get over this hurdle, they then raise the smokescreen of viability and draw a distinction between the first, second and third trimester of a pregnancy. However, rationally this also makes no sense. If the baby is no more than the contents of their mom's uterus, and the only issue is whether or not a woman has autonomy over her own body, why the distinction? Why not allow, at the whim of the mother, the removal of such contents up until term²⁰?

Of course, as was the case with Hitler, we intentionally can so destroy the imprint of God's DNA in us, that there are people who are now promoting the killing of babies even immediately after birth. But even such monsters find it necessary to justify, to rationalise. Always using human rights words such as freedom, dignity and equality. Why?

As I reflect on these, and many other attempted rationalisations for our conduct which we just know (God's imprint in us) is selfish and destructive to others, not to mention irrational and often unscientific, I am reminded of CS Lewis's *The Screwtape Letters* (dedicated to JR Tolkien of *Lord of the Rings* fame), where at one stage the older devil, Screwtape, advises his young nephew, Wormwood, about how to undermine the faith of a recent Christian convert. In essence, his advice is at all costs to avoid engaging in a rational discussion and rather focus on sense experiences ("my truth"). Above all, he must not get sucked into real science²¹.

²⁰ The irrational and unscientific nature of these arguments is exposed in the expert summaries of dr Chris Warton and Professor Priscilla Coleman. The former deals with medically speaking when human life starts. The latter graphically debunks the lie that elective abortions have no significant long term emotional and psychological effects. These reports are available on my website. Also see CS Lewis's quote in footnote 21.

²¹ "Your man has been accustomed, ever since he was a boy, to have a dozen incompatible philosophies dancing about together inside his head. He doesn't think of doctrines as primarily 'true' or 'false', ... Jargon, not argument, is your best ally in keeping him from the Church. ... The trouble about argument is that it moves the whole struggle on to the Enemy's own ground. He can argue too; whereas in really practical propaganda of the kind I am suggesting He has been shown for centuries to be greatly the inferior of our Father Below. By the very act of arguing, you awake the patient's reason; and once it is awake, who can foresee the result? Even if a particular train of thought can be twisted so as to end in our favour, you will find that you have been strengthening in your patient the fatal habit of attending to universal issues and withdrawing his attention from the stream of immediate **sense experiences** (my emphasis - a very prevalent roadblock today to any meaningful discussion concerning a moral issue, is the expression, "that is my truth"). Your business is to fix his attention on the stream. Teach him to call it 'real' life and don't let him ask what he means by 'real'. ... You begin to see the point? ... Above all, do not attempt to use science (I mean the real sciences) as a defence against Christianity. They will positively encourage him to think about realities he can't touch and see. There have been sad cases among the modern physicists. If he must dabble in science, keep him on economics and sociology; don't let him get away from that invaluable 'real life'. But the best of all is to let him read no science but to give him a grand general idea that he knows it all and that everything he happens to have picked up in casual talk and reading is

On the other side of the spectrum to Hitler and the mass ongoing killing of unborn babies, I remember my wife and I spending a delightful evening with friends on their beautiful Karoo farm. Our hostess was telling us of the wonderful community work she was involved in, with the poorest of the poor. At one point, in a somewhat bemused fashion, she told us of an incident where the recipients of her kindness asked her why she was helping them. She did not see that given her atheism, rationally speaking it was a telling question, and this from an illiterate person.

The other side of the coin is why our default position is selfishness, in the first place.

Hands up those parents amongst us who, despite our best efforts, did not produce children who were totally self-centred within weeks of birth! The socialisation argument does not even begin to explain this reality.

In isolation the theory of natural selection so central to evolution, offers at least some explanation for this selfish default position of babies. The problem, as we have seen, is that it has no rational explanation for the other side of the coin.

Central to Genesis 1 to 3, is free will. The freedom to submit completely to the Creator or intentionally choose our own path.

In Genesis 3 we see the free will choice of Adam and Eve. They choose to assert self against God (and in effect anyone/anything else which gets in their way in their pursuit of becoming like God). It is an intentional choice, first by Eve, then by Adam.

Fundamental to their choice is that the fruit was good for food, a delight to the eyes and a means to become wise. What our culture describes as self actualisation (to which the popular refrain, “my truth”²², is central). As that good friend of mine (referred to before) used to say, God has not seen fit to bring out a new model since Adam and Eve!

‘the results of modern investigation.’ Do remember you are there to fuddle him. From the way some of you young fiends talk, anyone would suppose it was our job to teach!”

²² This relativistic approach to truth is reminiscent of George Orwell’s “Big Brother” in his novel, 1984.

Perhaps the climax of the novel is where the “hero”, Winston Smith, reflects to himself: “But after reading it he knew better than before that he was not mad. Being in a minority, even a minority of one, did not make you mad. There was truth and there was untruth, and if you clung to the truth even against the whole world, you were not mad.” (Also see Fyodor Dostoevsky’s warning hereafter, in effect also about relativistic morality, that “If God does not exist, then everything is permissible.”)

