

FOREWORD

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Beating Swords into Ploughshares

John Schlapobersky is a world-renowned author and pioneer of group psychotherapy. Half a century ago he was made to stand without sleep on a brick in an apartheid prison for five days and nights. Then he was incarcerated in solitary confinement in what we called ‘The Hanging Jail’ for weeks, and he never went home again. What can we learn now about human endurance, survival, repair and transcendence from this experience? John’s exquisitely written memoir tells us.

John comes from a long line of storytellers. He now earns his living from encouraging people injured in their souls to find a road to healing through telling their stories to each other. In group psychotherapy, he tells us, the psychotherapist gets close to people whose souls have been maimed by violence in the state or family, by loss or by injury, and he hears thunder as they recount their nightmares. John is at last telling his own story. He is letting out and hearing the thunder that for fifty years has lain silent in his own soul. The book is quite beautiful. In the first part of this Foreword, I offer the counterpoint voice of my own experience. There is considerable overlap in what we each went through, but also great differences. What unites them, I believe, is that in both cases we sought and managed to turn negativity into positivity. We have beaten the swords of oppression into the ploughshares of hope.

In the second part of this Foreword I will discuss the different ways in which we have gone about this. In John’s case it has been through his life’s work as a psychotherapist. He concludes this memoir with an Epilogue he calls ‘The Years After’ in which the words of fellow survivors whom he has worked with, from different parts of the world, tell their own healing stories of survival and recovery. In my case, the theme of soft vengeance has been with me ever since I was blown up by a bomb placed in my car by South African security agents

(Sachs 1990). In broad terms it took the form of helping to write South Africa's new democratic constitution. It involved voting as an equal for the first time. It meant being sworn in in front of President Nelson Mandela as a Justice of South Africa's first Constitutional Court. It manifested itself in our decision to construct our court right in the heart of the Old Fort Prison, where MK Gandhi, Robert Sobukwe, Oliver Tambo and Nelson and Winnie Mandela had been imprisoned. It signified being party to decisions of the court that forbade the whipping of juveniles; declared that, under the constitution, living customary law abolished patriarchal rules that bore unjustly against women; upheld the right of same-sex couples to marry; underlined the importance of participatory democracy as a supplement to representative democracy; vindicated the right of prisoners to vote and of soldiers to form a trade union that would be able to negotiate conditions of employment and work; and, with direct relevance to John's story, outlawed capital punishment (Currie and de Waal 2005; de Vos and Freedman 2014; Brand and Gevers 2015).¹

Looking back, it is clear that at the time of his incarceration John was innocent. By this I do not only mean that he was being mercilessly interrogated by apartheid Security Police for political crimes he had not actually committed. I am recording that, compared to those of us who regarded ourselves as dedicated revolutionary freedom fighters, he was an innocent. Unlike us, he was bare of any preparation for how to conduct himself when captured by the enemy. And what makes *When They Came for Me: The Hidden Diary of an Apartheid Prisoner* such an astonishingly readable piece of literature is precisely the grace and sophistication with which this innocence is preserved and captured. In almost poetically cadenced language, it reveals a pure – at times unbearably pure – naivety, which made him extremely vulnerable to his Security Police interrogators and yet at the same time gave him an extraordinary resilience. His interrogators did not know how to deal with the fact that he was unprogrammed politically; they had virtually no record of him in their files; he managed to deceive them even as they were beating him down. This innocence was to remain unabated. It now invests this account of pain, recovery and transcendence with a truly lyrical tone. And it carried him into a career – as a psychotherapist – in which he has pioneered healing principles for fellow survivors.

In John's Introduction, which he calls 'The Years Before', he describes the outlook of his own family, who had been far from apolitical. John's father, who had fought in Italy against Mussolini and Hitler, had returned to South Africa and been appalled by the fact that the Afrikaner National Party, which had in large part longed for a Hitler victory, had now been put into government by the whites-only electorate. He had supported the public demonstrations of the Torch Commando, which had been set up by ex-servicemen to oppose the extreme racism of the new apartheid government. John's mother, raised in a Jewish family in an Afrikaans farming community, was also appalled

when her neighbours turned against her as an *'uitlander'*, an outsider, after their election victory in 1948. She found a new association amongst socialists and communists in Johannesburg where she had played the piano at meetings of the Congress movement, and would sing 'The Internationale' in private. She later became an active member of an anti-apartheid grouping of white women called the Black Sash, who with silent dignity registered their repudiation of apartheid. But active as they had been in their different ways, even to the extent of leaving the country for Swaziland, they had not been involved in any underground activity. And John had not grown up in a world like mine; his imagination as a young boy had not been suffused with ideas of preparing for the revolutionary overthrow of an unjust racist state.

How different it was for people like me. I had never known political innocence – I had been born into the struggle. We did not celebrate birthdays, but we knew the date of the Russian Revolution. As a child growing up during the Second World War, I could tell you the number of Nazi soldiers who had been captured after the Battle of Stalingrad, as well as the dates of their surrender. The adventure stories we loved the most were about young boys and girls who had helped the partisans in occupied France, in Italy and the Soviet Union. My mother, Ray Sachs, would say to little me and my even littler brother, 'Tidy up, tidy up, Uncle Moses is coming!' Uncle Moses was not Moses Cohen or Moses Levine, but Moses Kotane, the general secretary of the Communist Party of South Africa and a member of the National Executive of the African National Congress. In the natural world of our infancy, a black man was at the centre, and our mother felt proud to be working with him, assisting him in achieving his goals. Quietly brave, diffident yet dogged, and humorous in her own way, Ray raised us alone after separating from my father, Solly Sachs. Solly, as the general secretary of the Garment Workers' Union, was constantly in the news, calling workers out on strike and being subjected to various restrictions and bitter attacks by the apartheid government. Although I felt some awkwardness in being known as the son of a public figure, I had immense admiration and respect for both him and our mother. All I asked was for them not to expect me to follow automatically in their political footsteps. I was a dreamer, a lover of literature; for me, characters in novels were much more real than any people I actually knew.

