

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 23 MAY 1983

CHAIRMAN:

THE HONOURABLE MR JUSTICE C F ELOFF

COMMISSIONERS:

MR S A PATTERSON

MR T L BLUNDEN

PROF P OOSTHUIZEN

MR F G BARRIE

CHIEF INVESTIGATING OFFICER:

ADV K P C O VON LIERES SC

INVESTIGATING OFFICER:

ADV ETIENNE DU TOIT

SECRETARY:

MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE

S A CCC:

ADV KENTRIDGE SC

LUBBE RECORDINGS (PRETORIA)

/VMD

WITNESS: BISHOP D TUTU

VOLUME 77

(p 4524 - 4584)

COMMISSION OF INQUIRY
INTO THE SOUTH AFRICAN COUNCIL OF CHURCHES

HELD AT PRETORIA

ON 23 MAY 1983

CHAIRMAN: THE HONOURABLE MR JUSTICE C F ELOFF

COMMISSIONERS: MR S A PATTERSON
MR T L BLUNDEN
PROF P OOSTHUIZEN
MR F G BARRIE

CHIEF INVESTIGATING OFFICER: ADV K P C O VON LIERES SC

INVESTIGATING OFFICER: ADV ETIENNE DU TOIT

SECRETARY: MR M L MARAIS

ON BEHALF OF COUNCIL FOR THE

S A C C:

ADV KENTRIDGE SC

LUBBE RECORDINGS (PRETORIA)

/VMD

WITNESS: BISHOP D TUTU

VOLUME 78

(p 4585 - 4623)

34

THE COMMISSION RESUMES ON 23 MAY 1983:

BISHOP DESMOND TUTU, still under oath:

BISHOP TUTU: M'lord, may I please ask something?

CHAIRMAN: Surely. --- In view of what happened on Friday and this not being a Court, I wondered whether it would be in order for us to stand for a few moments because of what happened?

Yes, we will as a mark of respect for those who have lost their lives in this tragic event on Friday, we will follow the suggestion of the Bishop and stand for a moment. 10
Thank you. Yes, Mr. von Lieres?

ADV. VON LIERES: Thank you, M'lord. Bishop, could we just refer to your evidence on the Educational Opportunities Council, page 136 of your submission? --- I have got it, yes.

In this connection, Bishop, there are just a few historical facts that I think we should place on record. The creation or establishment of the Educational Opportunities Committee, that was discussed at an Executive Committee meeting that was held on 11/12 March 1980 in paragraph 15, under the heading "Educational Opportunities Committee, it says:20

"The General Secretary gave the background to this matter. The Executive agreed to the creation of an Educational Opportunities Committee to be set up in one of the new divisional clusters, preferably within an existing division. The funding of the Committee will be subject to the Constitution and within the responsibilities of the director of administration, as in the case of all other committees".

--- Yes.

That is just a photocopy of the Minute itself? --- Yes. 30

Bishop / ...

Bishop, perhaps you would just like to tell the Commission, how did it come about that the Educational Opportunities - firstly, that you got involved in the Educational Opportunities Committee, and how it was referred to the SACC? --- Yes, it is a very straightforward matter, education, as many people have pointed out and as I have pointed out myself here, is a very sensitive and crucial issue, especially in the Black community, but not just in the Black community if you take into account the De Lange Committee, and I am not certain, it must be about 1980 when what came to be called the Tutu Committee was set up, made up of people interested in educational matters in and around Johannesburg, people who had a leadership role in our community, because various people in the United States especially were wanting to find out how they could best assist in this critical area. The felt that this could best be done by consulting with people who one might say had credibility in the Black community, and that was how I came to be associated with this particular thing, it was not then called the Educational Opportunities Committee, as I say it had a rather unfortunate name, the Tutu Committee. 10 20

Well, was the Tutu Committee a local initiative, was it your initiative, can I ask it that way? --- Well, it was a kind of both end, I mean there were people in South Africa who had always been concerned about education, and you might recall that in the many documents that you have from the SACC there had been a very long letter to overseas partners relating to a "think tank", and educational think tank, if you recall that, and that therefore I would say it was something that partook of the both end kind of thing, that it was / ... 30

was a local initiative, it got a spur from the fact that many people overseas were concerned. And this includes not only educationists, people in colleges and universities, but heads of corporations who were wanting to know how they could best implement some of the things that the Sullivan Code was talking about.

Thank you. Bishop, was the idea - well, let me rephrase it slightly. There was a feeling for such an organisation to assist people in obtaining education. What was the idea behind the SACC shall I say providing facilities 10 in the initial stages, was it part of the policy of the SACC? --- In fact, actually you might want to laugh at this, at this particular point in the life of the Council, we had take a decision having had our fingers burnt by the SATCIC experience, and even Voice, where we had responsibility but no control, and at this particular point in time the Council had actually said that they were not going to allow any longer the existence of organisations that were what somebody called the Council's step-children, for which we would have responsibility in providing or finding funds, when we did 20 not have the control of how they operated. And this Minute speaks about my actually attempting to persuade the Council that they would have to make an exception despite the decision that had already been taken.

Right. Bishop, then let us just go through the development of this, in August 1980 at the Executive Committee meeting held on 12/13 in paragraph 7 this position is then set out that you have just discussed, it says under the heading "Educational Opportunities Committee":

"This Committee falls under the umbrella of the SACC 30
but / ...

but handles its own accounts. It provides for scholarships overseas for Blacks".

I will just show you the document? --- Thank you. Yes.

Then during February 1981 - no, let me put it slightly differently, it was then decided to register a Trust, an Educational Opportunities Trust? --- Yes.

What was the idea behind the registering of the Trust, was that to enable it to obtain funds? --- Yes, I think, I mean that the Council was concerned to enable this group to be able as it were to do its own thing. As I tried to indicate the real purpose was that the EOC should in fact go ahead and find or try to get a fundraising number, and the fear that this particular application might take a bit too long and so jeopardise the programme that was in the offing, made people say that it would be sensible for this group which had aims and objectives that were consistent with those of the Council, that we would be willing to give assistance to it. You will also have, I think a Minute of the EOC itself which does speak about the fact that it was important that an organisation of this kind have the right kind of credibility, and you will note that that Minute does say that in a sense the credibility that the EOC has, has to some extent come from its association with the SACC. What that means is that people could more or less be certain that there was an integrity about the programme, that it was likely to be something that reflected the aspirations and the hopes and ideals for especially the Black community.

So basically the link of the EOC to the SACC was one to guarantee the integrity of the EOC? --- Well to say to people that it was a kosher organisation.

Bishop, we are not going to discuss it, could you perhaps just have a look at it, I just want to show you the Trust Deed that was registered on 3 March 1981? --- Thank you.

That is a photocopy? --- Yes, it is.

Bishop, now I have two other matters which I would like to very briefly discuss with you, the EOC, and after its Trust had been registered and after it had been operating for some time - more than a year I think - held an emergency meeting on the question of disengagement? --- Yes.

Could I give you a photocopy of the Minute of that particular disengagement? --- Thank you. 10

Now that is an emergency meeting, the Minutes in front of you, Bishop, are the Minutes of an emergency meeting of the EOC held at Khotso House in Johannesburg on 9 June 1982? --- Correct.

These Minutes are three and a half pages long, can you identify them for us? --- Yes.

There are just a few matters I wish to sort out or get your comment on. When this meeting was held the item on the agenda in paragraph 2 was: "The disengagement of the EOC from the SACC"? --- Correct. 20

In the second last paragraph on the first page, you took the view that because you were the General Secretary of the Council you were an interested party and you should be allowed to recuse yourself? --- Yes.

Your Committee objected to that on the basis that you were the one who first brought the group together and that they were still looking towards you for guidance and leadership. Is that correct? --- Correct.

Now, Bishop, the initiative to ask for this particular emergency / ... 30

emergency meeting to discuss whether the EOC should disengage from the SACC or not, where did that initiative come from?

--- I am not absolutely certain, I am sorry that I cannot help you specifically, it could very well have been I myself. It could have been that we had heard that our counterparts in the US were concerned - there has been that concern, it is not something that has been hidden, and I do not actually recall who was responsible.

The concern your counterparts in America had is set out in the third paragraph on page 2? --- Yes.

10

And I quote from the second line there:

"That the present relationship is a problem for the Americans who are concerned that the EOC would somehow be affected if something happened to the Council as a result of the current investigation".

--- Yes.

That was basically their concern? --- Yes.

Right, we will come back to the other one later.

Bishop, the last portion of paragraph 2 on page 1 of these Minutes of 9 June, a certain member of the committee

20

suggested, so it is minuted here: that if there should be any change in the present relationship between the EOC and the SACC, then it should be sui generis from the group itself, in other words come out of the two groups, and not be imposed from the outside, particularly by two hostile governments in South Africa and America? --- You are saying it is on page 1 I was looking on page 2, I am sorry.

Sorry, page 1 paragraph 2, the last portion? --- Yes.

I understood from the Senate Report and from what you had to say that basically the EOC selects scholars to take up

30

scholarships / ...

scholarships at American universities, that the Federal Government makes available a certain amount of money, and secondly, that EOC conducts certain educational schemes, programmes, locally? --- Yes.

The local training programmes are financed mainly by European donors? --- Correct.

So the fact is, if I understood that, that the American Government provides the funds for these chaps who get scholarships to go to America? --- The American Government and corporations.

10

And corporations? --- Plus the institutions themselves to which the people go.

Now, could you perhaps enlighten us with regard to this reference to the two hostile governments in South Africa and America. Why should the American Government be hostile towards the programme? --- Well, on page 2 you will see in the third paragraph, speaking about factors which might pressurise the group, the second sentence says:

"Secondly there was an ideological problem in that the Reagan Administration which would necessarily be the chief contributor to the programme beginning this year, would not wish to be thought a supporter of the SACC".

20

I think that is fairly obvious an observation.

I see. Bishop, then page 3 of this Minute, the first paragraph, it says:

"At this stage a decision was almost taken for disengaging the EOC from the SACC, but the discussion continued when one member indicated that he would abstain from voting because of his strong feelings

30

against / ...

against this" -

that is against disengaging.

"It was observed that a decision for disengagement would be purely a strategic move".

--- Yes, purely politically a strategic move.

"..purely politically a strategic move, but this would not cost the EOC its credibility because -

I am sorry -

"..but would this not cost the EOC its credibility because of the timing of the decision?"

10

Was there a definite fear that the EOC may be affected because of the Inquiry into the SACC, or was the fear that the Reagan Administration may discontinue funds? --- No, I think all kinds of factors came to play, but there was no doubt at all of the anxiety on the part of the committee members that if anything were to happen to the SACC, that might itself affect the continued existence of the EOC, and it was a real anxiety.

Bishop, the nett effect was then at this meeting there was a vote for disengagement? --- Nearly, and then because one member said they were not going to vote, they would abstain, but that they felt very very strongly, we felt - and I was in a difficult position as I indicated at the beginning - I was in a difficult position being chairman and also General Secretary, and I tried to indicate to the meeting that they were to feel perfectly free to discuss the whole matter as openly as they wished, and to take the decision that they thought was for the best, because our concern in the SACC is not in empire-building, it is in being a service agency, and anything that can happen which would be to the

20

30

benefit / ...

benefit of especially Blacks in the sphere of education, would be something that we would welcome, and I had no problems about this. But then there were those in the committee - actually I would say virtually the whole committee felt that it would be something in the nature of an act of betrayal scuttling a boat when it was about to sink.

Bishop, then you had another emergency meeting on 17 June, of which I give you a copy now.

CHAIRMAN: 1982?

ADV. VON LIERES: I am sorry, M'lord, 1982. --- Thank you. 10

Those present were yourself, the Reverend Bell, Mr. Benghu Bishop Buthelezi and various others..(intervention)

ADV. KENTRIDGE: Archbishop Buthelezi.

ADV. VON LIERES: I am sorry, Archbishop Buthelezi. --- This one is a Roman Catholic, Bishop Buthelezi is Lutheran.

CHAIRMAN: This is not Manus Buthelezi? --- No, this is Peter Buthelezi, who is the Roman Catholic Archbishop of Bloemfontein.

ADV. VON LIERES: Thank you. And then various educational experts such as Dr. Hunter and Professor Mohano and so on? 20

--- Yes.

Now, Bishop, two points here, you set out in paragraph 3 of page 1 of this particular document that you had managed to obtain funds also from European churches, that we have discussed already, and I would like you to turn to page 2 please, the third paragraph. This is now still a decision should one disengage or should one not disengage? --- Yes.

And the debate continues, and what we read here is the following in the third paragraph on page 2:

"A question was asked concerning the closeness of the relation / ... 30

relation between the EOC and the SACC. It was pointed out that this closeness so far can be judged from the fact that the EOC can only raise funds through this connection".

Bishop, is that statement quite correct, because at this stage the Trust had already been registered. Had you received the necessary - PAUSE --- The Trust had been registered but it has not got a fund-raising number.

Oh, the fund-raising number was still outstanding at this stage? --- Yes.

10

So that means the EOC could not on its own raise funds? --- Yes, without contravening the provisions of the Act.

I see. The paragraph continues:

"Legally this was seen to be a quite tight situation, the trustees are formally appointed by the SACC".

--- Yes.

"In practice however the relationship is quite loose, and the SACC does not undertake to control the EOC".

--- Yes.

Provision for the appointment of the trustees is contained in the Trust Deed itself? --- Yes.

20

Which empowers the SACC to so appoint them? --- Yes.

Then there is another matter that was raised, and that concerned whether the EOC would be open to investigation by the Eloff Commission, that is the following paragraph.

"The answer was that it would be in so far as it legally received its funds via the SACC. In this respect it had to be noted that the Commission would investigate any body if it wanted to, that is any body, two words - if it wanted to make a thorough job that had the

30

remotest link with the SACC. Hence the EOC was not immune".

Now my questions will address themselves to the next sentence which reads as follows:

"To the question whether the SACC was exempt from the Fund-raising Act it was responded that it was not, but that it had exempted itself on the grounds that it was not answerable to secular authority".

Does this mean in practice, Bishop, that the attitude was adopted: we ignore the Fund-raising Act or the obtaining of a fund-raising number, if the EOC can obtain funds, we are prepared to use our contra account or whatever the case may be to make them available? --- The statement is one that refers to the SACC, I mean we have not been as it were specifically in so many words exempted, although church leaders went to meet with the then Minister of Health and Social Welfare, and it was pointed out to them, the delegation from the churches, that churches could take advantage of the acceptive clause in the Fund-raising Act. We had a fairly massive memorandum pointing out the theological grounds on which we as churches, not just the SACC, as churches would refuse to be controlled in the matter of the kind of work that the church could or could not do by secular authority. And the position is that we believe that everything we do is religious, and that it therefore falls within the rubric of that particular clause in the Fund-raising Act.

So one should read this then that because of the view, the broad view of what is religious, this type of education that the EOC was conducting would have been included under that? --- Yes, because I mean we had as it were the President

of the ABF, the university and technical bursary fund which you would say was doing much the same sort of thing, and the churches accepted that this was part of their mandate from our Lord Jesus Christ.

Bishop, then on page 4, the end of the second paragraph, the voting went against disengagement, and there is a final word against disengagement noting that thus far the EOC was what it was because of its SACC umbrella. So it was decided not to sever links? --- Yes.

