

# “The Black Man in the White Man’s Court”: Mandela at Wits University, South Africa, 1943–1949<sup>1</sup>

Neo Lekgotla *laga* Ramoupi\*



**Figure 1:** Nelson Mandela on the roof of Kholvad House in 1953. © Herb Shore, courtesy of Ahmed Kathrada Foundation.

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At Wits [University] Mandela suffered many humiliations. When he sat at a table in the law library, a white student moved away. When he went to a café with some white students, they were kept out because there was a “kaffir” among them; one of them, Julius Wulfsohn, protested, but Mandela put his hand on his shoulder and simply said, “Just leave it.” When he went on a whites-only tram with two Indians the conductor called him their “kaffir friend,” and had them charged in court. But he revealed no lasting grudges. Fifty years later, as President of the Republic [of South Africa], he invited the whole class of ’46 to a reunion at Wits. “I am what I am,” he told them, “both as a result of people who respected me and helped me, and of those who did not respect me and treated me badly.”

Anthony Sampson,  
*Mandela: The Authorized Biography* (1999)<sup>2</sup>

## Abstract

*Nelson Rolihlahla Mandela was 24 years old when he enrolled for his Bachelor of Law (LLB) degree at the University of Witwatersrand (Wits) in Johannesburg, South Africa at the beginning of 1943. Mandela was the only African in the Law Faculty at Wits and suffered racism from both the white student body and faculty during the years he spent in pursuit of this degree. On July 20, 2015, Professor Bruce Murray of Wits presented a paper entitled “Nelson Mandela and Wits University”<sup>3</sup> that the Sunday Times, South Africa printed with the title “No Easy Walk to LLB for Madiba,” that tersely suggested that it took Mandela 46 years to earn his LLB degree, instead of the normal stipulation of three or four years that is a requirement for a student to complete an LLB degree.<sup>4</sup> After enjoying service at Hope Restoration Church, I read this newspaper article about the former President Mandela, who sacrificed so much for South Africa, feeling the injustice in the prejudicial manner in which both Murray’s Wits paper and the Sunday Times article were written. I thought of Archbishop Desmond Tutu and Rev. Martin Luther King, Jr. who said, respectively, “If you are neutral in situations of injustice, you have chosen the side of the oppressor,” and, “The hottest place in hell is reserved for those who remain neutral in times of great moral conflict.”<sup>5</sup> Immediately, I replied to the Sunday Times article with a two-page piece entitled, “Between Mandela and his LLB Degree was Racism and Apartheid at Wits University.” Sunday Times (August 2 2015) printed*

*just five paragraphs of my article and titled it “Racism at Wits cost Madiba his LLB.”<sup>6</sup> As I was writing this article for Ufahamu, The Thinker (a pan-African quarterly for thought leaders) published my two-page article with my own title, “Between Mandela and his LLB Degree was Racism and Apartheid,” that the Sunday Times had opted not to publish.<sup>7</sup> The humiliations that Mandela suffered at Wits, rooted in racism, prejudice, and discrimination continue at South African universities today. This paper is an attempt to put in the public domain these humiliations that speak to the rationales why it would take, according to the Sunday Times article, Mandela 46 years to earn an LLB degree.*

### **Thesis of Paper**

The objective of my piece in the *Sunday Times*, “Racism at Wits cost Madiba his LLB Degree,” was to bring attention to the omissions in the narrative of Murray’s paper on Mandela’s time at Wits University. The *Sunday Times*’ short-sightedness blames Mandela’s intellect (because he is African?), and to a lesser extent, Mandela’s political activism, for his failure in his law courses, implying that it took him decades to earn an LLB degree. That is at the heart of racist ideology and white supremacy. The self-proclaimed opposition to apartheid of Wits, University of Cape Town (UCT), and other English liberal universities, particularly when apartheid obstructed academic freedom, is a farce and deceitful. Mandela at Wits in the 1940s and Archie Mafeje at UCT from the 1960s are profound examples of the English liberals’ hypocrisy regarding apartheid South Africa.<sup>8</sup>

Apartheid legislation only came into being in 1948 when the National Party won the all-white general election. So Mandela was at Wits from 1943 to 1949 when Jan C. Smuts was the Prime Minister of the Union of South Africa for a second time, from 1939 to 1948; he held this position for the first time from 1919 to 1924.<sup>9</sup> The point I am laboring here about is that there was discrimination, racism and unequal treatment in the University system in South Africa against African and black people long before the advent of apartheid in 1948. The experiences of Mandela at Wits and Mafeje twenty years into the implementation of apartheid in the universities in 1968 at UCT are powerful illustrations of this point, namely,

white and English South Africans' bemoaning that apartheid only came with the Afrikaners and National Party government from 1948 and that the English were never part of it. However, Professor H.R. Hahlo was racist even before apartheid began, meaning that "Apartheid" was there before; just that the English liberals called it something else other than apartheid. Apartheid is considered to have been brought officially to legislation in the South African life by the white Afrikaner South African people and not the English white South Africans who are considered to be more liberal and considerate to the black causes of human and civil rights. Bantu Steve Biko writes in "White Skins, Black Souls?" a highly recommended critique of white liberals in South Africa:

The role of the white liberal in the black man's history in South Africa is a curious one. . . . True to their image, the white liberals always knew what was good for the blacks and told them so. The wonder of it all is that the black people have believed in them for so long. It was only at the end of the 50s that the blacks started demanding to be their own guardians.<sup>10</sup>

That is why I find myself forced to return to what I have referred to as "the miscarriage of justice" at the Truth and Reconciliation Commission (TRC) with regard to South African universities in the transition period in the 1990s. The TRC, which reached 20 years on 15-18 April 2016,<sup>11</sup> provided South Africa the chance to interrogate South African universities about the role these tertiary institutions played in keeping apartheid alive. The education sector was the only sphere of influence that did not appear at the TRC and make their submission. That omission was a miscarriage of justice.<sup>12</sup> Wits was supposed to account for its treatment of the law student Mandela and other black (African, Coloured and Indian) students at Wits.