And, as it turned out, it was something that I had in common with John that was to draw me into active politics. . . a love of poetry. I went to a lecture by the Afrikaans writer Uys Krige on the Spanish poet Federico Lorca (Krige 2010). I did not even know that Spain had poets. Uys spoke almost non-stop for three hours about his own experiences in the last months of Republican Spain.² And he recited the great Lorca poem about the death of a bullfighter, '*A las cinco de la tarde*' [At five in the afternoon]. He went on to tell us of Lorca's execution by Franco's Nationalist soldiers in 1936, reciting Pablo Neruda's ode

to his memory in Spanish, and then giving us an English translation of this extraordinary poem: 'If I could cry out of fear in a lonely house/if I could take out my eyes and eat them/I would do it for your mournful orange-tree voice/ and for your poetry that comes out screaming' (Beissert 2013).

What that did for me was to connect the soulfulness, the inwardness and the yearning of poetry with the great public events of the world and with the struggle for social justice. And a few weeks later, with my heart surging with a longing for justice and my mind filled with newly found political savvy, I was volunteering to join the Defiance of Unjust Laws Campaign. Everyone remembers their first kiss, and many can recall their first protest march. I remember the first time I went to jail. Unlike John at a similar age, I was consciously arming myself for the rigours of struggle (Thompson 2000).³

Once you are involved in the struggle, everything about you changes. You realize that prison and the possibility of death await you. You read books about life in prison. Your heroes are no longer daring pilots of Spitfire aeroplanes seeking to down Nazi Messerschmitts, but men and women in jail. We passed the books on. Amongst our favourites were beautiful eulogies to freedom and love by the imprisoned Turkish poet Nazim Hikmet (Hikmet 2002) and *Notes from the Gallows* by the Czech writer Julius Fučík (Fučík 1947), intensely succinct and eloquent reportage about the last days of his life, smuggled out by a sympathetic guard before he was executed in a Gestapo prison in Prague. From Algeria there was *La Question* [*The question*], a powerful book by Henri Alleg (Alleg 1958), a French-born man who had sided with the Algerian independence fighters and had been subjected to severe torture by the French security forces. Jean-Paul Sartre had written a particularly resonant introduction to this book, explaining how the torturers had sought not only to secure information but to destroy the humanity of those they were torturing, believing that the latter were lesser human beings, thus meriting the pain they were receiving. Reading these books, we felt that we were girding ourselves emotionally and intellectually for the battles that lay ahead. We sang ballads by Pete Seeger and Paul Robeson from the United States, and songs from the International Brigades that had volunteered for battle in Spain in support of the Republican forces.

It was touching to read in John's account that he had himself actually sung some of these songs during his detention. Yet they had come to him not as part of the struggle in South Africa but during a sojourn as an exchange student in the USA, at a time when that country was being torn apart by the Vietnam War. On his return home he had not been recruited into the underground resistance. He had not become part of our world of secrecy governed by the rules of clandestinity. He had not been given a code name, nor had he worked with comrades whom he only knew by these false names. He had not been told that if you are captured and the enemy tries to break you down, you must refuse to answer any of their questions – none whatsoever, full stop. In a struggle where

on the one side were ideologically driven professionals paid by the state to hunt you down, and on the other were political groupings investing themselves in a culture of resistance, John had to interpret his experiences by himself, and invent his own stratagems for muteness, deceit and survival. Although each one of us in captivity faced his or her captors alone, those of us who belonged to the resistance movement had the comfort of knowing that we belonged to an organization that cared about what was happening to us. In this sense, John was even more solitary in his solitary confinement than we were.

White bodies matter. All bodies matter, yet whiteness both aggravated and mitigated the ferocity of the Security Police attack on John. There was a special venom directed at him because, in the eyes of his interrogators, people like him were traitors. We were seen to be those individuals who were 'stirring up the blacks' who would otherwise have been content with their lives. After all, our tormentors loved to say, why would blacks from all over the continent seek to stream into South Africa if life was so difficult for them here? And the fact that in most cases we were far better educated than our interrogators seemed to stimulate in them a special desire to humiliate us and show us who was really in charge. Our white skins, then, did not protect us from harsh repression, they did not save us from pain, and they did not allow us to avoid brutal or traumatic experiences.

And yet for all this special hatred, the fact that we were white would almost certainly have had some inhibitory effect on the savagery of the means they used against us. It would have protected some of us from having electrodes attached to our genitals, from having smothering wet bags placed over our heads, from being hung out of windows, and from simply being punched and kicked in the manner in which our black comrades or associates would be treated. They did not attack our bodies directly: they assaulted our bodies through attacking our minds and our wills by means of sleep deprivation and punctuated bouts of shouting followed by silence. In the case of John and many other captives, they added further agony by making them stand on a brick for five days and nights.

It was evident, too, that in addition to seeing John and me as whites, the interrogators saw us as Jews. As the vivid opening pages of the book show, John lived all the contradictions of being a Jew in a society based on the principle of white supremacy. He was a child of a community that had fled from vicious antisemitic persecution in Lithuania, and they had subsequently learnt of the loss in the Holocaust of huge numbers of their family who had stayed behind. Yet the paradox was that the persecuted Jews who had emigrated to South Africa had gone on to become privileged beneficiaries of the racism that went with their whiteness. Amongst the things that John and I shared, then, was that although we both came from a community that had historically suffered extreme oppression, we had actually grown up in a world where everything had

been open to us. We could dream of being scientists, explorers, sports stars, writers, engineers or, for that matter, freedom fighters. The choice was ours. We were volunteers in the anti-racist struggle, and had to bear its consequences, whatever they might turn out to be.