Now, the next question which is possibly connected or related to the reference to the two governments in the first Minutes of 9 June, is in the fourth paragraph? --- The fourth paragraph of 9 June? 10

I am sorry, the fourth paragraph on page 4 of this document? --- Of the 17th?

Yes, let us just see what this paragraph says:

"A question was raised whether in view of the efforts of the American African Education Foundation, there was anything to be gained in alerting figures like Mr. Steve Solarz, that the money which was approved by Congress for the good cause of educating Black South Africans, is now being used to doctriated scholarship recipients into certain political and economic outlooks, e.g. free enterprise, etcetera, thus being manipulated into other goals which were not in accordance with Congress' intentions. If such a scheme succeeded, the EOC's objective of having our people taught to think for themselves and to acquire a genuine education in all respects, will have failed. The chairman proposed to write a letter to Mr. Solarz to 20 30

explain / ...

explain the state of affairs".

Bishop, could I ask you firstly, where this allegation that
- or this statement here that Black South Africans are being
indoctrinated, that is these scholarship recipients, into
certain political outlooks, where does this indoctrination
take place? --- Can I just point to a correction in the name
not in the substance, you know Mr. Steve Solarz is the
Congressman, and it is S-o-l-a-r-z, and his name has been
misspelt. No, the indoctrination would happen after the
recipients had left this country, we felt that it was not
now any longer and open-ended programme in which we were
seeking to help people to be educated to their fullest
potential, but that there was now some kind of string
attached, and we took exception to this. In fact I might
just say that recently this American African Education
Foundation has fallen by the wayside, it has been seen to
be quite unsatisfactory, and now there is another organisation,
a minority group called Aurora, and I am in the process of
writing a letter to the State Department and to Professor
Derek Bok setting out that we take very considerable exception
to the fact that people we have selected here are now going
to be placed by a group about whom we know nothing. I mean
there was no negotiation between ourselves and the State
Department or with this particular group, and that this would
affect the credibility of our programme if people for instance
found that they were going to be placed in colleges of a
somewhat dubious academic quality.
Bishop, the EOC is the counterpart or is the South
African arm of the South African Education Programme which
is an American-based programme falling under the auspices of
the / ...

10

20

30

the Institute for International Education in America, is that right? --- Let me say, I think, I mean, that I am about to agree with you, but I am not going to agree with you entirely when you say it is the South African arm it suggests that we are controlled by the ..(intervention)

It is an independent body in South Africa? --- We are absolutely independent and we make no bones about this, we have told them that: you are our counterparts in the US.

Now, the American Government also contracts companies to implement its education policy? --- Yes.

10

Those companies must then arrange to have suitable scholars vetted and sent overseas? --- Yes.

In connection with the American part, this is one of the important roles the EOC plays in South Africa? --- Yes.

To select scholars. On whose instructions does this indoctrination of these scholarships into certain political and economic outlooks take place? --- Well I do not know at all. What we know is that the American African Education Foundation had a Black director who, from all accounts, was quite inept. There was money available and he came rushing around South Africa trying to find students, and asked the EOC whether there were any discards he could have because the money was available. But the one thing that we were, well, one of the many things we were unhappy about was when he indicated that they would seek to talk to these students about the blandishments of the free enterprise system. He would, I suppose in a programme for orientating the students, arrange that this particular aspect was given great play.

20

I see. Bishop, just to round off this historical overview, on 18 January 1983, you wrote to the Rockefeller

30

Foundation in connection with grants to the EOC, and the point is that you write here:

"The EOC operates under the auspices of the SACC, and the SACC therefore is able to receive grants on behalf of the EOC" - the basis being the one you mentioned a few minutes ago?

--- Yes.

And in fact you did receive on behalf of the EOC money from the Ford Foundation for example, May 20 1981? --- We have received money also from the Rockefeller Foundation since this letter. 10

Yes, could you just identify the letter, we do not need to go into the detail - that is a letter from the Ford Foundation forwarding something like 42 000 dollars for administrative expenses? --- Yes.

So the position today, Bishop, is still that in terms of the Deed of Trust, the SACC appoints the trustees of this particular body? --- Under the terms that I have indicated, that it is really a formality, the appointment is basically on the recommendation of the EOC, and we have a formality on the part of the SACC. 20

Bishop, could we perhaps go over to the question of broad topic politics and religion? --- Well you have not taken all your documents, this is another of your documents.

Thank you. Bishop, during the course of your evidence you have often rejected the description of activities by the Council of Churches which were labelled with the word "secular"? --- Yes.

Could you just explain to the Commission what the nature of your objection to that particular word is? --- I 30

object to the description especially in the police submission because it moves from a particular theological perspective. Despite the disclaimer that the police enter, I think on about page 5 of their submission, that they are not going to adjudicate between one theology or the other, or even to make any statements regarding theological positions, they in fact move from the perspective that there are things they determine are religious, and things that they determine are secular. Now of course I would say that that kind of distinction can at times be legitimate distinctions, whereas my objection is based on the fundamental position that there is only one God, and His Writ runs everywhere. He is a God to whom the whole world belongs. Psalm 24 says: "The earth is the Lord's and all that is in it", and the whole biblical tradition points to the fact that the divorce that we often have is illegitimate. And I hoped I showed reasonably conclusively in my first submission just how Christianity came to be called the most materialistic of all religions. Because contrary to for instance the Greek understanding that matter is intrinsically evil, here we have God absolute Spirit become a human being, going against the Roman and the Greek classical idea, and that God takes human history seriously, all of it. I do not know where to stop, because it is such a tremendous subject this, for you see if our Lord Jesus Christ had cared only for what people call the soul, the spiritual, it is difficult to understand why He did not send people away who were hungry and who were sick and so forth, but actually healed them. And the Christian doctrine says we believe not in the immortality of the soul, but in the resurrection of the body.

10

20

30

So / ...

So could I perhaps summarise this by saying your rejection of the word "secular" in the description of Council activities, does not imply a denial by the Council that it is involved in socio-political matters, but it does not recognise that the Council's involvement in socio-political matters flows from its understanding of theology or religion? --- Yes, I think, I mean, that you could put it in that way. But as I say there is a legitimate use of secular when you have accepted that the concern of God and the concern of the Christian faith is all-embracing, it is utterly comprehensive. 10 And I reject the use here, because it is a pejorative use of the word "secular". It is meant to evoke certain responses, and like Pavlov's dog some people salivate when they see that when the bell rings at a point.

This matter is dealt with, Bishop, in your report to the National Conference of the South African Council of Churches in 1978, I quote from page 15 of Ecunews Bulletin - that is only part of the speech, the only point, the second last paragraph on page 15, starts:

"We are law-abiding citizens, and we consider all our work in the Council as religious because we do not recognise false dichotomies as between the sacred and the secular". 20

--- Yes.

Is that part of your address to the National Conference in 1978? --- Well, I think it sounds like what I might have said, it is some time ago now, but it sounds like my observations, yes.

Now, Bishop, in various addresses you have described and you are on record, everybody knows it, the South African way / ... 30

way of life, the present ordering of society is immoral, oppressive and evil. I think of one speech for example Where I stand, 1 December 1978 - can I just show you this address just to identify it, it seems to me page 4 is missing, but just have a look at that and I would like to refer you to page 3 of that particular speech? --- What page do you want me to look at?

Page 3 - I think there is a little pencil mark in the margin? --- Yes.

That is one of your addresses that you delivered? 10
--- Yes.

It is not complete, page 4 seems to be missing, but the point that you describe the South African way of life, the ordering of society as unjust, immoral, oppressive, evil, appears in that particular paragraph? --- Yes.

Another example, Bishop, perhaps would be Ecunews No.19 of 1978, you have got it right in front of you there? --- Yes.

If you again have a look at page 15, please, in the last paragraph, stated in a slightly different way, where you say, second line: 20

"Many Whites are aware that in supporting the present system, they are supporting something that is unsupportable. It is unsupportable because it is unjust, it is immoral and it is oppressive".

--- Yes.

And perhaps just one last one, Ecunews 1979 No.33 - if you would perhaps just like to have a look at this edition of Ecunews, it is Bulletin No.33 of 1979 of 26 October, I would like to draw your attention to page 5, under the heading "I will destroy apartheid", vows Tutu". This is 30

part of the observations you made at the 97th Annual Conference of the Methodist Church - just have a look at that please?
--- Thank you.

And it reiterates the same theme we have dealt with in the other two articles, it reads:

"Apartheid is such an evil system that all South Africans should stand together to destroy it, the General Secretary of the SACC said here this week".

Would those be your words more or less? --- Yes.

Then, Bishop, one last example. Bishop, in an address to Polstu Stellenbosch, June 1982, a similar position, I would just like to find the exact reference here - the quotation I am looking for, Bishop, I cannot find at the moment in the document, but it is this: 10

"Apartheid is totally and without remainder intrinsically and of itself evil and un-Christian, as evil and un-Christian as communism which must mean that the socio-political and the economic dispensation is to be rejected".

CHAIRMAN: Well, I take it that without seeing the document that is in line with the sort of thing you have said? --- I was just going to say to Mr. von Lieres, that I mean he ought by now to have discovered that I sound like a cracked record, I am so repetitive. 20

ADV. VON LIERES: I will show it to you as soon as we find it, Bishop. Against this background of rejecting apartheid and so forth, what do you say is the role of the Church in such a situation as you have described? --- Well it is a manifold role, which I hope has been demonstrated by the sort of things that for instance the SACC does on behalf of the churches. It 30

is important to speak the truth in season and out of season, to make people realise the realities of our situation. That is one thing. Bring before the community in this land what are the real issues to be handled. I mean, we could run away with the idea that the real problem in South Africa is communism out there, and I believe that that is wrong. The real issues, crunch issues in our country relate to apartheid, that is the first thing. To get us to grapple with the real problems, speaking on behalf of God, and it is important to realise that we are not saying what we say

10

either from a holier-than-thou position, or from a political or ideological stance, that we speak under the authority of the Scriptures and the Gospel of our Lord Jesus Christ. And we have precedents in the Scriptures for this sort of thing.

Second is to be available as God's agent, instrument for reconciliation. We have been there seeking to help draw people together. That is why I keep saying here it is horrible for our people to be trying to turn others of our own South Africans into enemies, looking for enemies or turning them into enemies, that we ought to be working for justice and peace. It is important to say that we are

20

working for justice and peace, because we can never have real peace or stability or reconciliation without justice.

To be around, thirdly, as those who carry out our Lord's injunction to do works of compassion, Christian compassion, to see Christ in the suffering and to minister to Him in the suffering. And, fourthly, I believe quite fervently myself, that the Church has to take on a measure of suffering. It is part of the witness of the Church, you know do you not that the word that we have come to take, "martyr", comes from the

30

Greek word meaning witness, a witness - and I do not know why the Church came to - or the English language decided that that would be a suitable word for someone who dies whilst witnessing for his faith, but our Lord says quite firmly: if you want to be My disciple - He does not say maybe you can insinuate yourself somehow into being My disciple, He says: if you want to be My disciple, you must carry your cross. So that in the Christian scheme of things there is an overplus of suffering that is part of God's economy of salvation. So that I believe that the Church has to be a suffering church in some way or other, and that the authenticity of its witness is tested or expressed by the nature of that suffering.

10

Bishop, in Ecunews No.12 of 1980, we can use that as an example, page 16, I just want to show you that? --- Thank you.

This is your report to the National Conference, May 6 1980, which was held at Hammanskraal? --- Yes.

In the third paragraph which starts "we are engaged" have you got that? --- I have got that, yes.

You say here:

20

"We are engaged in a glorious liberation struggle even for their sakes, to liberate them from their fears, so that they can enjoy their heritage to their glorious freedom as children of God. If you are engaged in a struggle, why should you be surprised that you might be a casualty in that struggle? Why should the casualties be the husbands, wives, children of others?"

The question here is this, "we are engaged in a glorious liberation struggle even for their sakes", when you talk of "we" here, I take it you refer to the organisation you are

30

addressing / ...

addressing as well, the SACC? --- Yes.

And can we take this that the liberation struggle is part of the role that the Church has to play in the situation as sketched in South Africa? --- It is the ministry of Jesus Christ. You do not want biblical exegeses every time you ask me a question, but I think I would have to indicate to you that liberation, setting free, is a key concept in the Bible. The paradigmatic event in the Bible is the exodus, the setting free of a rabble of slaves, and when Israel wished to understand herself and her history, then she went back to that event, she interpreted her whole history, her whole self-identity, her whole relationship with God, because that was when Israel first encountered God. We make a mistake when we think, I mean, that God was encountered first of all as a Creator God, it is because we are actually reading the Bible backwards. We should start with Exodus, and everything is seen from the perspective of the exodus, and when you go through the Bible, you find in the New Testament for instance, it is no mistake that in the Gospel according to St. Matthew, written to a largely Jewish community, that is in fact divided into five sections, to remind the Hebrew person to whom it was being addressed, that this is the counterpart of the Pentateuch, the first five books of the Bible. And you will note there, that what they are trying to make you do is to keep harping back here, echoes of the Old Testament in the New Testament - Moses in the Old Testament went up a hill, a mountain, to receive the Law of God. Here is the second Moses, Jesus, who also goes up into a mountain to receive the Law of God, and the name Jesus, being the Greek form of the Hebrew Joshua, so that

Jesus / ...

Jesus is seen in the New Testament as He who leads the children of God out of the wilderness of sin and oppression and evil and all that you like, into the Promised Land of the Kingdom of God. One could go on like this, I mean, Paul speaks about the glorious liberty of the children of God, and Christ setting him free, in Revelations you get that too, bought by the blood, that is to say ransomed, having been kidnapped. And therefore we are participating, as I tried to say in my first submission, we are participating in God's glorious movement of setting His people free. 10

Bishop, perhaps I can understand it slightly differently if I just ask you about this reference to liberation in an address on 8 December 1979 to the Provincial Synod in Grahamstown. The topic of this discussion was the SACC, and I would like to refer you to page 12 of this particular address, the very last paragraph, I would like to read it into the record, and then I will give it to you to have a look:

"So we are committed to liberation. This is not unfortunately the other side of the coin of apartheid. 20

No, the obvious of liberation is damnation, because liberation is what the Gospel of Jesus Christ spells out, as in a situation of injustice and oppression and deprivation, such as most Blacks experience in the land of their birth".

And then you carry on and you say:

"Liberation is through and through biblical and evangelical".

If you would perhaps just have a look at that please? --- Thank you. Yes. 30

It appears, Bishop, and correct me if I am wrong, it appears that liberation also reflects a certain socio-political involvement, apart from the religious side? --- Of course.

Now, I would like to ask you about your description that liberation is costly. In a report in the Daily Despatch dated 30 November 1981, datelined King William's Town, the headnote is "liberation assured but costly":

"The liberation of the Black man in South Africa was assured but it would be costly, - the General Secretary 10 of the South African Council of Churches, Bishop Desmond Tutu said at the weekend".

Could I just show you this particular article, it is connected with the funeral of Mr. Mxenge? --- Yes.