That omission by the TRC to call institutions of higher learning to account for their complicity in apartheid atrocities from the time of Mandela years at Wits in the early 1940s to 1994, I argue, is the rationale for the massive twenty-first century universities' protests in South Africa that climaxed with the #RhodesMustFall, #FeesMustFall, #OpenStellenbosch and #AfrikaansMustFall movements in 2015 and spiraled into the academic year of 2016.

## Introduction

The intention of this introduction is to enlighten the reader on the influences that attracted the young Nelson Rolihlahla Mandela to law. Mandela arrived in Johannesburg in April 1941 at age 22.<sup>13</sup> Johannesburg in those days was a combination frontier town and modern city: butchers cut meat on the street next to office buildings, tents were pitched beside bustling shops, and women hung their washing next door to high-rise buildings. In 1939, South Africa entered World War II as a member of the British Commonwealth, energizing industry. Demand for labour was high, and Johannesburg became a magnet for Africans from the countryside seeking work. Between 1941 and 1946, the number of Africans in the city doubled.

Living with his cousin Garlick Mbekeni in George Goch Township, Mandela expressed that, “My real ambition was to be a lawyer.”<sup>14</sup> In turn, Garlick took him to see “one of our best people in Johannesburg,” estate agent Walter Sisulu.<sup>15</sup> Arriving at the office on Market Street, they sat in the waiting room while an African receptionist announced their presence to her boss. Mandela observed, “I have never seen an African typist before, much less a female one. In the few public and business offices that I had visited in Umtata and For Hare [University College], the typists had always been white and male.”<sup>16</sup> Sisulu’s business was Properties for Africans. In 1940s South Africa, there were still places where African people could purchase freehold properties, small holdings that were located in places such as Alexandra and Sophiatown; in some of these places, Africans have owned their own homes for several generations. In contrast, the rest of the African areas were municipal townships containing matchbox houses for which the residents paid rent to the Johannesburg City Council. As both a businessman and local leader, Sisulu was already a force in the community. Sisulu was quite a revelation to the young, rural Mandela. He explained:

I was greatly surprised to learn from my cousin after I left the office that Walter Sisulu had never gone beyond Standard VI. . . I had been taught that to have a BA meant to be a leader, and to be a leader one needed a BA. But in Johannesburg I found that many of the most outstanding leaders had never been to university at all.<sup>17</sup>

Sisulu kept his promise, and on his recommendation Sidelsky agreed to take Mandela on as a clerk while he completed his BA degree. The firm of Witkin, Sidelsky and Eidelman was one of the largest law firms in Johannesburg, handling business for both blacks and whites. Sisulu brought the firm African clients in need of mortgages, and the firm would handle the Africans' applications, taking a commission that it would split with the estate agent. According to Mandela,

In fact, the law firm would take the lion's share of the money, leaving only a pittance for the African estate agent. Blacks were given the crumbs from the table, and had no option but to accept them. Even so, the law firm was far more liberal than most. . . The fact that Lazar Sidelsky, one of the firm's partners, would take on a young African as an articled clerk – something almost unheard-of in those days – was evidence of that liberalism.<sup>18</sup>

Mandela had great respect for Sidelsky for many reasons. First, he treated Mandela with "enormous kindness."<sup>19</sup> Second, he was a graduate of the University of the Witwatersand [Wits] who was in his mid-thirties when Mandela joined the firm. Third, he was involved in African education, donating money and time to African schools. Fourth,

He took genuine interest in my welfare and future, preaching the value and importance of education – for me individually and for the Africans in general. Only mass education, he used to say, would free my people, arguing that an educated man could not be oppressed because he could think for himself. He told me over and over again that becoming a successful attorney and thereby a model of achievement for my people was the most worthwhile path I could follow.<sup>20</sup>

At the same time, Sidelsky was, after all, a white liberal man. Mandela explained:

While Mr. Sidelsky imparted his views of the law, he warned me against the politics. Politics, he said, brings the worst in men. It was the source of trouble and corruption, and should be avoided at all costs. He painted a frightening picture of what would happen to me if I drifted into politics, and counselled me to avoid the company of men he regarded as troublemakers and rabble-rousers, specifically Gaur Radebe and Walter Sisulu.

While Mr Sidelsky respected their abilities, he abhorred their politics.<sup>21</sup>

Descendants of the former slaves and colonized or oppressed people know exactly the kind of politics a liberal white man would hate with such passion. For the likes of Sidelsky, Mandela was good when he was simply doing what the whites told him to do, as if Mandela, the African, had no mind of his own.