In John's case, being a Jew was to give an extra twist to the course of his incarceration. Israel was selling arms to and exchanging security information with bitter antisemites in the South African state security system. And the antisemitic interrogators who referred to John with the derisory Afrikaans word *Joodjie* (little Jewboy) were eager to please officials of the State of Israel who, with his parents' support, were enquiring about arranging his deportation to that country. And even that twist had a twist to it: the interrogators' antisemitism was tempered by their even deeper hatred of the British who had conquered the Boer Republics. John was South African by birth but was naturalized as a British subject in Swaziland where he had grown up. On deporting him, the Security Police only allowed him to go to Israel.

Tolstoy told us that 'happy families are all alike; every unhappy family is unhappy in its own way' (Tolstoy 1873: 1). The same varied and distinctive unhappiness, I believe, applies to those who experience solitary confinement and torture. Each one suffers in his or her own specific, subjective way. The experience of being depersonalized is unbearably personal. John's descriptions of his torment are utterly his and his alone. His thoughts about his increasingly weird relationship with the brick on which he was compelled to stand for days on end; the extraordinarily rich portraits he paints of his two chief interrogators, Swanepoel and Coetzee; the stratagems that he developed at times to deceive them; his joy at hearing men's voices singing beautifully through the night, only to discover later to his horror that these songs were to support and console the men who were to be hanged in the prison at dawn – all these were unique to his experience, and totally different to anything that I could have written about in my *Jail Diary* (Sachs 1969).

And yet on reading this book I found myself amazed at how similar some of the less dramatic details of our experiences had been. We had both been engulfed by the same sense of surprise at the emotion we felt when simply being driven through town from one place of confinement to another. The astonishment had not come from gliding as a captive through the streets with everybody walking on the pavement or crossing the road without sparing a thought for us; this was something that just made us feel angry and sad. It came from the fact that a car could simply stop at traffic lights, without anybody issuing a command. The experience for both of us was strange and somnambulistic. We had completely forgotten what it was like to live in a world where human beings conducted themselves according to codes that were not based on dominance and submission, but where people were simply living together in a community. It was weird, and a startling reminder of how in a matter of

days normality and abnormality had been inverted. Years apart and in different cities, John and I both realized from this experience how thoroughly we had been infantilized during our captivity. We had completely internalized living in a world of command and obey, something we had last experienced as toddlers. But then when we had been tiny tots the commands of our parents would have been associated with love and nurturing. Now we were grown people in grown bodies with grown minds and grown senses, but each with a will that had been reduced to that of a dependent infant.

A second source of amazement for me came from the similarity of our respective responses to reading the Old Testament. Although John had grown up as a believer, by the time he was imprisoned he had lost his faith and would only recover it quite a few years later. I had grown up in a strongly secular home where my parents had, as part of their new internationalist and scientific worldview, consciously and affirmatively rejected the religious beliefs of their parents. For the first weeks of our solitary confinement, the Bible was the only reading matter that we had. We devoured it with special intensity, looking for messages of consolation and hope. And in our different prison cells in different cities in different years we both felt the same disappointment and dismay at the harshness of the story. The relentless order of the day was to smite or be smitten. We wanted to read about love and music and happiness and transcendence, not about constant war and submission to an overpowering command to be obedient to the deity. We believed in all humankind, not a chosen race. By the same token, however, we were both enraptured by the Song of Songs from the time of Solomon, and both of us are inspired to this day by the beautiful millenarian visions of the prophets, especially of Isaiah:

And he shall judge among the nations, and shall rebuke among the people; and they shall beat their swords into ploughshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more. (Isaiah 2: 3–4)

It was beautiful and inspiring to read these words then, and it is beautiful and inspiring to reread them now as I write this Foreword. These little moments and incidents in *When They Came for Me* became vividly alive for me, because John was describing actual remembered experience. There was a special intensity in the reading; each incident was remembered and written down by John and then read, remembered and re-experienced by me. Yet I have no doubt that for readers who have never themselves come close to being in captivity there will be no difficulty in absorbing and marvelling at the literary power and emotional authenticity of the detail he provides.

And this brings me to a third source of amazement at the discovery of an unanticipated moment of congruence between John's experience and mine. It relates to the impact of solitary confinement as such. His story is primarily

about a relentless barrage of castigatory actions happening to him. My *Jail Diary*, on the other hand, was basically about how to survive the emotional and psychological punishment of being in total isolation with nothing at all happening. Yet the few paragraphs in *When They Came for Me* that he devotes to the period of solitary confinement as such, where nothing was happening to him all day long, are suffused with intense pain and disorientation. As I was later told by an Italian senator who had been imprisoned in the time of Mussolini, and as I was told thereafter by Huey Newton, the Black Panther leader who had been locked up at the behest of the FBI, you never fully get over solitary confinement.

I do not believe that John had any idea of the risks he was taking by choosing to offer help to a young black man whom he had simply seen as a friend, as someone who needed his assistance. In my case, I knew full well that sooner or later the Security Police would crack down on me. My home had been raided before dawn several times; I had been placed under various restrictions, called 'banning orders', which had severely limited my movements and activities. The crackdown was getting closer. Laws were being changed to further empower the security forces. Meetings in the underground were becoming increasingly difficult to organize. People were being arrested, many of them my clients.

And then I myself was detained without trial twice. My experiences were horrid beyond imagining, but puny when compared to what happened to John. The first detention involved 168 days of solitary confinement. The punishment was the solitary confinement itself, an unnatural state for human beings to be in. The sense of desolation was extreme, beyond anything that I had anticipated. None of the books I had read about imprisonment or torture helped me. On a good day I would simply be depressed. On a bad day I would feel unmitigated despair.