Could you perhaps give the Commission some detail about the costliness - the reference to costly liberation, what does one refer to there, does one refer to financial terms, in human life, in societal structures, or what is it you are trying to convey there? --- Again the paradigm that I have is biblical. When the children of Israel left Egypt, you 20 would have thought that everything would have gone on very smoothly and life would be a bed of roses as it were. But what we get is a group of people who come out of Egypt where they themselves had cried out to God because of the heaviness of their burden, and should by rights have felt thrilled with being set free. But when they had to take on the responsibility of freedom, as they were on their way to freedom, the promised land, they began longing for what has come to be an expression in the English language, the fleshpots of Egypt, and they castigated Moses on many an occasion for

taking / ...

taking them out of a kind of security. They had a kind of security, they certainly had their leeks and whatever it was they were fed on in Egypt, and many of them said: you are bringing us out into this wilderness, are there no graves in Egypt in which we would have been buried. And one is saying that that is ipso facto part of what it means to be in via, on the road to liberation, it is not something that is surprising, you do not get liberation as it were on a platter, it is not brought to you on a platter, and the suffering, well for a Black person it is almost a super-
10
fluous kind of thing to say, I mean our people know it, you get banning orders, you get detention without trial, you get killings, you get very many odd things that happen. I have not been subjected to this in recent times, but it used to happen quite often, getting telephone calls at ungodly hours, having your children pick up the telephone and you see your child tremble with rage at what they had heard, possibly getting death threats - I am not trying to sound melodramatic, but I am saying that that is something that should not take people by surprise, that it is part and parcel of the process
20
of becoming free. I mean you have seen the film Gandhi, I think, and you saw there what struggling for freedom could mean.

Sorry, have I interrupted you? --- No, I did reach a full stop.

Bishop, one of these statements related to the costliness of liberation, is contained in Ecunews Volume 1 of 1982, January 15 1982, page 17 at the bottom of the page, this is when you addressed a funeral, I presume so, it says:

"Resuming his ovation, Bishop Tutu said: 'But our
30
liberation / ...

liberation is going to be costly, many more will be detained, many more will be banned, many more will be deported and exiled, many more will be killed, yes, it will be costly, but we shall be free. Nothing will stop us becoming free, no police bullets, dogs, teargas, prison, death, no nothing will stop us, because God is on our side".

Would this be in line with your approach, is that what you said? Please have a look at that? --- Thank you. Yes.

Now, you have given four tasks, if I understood you correctly, of the role of the Church in the situation.

10

CHAIRMAN: If I may interrupt, I think your question was whether - you asked the Bishop about the role of the SACC and not about the role of the Church, I think one must draw a distinction. I think Professor Heyns in a comment on Bishop Tutu's address, referred to the distinction which must be drawn between the SACC and the Church, and I think for the sake of precision you must make it clear when you ask him about the role of the SACC as opposed to the role of the Church. Before we get to that we will take the tea adjournment.

20

THE COMMISSION IS ADJOURNED.

C35

THE COMMISSION RESUMES:

BISHOP DESMOND TUTU, still under oath:

ADV. VON LIERES: Bishop, perhaps just to clarify the position I should then put the question to you slightly differently.

In the abnormal situation that we have sketched, I originally asked you what do you see the role of the churches to be, well could I ask you, what do you see the role of the South African Council of Churches to be? --- I would say to do on behalf of

30

the / ...

the churches and with the churches, what the churches have to do.

In other words assisting in executing the role of the Church in such a situation? --- Yes.

Bishop, the question of change, could I perhaps refer you to Ecunews Bulletin No. 19 of 1978, again on page 15, the third paragraph. Now this is the address to the National Conference in 1978, we read in the third paragraph:

"The Council and I are unequivocally committed to reasonably peaceful change in South Africa. It is only reasonable because there has already been so much violence and the situation within South Africa is already a violent one. We see ourselves as God's instruments of justice, peace and reconciliation. We wish to avert the holocaust, and so we say that change in South Africa is inevitable. The only questions are how and when it will come. We want it to come now, and we want it to come reasonably peacefully, and to this end we have dedicated our energies".

10

--- Yes.

20

Then I would also like to refer you - well let me ask you, does that sound familiar to you? --- Yes, it is.

Part of your address to the National Conference in 1978? --- Yes.

Could I then also in connection with the nature of change, refer you to Ecunews No.3 of 1981, and I would like to draw your attention to page 19 of that particular report, and on page 19 we have another address, another part on the role of the Church in South Africa? --- Yes.

If I could just take the first paragraph:

30

liberation "We / ...

"We say the Church exists primarily to worship and adore God".

Then if we go down 13 lines from that, we have a sentence starting in the middle of the line:

"Our socalled vertical relationship with God is authenticated and expressed through our socalled horizontal relationship with our neighbour".

--- Yes.

Then the next paragraph starts:

"The Church is constantly tempted to be conformed to the world, to want influence that comes from power prestige and privilege. The Church forgets (I skip three lines) that its solidarity was with the poor, the downtrodden, the sinners, the despised ones, the outcasts, the prostitutes, the very scum of society".

10

Then you say:

"When it succumbs to the temptations of power and identifying with the powerful establishment, then woe betide that Church when that system is overthrown, when the powerless, the poor come into their own. It will go down with that system as happened especially to the Roman Catholics in Mozambique, the Anglican Church in Zimbabwe, and not the Roman Catholics in Zimbabwe".

20

Now is that not correct there? --- What?

The last phrase "and not the Roman Catholics in Zimbabwe"? --- It says what it is saying.

Is that correct? --- That is correct, yes.

That they adapted timeously and did not go down when the change came, the Roman Catholics in Zimbabwe? --- I do

30

not / ...

not know whether he said adapted timeously or were true to the Gospel as they understood it all the while, because you will remember that even under the Mogabe regime they have come out very strongly as consistent critics of what they consider to be consistent with the Gospel of our Lord Jesus Christ.

I see, thank you. Bishop, then in the next - could I just ask you, is what you have said now in connection with the Church and its allegiance to a particular system, is it to be understood that if the Church wants to remain or wants to be relevant, then it must demonstrate its solidarity with poor, it must look after their interests, it must represent them? --- I think it must be where Jesus Christ said He would be most easily found. It is interesting, I mean, that in the Matthewan parable of the last judgment, it does not say that when you deal with the wealthy and the rich and the powerful then you deal with Me. That does not mean of course that He has no concern for them, but His special concern was for those who are the powerless ones, the ones who are hungry and the oppressed ones, and therefore the Church, if it is His church, will have to show the same delineaments.

Bishop, in the next paragraph on page 20 of that Ecunews, we read that the Church must always maintain a critical distance from the political set-up, so it can exercise its prophetic ministry. Now, when it demonstrates solidarity with the poor and the oppressed, does that not affect the critical distance that it should maintain from the political set-up? --- That says two things, the first is that the Church as church can never identify with any one

socio-political / ...

10

20

30

socio-political dispensation. It cannot say that this is the Christian dispensation par excellence, that is one thing. The second is that it is saying that the ones whom somebody has called the "left behinds", the marginised ones, are the ones who are unable to address the political structures, and it is on their behalf that the Church has to stand up and be counted, because if the Church identified with that particular political dispensation, then it would be sanctifying the status quo, and it would be aligning with the powerful, and would have a very happy existence. 10

Could we just deal with one last quote on page 20, Bishop, in that connection? --- Yes.

The second last paragraph:

"The Church must be a serving church not a triumphant church biased in favour of the powerless to be their voice, it must be in solidarity with the poor and the oppressed".

--- Yes.

Those would be demonstrations of the role of the Church in society, I mean visible for somebody to see? --- I do not know whether you would call them demonstrations, I mean the Church should not be doing it in order to demonstrate any particular thing, I mean for any particular body. The Church would be doing that because it does it in obedience to what it understands its Lord and Master requires of it. And that is why, I mean, we ought not to be obsessed in a sense with what people think of us if what we do is in that obedience. 20

Bishop, just one other question, the theme of the 1979 National Conference of the South African Council of Churches, was the Church and the alternative society. What, Bishop, 30

was / ...

was the SACC trying to convey with the concept the Church and the alternative society? --- Every human society falls short of what we understand are the demands of God on human beings, but there are certain imperatives I think that come out of the Gospel, and in this theme we were saying that there surely must be something in the Gospel that speaks about how people relate one to another. Can we say it is according to the Gospel of our Lord Jesus Christ to have such stark contrasts of affluence and poverty for instance, in a community that says it follows the Man from Galilee. That we were saying, not that the Church is the alternative society, but that the Church could be seen as the first fruits of that possibility, that we could have a sharing, caring society rather than a competitive society, a hard society, a grabbing society. A society that is compassionate, especially with the weak, the aged, the helpless, and setting before our country a vision. Jesus has already broken down the middle wall that separates persons into warring factions. Can that not be translated into actuality in our country, a country of such horrible polarisation, a country that is noted for building up walls, when the Son of God came breaking down those walls. And that was the kind of thing that we were talking about. A society that seeks to see people become evermore fully human, with a humanity that is measured by nothing less than the humanity of Christ Himself.

Does the alternative, the suggestion of alternative, does that relate to the doing of things in the way the Church sees it should be done rather than in the way it is being done? --- As I have said, part of who we are, all of us human beings is our striving after the ideal, and the day we stop

doing / ...

doing that I think in a sense we stop being human. And we ought to remember, you know, that the Bible says we are made like God, we are made by God, and we are made for God. It is an incredible affirmation of who we are that nothing less than God Himself can satisfy us in the ultimate. And that is the sort of thing we are talking about, that every human society no matter how ideal, will in some measure fall short of what God longs for for all of us.

Bishop, you addressed the National Conference on this particular theme in your yearly General Secretary's address in 1979, could I refer you to Ecunews Bulletin No.24 of 1979, page 19? --- Yes. 10

You will see the second paragraph, it says:

"And we, the Church of God, are the alternative society, a different kind of society. We have not always lived up to our calling. God calls us to be a new and a different kind of society".

You have got that? --- I have yes, thank you, I am sorry, I did not respond, I was reading, sometimes I am surprised at the things I say. 20

Is this to be understood that the alternative society should not be involved in those things that make society unjust, un-Christian? --- Well I think again we willy-nilly participate by the fact of being where we are. You will remember the quotation from Jacques Ellul, speaking about structural sins, institutionalised violence, he says that the characteristic of these sins is that no one commits them but they get committed. And the Church cannot pretend that it is anything other than according to that parable of our Lord, a mixture of wheat and tares. So we participate in 30
the / ...

the very things that we are constrained to condemn, but we are saying that as Philipians says: we are people who are citizens of heaven whilst we are citizens of earth as well, and we straddle as it were two time spans. We are of this world and yet we are also of the world to come. I mean it is a tremendous thing that Paul says, you remember how Paul in Colossians says: you have not only been raised with Jesus from the dead through your baptism, but you have in fact ascended with Him, and now you reign with him at the right hand of the Father. It is a nonsense, I mean in terms of our human understanding, but that is what is being said of us, at this moment when we are struggling here in the Eloff Commission, we are also those who share in the glorious reign of our Lord Jesus Christ. And therefore we hope, I mean, that we can become that leaven which will help to change the world in which we live.

10

Bishop, could we now deal with a somewhat different matter, your statements or comments on fundamental change. I would like to deal with that for a moment? --- Yes.

Could I perhaps start off by asking you to turn to page 17 of that same document you had in front of you, the second paragraph. One of the statements that you have often repeated is that apartheid must be dismantled, it is evil and un-Christian, we find this for example, another example is Ecunews 9 of 1981? --- Yes.

20

On page 22, in which you say - sorry, page 23, Bishop, not page 22, I do not think you have got it in that volume, it reads:

"We are committed to working for fundamental change by peaceful means. We are equally committed to seeing that / ...

30

that apartheid is dismantled".

Will you just have a look at that please, Ecunews Volume 9 of 1981, page 23, right at the bottom of the page the first two lines, have you got that? --- I have got it, thank you.

Does that sound familiar, Bishop? --- Yes.

Now that is just another example. I would now like us to deal with the Ecunews Bulletin No.24 of 1979, which is the one you had? --- You have taken it back. Thank you.

Bishop, in this paragraph you say the following?

--- Can you just say where?

10

Page 17, Ecunews Bulletin No.24 of 1979, page 17, the second paragraph? --- Yes, thank you.

You are recorded here as having said the following:

"Those who want to talk about dismantling apartheid would always be a frustrated minority, for you are constrained to operate within the parameters of the system you long ago rejected as unjust and immoral. The majority of your fellow members have accepted the system, being on its payroll".

Could you perhaps just tell the Commission what you mean by referring to a frustrated minority? --- I am trying to project the context.

20

Immediately before that particular thing you deal with Dr. Koornhof? --- It is the regional committees on the future of urban Blacks. Here it was referring to the people on those regional committees, that if you had amongst the members of the regional committees which Dr. Koornhof had proposed to set up, people who were seeking to dismantle apartheid, then those people would be a minority on the committees and would therefore be frustrated, because they

30

would / ...

would be sitting with people who had accepted working within the parameters of an unjust system.

Now, Bishop, the rejection of apartheid is of course something that the South African Council of Churches has categorically done already in 1968 with the publication of A Message to the people of South Africa? --- Yes.

And in fact being asked at that stage what the alternative was they set up the SPROCAS - the Study Project on Christianity in an Apartheid Society? --- Yes.

If I may perhaps just quote to you from Mr. Thomas' book, Councils in the Ecumenical Movement, South Africa 1904-1975, at the bottom of page 9, what he says about SPROCAS is the following - he refers to the Message, and then he says what alternatives did the authors of the Message offer to Government's apartheid policy, and he carries on:

"Accepting the challenge on those questions the CCSA and the Christian Institute established in 1969 the Study Project on Christianity in an Apartheid Society, SPROCAS. Over the next four years SPROCAS under its director, Peter Randall, produced comprehensive blueprints for the structuring of South African society on principles compatible with those laid down in the Message, in the political educational, social, legal economic and church fields".

So the only point I am making is that it appears that historically after rejecting apartheid the Council in fact participated in an investigation to see what the society should look like if apartheid is not acceptable? --- Yes.

And historically after SPROCAS I had completed its work, it established SPROCAS II in 1971 and 1972 which should

have implemented the social action programmes flowing from SPROCAS I? --- Yes, attempted.

Yes, it should have I said. That is more or less the historical perspective. So your stand against apartheid is something that is not strange to the Council of Churches? --- Not strange to the Churches of God.

To the churches, right. Now, Bishop, you have written and you have made statements on a number of occasions setting out what you think in your view would reflect a more just society in South Africa, and I think the earliest document in that connection that I found is reported in Ecunews Bulletin 17 of 1976 - that is the letter to the Prime Minister - the then Prime Minister? --- Yes. 10

I do not think I have got the original here, so we will have to share the text. Just for the record, this was before you became General Secretary of the South African Council of Churches, I think then you were the Dean of Johannesburg? --- Dean of Johannesburg, yes.

This letter is dated 8 May, and it was republished in Ecunews Bulletin 17 of 1976 on 26 May 1976. Bishop, the first aspect I would like to draw attention to, is to be found on page 11 of this publication, in which the point is made that Blacks believe they have contributed substantially to the prosperity of an undivided South Africa. I have marked it in pencil for you? --- Yes. 20

You today still adopt the position that an undivided South Africa, a unitary South Africa is a fundamental requirement? --- Yes, quite true.

Bishop, and you informed the Prime Minister that in connection with the question of bloodshed and violence, I 30

read from page 12, you tell him that people can take only so much and no more.

"People made desperate by despair and injustice and oppression will use desperate means".