Two early instances at the law firm illustrated the racist attitudes of whites towards the country's African majority. Reporting on his first day at the law firm, Mandela was introduced to the all-white staff, with the exception of one African employee, Gaur Radebe, with whom Mandela shared an office. A young white secretary explained that Mandela and Radebe would take their mid-morning tea in new cups purchased especially for them. Mandela recalled, "The secretaries might share tea with two Africans, but not the cups with which to drink it."<sup>22</sup> Recalling a second incident, Mandela explained,

I was dictating some information to a white secretary when a white client whom she knew came into the office. She was embarrassed, and to demonstrate that she was not taking dictation from an African, she took a sixpence from her purse and said stiffly, 'Nelson, please go out and get me some shampoo from the chemist.' I left the room and got her shampoo.<sup>23</sup>

The Mandela the world came to know in the later decades when he came out of prison in 1990 and became first African president of the Republic of South Africa, with so much kindness for persons across the races, could be traced to this times when he would play into an act that shows respect for an individual, even when, for example in this shampoo case, it is clear that the white secretary lady was putting on an act in front of the white client of the law firm.

In the contemporary oral history of South Africa, Mandela comes from a line of AbaThembu Kings. Mandela's father, Gadla Henry Mphakanyiswa, was the principal counsellor to the Inkosi of the Thembu clan. When Mandela was just two years old, his father was stripped of the kingship of Mvezo over a dispute over an ox that had strayed from its owners. The white British magistrate ordered his father to appear before him, and Mandela's father refused. Consequently, the magistrate charged Mandela's father

with insubordination and terminated the Mandela family kingship of Mvezo; Gadla lost his power, livestock, land, income and stipend, as well as other revenues that came with his kingship.<sup>24</sup> In “The Making of the Mandela Myth,” Deon van Heerden states:

The plethora of available biographies dealing with Mandela rarely reach consensus on the details of his father’s position and later deposition. What is widely accepted is that Gadla was an advisor, friend and confidant of King Dalindyebo and, later, his son, King Jongilizwe. Mandela and Anthony Sampson therefore portray Gadla as a kind of prime minister, a position which would allow the young Mandela to command respect in the community, even after his father’s deposition.<sup>25</sup>

It is a contradiction because whilst Sampson gives the impression that Mandela was the son of an African chief. Even equating him with a Prime Minister is, however, according to Lodge, overstating the case; Hendry was, he asserts, accorded the post of village headman by the white administrators of the Transkeien territories.<sup>26</sup> Meaning that, Mandela was never in the line of succession, as he was born into the “*Ixhiba*,” the lowest-ranking family in the royal hierarchy. Richard Stengel recounts that, when he was working with Mandela on *Long Walk to Freedom*, people around Mandela always say to [him that he] must remember that [Mandela] was groomed to be chief, which Van Heerden’s study shows it was not the case.<sup>27</sup>

However, Richard Stengel, ghost-writer of Mandela’s autobiography, *Long Walk to Freedom*, discovered:

His father was an appointed chief. He wasn’t a blood chief. In fact, Nelson wouldn’t have become a chief, because he wasn’t in a direct line of succession, because his mother was the wrong wife for the succession. So he wasn’t really a chief in the way that people think, but he was from a family that would be a kind of aristocratic, upper-middle-class family. And when he moved to the king’s village, he was able to observe this.<sup>28</sup>

Although it can be argued that Sampson’s assertion was meant purely metaphorically, it highlights the way in which myth and history have become freely interwoven and inextricably linked.<sup>29</sup>

When the 22-year-old Mandela arrived in Johannesburg, he had consciously left behind the possibility of being groomed as “chief” or counselor to the AbaThembu clan in Mvezo. It was

a journey that would lead step by step—or rather, prison by prison—to the highest position in the land of his forefathers. Eighty-seven years later, on April 16, 2007, the former president Mandela, now 88-years-old, witnessed at Mvezo, the village of his birth, the installation of his grandson Mandla Mandela, the elder son of Mandela's only surviving son, Makgatho Mandela. Draped in the lion's skin of an African King, his grandson was anointed as political heir to the anti-apartheid icon and first African President of the Republic of South Africa. For this event to take place in Mandela's lifetime was both historic and poetic justice. The accession of Mandela's grandson to one of the Xhosa nation's kingships marks the return of the Mandela family to the Madiba clan after a nearly 80-year absence.

Mandela continued to live in Alexandra, where people were resourceful; but the place “could fairly be described as a slum, living testimony to the neglect of the authorities.”<sup>30</sup> In this first year in Johannesburg and Alexandra, Mandela says he learned more about poverty than he did in all his childhood days in Qunu. He never seemed to have money, and he managed to survive on the meagrest of resources. The aspiring graduate and law student “. . . was inevitably short of more than a few pence each month. On many days I walked the six miles to town in the morning and the six back in the evening in order to save the bus fare. I often went days without more than a mouthful of food and without a change of clothing.”<sup>31</sup>

The above narrative demonstrates the extent to which the young Mandela went to complete his University College of Fort Hare BA degree and study at Wits University's Law Faculty in order to qualify as a lawyer.