But somehow, for all the despair I felt throughout, I did manage to survive my first detention without answering any of the questions put to me. And when I was eventually released, as suddenly and with as little explanation as had been given when I was locked up in the first place, I ran for miles and miles through Cape Town to the sea, and flung myself fully clothed into the waves. While I appeared to be triumphant, something inside me had been deeply undermined. I resumed my life as an advocate (barrister) in Cape Town, but no longer had the strength to continue with underground work.

On the occasion of my second detention, a team headed by Swanepoel was flown down from Pretoria especially, to accomplish what the Cape Town interrogators had failed to do. Some five years later, it was also Swanepoel, risen now to chief interrogator of the Security Police, who had responsibility for John's interrogation; which brings me to yet another moment of astonishment on learning about something shared by John and me – namely, the acute awkwardness

that we both felt at writing about Swanepoel's physical ugliness. When dealing with my second detention in my book *Stephanie on Trial*, I had felt it necessary to refer to Swanepoel's ugly appearance but had experienced a great deal of discomfort at doing so (Sachs 1968). We spent our lives fighting against judging people in terms of their looks – were they attractive or not? We wanted to go beyond the outer mask and discover the human being under the skin. To say that someone was ugly seemed cheap, as though heroes were beautiful and villains ugly. But I had felt that Swanepoel's ugliness was a weapon that he loved to use. Instead of hiding it, he had cultivated it, with his short-cropped hair and bloodshot eyes, his thick neck and heavy hands, which he would slam down on the table as he glared and shouted at you with full force. We human beings spend so much of our lives concealing blemishes and cultivating a superficial appearance of elegance and beauty, yet here was somebody doing the opposite. John's girlfriend Janet, who was allowed to see him on Day 34, describes in a contemporaneous note below that he was so ugly that she even felt sorry for him. Even now as I write this paragraph, it goes against my grain to point out that he was ugly. And yet it was highly relevant. He invested himself with his brute appearance, making it part of his persona. He lived by his ugliness. Let what remains of his reputation die by his ugliness.

I must point out that at the time when Swanepoel confronted me I had become far less resolute than I had been when being questioned by the Cape Town interrogators. You do not get stronger with each detention. In addition, I had heard the story of how the dead body of one of my comrades in the underground, Looksmart Solwandle Ngudle, had been found covered in bruises. I had also learnt about clients of mine who had been made to stand and kept awake for five days until they finally collapsed, their resistance totally broken. I was wondering what would now happen to me.

As it turned out, I was not forced to stand on a brick but was allowed to sit down. With Swanepoel giving the lead, their technique was to shout and bang the table for ten minutes. This would be followed by twenty minutes of total silence. Noise. Silence. Noise. Silence. I realized that they were working in teams. When food was given to me, there was something in their looks of satisfaction as I ate that made me feel that some drug that would weaken my resistance had been mixed into the meal. At one stage, when I politely asked if I might stand, the interrogators spontaneously burst out laughing, and said yes, I could. As we went through the day, the evening, the night, I could feel my will becoming totally dead. I started thinking about managing my collapse as well as I could. I recalled my comrades who had held out for five days and had then been totally destroyed.

Eventually, well after daylight on the second day, I toppled off the chair onto the ground, with a sense of utter exhaustion and a total longing just to curl up and sleep – with a huge feeling of total relief, lying like a baby on the floor.

There were energetic movements all around me. I could see their polished shiny black and brown shoes and was aware that this was the moment they had been waiting for. Instead of there being just two pairs of shoes, suddenly there were about six, and water was pouring down on me, hands were under my arms, I was being lifted up onto the chair. I felt Swanepoel's thumbs and forefingers prising my eyes open. I sat there for a while, and then collapsed onto the floor again. I do not know how many times this was repeated. In the end I sat like a dummy, feeling utterly leaden and will-less, and somehow it became clear that I was going to respond to their questions. But I decided I would start my answers with at least a smidgeon of defiance, by opening with a statement about the circumstances in which I was doing so.

At the beginning of what I considered to be a 'managed breakdown' on my part, I sought to retain a tiny bit of dignity by telling Swanepoel to record that I was making the statement under duress. I then described in some detail the circumstance of my induced collapse. He was writing it down, writing and writing, and I felt just a small half-flicker of self-esteem being preserved in getting him to record the details. But later I noticed with dismay, and through my extreme fatigue, that he was shuffling the papers around; and when I realized that the opening portion of my statement was being eliminated and the pages renumbered, I felt doubly defeated. He had outwitted me. Not one physical trace of my duress and defiance would remain. He kept on writing as he asked further questions, and I remember him saying to me, not as a bully but as one rational person to another, 'What's the point of having code names in the underground when everybody knows who the people are?' I did not want to tell him that it was part of our culture, part of the mental conditioning we underwent. Then he said, 'Why is it that the only people you mention are people who are dead or have already left the country? Well, we'll come back to that.' The fact was that my second detention occurred two years after my first, since when I had not been active in the resistance, and so all my knowledge in that sense was rather stale. There was nothing in my statement that they could use against anybody there and then. But they did have the triumph of succeeding where the Cape Town interrogators had failed: they had compelled me to start answering their questions. I felt crushed. And I knew that they were far from finished with me.