You express your fear that a point of no return may soon be reached, and you set out your experience that you personally had of the awfulness of violence in the following words, as it is recorded here:

"My wife and I with our two youngest children stayed for two months in Jerusalem in 1966, and we saw the escalating violence and the mounting tension between Jew and Arab which preceded the six-day war. I was in Addis Ababa when there was rioting in the streets, a prelude to the overthrow of the dynasty of Haile Selassie. I was in Uganda just before the expulsion of the Asians from that country, and have returned there since, and have experienced the fear and the evil of things there. I visited the Sudan, admittedly after the end of the 17 years of civil strife, but I could see what this internecine war had done to the people and their property".

10

20

Perhaps you would just like to confirm that, I have marked the relevant portion in pencil, page 12 of that Bulletin? --- Yes.

You confirm that, Bishop, then I carry on at the top of page 13:

"I visited Nigeria and the former Biafra and saw there the awful ravages of the ghastly civil war in property and on the souls of the defeated Biafrans. Last year I was privileged to address the General Assembly of the Presbyterian Church of Ireland in Belfast, and

30

what / ...

what I saw shook me to the core of my being. We saw daily on TV in Britain horrific pictures of the pillage and destruction being perpetrated in Vietnam, children screaming from the excruciating agony caused by burns from napalm bombing, and people rushing helter-skelter looking so forlorn and bewildered, until one wanted to cry out: But is there no God who cares in heaven!

Now, I know violence and bloodshed and I and many of our people do not want them at all".

10

Then you say:

"We Blacks are exceedingly patient and peaceloving, we are aware that politics is the art of the possible. We are ready to accept some meaningful signs which would demonstrate that you and your Government and all the Whites really mean business when you say you want peaceful change".

And then you make these suggestions to the Prime Minister, the first one is that urban Blacks should be recognised as permanent inhabitants of what is wrongly called White South Africa, and that they should have freehold property rights. The second point you make is that the Pass Law should be repealed, and the third point is that a National Convention be called made up of all the genuine leaders in order to discuss the evolution of South Africa into a non-racial, open and just society. Now, perhaps you would just like to establish those four points? --- Correct.

20

Bishop, subsequently in 1978 when you addressed the National Conference, you again referred to the nature of society that you would require for South Africa or some

30

components / ...

components of this particular society, and I would like to refer you to that particular address, in fact we have referred to that on a number of occasions already, that is Ecunews Bulletin No.19 of 1979, page 13? --- Yes.

In the middle, the second paragraph, three lines from the beginning of that paragraph:

"There have been calls for a demonstration on the part of Whites for commitment to fundamental and not cosmetic change".

--- I have seen it, yes.

10

And you describe fundamental change as being the following:

"Fundamental change ultimately means Blacks having a significant share in political decision-making, so that a society would evolve in which people counted as persons made in the image of God and not because of some biological accident over which they had no control. And so calls have been made for the abolition of the Pass Laws, albeit gradually, for the recognition at least initially of urban Blacks as permanent part of what is erroneously called White South Africa. The granting of freehold title rights to them; and for a National Convention of all the acknowledged leaders of every section of the community".

20

It must not, you say, be imposed leaders. And the third last line on that particular page is:

"We as a Council and a Church worked and continued to work to avert the holocaust. We have worked and continue to work for real reconciliation".

This is a reference to the fact that if change does not take

30

place / ...

place then a holocaust will take place? --- Yes.

These are then the suggestions that Government should demonstrate a commitment to these four aspects indicated in this particular report? --- Yes.

Now, the South African Council of Churches has of course also, Bishop, adopted a resolution in connection with the possible alternative society in 1975, at its National Conference, and the demands that the South African Council of Churches - this of course was before your time? --- Yes.

You started in March 1978 as General Secretary. In 1975 the following resolution was adopted by the South African Council of Churches: 10

"We call on the Government and the White people - and for the record, I read from page 4 of the Minutes of the National Conference of 1975, paragraph 4:

"We therefore call on the Government and the White people of South Africa - not excepting our own churches and ourselves - to humble themselves, to pray and seek God's will and to turn away from the evil of all racial injustice towards a radically new social order in which there will be a fair sharing of power, responsibility and land". 20

May I perhaps just interrupt this quotation by saying that we will refer to some of your addresses in which this particular aspect is also dealt with just now. Secondly:

"Adequate housing for all Blacks. An end to the present migratory labour system, and the consequent disruption of many Black families. The right of Blacks to own land and homes, to open shops, businesses, industries wherever they wish. Proportionately equal money / ... 30

money spent by the State for the free and equal education of the children. Adequate centres to train people of all races. An end to job reservation, and the colour bar in industry and commerce. A rate for the job for people of every colour. The right of Blacks to form registered trade unions and use responsibly their power of collective bargaining. An end to the bannings, house arrests and detentions without trial".

I do not know whether you are familiar with this Resolution, 10
Bishop, so I would just like to show that to you? --- Yes. I do not know it, but I mean what you read, I confirm that that is what is reflected there.

You say you were not aware of that particular Resolution by the Council? --- I mean I might- it does not go against anything that I myself have said or the Council has said since, but I do not recall the specific words.

No, it does not go against anything you said, Bishop, but the point I was trying to make was that when you say your vision of a new society is your personal vision, it 20
seems to me the SACC has preceded you to a large extent with its vision. So there is nothing you have said that conflicts as far as your vision for the new society is concerned, with the SACC's vision as expressed in 1975? --- Yes.

There is power sharing, a better economic position, recognition of the permanence of Blacks in socalled White areas, abolition of detention without trial - all these features are similar? --- Yes.

Now, Bishop, could we now just look at one or two of the requirements listed. Bishop, Ecunews No. 18 of 1980, 30

contains an address that you had given to the Pretoria Press Club on 4 August 1980 with the title "Where I stand". I want to deal with the fundamental nature of the change that you require, and could I ask you to go to page 14? --- Yes.

Right at the bottom, the second last paragraph, we find the following:

"Of course change does generate change, and can have a momentum which is ultimately irreversible, and raised expectations are important ingredients to bring about change".

10

--- Yes.

"We will not be seduced by concessions, however massive, through being opted into a middle class that must serve as a buffer between affluent and privileged whites and a horde of dispossessed and poor Blacks. Concessions which would enable those lucky Blacks benefit from the core economy must be supporters of the status quo, whilst the vast majority of their brothers and sisters are consigned to the outer darkness of unviable Bantustans, where there is poverty and starvation so that they are reservoirs of cheap labour".

20

Page 15 at the top:

"We will not have peace from concessions which ameliorate an oppressive system, making it slightly more comfortable, improving instead of changing. No, the name of the game is political power-sharing, political power gives access to other kinds of power. Concessions are vulnerable, they depend on the whim of those who have political power, for they can give or withhold these concessions as they wish. Our efforts must / ...

30

Q I must be turned to the business of dismantling apartheid.

A That is going to happen whatever Whites decide to do".

Q Is this more or less correctly reported, what you had said?

--- Yes.

Q Bishop, what does the dismantling of apartheid imply, perhaps you can just tell us, does that mean the whole - well, no, you tell me? --- I think that basically it means that people must be treated as what they are, human beings, that their value must not be determined by what I call a biological accident, and therefore basically it means that everybody must be recognised as a citizen of his country with all that implies about the significance of citizenship.

10

Q Now, what is the position with regard to existing structures in the process of dismantling apartheid, are they going to disappear? --- I do not think that you want to come to me for as it were a timetable and a blueprint.

Q No. --- No, no, I am not being obstreperous, I am really saying that as a church person I do not have a political blueprint. There are certain principles yes, which we saw in Professor Lategan's contribution, and Dr. Kriel's comment on it in "Storm-kompas", certain principles which a Christian can say ought to be borne in mind when politicians have their say about change and so forth. And the most important is obviously this business of talking about people as people with an intrinsic value that is a tremendous value, an infinite value in the sight of God. And precisely because one recognises that there is a kind of resilience and even may a recalcitrance on the part of structures. You talk for instance of the phased abolition of the Pass Laws because you cannot just say do away with migratory labour, or do away

20

30

with / ...

with influx control immediately, because then the society would be thrown into a chaotic state. But if people were aware that the aim and the purpose of what was being done was not trying to make the present set-up more acceptable but to change it fundamentally, then they would wish to be part of that, they would wish to exercise a little patience. And might I just say that most of what I have said on this political issue is what sort of preconditions should we have which would make it possible for Government and others to sit down and be able to work out the blueprint. You know, when I say a commitment to a common citizenship for all South Africans in an undivided society, that is what I might call an hors-d'oeuvre, it is part of the hors-d'oeuvre, part of the first course in this repast. And it is up to those who have the competence after all to work out how you actually translate a vision into actuality. 10

Could I perhaps take one element of your hors-d'oeuvre, the unitary state concept. --- Yes.

Now you describe this as a precondition together with the question of Pass Laws, urban Blacks and so forth? --- Yes. 20

There are certain thinkings that - oh yes, let me add something to that. You also make mention of adult suffrage, one man one vote, and I will deal with that just now, but let us assume now this National Convention takes place, Bishop, and those who sit at the National Convention decide that a unitary state is not on? --- Yes.

For argument's sake theoretically speaking, what would your attitude then be? --- If it was a properly constituted National Convention in which the authentic leadership of all the sections of our community were represented, I mean if we had / ... 30

had that wonderful thing come true, then I would accept - I would accept it reluctantly myself, I would be sad if they did it, but if it was decided by those who sat there and they came to the conclusion that in fact the best way forward for South Africa would be a balkanisation of South Africa - I doubt that that would happen - but if it was done, I would say it had come about, not by a unilateral coercion of people who did not have the power to say nay to what had happened.

I see, then of course it is not really a precondition is it, because it is negotiable? --- Yes, I mean I have said there that it is a commitment on the part of the Government to a common citizenship for all South Africans in an unbalkanised South Africa. If, when the right atmosphere had been created for people to sit down and realise that on their part the Government were going to act in good faith, well they would have to work out what was in fact possible. As I say, I mean I would doubt that certainly Blacks would accept a scheme that turned them into non-South Africans.

10

Could one put it this way, that a unitary state is what you would like to see? --- Well this is what our country was, you know I mean our country was that up to, I do not know, fairly recently, we were all South Africans until somebody decided that they thought the best way forward was something else.

20

Allright. Now, once apartheid has been dismantled - this I take it is something that does not happen overnight?

--- No.

It takes place over a period of time. Then who is to provide the new dispensation, is this the National Convention?

30

--- This is why I say do not really ask me, I mean I think that the National Convention would talk perhaps about a legislative assembly or something of that kind to work out a Constitution, speak about a Bill of Rights, but that is something that has to be done by those who are experts in this field. My own contribution and the contribution of those like me would be in the way we speak about a vision, this is what we would hope to see in the South Africa we wanted to inhabit together. I do not think that, I mean, you know, the mere removal of even apartheid laws will usher 10 in the golden age. This is the wonderful thing about talking from a biblical perspective, that you do not say that the removal of apartheid will by itself mean that freedom has actually come, I mean we have had very many examples of in fact the opposite, people getting what is called political independence and the situation turning out in fact to be worse in the new dispensation than it was under, say, the much maligned colonial dispensation. It is galling, especially for a Black person, but I have visited countries and I have mentioned it many times, that it is galling for me as a Black 20 person to mention the fact that there is often far less personal freedom in countries that are now said to be independent than there was under the colonial dispensation. But that is not surprising, it is not surprising when as a religious person you say: we are dealing with human beings, and the thing that the Bible talks of is there are fallen human beings, there is the doctrine of original sin. But you will recall what Martin Luther King said: it is still important to have laws that make it impossible for someone to lynch me, you cannot change his heart and make him love me, but 30

you / ...

you can certainly prevent him from lynching me. And we would hope that the instruments of state would enable everyone to have the room to be human.

Bishop, after your 1978 address, in 1979 and later years, you added a few more suggestions to how you saw this new society would operate. One of the aspects that you spoke about on a number of occasions was the question of redistribution of wealth? --- Yes.

Can I perhaps refer you to Ecunews Bulletin No. 33 of 1979, page 13. The fifth paragraph from the bottom of page 13, Bishop, and this is an extract from your address to the Methodist Conference Cape Town, October 22 1979. The fifth paragraph from the bottom, or let us take it higher:

10

"It is interesting to note that when a religious leader should praise a particular political dispensation, this is hardly ever interpreted as mixing religion with politics. That accusation almost always occurs when the religious leader condemns the political status quo. And it seems invariable that those who have privileges and enjoy the status quo are often the best advocates of pie-in-the-sky. Do we want change in South Africa because that very much has to do with the Kingdom of God? I have my doubts about the intention in this regard of most white South Africans. They want to change as long as things remain more or less as they are, because real change is going to mean a redistribution of wealth, it is going to mean power-sharing whatever the authorities say".

20

Does that sound like your words, Bishop? --- Yes.

Bishop, redistribution of wealth, perhaps you would like / ...

30

like to tell the Commission what you have in mind there in broad outline, from whom to whom, between whom and so forth?

--- Could I read from Acts Chapter 4, vs 32:

"The group of believers was one in mind and heart; no one said that any of his belongings was his own; but they all shared with one another everything they had. And with great power the apostles gave witness to the resurrection of the Lord Jesus, and God poured rich blessings on them all. There was no one in the group who was in need; those who owned fields or houses would sell them, bring the money received from the sale and hand it over to the apostles, and the money was distributed to each one according to his need".

10

Except that it is supposed to be Marxist or not, one would hope that one could say from each according to his ability, and to each according to their need, it is very biblical even if it may have been filched by Marxists. I think it is a fairly straightforward and very obvious corollary to a just society in South Africa. I mean if we take only even urban Blacks, you will talk about a different wage structure. That would immediately mean that resources that would otherwise have been available to augment the salaries of, say, Whites, would in a situation where you are trying to redress the balance, with resources that are now meant to go to Blacks, it would mean that we could not have the stark contrast that we have of almost - alright, I will not use the word - but you have incredible affluence existing cheek-by-jowl with abject poverty and misery. I mean you would not have the situation that you have of Winterveld just outside Pretoria, with people hardly being able to make a living, hardly able

20

30

to / ...

to make ends meet, and have people who had three, four cars. I think that - somebody put it beautifully, somebody stole petrol out of his car and he said: you know, would it not be a wonderful society if it was not necessary for some to steal, that I would be willing to share what I had, and therefore make it unnecessary for my brother to steal. Now that is perhaps almost utopian, but it is precisely what I meant in my submission, or something that you referred to, when I said that many political leaders complain that the churches have let them down, that the churches have not helped to create the right moral atmosphere for them to be able to advocate policies that are unpopular, such as the new economic order. And therefore - have I answered your question?

10

Yes, but your terminology that you use, Bishop, from time to time, we also find you referring to an equitable sharing of resources as a requirement in the new society? --- Yes.

To what do you refer there? --- Well, equitable means just, fair.

20

Yes, now between whom and whom? --- Between the inhabitants of South Africa.

Let us take the present structure, you have got X number of private companies who own a certain amount of assets? --- Yes.