### **Mandela's Enrolment at Wits University in Context**

The National Party won the general elections in South Africa in 1948 and brought into place Apartheid legislation that would affect every facet of African peoples' lives. The Bantu Education Act of April 1953 was perhaps the worst of these laws. In my view, the current protests in the South African universities are a consequence of the failure post-1994 to undo what this act did to the education of the African majority.<sup>32</sup> According to the National Party's Minister of Native Education, Dr. H.F. Verwoerd, “There

is no place for the Bantu in the European community above the level of certain forms of labour.”<sup>33</sup> The Bantu Education Act was primarily directed at the school system, and it enforced complete apartheid, segregation in the schools. Unsatisfied, the Afrikaner leadership of the National Party soon spread apartheid to universities with The Extension of University Education Act of 1959, removing the independence of Mandela’s old academies, Fort Hare and Wits, and imposing strict apartheid in university education. According to Mandela’s biographer Anthony Sampson, “It would kick away the ladder by which he and his friends had reached a wider world, and break black students’ contact with other races, which threatened the government’s system.”<sup>34</sup> As Mandela wrote in *Liberation* in 1957, “The friendship and interracial harmony constitute a direct threat to the entire policy of apartheid and *baaskaap* (white domination).”<sup>35</sup> During the five years from 1943 to 1947 that Mandela spent at Wits University, however, apartheid as official government legislation was not yet a presence. So what Mandela endured as a law student at this liberal white University in Johannesburg occurred before the advent of apartheid government. Thus, the question we are left with is what happened at Wits, or what were the problems at Wits, particularly at the law school where Mandela was a student?

Before Wits, Mandela completed his BA degree with UNISA at the end of 1942 and returned to Fort Hare to graduate, soon realizing that this degree was irrelevant to his new environment in Johannesburg and for the work he was doing at the law firm. Mandela had become close to Gaur:

Education was essential to our advancement, but he pointed out that no people or nation had ever freed itself through education alone. Education is all well and good, but if we are to depend on education, we will wait a thousand years for our freedom. We are poor; we have few teachers and even fewer schools. We do not even have the power to educate ourselves.<sup>36</sup>

Seventy-three years later, the status of the Africans in schools and universities has yet to radically change, leading to continual protests, such as the burning of university property at some of the Universities in South Africa. he told Mandela:

For Africans, the engine of change was the African National Congress; its policies were the best way to pursue power in

South Africa. He stressed the ANC's long history of advocating change, noting that the ANC was the oldest national African organisation in the country, having been founded in 1912. Its constitution denounced radicalism, its presidents had been from different tribal groups, and it preached the goals of Africans as full citizens of South Africa.<sup>37</sup>

While Walter Sisulu is often cited as the man who introduced Mandela to the ANC, it was Gaur who first brought Mandela to ANC meetings. Furthermore, Mandela's first ANC march was with Gaur in August 1943, when they marched alongside 10,000 protesters in support of the Alexandra Bus Boycott against the rising costs of fares. Gaur was one of the leaders of this protest. Mandela later said:

This campaign had a great effect on me. In a small way, I had departed from my role as an observer and become a participant. I found that to march with one's people was exhilarating and inspiring. But I was also impressed by the boycott's effectiveness: after nine days, during which the buses ran empty, the company reinstated the fare to four pence.<sup>38</sup>

Gaur Radebe, ten years Mandela's senior, played a vital role in the informal, streetwise education of the young Mandela. Unfortunately, party politics have overstated the role played by Walter Sisulu in Mandela's growth at the expense of others less known. But Gaur awakened Mandela to city life in Johannesburg and the world of politics before the leadership power of Sisulu came into the picture.

After graduating Fort Hare, Mandela spent a few days with Daliwonga, the clan name for K.D. Matanzima, at his home in Qamata, in the Eastern Cape. Matanzima had already chosen the path of traditional leadership, the result of a colonial tactic of divide-and-rule that continues to be a problematic aspect of post-apartheid South Africa. Controlling the African majority population, the apartheid regime elected Matanzima, a chief of the Thembus, leader of the former homeland of the Transkei in the Eastern Cape from 1963 to 1985. When the South African government introduced the Bantu Authorities Act in the 1950s, the Bunga, the council of Transkei chiefs, rejected it. Matanzima, however, persuaded the Bunga to accept the Act in 1955. The Act was intended to give chiefs more local power, while at the same

time using them as puppets to control the homelands. In 1963 the South African authorities granted Transkei self-government, and Matanzima was elected as chief minister. Soon after, he founded the Transkeian National Independence Party. In 1976 Transkei was the first Black homeland to become independent, with Matanzima as Prime Minister. But it was independence in name only: the Transkei remained reliant on finances and military aid from South Africa, and apart from Israel and Taiwan, no other foreign country would accept its sovereignty.<sup>39</sup>

Matanzima pressed Mandela to return to Mthatha, capital city of Transkei, telling him that Mandela's legal experience was more needed in the rural area than in the city. But for Mandela:

In my heart I knew I was moving towards a different commitment. Through my friendship with Gaur and Walter, I was beginning to see that my duty was to my people as a whole, not just to a particular section or branch. I felt that all the currents in my life were taking me away from the Transkei and towards what seemed like the centre, a place where regional and ethnic loyalties gave way to a common purpose.<sup>40</sup>

For Mandela, about to turn 23 years old, the ideals of pan-Africanism were already growing inside him, even though he was not yet articulating his feelings as 'pan-African.' By choosing Johannesburg over the confines of Transkei, Mandela regarded Africa and the Africans in South Africa as "my people as a whole" and "as a unit,"<sup>41</sup> because in the city of Johannesburg, one finds all ethnic groups of African people from within South Africa and the neighboring countries like Lesotho, Botswana, Mozambique who came to work in the gold mines, on the one hand; whilst in the Transkei of Mandela's birthplace one finds a few ethnic groups, including amaXhosa and AbaThembu people of Mandela's heritage.