As things turned out, however, fortune was to be on my side, not Swanepoel's. Another detainee, an architect named Bernard Gosschalk, who had been subjected to similar treatment (Gosschalk 2017) – possibly they had had two teams going at the same time in different parts of the building, with Swanepoel moving from one to the other – had been allowed after his interrogation to see his wife, and had whispered to her that he was being subjected to torture by sleep deprivation. Shocked by these words and by his appearance, she contacted a lawyer who then went to court and got an immediate order

interdicting the police from following through with further interrogations of that kind. After my own interrogation was over, my conditions were relaxed and I was allowed to receive newspapers, so I read about Bernard's application with a surge of excitement. Then, using the cap of a thermos flask as a container, I managed to smuggle out of my cell the smallest legal document I have ever written: a square inch of paper saying that I too had been subjected to sleep deprivation. It turned out that the order granted to Bernard was wide enough to protect me, and Swanepoel was never able to delve deeper into my statement as he had promised to do. It is good to be able at this stage to acknowledge that, in the darkest days when most of the judges were enthusiastically or blithely enforcing racist and oppressive laws, there were still a few judges who remained willing to look at the facts in a humane way and to use what little judicial manoeuvrability was available to them to uphold certain basic rights. By the time John was detained, the Terrorism Act had been in place for two years. It ended any residue of judicial discretion, and gave sole authority to the Security Police for the exercise of the law. Yet hats off to Michael Corbett, John Didcott, Johann Kriegler, Laurie Ackermann, Richard Goldstone and a few more judges who then and later proved that, in even the most dire circumstances, people can make choices to diminish the amount of evil all around them.⁴

Beating Spears into Pruning Hooks

Two decades after my experience of sleep deprivation at the hands of Swanepoel, I found myself directly confronted with the following question: Was it permissible for a liberation movement fighting for freedom to use torture against captured enemy agents? What if they had been sent by the ruthless apartheid regime to destroy our organization? What if they had vital information about plans to kill our leaders? After my second detention I had gone into exile, living first in England for a number of years and then moving to newly independent Mozambique. Oliver Tambo, the president of the ANC, had invited me to fly to Lusaka to discuss what he called a 'problem' that had arisen inside the organization. He told me that they had captured a number of enemy agents sent by Pretoria to destroy the ANC, and he added that there was nothing in the ANC constitution that said anything about how to deal with captured enemy agents. I told him that there were international legal instruments that forbade the use of cruel, inhuman or degrading punishment or treatment, and that expressly forbade torture. He replied, 'We use torture.' His face was bleak as he told me this.

He then asked me to help to prepare a Code of Conduct for the ANC in exile. Of all the legal documents that I have worked on – and I include drafts

for the constitution of South Africa and judgments I wrote as a Justice of the Constitutional Court – this was probably the most important. It was in effect a bill of rights for a liberation movement living in scattered groups in exile. We were mainly in Africa but were also located on other continents. It created a form of internal legality for any ANC members who might be facing charges of having violated the norms of the organization. What institutions and procedures should be created to deal with people believed to have stolen money from the organization; or to have engaged in sexual assaults; or to have driven its vehicles while drunk? And how should people be treated, charged with the particularly serious offence of working with Pretoria to destroy the organization? Should it be permissible in emergency situations to use what was referred to as ‘enhanced methods of interrogation’ to get crucial information from them?

I was asked to put a proposed draft of the Code of Conduct for discussion and adoption by delegates at an ANC conference in the small Zambian town of Kabwe. I remember standing on a high platform to introduce the draft. I stated that the code expressly forbade the use of torture, but asked the delegates whether, in special circumstances, intense methods of interrogation could be used to deal with captured enemy agents. We wanted the issue to be fully discussed. The first person to climb up the steps onto the platform was a young soldier from Umkhonto we Sizwe (MK), the armed wing of the ANC. He said most emphatically that there must be no exceptions to our draft Code of Conduct. He said that ‘if you give the slightest leeway to our own security staff, they never stop there.’ I had been wondering how the delegates would respond. Would they see me as just another middle-class lawyer spouting what they might call bourgeois ideas about justice, when their people were being subjected on a daily basis to every kind of physical violence? He was followed by another young soldier from MK. He went to the microphone and said: ‘We are fighting for life. How can we be against life?’ I was intensely moved by his observation. For me, it captured everything. We could not take our morality from the enemy. The source of our strength lay precisely in our conviction that the achievement of human dignity was at the core of everything we did. If we became torturers, we would not only be brutalizing the people we were holding captive, but we would be brutalizing ourselves and thereby undermining our whole project (Sachs 2018).

A few years later, at a time when I was a member of the Constitutional Committee of the ANC set up by Oliver Tambo to prepare constitutional guidelines for a new democratic South Africa, I was about to get into my car to go to the beach when everything went suddenly and catastrophically dark. I knew that something terrible was happening to me. And some time afterwards, while still in darkness, I heard a voice saying, ‘Albie, this is Ivo Garrido speaking. You are in the Maputo Central Hospital. Your arm is in lamentable condition. You must face the future with courage’ (Ivo Garrido was then a physician

at Maputo Central Hospital. He went on to become Mozambique's Health Minister and then President of the World Health Assembly). I said into the darkness, 'What happened?' and a woman's voice answered, 'It was a car bomb.' I fainted back into the darkness, but with a sense of joy. It was that moment that every freedom fighter is waiting for – will they come for me? Will I be brave? And they had come for me, and I had survived! Somehow the bomb that blew away my arm also blew away the deep sadness that had lodged inside me since my experiences of solitary confinement and of being subjected to sleep deprivation at the hands of Swanepoel.

Weeks later, having been flown to a hospital in London so as to prevent the South African security forces finishing their job by poisoning my food, I received a note saying, 'Don't worry Comrade Albie, we will avenge you.' Avenge me? I asked myself. Do we want a country in which people lose an arm and the sight in one eye (as had happened to me)? If we get freedom and democracy, social justice and the rule of law, I answered myself, that will be my soft vengeance . . . roses and lilies will grow out of my arm.