Because they work on a particular system they sit with a number of assets. Now, has that got to be removed from them or made more readily available or what? --- Not necessarily, I mean it will depend very much on the kind of society we really want to have. I think Schumacker in Small

30

is beautiful, refers to what he calls a Buddhist economy, and speaks about a certain firm - and there may be many examples, where the owners have said there is going to be co-ownership with the workers, that the workers then have a stake in how things operate, and I suspect that Renault in France have done something of the kind. I stand under correction, but I believe that in part why that company did not suffer many upheavals as other companies did, was in part because of this. But that is just an example. What one is really talking about is a society that does not have 10 extremes, you know making some people feel awful, and envious. I am not talking about a sort of grey uninteresting levelling out, I am saying that we ought to be the kind of society that is compassionate, a society where it is not the weakest to the wall, it is not a society where the law of the jungle applies. And it is shown that at least for a time, that kind of society did exist. It may be an idealised picture of the early Church, but they attempted there an early form of communism - you know, you might be saying that I am throwing out a thing that you will latch onto, but it is a form of 20 Christian sharing. People say: we have, there are those who do not have, let us share.

Could we perhaps deal with the third leg of this aspect, redistribution of wealth, equitable sharing of resources, and then your attitude towards capitalism. This may not be the best authority I quote from now, but the better authority will arrive in due course, Bishop, I am referring to "Crying in the Wilderness" now, page 100, and it is an extract from an article dated 25 March 1979, "My Vision for South Africa". On page 100 in respect of capitalism you have the following 30
to / ...

to say:

"I loathe capitalism because it gives far too great play to our inherent selfishness. We are told to be highly competitive, and our children start learning the attitude of the 'rat-race' quite early. They must not just do well at school, they must sweep the floor with their rivals. So I would look for a socio-economic system that placed the emphasis on sharing and giving rather than on self-aggrandisement and getting. Capitalism is exploitative and I cannot stand it. We need to engage the resources that each person has".

10

That is the one aspect, and there is another quote here on page 112:

"From my perspective capitalism seems to give unbridled licence to human cupidity, and there is a morality that belongs properly to the jungle. Survival of the fittest, the weakest to the wall and the devil take the hindmost. I find what I have seen of capitalism and the free enterprise system quite morally repulsive. I long for a society which is not so grasping, not ruled by the law of the rat-race but one in which there is more sharing. I deplore the sort of society which is uncaring, selfish, etcetera".

20

--- Yes.

Perhaps I would just like to show you that. --- Thank you.

I have just got the original text here which is perhaps better than that one, which I will show you. --- Yes.

Bishop, what sort of change as far as the economic system is concerned would you think is required to meet those

30

strictures / ...

strictures of yours? --- I mean one of the things with which we could make a beginning is the inequitable distribution of land for instance, where roughly 13% of the land - those are the usual statistics - is for 70% of the population and the balance, 87% is for 13% of the population. I am not an economist and I do not know how we can deal with our inherent selfishness. I would wish to see a system that does reward initiative and conscientiousness, but one that would be able also to call forth in people the fact that we belong one to another, as the Bible says we belong to the bundle of life, 10 and that the gifts that are given in the biblical understanding are not given for my self-glorification, they are given for the edification of the community in which I find myself. That broadly would be the sort of thing that I would like to see. I mean you get a little bit of it in socialist, western socialist countries, where perhaps for instance you have things like, I mean in Britain you have the national health scheme, in which you are saying to people that it does not depend on your financial liability that you will get the best medical care, that is an attempt at arriving at some aspect 20 of the caring, the compassion and the sharing.

Bishop, in the Ecunews Bulletin 38 of 1979, there are extracts from the President's charge to the 23rd Session of the Provincial Synod of the Church of the Province of South Africa on page 8 of that particular bulletin? --- Yes.

Now the President says in the third paragraph:

"Unless we act speedily to create a more open society, take massive steps to provide adequate education for Blacks and remove barriers, the White part of our nation will retain its Dives character and have only

itself / ...

itself to blame if it experiences the wrath of God".

The next paragraph:

"There seem to be such obvious and burning issues facing the Church in our time that one cannot be blind to them. Political pressure groups, both national and international, grasp at our minds and emotions in order to claim and to hold our allegiance".

Has the SACC had such an experience as is described here?

--- I am trying to think what is being referred to.

Well, let us perhaps go through it, then we can come back to this particular aspect. The President continues:

10

"The Church is also facing a radical revision of its thinking about the ministry of women, the meaning of initiation and the means by which we find unity with the other churches".

I think we have heard about that aspect already.

"These are potentially deeply divisive issues. Let us take care that we are not so gripped or dazed by the so-called issues of the day, whether political or ecclesiastical, that we react to these instead of responding with clarity and decision to the author of our life and of our salvation".

20

--- Yes.

"Socio-political solutions for what are ultimately religious problems have often been the way the Church has responded to a crisis. It does not work. We seldom take hold of the faith that God means to use His church to do His work by the unique powers of the Spirit with whom the Father anointed Jesus. The Kingdom of God is not capitalism or socialism, nor a

30

combination / ...

combination of both. It is not a federal solution to our country's problems or Black majority rule, but a new humanity created by Jesus and joyfully obedient to the Father in the Holy Spirit".

One gets the impression from this particular address by the President to the Provincial Synod of the Church of the Province, that he warns them to be very careful not to get so embroiled in the issues of the day that they lose sight of the purpose for which the Church exists. Would you think that is more or less..(intervention) --- Well, it is a good warning to give, I think, but you have also got to realise the person who makes this particular or gives this particular address. I would not have used those words. 10

Who was this President in 1979? --- I think it was Archbishop Burnett.

Bishop, could we then please just deal with this statement that he makes here: "political pressure groups both national and international grasp at our minds and emotions in order to claim and to hold our allegiance". Was the Council or yourself subjected to any such pressures as described here? Or were attempts made? --- I think, I mean we do not live in a vacuum, and obviously there will be people who seek to try and influence points of view. They are not necessarily political people, I mean many people have got certain issues that are central to their concern and they may seek to enlist the support of the Council or of its officers, and therefore I would say that the statement is correct in so far as it goes, but it does not go far enough, I mean it is not just political pressure groups, it could be groups of the so-called charismatic type who may wish to have the Church 20 30

agree with how they see things.

Bishop, if I may attempt a sort of a summary, could one say that the approach towards the problems in South Africa as far as apartheid is concerned from your point of view, and from the Council's point of view, indicates a virtual irreconcilable difference between your approach and the ideology of apartheid? --- Yes, I would say that I cannot accept something that is so totally opposed to the Gospel, and I am not the only one who has said this, it has been declared a heresy by the World Alliance of Reformed Churches and by a number of our member churches, so yes, I would say that that was irreconcilable if you wanted to put it that way, though it is probably a hard word to put in since we indicated the attempts we have made to the White Dutch Reformed Church, to Government, an attempt that we still are making in the appeals that we address to the authorities on how we can in fact cross over to the other side, and the other side being a new democratic and more just and non-racial South Africa.

10

Bishop, of course declaring apartheid a heresy would make it very difficult for these White Dutch Reformed Churches after date of declaration of apartheid as a heresy to be involved in consultations? --- Yes, yes, but you see, Sir, it comes after a long process attempting to call your brother, and Matthew Chapter 18 v 15 says this:

20

"If your brother sins against you, go and show him his fault, but do it privately just between yourselves. If he listens to you you have won your brother back, but if he will not listen to you take one or two other persons with you so that every accusation may be

30

upheld / ...

upheld by the testimony of two or more witnesses (as the Scripture says), and if he will not listen to them then tell the whole thing to the Church; finally if he will not listen to the Church, treat him as though he were a pagan or a tax collector".

Bishop, may I ask you to turn to page 89 of your memorandum please. Now, from page 83 onwards you quote Dr. Geldenhuys? --- Yes.

And on page 39 in your quotation of his statement in the second paragraph, he says the following - the first paragraph deals with relations between the SACC and the White Dutch Reformed Church, to take in joint view with the sinful system of apartheid. Then he says in the second paragraph:

10

"Die kloof word al hoe wyer, die polarisasie al groter. Die uitsprake en optrede van die SARK getuig van 'n ongeduld wat nie meer in toom gehou kan word nie. Hulle besluite neig ook om oor te gaan in werklike dade van verset - al is dit voorlopig nog net burgerlike ongehoorsaamheid teen wette en regulasies van die owerheid. Die kerke gaan uit van die grondstelling dat die totale opset van die Nasionale politieke beleid Christelik onregverdig en derhalwe onaanvaarbaar is. Daarin word hulle gesteun deur haas alle Christelike kerke in die wêreld.

20

Daarteenoor staan die groep Afrikaanse kerke wat volhou dat daar wel Bybelse regverdiging vir die stelsel van afsonderlike ontwikkeling is, hoewel die kerk altyd krities-profeties moet optree teen elke element of aspek van die stelsel wat onreg inhou".

30

Dr. Geldenhuys' understanding of the existing "ongeduld" the impatience, the growing impatience for change, is that a correct assessment of the position of the Council of Churches as you see it, that there is a growing impatience at the intransigence of Government or whoever to act, to effect the necessary change? --- I think here primarily he is referring to the whole question of a relationship between the SACC and the Dutch Reformed Church, and that, I mean, the SACC has called on or called for a rapprochement between the NGK and the SACC, and that is part of the polarisation and the widening of the gap between the two, and that now the SACC in its statements and in what it does speaks out of an impatience, not only with the situation as it is, but with the fact that they have failed in getting the co-operation of the Dutch Reformed Church.

10

Would this identification of impatience also be valid with regard to the movement towards the implementation of fundamental change? --- I think we have to say that almost anyone who is a student of South African affairs will say that there is very little time left, and as we sit here I believe that in Maputo the SADF are bombing ANC bases, I mean it is just a ghastly situation.

20

But are you impatient, Bishop, nothing seems to be happening? --- Of course, I mean I do not enjoy having to educate my children away from me, I do not enjoy living in a ghetto, I do not enjoy seeing my White brothers and sisters dehumanising themselves in the kind of way that they do. I long for their liberation as well. I mean you live in so much fear.

I think your concession is a valid one, it is borne

30

out / .

out by what you have written from time to time, at least from 1976 onwards. In Ecunews No.17 of 1976, page 11, you emphasise the urgency of the particular matter, that is to effect change - I am just trying to find the correct quotation here - the urgency, if I can summarise, is put in this language:

"I am writing to you, Sir, because I have a growing nightmarish fear that unless something drastic is done very soon, then bloodshed and violence is going to happen in South Africa. It is almost inevitable". 10

That expresses a sense of urgency to effect change? --- Well, you see a few weeks later you had June 16.

Then, Bishop, in his general review of the work of the Division of Justice and Reconciliation, Dr. Kistner also deals with this particular aspect from a different perspective, I have dealt with this with him, basically I will just refer you to page 2 of his document "General Review of the Work of the Division of Justice and Reconciliation", and he says:

"We encounter reservations against a consultation. Conferences it was said take place in great numbers. 20 They have as a rule resulted in extensive talking, but have made no decisive contribution towards action with a view of changing the situation".

So he also in 1976 expresses the view that some action is called for. And something we have referred to earlier this morning already from your address to the National Conference in 1978, concerning change:

"We say that change in South Africa is inevitable. The only questions are how and when it will come. We want it to come now, and we want it to come reasonably 30 peacefully / ...

peacefully and to this end we have dedicated our energies".

I think we have probably read this into the record, I can just show you? --- Yes, we had looked at this.

Now, Bishop, this impatience, this feeling that nothing was being done, was that a factor that contributed towards the 1979 National Conference Resolution of Non-Co-operation and Civil Disobedience? --- I think it is the same kind of impatience perhaps that you might discern in words uttered by a Prime Minister "adapt or die". There is 10
an impatience there, there is an impatience in the words of a former Prime Minister who speaks about the - unless certain things happen you will have the alternative too ghastly to contemplate - yes, I think we will always be impatient because we think that our country is hellbent on self-destruction, and we love this country passionately, and would not wish to see that happen, and I have kept saying that there is still the outside possibility of change happening in this land without too much violence. Now, there are very many factors adding to the dynamics of a 20
Conference, part of the dynamics would be that people are browned off with resolutions taken year in and year out, pious resolutions that do not do anything in a sense to change the situation, and you could say that that is part of what influenced that particular Conference.

Well, perhaps a more recent example of impatience that exists amongst the staff is the 1980 National Conference and the happenings there? --- Well, I think, I mean you are referring to the Conference where some suggestions were made about the possible manipulative activity of the staff. 30

Well / ...

Well, I am basically first referring to the staff retreat, you know where Dr. Kistner's notes that he does not want us to discuss in public, which I will not do, but I think you are familiar with those notes? --- Well I know the staff retreat. The staff persons of the SACC, the senior staff obviously are people who first and foremost are South Africans who live many of them in Black ghettos, and who are not theorising about the situation, they are talking about a situation which is a live situation for them, and they are not unintelligent persons, they are able to read the signs of the times, that is why many of them hold those important positions. They are sensitive to the mood of people and they share, not in a kind of academic sense in the frustration of their people, they are part of those people, and we were trying to discuss gut level issues, and were saying: how could some of those concerns be brought to bear on the agenda of the Conference, and I agreed that the best way would be if the General Secretary made mention of some of those issues in his General Secretary's report, and suggest a way in which the Conference could deal with them. But the final authority as to how an agenda is going to be set up, how it is going to be handled, is not the staff, it is that National Conference, and it is to give the staff an influence that they cannot properly have to think that, I mean, I can get up and say to a Conference: this is what I want you to do, that is not how it was worked out. On the whole of course they will tend to listen to their General Secretary, as somebody they think is not entirely irresponsible.

Bishop, I would now like to discuss this 1979 Resolution with you and what happened to it.

Chairman / ...

CHAIRMAN: Well, might we do that this afternoon? The Commission adjourns until 14h00.

THE COMMISSION IS ADJOURNED.

THE COMMISSION RESUMES AT 14h00:

C36

BISHOP DESMOND TUTU, still under oath:

CHAIRMAN: Bishop, you intimated to me that you would be ready to answer my question concerning the parameters of your discretion? --- Yes, M'lord, may I please? The epithet to describe the Fund means wise, sagacious, referring to someone who can be relied on to act wisely, taking into account all the facts of the situation in front of him. It means that those who entrust him with the control of the discretionary fund already place a great deal of trust in him, and believe that he is a person of integrity, and who will act in good faith and discreetly. He can be trusted with confidences in the knowledge that he will not breach the faith placed in him. It goes without saying that such a discretionary fund will normally go with a job that will go with a high degree of responsibility. What I mean is that a discretionary fund will not normally be controlled by a junior clerk in an establishment, but somebody who holds a position of some responsibility. For instance, it is normal that a minister in charge of a congregation will be given control of such a fund. He is expected to be a person of some experience, wisdom and sagacity, as well as being discreet, for he will be privy in his position of responsibility and privilege to many confidences and secrets. I want to point out that a minister of religion, for instance in the Anglican Church, hears confessions and is obliged under what is called the Seal of Confession, not to divulge what he learned in the Confessional. For instance if someone confessed that he was the murderer when somebody else was being convicted for the same crime, the priest cannot go to

10

20

30

the / ...

the police and say: that man you have is innocent, I know the real culprit. In our Church we do not usually allow a priest only recently ordained to hear confessions for this reason. Sometimes it may be decided that the discretionary fund should be administered by two persons who consult with one another, though I must say I do not know of such a case. My knowledge extends only to a fund administered in the sole discretion of one person. The General Secretary's Discretionary Fund is - this is the first one, M'lord - is a normal discretionary fund in the sole control of the General Secretary, to give assistance as he sees fit, assistance largely in the way of relief, which requires fairly quick action, when he cannot easily consult with others. The amounts disbursed in this discretionary fund vary in size from a few rand to about R1 000 each. The parameters are set really by the epithet wise, sagacious, discreet, to help people in trouble, to do what would be consistent with the aims and objects of the SACC and in line with the Gospel imperatives. I could not normally use it to help someone commit an illegal act. I can use it to buy a staff person a birthday present, she is not in trouble, but it is something that helps build up the morale of someone. I can give a grant to help with education fees, to pay for spectacles, to pay rent, help with train fare for someone destitute, etcetera. That is the first Fund, M'lord. The Asingeni Fund is controlled solely by the General Secretary. It was set up to help in an emergency situation, arising out of the crisis of June 16 1976 and after. The SACC had to respond quickly to needs such as relief for families where the breadwinner was in hospital or had been killed, the cost of funerals / ...