Furthermore, attending his graduation at Fort Hare offered Mandela a moment of introspection and reflection that struck him most forcefully with the discrepancy between his old assumptions and his actual experience. He had discarded his presumptions that graduates automatically became leaders and that his connection to the AbaThembu royal house guaranteed him respect. Having a successful career and a comfortable salary were no longer his ultimate goals. He found himself being drawn into the world of politics because he was not content with his old beliefs.<sup>42</sup>

For many African people at the time, and even my generation who went to the universities in the 1980s and 1990s, our parents, communities and ourselves, thought that earning a degree will make us leaders and provide us with employment. Then, just as Mandela realized when he graduated, we understood that this reward is just a myth; one requires to earn respect to be called a leader of people and not because of your degrees, but because of what you do and the services you bring to a community. The individualistic approach of a career and earning a salary in the midst of the exploitation and oppression that Mandela saw daily against the African majority in Johannesburg, accompanied by his awakening, made him realize, in the lyrics of Bob Marley that “are you satisfied with the life you’re living?”<sup>43</sup> And the answer for him was “No,” because he was no longer content with his old beliefs.

The death of Justice’s father brought Mandela back to the Transkei in the winter of 1942 to bury the Inkosi, who was like a father to him. It was also a time of immense introspection for him; his dream was coming bigger than just to work in the civil service or being an interpreter in the Native Affairs Department. The village life of the Transkei was too small for him, and he saw his life in the city; he was shedding bit by bit the skin of just being a Xhosa man—he was becoming an African; the early seeds of the pan-Africanist Mandela were being planted. Mandela knew that he had to return to Johannesburg after the burial.

On his return from Fort Hare at the beginning of 1943, Mandela lived in a mining compound of Welela (Witwatersrand Native Labour Association [WNLA]) to save money to register for his law studies at Wits University.

From the compound, Mandela moved to Orlando, one of the historic areas of Soweto, where he became close to Walter Sisulu. Mandela was now a proud property owner of a four-roomed house in Orlando; it was the perfect setup to begin his journey to law school at Wits University because for the very first time he owned a house; a space he can dedicate in part to be a library with study desk and chair; away from the bursting life of Alexandra and the compound. Thus, early in 1943 he enrolled at the University of Witwatersrand (Wits) in Johannesburg. Unlike the Afrikaans universities that perpetuated apartheid, Wits and the other white English liberal universities such as the University of Natal (UN) and the University of Cape Town (UCT) admitted a

handful of African and black students to study alongside whites. That is how some of South Africa's most distinguished African professors and political activists, like Bernard Makhosozwe Magubane (UN), Archie Monwabisi Mafeje (UCT), Neville Alexander (UCT), Judge Fikile Bam (UCT), Archbishop Njongonkulu Ndungane (UCT), Robert Mangaliso Sobukwe (Wits) and Prince Mangosuthu Buthelezi (UN) were able to study at these English liberal Universities. However, the black students "were prohibited from using the sports fields, tennis courts or swimming pool."<sup>44</sup>

### **Mandela: "the Only African Student in the Law Faculty" at Wits University**

In 1943, 24-year-old Mandela enrolled at the University of Witwatersrand (Wits) for his Bachelor of Law degree. Wits is located in Braamfontein in north-central Johannesburg and is part of a group of universities--Natal (UN), Rhodes University (RU), and University of Cape Town (UCT)--considered to be the premier English and liberal universities in South Africa. In contrast, the other groups of South African universities are Afrikaans and conservative: the University of Pretoria (UP), Stellenbosch University (SU), University of the Free State (UFS), and University of Potchefstroom (U. Potche). Additionally, the South African Native College of Fort Hare was established specifically for natives (African and black people, i.e. Coloureds and Indians). Wits was a new world for Mandela; while working for the law firm provided him regular contact with whites for the first time, the university introduced him to whites his own age. At Wits Mandela was attending classes with white students daily. As he explains, "For I was the only African student in the law faculty."<sup>45</sup> According to Mandela, the fact that he was among the few Africans studying at Wits gave him the feeling that, "The English-speaking universities of South Africa were great incubators of liberal values. It was a tribute to these institutions that they allowed black students. For the Afrikaans universities, such a thing was unthinkable."<sup>46</sup> At the same time, however, he felt like an outsider. Explains Mandela:

Despite the university's liberal values, I never felt entirely comfortable there. Always to be the only African, except for menial workers, to be regarded at best as a curiosity and at worst as an interloper, is not a congenial experience. My manner was always

guarded, and I met both generosity and animosity. Although I was to discover a core of sympathetic whites who became friends and later colleagues, most of the whites at Wits were not liberal or colour-blind.

One particular instance illustrates exactly what Mandela meant. Arriving at the lecture hall a few minutes late, he took a seat next to Sarel Tighy, who showily collected his books and moved away from Mandela. Tighy later became a member of parliament for the United Party.<sup>47</sup> The United Party (UP) was the ruling political party for South Africa between 1934 and 1948. When it lost power to the National Party in 1948 it was led by General Jan Smuts, who ruled South Africa during World War II and the post-war years. The UP's position on race relations in South Africa was a complex one: while the UP was more liberal in character than the National Party, it never clearly articulated its views on African people. Smuts himself alluded to the fact that at some unspecified point in the future, black South Africans might be asked to share power with the white minority, provided black politicians demonstrated their commitment to "civilized" norms of political and personal conduct.<sup>48</sup> This provides telling context to why Tighy moved away when Mandela sat next to him.