Afterwards, when it was all over and we were telling our stories, the publishers and press in London and New York picked up on and identified with what we had to say – in ways they would not do with black people who had suffered far more grievous treatment. *My Jail Diary* was dramatized for the Royal Shakespeare Company and broadcast in a television adaptation by the BBC. I was thrilled that my experience was assisting the anti-apartheid movement, but saddened by the knowledge that the much more interesting and meaningful stories of the thousands of our black comrades in the struggle were not being published. It was as though a curtain of oblivion hung over the black experience. Happily, our great musicians, Miriam Makeba, Abdullah Ibrahim and Hugh Masekela, were able to penetrate the curtain of black invisibilization with their music. Finally and wonderfully, the story of Nelson Mandela's long walk to freedom ultimately became the best-known story in the world in the late twentieth century (Mandela 1994).

John speaks movingly of the nightly singing he used to hear from nearby cells while he was in Pretoria Prison, and of his slow realization that these songs, which had been bringing him some consolation in his solitude, were in fact coming from men awaiting their execution. The very first case heard by the eleven of us serving as Justices of the Constitutional Court created by our new democratic constitution, was whether the death penalty was consistent with the values of the constitution. There were more than four hundred people on Death Row. They had been sentenced to death in the apartheid era, and a stay had been put on any executions pending our court's decision. For three days we heard intense oral argument for and against the abolition of capital punishment. President Mandela sent Adv. George Bizos, who had defended him when he himself had been on trial for his life, to argue for abolition. The court

adjourned. The issues were deep and emotional. We workshopped several times. In the end, the head of our court, Arthur Chaskalson, wrote what was called a magisterial judgment setting out reasons for declaring capital punishment to be unconstitutional. Each of the ten remaining members of the court wrote separate judgments explaining why we agreed with his decision.

Apartheid South Africa had led the world in terms of the number of judicial executions carried out – about one hundred every year. A gallows with seven nooses was used to save time and money. As Justice Ismail Mahomed, deputy head of our court, wrote, our constitution represented a radical rupture with a cruel, divisive past and its replacement with a society to be based on caring and concern. Some of us used the African concept of ubuntu as foundational to our thinking (Tutu 1999). Ubuntu underlines the interdependence of all human beings and the significance of our shared humanity. We declared that the question concerned not only what capital punishment inflicted upon the person who was executed, but what it did to our society. It tainted the whole community; it made everyone complicit in the deliberate, cold-blooded extinction of a human being. Some of my colleagues pointed to the way that race and class inevitably introduced arbitrary elements into the imposition of an especially drastic and irreversible sentence. I referred to the fact that great traditional leaders in South Africa, like Hintsa, Moshoeshe and Montshiwa, had opposed the use of capital punishment. For various reasons we all felt that the very idea of the state cold-bloodedly killing its citizens was constitutionally repugnant. We accordingly decided – unanimously – that in the new democratic South Africa, capital punishment would be unconstitutional, because it denied respect for life and human dignity, and violated the prohibition of cruel punishments which our constitution demanded.

In the struggle days we did not focus extensively on the issue of what personal freedom would mean. Our gaze was fixed primarily on national liberation, on changing the system. As long as apartheid existed you could not get meaningfully to the issue of securing the rights of individuals. The very nature of the freedom struggle had encouraged us to denounce individualism as something egotistic and self-serving. At the purely technical legal level, we were worried that giant companies and conglomerates would claim for themselves the freedoms and rights of individuals to prevent any form of public economic intervention to secure greater equity in society. So, it was only when we started drafting a Bill of Rights for the constitution that we began to engage seriously with the question of personal freedom. It had certainly been in the back of our minds. We had lived, worked, studied and been trained in countries all over the world. We had seen at first hand how authoritarian rule and the arbitrary exercise of power in all the continents could destroy the spirit of individuals and give rise to great injustice. We had observed how power could be abused in our own liberation organizations. But overwhelmingly, we were influenced by

the ghastly experiences of generations of South Africans under authoritarian racist rule. Our motto was to say: Never again! Never again should people be picked up from their place of study, as happened to John, and thrown into solitary confinement without access to lawyers or their families, without the right to be brought before a court within a reasonable period. Never again should detainees be made to stand on a brick for almost a week, and deprived of sleep, to make them talk, let alone be compelled to break their silence and make self-incriminating statements. Our constitution today is absolutely clear on all these questions. These are no longer just provisions in a law dealing with criminal procedure that could be amended or repealed by parliament at any time. They are entrenched as fundamental rights of the constitution. They are beyond the reach of parliament, save for possible limitations in a law that a court would find to be reasonable and justifiable in an open and democratic society, based on human dignity, equality and freedom. Never again.

For decades in our country we had rule *by* law, not rule *of* law. The text of the Terrorism Act could not have been more emphatic. The bitter paradox was that the law itself had been used expressly to grant to the Security Police a power to deal with their captives outside the realm of ordinary legal control. Detention without trial signified more than simply their right to hold people indefinitely without bringing them to court: it gave the Security Police the time and space to ill-treat captives without fear of exposure. The records show that scores of people died in South African prisons and police stations at the hands of the interrogators during that period. Tens of thousands of us will bear for the rest of our lives the physical, emotional and psychological scars inflicted by our interrogators.⁵ So when a draft on the right to freedom was presented to me for my comment early on in negotiations at CODESA (Convention for a Democratic South Africa), I immediately and instinctively insisted on including a clause that expressly said, 'There shall be no detention without trial.'

The very intensity of our experiences in prison, in exile and in the underground had shown the extent to which the political was personal. Yes, the system had to be changed; but yes, as well, every individual counted. Personal integrity had to be inviolate. Protection was needed not only against abuse by the state of those in captivity, but also to reduce the amount of terror in society as a whole. Indeed, the theme of coupling freedom from fear with securing inviolability of the human body is central to the way constitutional protection was envisaged. It extended the sphere of the anti-violence principle from purely state violence to include violence in the home. In this context, the personal was not only political, it was constitutional. It related not only to physical security but to equality and moral citizenship in society. In this way, protections originally designed to save political activists from state terror in prison, were broadened out to come to the aid of those being systemically subjected to terror in the home (Sachs 2009, 2016).