10

20

30

funerals, with bail money, and increasingly with legal costs. The donor partners determined that it would be a Fund "to assist the victims of apartheid", which sets broad parameters, and virtually the only parameters that were set apart from the normal understanding pertaining to a discretionary fund. A person who, as a result of normal unemployment, could not pay rent would not in a narrow sense be called a victim of apartheid, and so assistance for this person would normally come out of the General Secretary's Discretionary Fund. But if the same person came to ask for rent assistance as a result of the breadwinner being on strike for better wages and work conditions, she would be understood to fall within the ambit of the Asingeni Fund as a victim of apartheid, which had directly or indirectly caused the unsatisfactory work conditions.

10

It was though that Asingeni would be only temporary, but especially its legal work is in fact increased rather than diminished, hence its continuing existence. Soon after I took over as General Secretary, I realised that Asingeni was limited in a sense to the negative aspect of assisting the victims of apartheid, limited as it were to ambulance work. I reported to all concerned that I believed a legitimate extension of dominion was to consider the more positive aspect of helping people to take their rightful place in our country. Nobody disagreed with me though some questions were asked about for instance the pilgrimage of hope. That is why I have been able to give educational grants and assistance to help Raven Press publish the manuscripts of up and coming Black writers. The discretion is absolute within the very wide parameters of assisting the victims of apartheid. I

20

30

hope the Commission will find this helpful.

Thank you, Bishop. Mr. von Lieres?

ADV. VON LIERES: Thank you. Bishop Tutu, in contributing to fundamental change, the South African Council of Churches sees the need for apartheid to be dismantled and the alternative society to be introduced. --- Yes.

And it has said on numerous occasions that it seeks to have this done by reasonably peaceful means and to that end it has identified a number of non-violent actions or stances. Would that be more or less broadly correct? --- Yes. 10

One of the examples in which non-violent strategies were preferred to violent strategies is contained in the report of Dr. Kistner to the National Conference of the South African Council of Churches in 1978, when he provided the background paper on The Just Revolution? --- Yes.

He analyses it, and ends up with a recommendation of justifiable resistance? --- Yes.

And the next year he changed the terminology slightly to "obligatory resistance". Now, you are probably aware of the World Council of Churches' paper "Violence, non-violence and the struggle for social justice". This is a paper which was reprinted in South African Outlook August 1974, which I would just like to deal with now? --- This is the WCC - yes. 20

Yes. Bishop, perhaps just for the record, South African Outlook is published by whom? --- Lovedale Press and here it says SPROCAS.

Does the SACC have an interest in this particular publication? --- Yes.

And what is the nature of that interest? --- Now I mean I do not think that we have any sort of financial link, 30
but / ...

but we have the Honorary Life President of the SACC as a member of the Board of the South African Outlook.

Bishop, this is the WCC document as you say? --- Yes.

Perhaps we should just place on record that what happened here was that the Central Committee of the WCC asked its sub-unit on church and society to conduct a study on the problems and potentialities of violence and non-violence in the struggle for social justice, I think you will find that in the first part? --- Yes.

This report then contains firstly the statement by the church and society sub-unit which commences on page 126 of the article, under the heading "The Statement", and it is introduced by the Central Committee's opinion on this particular statement? --- Yes.

10

Now, in dealing with the question of violence and non-violence, the statement itself under the heading of "Action - Violent and non-violent" on page 129, paragraph 28, the righthand column, the last paragraph says that the methods of resistance to unjust and oppressive political or economic power must be considered, and that there exist three points of view about this particular method, setting out the three points of view in sub-paragraphs (a), (b) and (c), various situations. Then they say they could not agree, in paragraph 29 on page 130, to reduce these three radically different points of view of agreement. They have, however, agreed on three particular things. The first one is that there are some forms of violence in which Christians may not participate and which the churches must condemn. --- Yes.

20

And they give some examples, conquest of one people by another, or the deliberate oppression of one class or race by

30

another / ...

another, torture, the holding of innocent hostages and the deliberate and indiscriminate killing of innocent non-combatants. The second category they deal with is they say that far too little attention is being given by the Church and by resistance movements to the methods and techniques of non-violence in the struggle for a just society, and they suggest that there are vast possibilities for preventing violence and bloodshed, and for mitigating violent conflicts already in progress, by the systematic use of forms of struggle which are aimed at the conversion and not the destruction of the opponent. And thirdly they comment as follows on non-violent action. They say the following:

10

"We reject, however, some facile assumptions about non-violence which have been current in the recent debate. Non-violent action is highly political. It may be extremely controversial. It is not free of the compromise and ambiguity which accompany any attempt to embody a love-based ethic in a world of power and counter-power, and it is not necessarily bloodless. Moreover, most struggles for freedom and most government actions have been as a matter of fact mixtures of violent and non-violent action. A non-violent movement may produce peripheral violence and have the problem of controlling it".

20

That is fundamentally what I wish to draw your attention to. Could we then just turn to the first page of the article, page 125, and we note the Central Committee's Resolution on this particular document, and they commend the statement to the churches for study, comment and action, with a number of observations. --- Yes.

30

Now, if I could ask you to turn to page 126, one of the observations in the lefthand column marked "non-violence paragraph 7"? --- Yes.

Is this one:

"We welcome the statement's clarification of the nature of non-violent action (paragraph 29(c) which we have just read).

And it says:

"Non-violence must not be equated with mere passivity or disengagement in the face of injustice. On the contrary, understood in the tradition of Gandhi, King and Luthuli, it is an active, highly political, often controversial and sometimes very dangerous form of engagement in social conflict. The resolutions which follow are to be read in the light of this understanding".

10

Now, I would like to ask you, Bishop, whether your understanding and that of the South African Council of Churches in connection with the implications of non-violent action are in agreement with this study document of the World Council of Churches, or whether there are aspects that you or the Council differ from as far as the description of non-violent action and its implications are concerned, specifically paragraph 29(c)? --- I think, I mean this is a very comprehensive effort on the part of churches working through an agency that they have set up, and I should say that what you have read would be what many of us would say is a good description of where we are.

20

The suggestion in paragraph 29(c) for example that it may produce peripheral violence and have the problem of

30

controlling / ...

controlling it, is that something that is in accord with your understanding when you refer to reasonably peaceful change, does that incorporate this problem or not? --- Well, I try to make provision for this, but I am actually making far greater provision for the retaliatory aspects. I mean when you take, say, Sharpeville where people were quite peaceful in their demonstration against the Pass Laws, 69 of them were still killed, and many of them were shot in the back indicating that they were running away. No, June 16, I mean from the descriptions we have heard, was basically a peaceful demonstration by students, and somebody panicked in reaction to this and we unleashed untold violence. That is the emphasis that I would wish to make when I say you can no longer speak of peaceful means in an absolute sense, you have to take into account what has in fact already happened, and what is likely to happen when those in authority feel that they are challenged and retaliate in the only way they seem to be able to handle these situations. 10

Bishop, just one or two other questions on this particular article, in paragraph 33 on page 130, the sub-unit poses a number of questions? --- Yes. 20

Could I perhaps ask you to turn to page 131, paragraph 35, it asks three questions there, and it suggests here, well it introduces the three questions in the following way:

"Those who by whatever means, work for the destruction of an existing power structure in order to build a better one, need to face such questions as:
Toward what expected results is your struggle directed and how does the cost to be paid balance against the benefit expected? 30

How is your power kept accountable in terms of this avowed purpose so that your victory will not mean the emergence of yet another oppressive system?

Thirdly, how will those against whom the struggle is directed be integrated into the new society?"

Now, the SACC as we know wants to have apartheid dismantled and an alternative society substituted for it, which is basically non-racial, more just etcetera. --- Yes.

Could I ask you, would you please respond to the first question which reads:

10

"Toward what expected results is your struggle directed - and also the second part: "how does the cost to be paid balance against the benefit expected?"?

ADV. KENTRIDGE: I was just going to suggest that my Learned Friend make it clear whether he is asking for a personal answer, an answer as a church man or an answer for the SACC.

ADV. VON LIERES: Well let me ask you, Bishop, whether your personal views differ from those of the SACC - perhaps you would point out the difference? --- Well there are obviously differences, for instance we do have members who hold firmly that there is no place at all for violence, the Quakers would say that quite categorically. Then there would be those who say that in extreme circumstances yes, and those who would say that you are already in a violent situation, and you have to act appropriately, that violence is not something that is being introduced from outside de novo. I just want to say as a preliminary response to your questions on this particular paragraph, that in fact they are not saying anything new here. It is part of the classical doctrine of a just war. I mean one of the criteria for determining whether you could participate

20

30

in war or not, was something of this order: would the expected new order in fact be better than what you are seeking to destroy or overturn. And then secondly, when you assess the cost, is it worth that price, I mean have you weighed what the price is for what you say is your end goal, and is that price worth it? And then another question is have you a reasonable - I mean do you think you have a reasonable chance of success in attaining that goal, and will that goal, that end result in fact be better.

Bishop, let us - because there are these varying opinions - deal with these three questions on the basis of what your personal responses would be to this particular question. --- Yes.

10

Now I think the first part of the first question was to what expected result is your struggle directed, I think we have broadly dealt with that already this morning? --- Yes.

There is the one qualification that I should perhaps ask you about and that refers to Dr. Kistner's 1978 document in which he made the aims of the liberation movement and support for them subject to the criterion of recognition of human rights. Is that also your view, that this new society should have such a safeguard built in?--- Well, I have already mentioned this morning that I believe we would need to have a Bill of Human Rights, which guarantees individual rights not group rights, and I think it would almost already answer one of the questions that you are going to ask: how do you integrate those against whom the struggle is directed. If you have a Bill of Human Rights, then they are human beings and have got to be dealt with as human beings, people who are of infinite worth in the sight of God and who have a place

20

30

in / ...

in the sun.

Now, the second leg of that first question, Bishop, how does the cost to be paid balance against the benefit expected - have you got any thoughts on that? --- I am saying that if the change came reasonably peacefully, then the cost would be infinitesimal against the cost of the continuation of the status quo, and as escalation as we seem to be seeing happening just now, of the violence and so forth. I think I mean, that they do not bear comparison at all. That I would say almost categorically that if those involved in the struggle on both sides were prepared to sit down now, and sought the way of bringing about the vision that we have, you could almost say there was no cost. 10

The second question, Bishop: how is power to be kept accountable so that victory will not mean the emergence of yet another oppressive system - perhaps I should ask it to you slightly differently, what guarantee or what surety would one have that the new system would not also be oppressive? --- In one sense there is no guarantee, I mean there is absolutely no guarantee, because you cannot even give it in terms of entrenched clauses, I mean in this country we were told that the entrenched clauses ensured certain rights, but I think even entrenched clauses are not worth the paper on which they are written. You can disentrench them. For my part the only guarantee that you can give is your trust in your fellow human being, and apartheid has destroyed that possibility. The only thing that ultimately counts is that you say: I know Bishop Tutu, and I know that his word is his bond. I have said already this morning that the trouble is, you see, we are dealing with human beings 20 30

and / ...

and part of the theological understanding of a human being is that although we are redeemed we are always sinners, and that is one of the great tragedies.

Bishop, could one say that non-violent actions when the term is used by the SACC or by yourself, is used in a generalised sense to include all types of actions, not only civil disobedience, to support the contribution towards fundamental change? --- That is a very generalised statement of yours, I mean when you say it includes all kinds of actions no, it cannot include all kinds of actions, it includes actions that can only be included under the rubric non-violent. I mean if I slap you, because in my attempt at carrying out a non-violent action, I retaliate because maybe you kicked me which would be a dangerous thing for me, I mean that would have to be condemned roundly, because it undermines the whole principle of non-violent action. And that is why I said in my submission that it cannot be any Tom, Dick and Harry who can participate in non-violent action, it is people who have undergone training, people with a certain discipline and people with a certain integrity.

10

20

Now, Bishop, I think everybody is familiar with the 1979 Resolution - we could perhaps just get it back in our minds, this civil disobedience Resolution is one that was adopted by the National Conference in 1979, and the wording of the Resolution is to be found in Ecunews Bulletin 24 of 1979 of 3 August 1979, and basically or briefly it says that the South African churches are under an obligation to withdraw as far as that is possible, from co-operation with the State in all those areas in the ordering of our society where the law violates the justice of God, and the work of the Division

30

of / ...

of Justice and Reconciliation is commended and they are requested to continue that work by examining strategies of resistance - page 35 of that particular document, paragraph (e). --- Thank you. Yes.

Now, Bishop, let us just see what actually happened to that particular Resolution. As you will see it was amongst others referred to Justice and Reconciliation to identify strategies of resistance. In the Minutes of the Justice and Reconciliation Committee's meeting over the period August 21 to 22 1979, that was the first meeting after the National Conference? --- Yes. 10

We find two references to this particular Resolution, the first one is on page 3, it is headed "(ii) Resolutions of the '79 National Conference on work with regard to resettlement areas" and it reads:

"The J & R Committee discussed Resolutions 7 and 15(c) of the 1979 SACC National Conference and arrived at the following suggestions and guidelines for the work that is to be undertaken".

This Resolution on resettlement has been dealt with when Dr. Kistner gave evidence, I will give it to you in a moment. And then the next reference in the same report is on page 10 under the heading "Non-collaboration and conscientious affirmation (Resolutions 15 (e) and (f) of the 1979 National Conference): 20

"The Reverend Robertson submitted a series of practical proposals for non-collaboration - Appendix 4 - which could be recommended to Christians and the Church, with a view to implementing Resolution 15(e) and (f) of the 1979 SACC National Conference. These proposals were worked / ... 30

worked out in connection with certain aspects of the political system of separate development that are described in the SPROCAS publication, Church and Apartheid. In the course of the discussion the following points became clear:

Firstly, that the proposals for action of non-collaboration, conscientious affirmation are primarily options which are open to White people. Several of these options are not open to Black people, for example conscientious objection. 10

Secondly, in view of the fact that a situation of violence already exists, the term non-collaboration is more appropriate than the term non-violent action.

Thirdly, there is great frustration amongst Black Christians who experience that in many cases White Christians have remained behind as spectators when Black people took action on crucial issues, for example in the case of strikes".

Then the decision of the committee is minuted as follows:

"The Justice and Reconciliation Committee decided that the planning committee should work out further recommendations or take steps for further recommendations to be worked out for the implementation of Resolutions 15(e) and (f). The following persons were to be asked to participate in the deliberations, Mrs. Duncan, the Reverend Thema, Mr. White and Mr. Manthata". 20

Let me just first show you this. Please have a look first at page 3 of the National Committee Resolutions of Justice and Reconciliation. --- Thank you.