Mandela explains that the conduct of the likes of Sarel Tighy was ". . . the rule rather than the exception. No one uttered the word 'kaffir'; their hostility was more muted, but I felt it just the same."<sup>49</sup> With his fellow students treating Mandela with muted hostility, it is worth exploring the attitudes of the faculty towards "the only African . . . a curiosity and at worst as an interloper."

### **Law Professor H. R. Hahlo vs. Law Student Mandela**

In his autobiography, *Long Walk To Freedom*, Mandela describes Herman Robert (Bobby) Hahlo, his law professor:

Our professor, Mr. Hahlo, was a strict, cerebral sort, who did not tolerate much independence on the part of his students. He held a curious view of the law when it came to women and Africans: neither group, he said, was meant to be lawyers. His views was that law was a social science and that women and Africans were not disciplined enough to master its intricacies. He once told me that I should not be at Wits but studying for my degree through UNISA.<sup>50</sup>

In his biography of Mandela, *Mandela: A Critical Life* (2006), Tom Lodge explains, “Mandela had to contend with a Dean of Law, Professor H.R. Hahlo, who made a habit of informing African students that they would be better off in a different faculty because their minds were unsuited to the study of law.”<sup>51</sup> When Stengel asks Mandela about this Wits professor in their conversation in 1993, Madiba’s humility comes through:

**Stengel:** Wasn’t there also a professor that you had named

**Mandela:** Professor Halo?

**Stengel:** Yes

**Mandela:** [spells] H-A-H-L-O

**Stengel:** Who was quite hostile, also, yes?

**Mandela:** Yes, well he was quite hostile but I would like to say he could have been more friendly that’s how I would like to put it instead of he was hostile. He could have been more friendly and helpful to me.

**Stengel:** But it was his view, I read, that and that he even said this in his lectures that he didn’t think that Africans

**Mandela:** Yes, quite

**Stengel:** and women could become good lawyers

**Mandela:** Yes, yes and he said that I’d better do it with the University of South Africa

**Stengel:** Well how did that make you feel, did it affect your confidence?

**Mandela:** Oh well, yes and it did. And of course I didn’t do well at all in my legal stu[dies], LL.B. I couldn’t even finish it. There was, of course, the question of politics but I failed every year at Wits, I was not a bright student.<sup>52</sup>

At the time of this interview in March 1993, Mandela was 74 years old and turning 75 on July 18; again one reads here Mandela, the reconciler, out of prison just a mere two years ago in 1990. He was conscious of talks about talks that lead to the CODESA (Congress of Democratic South Africa) meetings with apartheid government and other stakeholders, i.e. other white and black political parties in South Africa; and Mandela prefers to be one who unites these different racial groups and political parties when he says about Hahlo ‘he could have been more friendly that’s how I would like to put it instead of he was hostile.’ The early 1990s were very critical because the entire world was watching how the “terrorist” Mandela and his “terrorist and communist organization the ANC”<sup>53</sup> would treat the white minority in South Africa; the latter was also watching Mandela’s every move and speech. And

to labour on this “terrorist” sour point, I quote Justice Mkhabela and myself (Ramoupi) in “Celebrating Rolihlahla Nelson Mandela: Past, Present and Future” (2011):

The role of the liberation movements in bombing and attacking the then apartheid regime landed their leadership and the organisations onto the apartheid government’s list of terrorists, with dire consequences, as most Western countries and the United States (US) joined to blacklist the ANC and its military wing, Umkhonto We Sizwe. Given the above trend, it came as no surprise that even 15 years after having been awarded the Nobel Peace Prize, Mandela’s name still lingered on the list of US blacklisted terrorists.<sup>54</sup>

“Mandela was only taken off US terrorism watchlist in 2008,”<sup>55</sup> meaning that throughout his term as the President of the Republic of South Africa, President Mandela *was a terrorist*.<sup>56</sup> Every time President Mandela had visit the US, he had to apply for special permission in order to be able to visit; according to Condoleezza Rice, the Secretary of State under President George W Bush, said the restrictions were “a rather embarrassing matter that I still have to waive in my own counterpart, the foreign minister of South Africa, not to mention the great leader Nelson Mandela.”<sup>57</sup> One of the mis-conceptions about Mandela at the time was that “When Mandela was released from prison in 1990, the white minority was afraid the ‘terrorist’ was out to expel them from the land into the sea.”<sup>58</sup> The reality was the opposite; Mandela embraced even his jailors.

*Truth and Reconciliation and The Apartheid Legal Order* by David Dyzenhaus provide useful commentary regarding the law faculty at Wits University that makes reference to Hahlo:

Locating it to the 1960 to mid-1980s, institutions were precluded by their principles from preventing critics from speaking out or from teaching courses critical of apartheid. In other words, the liberalism of the institution consisted in its allegiance to principles which made it possible for a few individuals to pursue their liberal ideas without grave personal cost. Indeed, Edwin Cameron, who in the late 1970s and 1980s taught at the University of Witwatersrand, has criticised the two dominant figures at the Faculty during the apartheid era, H.R. Hahlo and Ellison Kahn, for cultivating an ideological atmosphere which encouraged deference to authority.<sup>59</sup>