Yet it is an unfortunate fact that the gap between the dignified existence for all as promised by the constitution, and life as actually lived by millions of our people, remains huge. We have very serious problems in our country: gender-based violence, inequality, racism, unemployment, crime, corruption and more. But when dealing with them, the point of departure now is completely different from what it was when John and I went to jail. No longer do we live under a system based on principles of racial supremacy. No longer does parliament have unlimited power to pass whatever laws it likes in pursuance of the will of whoever happens to be heading government at any particular time. We now inhabit a country with one of the most advanced constitutions in the world. It expressly protects the pillars of our democracy, and it establishes a number of carefully spelt out fundamental rights that parliament cannot override.

We are a nation of storytellers. Our constitution is perhaps our greatest story of all. It has become the most efficacious mechanism devised by our people to beat the pain of the oppression of the past and to provide hope for upliftment in the future. Our constitution has frequently been called a bridge between the past and the future. John's account is just one of the hundreds of thousands of stories about people still alive who have experienced the repression of the past in all sorts of different ways. They are now living through the changes that have come for the better, after the many disappointments that caused so much dismay and anger.

As the Ghanaian writer Ayi Kwei Armah said: 'The Beautiful Ones are not yet born' (Armah 1968). Meanwhile, we can only hope that more people will come forward and tell their stories with the vividness and candour that John has displayed. Let these tales be in all the languages of the country, recorded through oral tradition, on cell phones, in books and on film and radio. Let the grandparents share these stories in schools and libraries. And let those of the group we once called 'the enemy' also come forward with candid and reflective tales from their side – not to defend, glorify or excuse things that are indefensible, but to convey what it was like to be on their side and to show how they came in their own special ways to accept, at least, the broad sweep of the constitution.

Recovery from trauma is almost impossible in a setting where torture is ubiquitous and is known to be employed rather than denounced by those in power. Conversely, in an environment where torture is regarded as abominable, the chances of recovery are much greater. In the context of group-storytelling and interaction, early green shoots of trust can begin to reveal themselves. The universe of the spirit becomes less bleak and threatening. The right and wrong of your internal experiences come to be in accord with the right and wrong of the society in which you live. The healing can begin.

When, a decade or so ago, I was asked to give a lecture for the British National Archives, I decided to visit the South African National Archives to see

if I could retrieve some documents relating to my own detention. It was distressing to find that there was nothing about me left in the files of the Security Police. Presumably all of the huge amount of documentation they must have collected in South Africa, the UK, Mozambique and the USA had been shredded. My whole negative biography, the notorious 'me', painstakingly put together over the decades, had been cut into tiny pieces. But when I looked in the files of the Ministry of Justice, I did discover a meaningful thin pink carbon copy of a statement I had made to a visiting magistrate. It recorded my experience of sleep deprivation. When I saw it, I felt exultation and joy; it did not matter to anybody in the world except to me that a physical trace of my detention actually existed, but I felt triumphant. Yet the general absence of the records that were shredded has made the telling of stories by survivors all the more valuable. And when the survivor has the calm, the recall, and the ability to focus on and capture significant detail that John enjoys, then the story becomes more than just a factual record of cruelty. It becomes a testimonial not only to what happened, but to what it was like to undergo that experience. In this sense John's story, entering our archives, represents a supreme example of the good that comes out of bad. The lack of an 'objective' recorded testimony has given rise to the creation of profoundly remembered subjective experience – a hard and brilliant gemstone of pain and hope that survives the wash of time.

John does not use the language of 'soft vengeance', as I did; but he, too, involved himself in a project of reparation. It was a form of reparation to be accomplished not in terms of money paid out as compensation for pain inflicted, nor even of solace offered for suffering endured, but through the establishment of human connections and the regeneration of optimism in those who had been severely bruised in spirit and rendered deeply sad in soul. It had a collective dimension for society as a whole, and an individual dimension as well; each and every grieving person on Earth was entitled to achieve restoration of dignity, hope and pride.

Who would have thought that a book centred on an unimaginably horrendous experience of endless standing on a brick, of sleep deprivation, of solitary confinement coupled with hearing the agonized last songs of people on their way to the gallows dawn after dawn, could end up as a story of hope? And it is not a forced hope, an imposed hope; it is a hope that emerged from the transformation of John's own life, his achievements. It comes from the extent to which his experiences enabled him to share professionally and personally with other people who had been through similar experiences. It is a hope that springs from creative healing, that comes from the collective interaction, from the group.

John's mode of achieving reparation has, accordingly, been very different from mine. It does not articulate itself in the form of a constitution for the nation, or in the matrix of a legal judgment declaring the rights of people. It works

at the intimate, personal level. Its strength comes from the capacity of people to ‘penetrate the heart of stone that holds the secrets of inner injury’, to use John’s own words (Schlapobersky 2016a: 146). I think it is fair to say that our uncertain, stressful world needs both. It needs public virtue, it needs public fidelity to principles, it needs public deliberation, thoughtfulness and rationality, and it needs true public belief in the fundamental right of equality for everybody. But it also needs an acknowledgement of subjectivity, and an awareness of intimate pain. It needs responses that touch on the unconscious, on the imagined, and that engage with the irrationality that is such a strong element of life, both public and private.