Ostensibly with resettlements as a method of

implementing / ... 30

implementing the Resolutions. And page 10 then, Bishop, is the second one. --- Thank you.

Now, the point I want to make here is that Justice and Reconciliation in fact studied the Resolution? --- Yes.

And made certain suggestions how it could be implemented? --- Yes.

There is, however, Resolution 15(f) which we have not dealt with which I did not refer you to, and I think for clarity's sake it is necessary. Resolution (f) basically amounts to this:

10

"That the National Conference expresses its support for those members who commit themselves to acts of conscientious affirmation of interracial fellowship. We want to give moral encouragement to individuals and groups who are committed to such action. This action relates to the restrictions on interracial contact in society, and it relates to those people who find these restrictions morally objectionable that they cannot obey them with a clear conscience".

Will you just have a look at Resolution(f) on page 36?

20

--- Thank you.

Now, the areas of positive non-co-operation that were submitted, the practical proposals for non-collaboration that were submitted by the Reverend Rob Robertson to the National Committee of Justice and Reconciliation, I would like to give you a copy of them, and you will see that this document was prepared for the Executive Committee meeting of 27 to 28 November 1979? --- Correct.

We have heard from Dr. Kistner that due to a time factor the Executive did not discuss these Resolutions, is

30

that / ...

that also correct - the proposals rather? --- Could you just repeat that please, I am sorry I was looking at this.

Well, just have a look first. The recommendations or the report of Justice and Reconciliation were apparently not discussed at this Executive meeting on 27/28 according to the Minutes? --- Well I think if the Minutes say so then they are probably correct.

Yes, Dr. Kistner told us that the agenda was too long. But let us see what the recommendations were that were submitted to the Executive. We will see that again they refer 10 - that these proposals are related to the implementation of Resolution 15(e) of the 1979 Conference? --- Yes.

And they say the Justice and Reconciliation Division has been asked for specific proposals on implementing this Resolution, and it says:

"It should first be stressed that for Christians any specific non-co-operation with unjust laws should take place within a larger willingness to serve the best interests of the state and the common good".

Then at the bottom of that first page, and there the Division's 20 understanding or the National Committee's understanding of positive non-co-operation is set out, and it reads:

"Positive non-co-operation involves a willingness to take the consequences of one's action without evading the penalties of the law as it stands. The effect of this kind of suffering is that it enables the community and the legislature to see that the offensive nature of these laws, and may lead to changes being made. In the SPROCAS publication "Apartheid and the Church", seven areas of restrictive legislation are mentioned.

Looking at each of these one can see how positive non-co-operation could be applied in each case".

It then goes over to deal with the seven areas. The first one relates to restrictions on freedom of movement and residence, the second one to freedom of worship; the third one to restrictions on speech and publications; the fourth one restriction on association; the fifth restrictions on social welfare and service; the sixth, restrictions on institutions, and the seventh, restrictions on education. And it continues and says that:

10

"The proposals depend on a determined minority for the implementation. In most cases the leadership of the churches will have to initiate these actions".

Then it is also recommended to the Executive that the churches should also attempt to work out what non-co-operation means in some general areas of life that affect everybody, for example, race classification, the wearing of identity documents, and so on. And other suggestions are made such as an affirmative campaign with car stickers and so forth. Now, these proposals for positive non-co-operation, Bishop, they were prepared by the Commission on Violence and Non-Violence which is the Commission which resorts under the Division of Justice and Reconciliation? --- Yes.

20

Then I would like to refer you to some other Minutes of the Division of Justice and Reconciliation, dated March 17/18 1981 - let us take April 15/16 page 3, Bishop, paragraph 9 of this particular Minute of Justice and Reconciliation Committee, we have on page 3, paragraph 9, under the heading "Non-violent action", it sets out:

"The Reverend Rob Robertson gave a report on his work".

30

And / ...

And in paragraph 9.3 we read that preparations have been undertaken for importing literature on non-violent action for the establishment of libraries on this topic at six centres in the country. Then paragraph 9.4 under the heading "Efforts to activate groups on non-violent action" it says:

"Efforts have been undertaken to make people aware of the suffering caused by the present legislation, thus the non-violent action undertaken on behalf of the Naidoo family made people aware of the shortage of housing for Indians and Coloureds. In this way the suffering caused by the Group Areas Act has been exposed to the public. Attempts are undertaken to draw the attention of White people to the situation to intervene when people are to be moved from houses they have occupied in areas designated for Whites. The experience and strength of groups that are active in the area of non-violent action is not yet big enough to resist effectively the relocation of Black people".

10

20

I would like you just to have a look at this - at those Minutes, they have also been dealt with in detail with Dr. Kistner? --- Page 3?

Yes, paragraph 9, the heading "non-violent action". So one further example, Bishop, that the process of trying to implement the Resolutions continues, is also to be found in September 30 to October 1 Minutes of J & R on page 14, paragraph 16, where the progress report on the work of the Commission on Non-Violent Action is recorded. Bishop, the Commission has heard the evidence of the Reverend Robertson

30

in which he described the various conscientious objection workshops that were held, the action groups that had been created in various of the major centres? --- Yes.

And I do not think we need to discuss that, that is a matter of record. May I draw your attention to another area in which the question of co-operation or non-co-operation with the State became rather, or received rather important emphasis from the Division of Justice and Reconciliation. This is connected with the question whether marriage officers should or should not perform the civil side of the marriage function. You will recall that at the 1978 - let me just make sure - already at the 1978 National Conference the Division of Justice and Reconciliation reported as Appendix 4, and raised the question of the problem of ministers as marriage officers? --- Yes. 10

This was before the 1979 Resolution. But in 1980 this particular aspect receives attention, and the question was reported on by the Reverend Palos who is - is he a part-time or full-time member of Justice and Reconciliation? --- Part-time. 20

A part-time member of Justice and Reconciliation, who reported that it became clear that the churches are not prepared to encourage their ministers to withdraw from co-operation with the State by refusing to be marriage officers, that is contained in the Minute April 15/16 1980 of J & R on page 7 at the bottom and page 8, and the follow-up on that one was contained in the March 1981 divisional Minute on page 9.8. And then finally in the Minutes of the meeting August 25/26 1981 on page 4, the question of marriage licences was again discussed, a report was received from the United 30

Congregational Church, that the majority of ministers were in favour of continuing to serve as marriage officers, and that similar trends prevailed also in other denominations so that it appears that they were not prepared to abandon the civil part of the function of a marriage officer. Now we know, Bishop, you have submitted certain documents to indicate that the Presbyterian Church has in fact adopted a Resolution since that date suggesting that its marriage officers should not act as civil marriage officers? --- Yes, but those who conscientiously felt they wanted to do this should be supported by the Church, and the Anglicans at their Provincial Synod, we have got the documents in front of the Commission, have also passed a Resolution, first of all calling for the abolition of the specific section, and then saying that if those who would normally be prevented from getting married because they belong to different racial groups wanted to do so, the minister should first of all inform them of the likely consequences if they did get married, but that they should go ahead and marry them, and refuse to complete the forms in that part of the form where the racial designation of the persons has to be filled in.

10

20

THE COMMISSION IS ADJOURNED.

THE COMMISSION RESUMES:

BISHOP DESMOND TUTU, still under oath:

ADV. VON LIERES: Bishop, if you would now turn to page 94 of your memorandum, in the third paragraph towards the end you say:

"Of course, the SACC has passed a resolution on civil disobedience or rather the obeying of God rather than man, but the SACC as such had not (and has not) carried out that resolution".

30

--- I am trying to see where we are?

Page 94? --- Oh, 94 not 95.

The third paragraph, about six lines from the bottom.

--- Yes.

Have you found it? --- Yes.

Now, are not these actions by the Division of Justice and Reconciliation, who were instructed to identify strategies of resistance, are these actions not actions that in fact are designed to implement the Resolution on civil disobedience?

--- Yes, not been implemented.

10

Well, Bishop, what about the Vigilance Committee on resettlements and the emergency unit and all these other preparations that have been done, is that not part of the implementation? --- No, I think, I mean that once you have that you would have had a reaction. We have not as SACC, you know, I mean it would be Christians, individual Christians, it would be individual denominations that would do this. You see the example the police use is a very bad example, because they cannot find any other. No, I would stick by what I have said.

20

Bishop, you of course have also taken up the question of civil disobedience in a number of speeches, one of which was contained in a BBC report "Heart of the matter"? --- Yes.

In which you suggest that, in answer to a question - and I will give you the document in a second - that if we could in fact get in process this campaign of massive obedience to God and disobedience to the State, and the interviewer asks you:

"What kind of disobedience, do you mean marching in the streets or going on strike?"

And you say:

30

Well / ...

"Well, we would be trying to disobey those laws that clearly are unjust laws, like, I mean you were supposed to have got a permit for coming into Soweto because you are a White person, you should have got a permit to accompany me to church, and such laws we reckon are unjust laws and should not be obeyed. And from that you begin building up a process of disobeying on a massive scale and that will almost mean nearly all the laws on the Statute Book virtually that makes this country ungovernable".

10

Do you recall that? --- Yes.

Now, if this civil disobedience - massive civil disobedience campaign were successful, Bishop, what would the results of that be? --- The intended results are that the authorities will take heed of the fact that the laws that are being referred to, the laws that are being broken, are laws that in a Christian country ought not to be on the Statute Book, and if the authorities are amenable to reason then the reasonable thing to do is to ensure that those laws are no longer on the Statute Book, it is as simple as that.

20

But if this country does become ungovernable as a result of massive civil disobedience, then that government is not in control anymore and how can it attend to the problems? --- The process is precisely what it is, a process. It has a beginning at some point, and one would have thought you are not dealing with recalcitrant people, you are dealing with people who are aware - let me just take a fairly straightforward example. Do you recall the time - I cannot remember the year - when there was a glut of butter, and for some extraordinary reason, quite contrary to all the laws of supply and / ...

30

and demand, the authorities decided that they were going to increase the price of butter. And the Housewives' League said: we are not buying butter, and they managed to mobilise enough support from ordinary housewives, and the end result was that the price of butter was reduced.

CHAIRMAN: You would not see that as being civil disobedience though, Bishop? --- It is a form of not co-operating, because I mean if you had agreed, if people said: well, we are going to buy in any case, then the situation would never have been corrected. What I am seeking to indicate is that non-co-
operation is in fact a very wide thing, which I think the Afrikaner used to some extent when you were beginning to develop the Afrikaans language. Some of the things that were done in order to demonstrate that Afrikaans had to have the same status as English, the way in which you said you were going to support Afrikaans establishments and so on. No, I would say those are just peripheral examples. In the life of the Church the things that are fairly obvious would be things like the Government telling people that they have to get permission before they can meet together as Christians,
just because they happen to be Christians of different colours. I think that that is totally unacceptable that Christian fellowship must be subject to the determination of a secular authority. That would be one example. Another, to take the extension further, not for worship, but I mean if Christians want to have Christian fellowship in their homes, why should they have permission from the Government in order to do that? And then to go further, I mean we still have on the Statute Book the so-called notorious church clause, and the then Archbishop of Cape Town, Jeffrey Clayton, died after he

10

20

30

had / ...

had written a letter on behalf of the Anglican Bishops to the Prime Minister saying that if the provisions of the church clause were in fact applied, the Bishops reluctantly would instruct Christians in the Anglican Church to disobey those provisions.

That clause was never applied was it? --- It has not been applied although it is still on the Statute Book, I gather, M'lord. I myself do not carry a pass, it is a small thing, I carry some other form of identification, because we were told some time ago that our passes were really like identity papers. It is not entirely true, because if the police were sticky and they asked for my pass now, the offence I presume is not carrying the pass, but I do it as part of saying: this is my country, and I am not going to be told unnecessarily that my movements are going to be restricted. But I wish to give other examples. The one example that has been bandied about is precisely this one of the marriage. Marriage is such a crucial matter in the Christian faith, that our Lord - well God established it right in the beginning, but our Lord sanctified it, and the Church says any couple can get married provided there are no ordinary impediments, and race is not one of them. And if people want to get married I certainly would encourage them to get married. I had a young White girl come to me one day and say: Bishop Tutu, what should we do? And I said I think perhaps the best thing is to go to a country like Lesotho or Botswana to have a legal form of marriage so that your children were not considered illegitimate. And I could go further. I think that in the matter of forced population removals, the Church ought really to say, after they have attempted to persuade
10
20
30
the / ...

the authorities not to move people, I mean the churches ought to say: we are going to interpose our bodies between the bulldozers and the homes of these people. And I would support that, I would say that we were preventing the State from becoming unjust, and making the State realise what Professor Bosch pointed out in his "Storm-kompas" contribution, that the State is also our servant, it exists in order to serve for our benefit, the benefit of those who are its subjects. When the State does not do this, it in a sense forfeits the loyalty of its subjects. And my usual question is at the end, if people say: you cannot do this, then I say: what is left, what can people then be expected to do who are seeking a more just ordering of society, who do not have political power? What method must they use?

10

ADV. VON LIERES: Bishop, this is the sort of position that would then in effect or could contribute towards this massive disobedience that you have described, but if the progressive increase in the civil disobedience takes place as envisaged, then at the end of the day, that government against whom these massive civil disobedience campaigns have been directed, that government has lost control? --- Yes, but then it is the fault of the government, you cannot put the blame on those who are seeking to persuade it. It would be the fault of its own recalcitrance and stiffneckedness, because the process of non-violent action is intended as something to persuade. Now, I mean if I persuade you that you are actually on the edge of the precipice, that if you move further you are going to topple over, you cannot blame me for not listening to my attempt at persuading you to move away from the precipice.

20

Well, perhaps another example, Bishop, on the smaller

30

and / ...

and less massive scale, is the one you referred to in an article on the South African Council of Churches, "The work at grassroots level", in which the suggestion is also made that we should tell people who are banned to ignore their banning orders and let us support them when there are consequences. You say:

"I think the churches should mount a massive campaign of support through positive non-co-operation with the implementation of immoral, un-Christian or unjust laws".

10

That is more or less in line with the other address? --- Yes, I mean the particular example that you use is very germane to our whole discussion, I mean that here you have an arbitrary action on the part of the authorities restricting the freedom of a person and turning him virtually into a non-person, and making him a prisoner at his own expense. I feel very very strongly, and I have stated that I certainly would not obey one if it was imposed on me. I do not think that I would want to be a prisoner at my own expense.

Bishop, some other forms of non-violent action, not necessarily to be confused with civil disobedience that were raised from time to time on various occasions is the matter of international pressure, which we have dealt with already? --- Yes.

20

There is the question of what the role of the student should be in South Africa, this is a speech reported in Ecunews No.2 of 1981? --- Yes.

And this is a publication of a recent address that you gave to the students at the University of Natal, published in Ecunews on 20 February 1981, and I would like to refer you to page 18 and following of that particular Bulletin of Ecunews.

30

--- Yes, I have that page in front of me.

And on page 19, Bishop, if you would like to read through 18 to 19, at the bottom of 19, you give the example of the agitation of students about nuclear disarmament, and you point out to the students that they have power? --- Yes.