Edwin Cameron's disapproval of Hahlo is not surprising: Cameron is a white South African human rights lawyer and respected legal mind who defines his activism as "very much a legal activist role, an expression of political consciousness and commitment through devotion to my legal work."<sup>60</sup> Judge of Appeal in the Supreme Court of Appeal, Justice Cameron belongs to a few Afrikaans-speaking white South Africans who joined African masses in South Africa to fight the inhumanities of the apartheid system; and his fight for human rights continues as he writes in the *Mail & Guardian*, 15 April 2016, that

Still, there remains a huge continuing disjunction between what is promised and what has been attained. This is true for all our constitutional rights. It is not different from gender equality, racial subordination and lack of socio-economic rights. After 22 years, our Constitution's promises have not been adequately fulfilled.<sup>61</sup>

### **Formation of the ANC Youth League: 1944**

Two historic events occurred in 1944 that would change Mandela's life forever. One, Mandela married Evelyn Mase; and two, the African National Congress Youth League was formed. The ANC Youth League was formed during the years that Mandela was a student at Wits, a critical fact that the Murray's Wits paper, "Nelson Mandela and Wits University" that the *Sunday Times*, printed with the title "No Easy Walk, to LLB for Madiba" omitted to mention – consciously or unconsciously – it is not known. But what is known is that the formation of the Youth League was another essential turning point for Africans more than it was for white people like Murray because this establishment started the radicalization and militancy of the liberation struggle for freedom in South Africa.

Acknowledging the social, economic and political challenges that confronted Mandela's generation, and more so, Mandela himself as a law student at the time of the Youth League's birth is a phase anyone writing about Mandela and Wits University in the early 1940s cannot afford to neglect.

The ANC Youth League was formed Easter Sunday, 1944, at the Bantu Men's Social Centre in Eloff Street, Johannesburg.

There were about a hundred men there, some coming from as far away as Pretoria. Far from a mass movement, they were a select, elite group, a great number of them Fort Hare graduates.<sup>62</sup> Lembede was elected President, Oliver Tambo, secretary, and Walter Sisulu, treasurer. A.P. Mda, Jordan Ngubane, Lionel Majombozi, Congress Mbata, David Bopape, and Nelson Mandela were elected to the Executive Committee. Others who later joined and became prominent in the South African politics included Godfrey Pitje, a student leader and later a teacher at Fort Hare; Mangaliso Robert Sobukwe, the SRC President at Fort Hare in 1949 and the founding President of the Pan Africanist Congress of Azania (PAC) in 1959; and Joe Matthews, Duma Nokwe, Nthatho Motlana, all Fort Hare students.<sup>63</sup> Duma Nokwe became the first African advocate in the Transvaal<sup>64</sup> and in 1955 became the first ever African and black South African to graduate in the Law faculty at Wits University under the deanship of professor Hahlo, more than a decade after Mandela's attempt for a Wits LLB.<sup>65</sup>

During World War II, Hahlo shouldered the Wits Law Department, delivering half the LLB courses most of which Mandela took. In 1946 he received a promotion to professorship. In 1947 he became Head of the Department of Law and Dean of the Faculty of Law, positions he retained until he left Wits in November 1968 to take up a post at McGill University in Canada.<sup>66</sup> The Law Faculty at Wits also credits Hahlo as the faculty member most responsible for raising the faculty to its 1990 stature.

Let me return to Hahlo's advice to Mandela that he, the only African student in the Law Faculty at Wits, was wasting his time, as "law was a social science and women and Africans were not disciplined enough to master its intricacies."<sup>67</sup> This racist line of thinking continued to be present in South African universities when my generation of black South Africans entered the universities in the late 1980s. For example, when we registered for a Philosophy or English courses at the University of Natal, Durban (UND), white, English and liberal professors would tell African students that these courses were not for blacks, just like they told Mandela 46 years ago. Today, during the #RhodesMustFall Movement at UCT in March 2015 and currently in 2016, black students express these very same sentiments of racist superiority.<sup>68</sup> Twenty-two years into post-apartheid South Africa, UCT, the oldest University in South Africa, founded in 1918, does not have

a black professor or lecturing faculty member in its Department of Philosophy.<sup>69</sup> All faculty members are white South Africans and white foreigners, and the Department had not one course on African Philosophy because, according to Professor David Benatar, Head of the Department, Africa does not have philosophy.<sup>70</sup> This Philosophy curriculum is a clear case of social injustice to Africa's people. The Philosophy department at UCT produces African graduates from across the African continent and beyond who will go into practice and serve African communities without any comprehension of their own philosophy. Consequently, we have African professionals whose education and knowledge alienates them from their own roots and people. As a result of concerted pressure from the black students at UCT (but without the exclusion of other races), the Philosophy Department introduced one course — “Philosophy of Race” — that is taught at second year.<sup>71</sup>



**Figure 2:** Professor H.R. Hahlo is in the front row, center; R.N.D. Mandela is second from the left in the back row. This is a 1949 final-year Wits LLB Class. Wits Central Archives<sup>74</sup>