The consequences of this choice are devastating and all embracing of all our relationships.

Whereas before they walked together in the garden with their Creator “in the cool of the day”, now they hid themselves from their Creator.

Whereas before they were not ashamed of their own nakedness, now they needed something to cover up their nakedness. (This insight predated modern psychology by thousands of years!)

Whereas before there was a perfect union as husband and wife, now they started the blame and power game. And violence soon followed in Genesis 4.

Whereas before the rest of creation was there for the responsible enjoyment by Adam and Eve, now there was a brokenness between humanity and the rest of creation. In Genesis 9 we read that this brokenness was characterised by fear.

This comprehensive all embracing brokenness, is totally consistent with my self knowledge and the world I have lived in and continue to live in. Any reading of history confirms the reality of this four-fold brokenness in all of recorded history. (Unpacking each of these broken relationships, require many books of their own!)

As one reads the Gospels, it is clear that Jesus’ mission was to restore this four-fold brokenness. And that at the heart of this restoration, is to enable humanity once again without guilt and fear to walk in the garden with their Creator, “in the cool of the day”.

(At this stage I might observe that the plethora of gurus, different spiritualities and environmental causes popping up every day in the world, is further testimony to the Genesis account that we have been created with God’s image imprinted in us. That from a careful reading of Genesis 1, 2 and 3, it is clear that central to this imprint is for us, in relationship with other people, without fear, guilt and inhibitions to walk “in the cool of the day” with our Creator on a daily basis, in a garden we are caring for and protecting. One of the fatal flaws of this plethora, is being totally preoccupied with only one of these four-fold broken relationships, more often than not at the expense of the other three, particularly of the Creator who made the other three relationships possible in the first place.)

Humanist theories at best highlight some of this brokenness. Thus as he breathes his last, Kurz in Conrad's *Heart of Darkness*, cries out: "The horror! The horror!" No doubt his response to the horrors of European colonialism and the darkness of Africa.

However, in his novels Conrad does not even begin to provide answers to why Kurz is, or should be, horrified nor how to respond to and deal with the horror. Christ's worldview does.

A few years back, as part of my duty as a judge I presided over 5 consecutive rape cases where the victim was younger than 7 years old. My colleagues informed me that this was not unusual. I directed the South African Police Services to furnish me with official rape statistics for the area where these rapes were committed to help me decide on an appropriate sentence. According to the official statistics, every fourth day a girl under 7 was being raped. Compounding this statistic, was the generally accepted view amongst experts that the majority of rapes of young children were never reported in the first place. In my judgment, without any fear of exaggeration, I described these statistics as "an evil of gigantic proportions".

For any worldview to have any credibility, it must deal with the depth and all embracing nature of such brokenness and evil.

I, on a number of occasions, have already referred to Martin Luther King's sermon entitled "The answer to a perplexing question", wherein he addressed the question of why we cannot remove evil from earth. It is so fundamental to a correct diagnosis of the human condition that I unapologetically quote it again:

"But in spite of these new astounding scientific developments, the old evils continue and the age of reason has been transformed into an age of terror. Selfishness and hatred have not vanished with an enlargement of our educational system and the extension of our legislative policies. A once optimistic generation now asks in utter bewilderment, 'why could we not cast it out?'"

The answer is rather simple: Man by his own power can never cast evil from this world. The humanist's hope is an illusion, based on too great an optimism concerning the inherent goodness of human nature. ... the exalted Renaissance optimism, while attempting to free the mind of man, forgot about man's capacity to sin."

Any worldview worth its salt, not only must address this predisposition, it also must provide a way out for us, a way to be saved from our bondage to self so that

we once again can walk freely and without guilt with our Creator “in the cool of the day.”

Mel Gibson’s *The Passion of The Christ*, is exhausting. Gibson masterfully portrays the spiritual battle of Christ when He is being beaten and scourged before His crucifixion. In the background satan hovers, no doubt in a last-ditch effort to tempt Jesus to use His power to save Himself. This temptation becomes even more crude on the cross when people jeer at Jesus that He should save himself, as He saved others.

This struggle began with His temptations in the wilderness at the beginning of His ministry, and ended when He breathed His last on the cross. The intensity of the struggle for Jesus is clearly reflected when He sweats blood in the garden of Gethsemane, and in anguish on the cross cries out, “My God My God why hast thou forsaken Me?”

The writer of Hebrews tells us that in Jesus Christ we have an advocate who can represent us because there is no struggle we go through, which He did not have to go through.

In one of Paul’s most famous passages in Romans, he writes of his own intense struggle between good and evil and cries out in anguish, “O wretched man that I am! Who will deliver me from this body of death?”

A doctor is only as good as her diagnosis. Likewise, a lawyer needs a clear head about what the legal problem is, before he can advise about the solution.