Through his own experience and that of others, John learnt just how torture isolates, even as solitary confinement lends added weight to the isolation. In my case, I came away from the two periods of detention with a sense of the liberation movement around me, close to me in so many different ways. My stigmata were visible. The *New York Times* carried a long piece entitled ‘Broken but Unbroken.’ The Young Vic Theatre in London put on a special performance of the *Jail Diary of Albie Sachs* with the participation of four well-known actors who had played me at different times. By contrast, John kept his history in communion with himself. He came out of prison into a strange and alien world – he had no home to go back to, and no movement to embrace him. His healing came first through the publication in a British newspaper of a report about what he had been through in detention, in defence of those then on trial. But the journalist who used his story gave it the headline ‘How Vorster’s Jailers “Broke” Me’, which felt like a betrayal of his experience, and he shunned further publicity. It was through the healing therapy he underwent, and then, most profoundly, through the years of therapeutic work with fellow survivors, that he achieved his own form of reparation, enacting through his daily practice the Biblical injunction ‘and they shall beat their swords into ploughshares, and their spears into pruning hooks.’ He was able to turn the terrible negative energy associated with his interrogation into positivity connected with healing. He became a psychologist and psychotherapist and he has gone on to become a world leader in developing forms of group psychotherapy.

Furthermore, as he became a distinguished practitioner and original thinker in the field of group psychotherapy, he dedicated decades of his working life to the development of therapeutic resources for survivors of organized violence, especially torture. He became a close collaborator of Helen Bamber, whose work in exposing and denouncing torture, as well as in assisting those who had experienced it, achieved international renown. John has said of this work, ‘[I]n the forum of the group people can be most alive to the real, the lost and the unacquainted in one another and can harvest gifts of adversity from the most unlikely sources’ (Schlapobersky 2016a: 459). *When They Came for Me* is such a gift, harvested from his own past – a great story by a born storyteller.

Albie Sachs was formerly a barrister at the Bar in Cape Town. He was instrumental in drafting South Africa's post-apartheid constitution and served as a Justice of the Constitutional Court for fifteen years. His *Jail Diary of Albie Sachs* was dramatized for the Royal Shakespeare Company by David Edgar and broadcast by the BBC. He was awarded the Alan Paton Award for two of his books, *The Soft Vengeance of the Freedom Fighter* (University of California Press, 1990) and *The Strange Alchemy of Life and Law* (OUP, 2009). His latest books are *We the People: Insights of an Activist Judge* (Witwatersrand University Press, 2016) and *Oliver Tambo's Dream* (African Lives, 2018).

Notes

1. The 2014 edition of *The Soft Vengeance of a Freedom Fighter* (Sachs 1990) contains an epilogue with a 'Timeline of Major Events in the Life of Albie Sachs' (p. 250) and an account of 'Persons Mentioned in the Narrative', including those who had been assassinated or tortured to death by the authorities (p. 255).
2. A full account of Krige's profound contribution to South African literature in English and Afrikaans is given in Jack Cope's fine study *The Adversary Within* (1982).
3. Hilda Bernstein's *Rift: The Exile Experience of South Africans* contains interviews with more than 330 people in exile who report on their experience of imprisonment and the brutality of the apartheid government's security forces. It concludes with a Chronology of Events in the history of apartheid, and the struggle against it, which gives a record of the police atrocities against members of the liberation movements (Bernstein 1994: 510–16). Further sources on apartheid's brutal history can be found: in Antjie Krog's *The Shadow of My Skull* (1999) and on the websites of the Truth and Reconciliation Commission, South Africa at: <https://www.justice.gov.za/trc/>; and its successor body, the Institute for Justice and Reconciliation at: <https://www.jmr.org.za/>. Three recent publications give new weight to long-standing claims against the apartheid government over its human rights abuses for the duration of its tenure, and especially in its concluding years: *A Crime Against Humanity: Analysing the Repression of the Apartheid State* (Coleman 1998); *The Terrorist Album: Apartheid's Insurgents, Collaborators and the Security Police* (Dlamini 2020); and *Undeniable: Memoir of a Covert War* (Garson 2020).
4. The appointment of judges to South Africa's Constitutional Court in 1994, including some of those named here, is described in <https://www.sahistory.org.za/article/appointment-judges>.
5. See author's Prologue, notes 3, 4, 5 and 6.

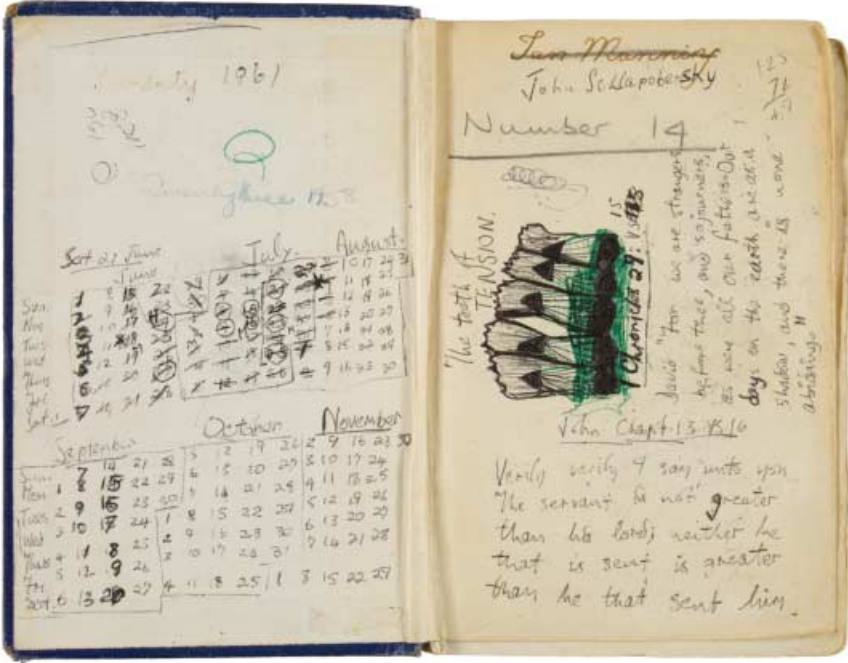


Figure 0.1 The Bible's Words and Drawings.
 © Jewish Museum London. Photograph by Ian Lillicrapp.