They could protest and cause their parents to protest against censorship etcetera, and you use the example of a lawyer right at the bottom of the page, well actually the example you mentioned earlier you have used here, third line from the bottom:

10

"Would the authorities demolish Black homes if White bodies were interposed between these homes and bulldozers? You should decide now that as a lawyer you will refuse to practise, if the laws are so blatant and unjust".

--- Yes.

And skipping a few lines:

"Can you imagine what would happen if judges, magistrates, lawyers, advocates, if all refused any longer to administer the laws they know are unjust".

20

--- Yes.

That would of course have the same effect or virtually the same effect as massive civil disobedience, it would technically make it ungovernable? --- Again I would say that, I mean, if such distinguished people as judges and lawyers and magistrates, who are not people who are moved merely by emotion, but who say that very important principles of jurisprudence and justice are being undermined, and had tried to call attention to this fact in other ways and had failed. If they then said: we will not participate in the administration 30

of / ...

of unjust laws, then it is not their fault that there is a chaotic situation, it is the fault of the authorities who have made possible such a situation. This is not the first time that I have made the call, I made it in Cape Town, and I made it in all seriousness. I mean, if for instance you have a situation where the accused has to prove that he is innocent and not the other way round that the prosecution has to indicate that he is guilty, then I think the rule of law is being subverted in a very serious way.

Bishop, another suggested method that you referred to was the question of the use of consumer power? --- Yes. 10

I would like to refer you to Ecunews Bulletin No.11 of 1980, page 10, dated 2 May, this is also a reprint of an article delivered on April 29 1980 at the Natal University, and I am just interested in this one aspect on page 10, the question of consumer power, right at the top of page 10 you say:

"Blacks may not have much military and other power, but we have our consumer power, and South Africa still depends to a large extent on our labour. We are not yet properly organised but the latent power is there". 20

--- Yes.

Bishop, then I would like to refer you to Ecunews No.12 - no, perhaps I should - would you please turn to Ecunews No.19 of 1980, I think it is in the same volume that you have in front of you now - page 6 of the Bulletin No. 19, have you got that? --- No, they go up to 18.

Oh, here it is. Another method of non-violent action is set out in Ecunews 19 of 1980 page 16, and I refer you to the last sentence in the "general unrest" paragraph there:

"It is possible that workers are beginning to realise their / ... 30

their muscles"? --- Yes.

Now in this connection I will discuss Asingeni Reports 19 to 25 a bit later with you. Could you now please turn to Ecunews No.12 of 1980, that is in the first volume, page 22, Bishop. Now the speech that is reported here is your address to the National Conference of the South African Council of Churches for 1980. The theme of the 1980 Conference was "Your Kingdom Come". Now, Bishop, page 22, have you got it? --- I have got page 22, thank you.

Could we just look at what is reported on page 22, 10
the fourth last paragraph in your address to the National Conference, it is said:

"We can't just protest verbally. The Church must do more than just talk. The survival of South Africa is at stake, we can't sit around and see the death of District 6 or just shrug our shoulders or pass a pious resolution. We can't sit around whilst people are systematically destroyed through the population removal scheme".

Next paragraph: 20

"We can't sit around and have people detained without trial in the name of non-existent justice, and for an apparent law and order which were long ago subverted by the erosion of the rule of law. We can't just sit around and have Black family life deliberately destroyed by the migratory labour system.

We can't just sit around whilst people are banned even after a long period on Robben Island.

The Gospel demands that we struggle for justice and peace and compassion and reconciliation and laughter 30

and / ...

and joy and life which belongs to the Kingdom of God".

--- Yes.

If you turn the page, Bishop, please, we can skip the first paragraph and let us go to the third paragraph:

"Last year we undertook to obey God rather than man, but did not sit down and work out the detail of how this must happen. We did not give guidance to those who wanted to follow our lead. We cannot afford to be quite so irresponsible. We must oppose the total strategy with all the fibre of our being, for the sake 10 of South Africa, but we must get down to the nuts and bolts of what that means. We must listen to those who are skilled to analyse our situation and then work out how we do this costly thing. What will it mean to our lifestyle? What will real sharing mean? What will identifying with the poor really entail? The Church, that is Christians, must face up to the possibility that it may die in this struggle.

Perhaps we must suspend our agenda until we have dealt with these issues, not merely by resolution, but by a 20 programme of action".

Now, of course, this particular address was related to the question of a status confessionis in connection with the total strategy, but, Bishop, are we not saying here in effect when you say: "we can't protest verbally, we can't sit around, the Gospel demands that we struggle", are you not really saying that the Church must take action and that that Conference should work out the detail? --- Well yes, I mean, I think the words are fairly straightforward words. We had passed a Resolution, and up to now we have done nothing, and 30

that / ...

that is the burden of my submission, we have done nothing to implement it, and that is what I say is my objection to the police submission. I would have liked to see action to translate this Resolution into actuality.

What sort of action, Bishop? --- Do you want me to rehearse again?

Oh well if you have covered it then you have covered it. Now, we have identified I think and it is really general knowledge, that the Council wishes to see fundamental change, it has taken certain resolutions to implement actions. We know that at least since 1976 your Division of Justice and Reconciliation has been alive to the fact that awareness should be created amongst the members of the churches? -- Yes. 10

So that they can realise what the problems are. And the Council in 1975 has already taken a resolution and you have expressed your views of how the new society should look and what should be done to try and effect this fundamental change. But now, in your address, Bishop, to the students of the University of Natal, which is Ecunews Volume 2 of 1981, could I just refer you to that again - do you still have it there, Bishop, Ecunews Volume 2 of 1981? --- Yes I have, page? 20

Page 16? --- I am sorry I have got 2 of 1980.

Sorry - Bishop, right at the top of page 16, this is again the address to the Natal students we have spoken about earlier, we find the statement: we are already engaged in a low level civil war in South Africa? --- Yes.

And you give the example then of the Defence Force going to Maputo as an illustration of this. Now, in the middle paragraph, Bishop, we find that basically what you express is the divergent approach between Whites and Blacks 30

with / ...

with regard to terrorism and so forth, and you say:

"Those people Whites call terrorists happen to be our children, our brothers and our fathers. When your brother commits murder he is no less your brother for that".

Then you say:

"Most Blacks support the ANC in its goal of a liberated South Africa, which will have a genuine democracy. They may not all agree about its methods".

--- Yes.

10

Now, where does - or let me ask it to you this way, in connection with this statement where do you stand? --- Oh, quite straightforward, I mean I have said it many times, I support the ANC in its goal for a democratic South Africa, a non-racial South Africa, that coincides with my own position, but I mean I have already many times criticised, condemned in fact the violence perpetrated by the ANC, and if they were responsible for Friday, I associated myself with the statement that the SACC issued about the horror of the bomb blast, and condemned what we call naked terrorism. But I must say that I have issued a statement today condemning the SAAF strike into Maputo.

20

Let me say immediately my question has got nothing to do with Friday, that is incidental? --- No, but I am just saying that let us bring it up to date.

I would have asked you in any case in view of the fact. Your support for the ANC, Bishop, is quite in line I think, if I may show you this, with the expressions and the report of the director of Justice and Reconciliation to the National Conference, the Tenth National Conference in 1978. I would

30

like / ...

like to show you this portion under "Some suggestions" where he says, page 7 of Appendix 1 of his report:

"The SACC therefore expresses its solidarity with the aims of the liberation movements but qualifies its support by subjecting the concept of 'freedom' to the human rights criterion".

Is that the expressed official point of view of the South African Council of Churches? --- No, the South African Council of Churches, I mean, is quite clear, it is not just the human rights, it says specifically that it condemns the violence of both those who seek to overthrow an unjust system and those who seek to maintain that system. It is as categorical as that. It does not speak even of human rights, it just says in words of one syllable.

Yes, but that relates to the method, Bishop, you do not accept the method of the ANC? --- Yes.

That has been made clear in a number of speeches? --- Yes.

That the violence of both sides is rejected? --- Yes.

Let us just concentrate, not on the method, but on the aim, that expression..(intervention) --- Yes, well I would say yes, I mean, I have not myself used this particular expression, I think it would convey what one is seeking to say, I mean the human rights criterion here is particularly to say that for instance those against whom you are fighting should be regarded as human persons who have inalienable rights and should be treated accordingly when freedom is attained. I think, I mean that is what Dr. Kistner is saying here, and I would go along with that. I have not specifically used this.

No, no, it is not your language, it is Dr. Kistner's.

No / ...

--- No, it could not be, he is a German academic.

Bishop, then in this connection, I would like to deal with an address dated 29 March 1982, with the theme "Blacks and Liberation", I think it was made to the South African Indian Congress (SAIC) --- Or Council, it is Council.

Council. I would like to draw your attention to page 10 there please, will you just identify the speech? --- Yes.

Page 10 at the top, you could start at the bottom of page 9, let us just see what you say there - page 10 at the top, Bishop, reads as follows:

10

"My friends, in a situation of injustice and oppression, as we have remarked before, there are only two groups, the oppressor and the oppressed. There are no inbetweens. It is like pregnancy, you cannot be half pregnant, you are either pregnant or not, you are either oppressed or you are an oppressor".

Have you got that? --- Yes, I have got it.

And then it carries on:

"Coloureds and Indians are being asked to be co-oppressors of their fellow-Blacks. History will judge you harshly if you are co-opted into becoming collaborators in this oppressive system".

20

Then there is one other portion, I think it is on page 9, Bishop, I am not quite sure but you can perhaps find it, it starts this way:

"Make no mistake about it, if you go over to the other side, then the day of reckoning will come. This is not a threat, it is just a plain truth. Blacks will never forget that you were traitors to the liberation struggle. They will not forget when they are free in a

30

genuine / ...

genuine democratic and non-racial South Africa which is coming, whatever anybody else may try to do or tell you, and when that happens they will remember that Coloureds and Indians deserted us and delayed our liberation, with all that will have meant in the high cost of human suffering caused by the injustice, exploitation, oppression..(intervention)

--- I have not found it, but I would go along with it if you could just tell me the page please?

Well I have to find it, I did not make a note of that. 10

--- Yes, I see. Oh, I have found it.

On page 7, thank you. Now, Bishop, is it all this cut and dried, if I can use it not in a racist sense but in a grammatical sense, is it all White and Black, you are either with the oppressor or you are with the oppressed, is it that straightforward? --- Yes, I think so, I think that you have to admit that maybe there is a bit of both in all of us, that is, a bit of collaboration that most of us are guilty of, but there is also the deliberate acceptance of being part of a system that is unjust, especially to one section of the community, which, I mean, makes the whole situation worse than the one where willy-nilly we find ourselves as collaborators. I mean I am a collaborator in living in Soweto. It means I agree that part of South Africa does not belong to me. I have accepted to some extent the determination of who I am in terms of colour, that is a form of collaborating, but it is collaborating one does in spite of oneself. But where you do have some choice, and they dangle in front of you a bait and you can determine whether you want to bite on that bait or not, and this is what one is putting before socalled 20 30

Coloureds and Indians, that they do not need to do this. I mean they are doing precisely what Esau did, you know, you remember Esau? Esau had his birthright as the firstborn of the twins and for some immediate advantage he agreed to give up his birthright to Jacob for a mess of pottage. And I am saying to the Indian and to the so-called Coloured that for something that seems an immediate advantage you are giving up something far greater, your birthright, your birthright as South African citizens who would be part of a South Africa that was totally other than the one that we have here. 10

Bishop, this idea underlying the thought that you are either with me or you are against me, is that the idea which underlies the description on page 14 of that Ecunews that you have in front of you, 2 of 1981, page 14, it is the same address we are still dealing with? --- Yes.

The address to the Natal students? --- Yes, page?

Page 14 at the bottom there. This idea that you are either with me or you are against me, if I can put it like that, is that that founds this description in the very last paragraph which reads as follows: 20

"Very few Blacks would want to be seen in army uniform today. Those who do wear it are regarded as traitors to our liberation cause".

--- Yes. I want to say clearly that the divide is not so much for me a question of the skin colour Black, if you are Black you are alright, because it is patently untrue. There are those who have opted to participate in the Bantustan charade and travesty, and they are very much part of the system. It is whether you are for justice, you are for goodness, righteousness, love, peace, joy and fullness of 30

life on the one hand and on the other whether you are for repression, you are for holding down people, you are for hoarding the good things only for a privileged few. That is the divide.

But, Bishop, something that I do not quite understand is this, whether the person is with the ANC or whether he is with the Defence Force, this person is still a son or a brother or an uncle or an aunt or somebody in the Black community, he does not lose that quality, why must he when he joins the Defence Force then be labelled as a traitor? 10

--- Well I think, I mean I have indicated it, and the history of our country surely demonstrates that that is a possibility. I mean you had the Ossewa Brandwag who were determined to carry out acts of sabotage, and they were acting as terrorists during the 1939-1945 war. They saw those who wore the uniform, Whites, they saw them as traitors.

But are you not a bit harsh on him, Bishop, he still remains your brother? --- Oh yes.

Whether he has committed a murder or whether he joins the Defence Force? --- Oh yes, would you not have thought that Afrikaners would say that of their fellow White South Africans whom they kicked out of their church services? 20

Is the dividing line not the question whether he supports a particular cause in this case? --- That is precisely what I have said, I have said that the whole point is it is not a question of colour, although it happens that Blacks will tend to be on the side of those who have been denied rights and so forth and so on, but ultimately, you know while I am in this whole business has got nothing to do with politics, I mean I have to keep trying to make people 30

understand / ...

understand that I am not a politician, it is my understanding of what our Lord Jesus Christ says in the Bible, that is the point, and I will criticise whoever has to be criticised on the basis of the Bible, not on the basis of a political ideology. And that is what I am saying, I am saying that you determine where you are, are you ultimately actually consistent with the Gospel of Jesus Christ.

Bishop, could I just ask you one last question on this aspect, Ecunews Bulletin 13 of 1979. In this connection, whether you are with the oppressor or against the oppressor, 10 what is the choice or with whom has Inkatha identified itself. The article I refer you to is on page 1 of Ecunews 13 of 1979, dated April 27 1979, and it basically concerns differences that the SACC and Inkatha had. Where do they stand? --- Inkatha and Bishop Tutu, not so much the SACC, I mean the SACC really comes incidentally. We had differences as a result of the happenings at the funeral of Robert Sobukwe, and from that moment on Chief Gatsha Buthelezi has taken every opportunity he can find to attack me. I have hardly ever responded, I have kept quiet. I mean let me try and finish, 20 he attacked the SACC overseas, and it is an exhibit before this Commission. I did not respond. Quite recently in Ulunde, he virtually repeated the same tirade. I do not think I can descend to that level.

Could I just ask you, where does he fit into the scheme of things, oppressor or oppressed? --- In my view he is in the system, he operates within the system in a deliberate kind of form, that is our difference in some ways.

CHAIRMAN: May I just ask you one thing before we adjourn, when you refer as you did in the speech which was quoted to 30
you / ...

you, that you are involved in a liberation struggle, do you see the SACC as a body being involved in the liberation struggle? --- I would see Christians and since Christians are members of the churches involving those churches, and since the churches are members of the Council, they help to involve the SACC. And I would say that basically our thrust, certainly since I came into the Council, was just how do we relate to the liberation struggle of all the peoples of our country.

The Commission will now adjourn until tomorrow morning at 09h00.

10

THE COMMISSION IS ADJOURNED.