On a daily basis I am deeply aware of this battle raging within myself, and in the world around me. Any reading of history shows us that this battle has always been part of being human. Not only is this battle central to Christ’s view of the world, it was also central to why He became man, lived and breathed our reality, died on the cross, and on the third day overcame our ultimate enemy, death²³.

For a worldview to be credible, not only must it acknowledge this battle between good and evil, it also must recognize our inability to master it, to “cure” it. And provide a way out.

Central to the Enlightenment and “the death of God” movement, was that a better society could be built using people’s ingenuity and compassion. (Evil was, and still

²³ See my book *The Resurrection – a lawyers view*, available on my website www.keithmatthee.com

is, not a well liked word!) Thus, neither the spiritual nature of the battle nor the fact that we were helpless to fight the battle, was acknowledged. They in effect also were contemptuous of Fyodor Dostoevsky's warning that "If God does not exist, then everything is permissible."

What followed were the horrors of the "Atheist Project" after the Fall of the Bastille in 1789. Here the goddess of "Pure Reason" took control together with the "Committee of Public Safety", the "Reign of Terror", "Dr Guillotine", logically culminating with the rule of the ruthless tyrant Napoleon Bonaparte, resulting in mass murder (euphemistically called war) through most of Europe in the earlier part of the nineteenth century. In *War and Peace* Tolstoy's moving and heart wrenching descriptions of the battlefields in Russia give one a taste of the end results of the French Revolution and Napoleon's atheism.

And the subsequent atheist experiments of the twentieth century resulted in even more carnage. Social Darwinism as the theoretical force of the holocaust of the Third Reich, the Marxist atheist "paradise" in Stalin's Gulag, Mao's cultural revolution and the horror of Pol Pot's Khmer Rouge in Cambodia. The human tally ran into the hundreds of millions in one century.

A far cry from one of the secular myths doing the rounds in my student days (and still prevalent today, although today there tends to be more of the moral nihilism of Friederich Nietzsche around), that if one removes God and good and evil from the stage, then, with our own efforts, wars and conflicts will be greatly reduced, even eliminated. John Lennon's song, "Imagine" was the popular rallying point for that myth.

If a worldview fails to take heed of evil and our captivity to evil in its diagnosis of the problem facing humanity, at best its "cures" will dull some of the pain. The experience of the twentieth century tells us that in fact, in the long run, the pain will be made even worse. And whilst some worldviews, such as Judaism and Islam, recognize the battle between good and evil, its "cure" is in essence no different to the "cures" of the various "isms" – our own efforts. Karma has the same fatal flaw.

These efforts have always been doomed to failure. As Chesterton in effect argued in his letter to the editor of *The Times*, confirmed by my own lived reality in the pages of this book, the problem humanity faces is the human heart. It simply is a nonsense to argue that we can defeat the evil of our hearts through our own efforts.

And this I guess is central to why the cross is offensive – it is a graphic and humbling reminder to us that we are helpless and that we need saving.

In any event, by definition, the pass mark for a holy God is 100 per cent. None of us are capable of obtaining that mark. Not even the saints! And changing the test, as contemporary society is wont to do, will not satisfy a holy God, nor the moral universe He has created.

Paul answers his anguished cry referred to earlier, in the verses following it:

“Thanks be to God through Jesus Christ our Lord! ... There is therefore now no condemnation for those who are in Christ Jesus²⁴.”

It is all grace²⁵.

That truly is Good News, for a sinner like me!

²⁴ This Christ Jesus, firmly rooted in history, is far, far removed from the totally subjective “universal christ” concept being popularised by Richard Rohr. Stripped of its philosophical jargon, this purely subjective concept of Rohr offers no salvation from the struggle Paul describes in Romans. All it offers is us trying to save ourselves from ourselves. At the end of the day an exercise in futility, no different from idol worship, the idol being ourselves.

²⁵ Although free, this grace is not cheap. In Luke 14 verses 25 to 33, Jesus spells this out and ends with the words - “So therefore anyone of you who does not renounce all that he has cannot be my disciple.”

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Two central pillars for this book are encapsulated in the words of Martin Luther King and Zechariah Keodirelang Matthews. In his analysis of what is wrong with our world, and why we continue to fail in addressing these wrongs, King writes:

*Nor would I minimize the importance of science and the great contributions which have come in the wake of the Renaissance. ... **But the exalted Renaissance optimism, while attempting to free the mind of man, forgot about man's capacity to sin.***

When grappling with this failure, Matthews reminds us of the advice he received in 1925 when he went off to become the first black Headmaster of Adams College:

*You may be tempted into facile views of the difficulties around you ... You may be tempted to cut yourself off from the rest of your people, or on the other hand to an **unthinking advocacy of what the mob clamours for.***

But I am sure you will examine all things with a clarity of intellectual vision, free from passion unless it be a moral passion for the good, and when you have thought things through to present your views with temperate courage.

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Whose WAY?

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