“Mandela and the Law” is a piercing chapter by Adam Sitze in the book, *The Cambridge Companion to Nelson Mandela*, (2014)<sup>72</sup> that makes the argument that “to understand Mandela’s time at Wits. . . it will be necessary to reconstruct what sort of poisonous learning might have been proffered by this curious professor. . . who had drunk deeply from the cup of apartheid.”<sup>73</sup> Born in the United States in 1905, Hahlo was trained as a legal scholar in Germany, where he studied Roman Law at the Universities of Berlin and Halle. Forced to leave Germany because of his Jewish heritage, Hahlo emigrated with his parents to South Africa in 1934, where he was quickly credentialed in a system of legal education that understood Roman law to be the essence and basis of its claim to European inheritance. At the same time, Hahlo had recognized the contributions made to South African law by English common law. He would propose that the “spirit” of South African law consisted in the unique way that it allowed for reconciliation of English and Continental juridical traditions that, even within Europe itself, remained separate. This “spirit” (which, according to the Nazi racist Carl Schmitt, was dead in Europe itself) seemed to Hahlo to live on, in a remarkably unified and comprehensive fashion, in South Africa (or so this recent arrival thought) and allowed European jurisprudence to survive the disintegration it suffered in Europe itself: “*If ever there a representative of Eurocentric jurisprudence to which apartheid laid claim, Hahlo was it.*”<sup>75</sup>

That at its center explains that when Mandela was pursuing his law degree at Wits University, colonialism, racism and white superiority—*before legalized Apartheid*—stood between him and the attainment of his LLB degree.

This Wits law faculty photograph above, the only one found in the archives of Mandela at Wits during his LLB degree years, illustrates my point. Just look at its format, taken in 1949—Mandela’s last year as a Wits student, of his all-white classmates with the intolerant Dean of Law, Professor HR Hahlo (front row center). Mandela is standing at the back (second from the left) next to another colleague who could be Coloured, Indian, or African because Mandela had told Stengel that “Seretse Khama was there [Wits] at the same time but a *little* after me, yes a little after me.”<sup>76</sup>

Seretse Khama was later to become the first president of an independent Botswana; and his son, Ian Khama is the current President of Botswana.

### Mandela’s Expulsion from Wits Law Faculty: 14 December 1949

In a two-page letter dated 9th December 1949, Mandela writes to the Dean of the Law Faculty, Professor Hahlo:

Dear Sir,

I shall be pleased if you will kindly consider my application for permission to present myself for the supplementary examinations in January 1950, and to be credited with all the subjects I passed in the Summer Examinations – November, 1949.

In support of this application, I should like to mention that I have been studying for the LL.B. Degree Course for the last seven years. . .

Yours faithfully, (sgd.) N.R.D. MANDELA.<sup>77</sup>

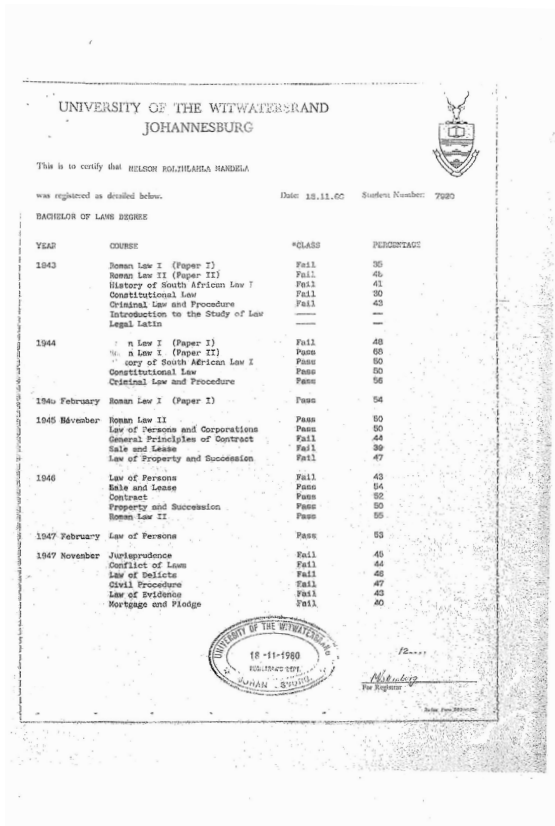


Figure 3: Rolihlahla Nelson Mandela Official Transcript, University of Witwatersrand<sup>78</sup>

Minutes of the special meeting of the Board of the Faculty of Law, held in Advocate Pollak's Chambers, His Majesty's Buildings, on Wednesday 14th December 1949, at 5pm; and present were Professor Hahlo (Dean), Advocate W. Pollak, R.G. McKerron and R.S. Welsh, Messrs. I.B. Murray, H. Rissik and E. Kahn. There were three applicants that were decided at this meeting; namely, E.K. Weber, N.R.D. Mandela, and Z. Sutej.

The outcomes were that:

E.K. Weber

It was agreed to permit Mr. Weber to sit for a special examination in Criminal Law and Procedure, in addition to Roman Law, Paper II, in February, 1950.

N.R.D. Mandela

It was agreed that in view of the regulation the Board regretted that it could not accede to the request of Mr. Mandela who had failed in three courses in the Final year in the November examinations, to write supplementary examinations.

Z. Sutej

It was agreed that in view of his performance in the November examination, Mr. Sutej be exempted from the course in Jurisprudence in his final year of study.<sup>79</sup>

The Registrar, I. Glyn Thomas, wrote a letter to Mandela; the date on the letter is, ironically Mandela's birthday: 18th July, 1952:

Dear Sir,

Further to my letter of 9th June, 1952, and in view of your failure to see me, as you were instructed, about your outstanding fees, I have to inform you that your registration as an LL.B. student for 1952 has been cancelled, and you are excluded from further attendance at classes. If you should wish to resume attendance in the future, your application for registration will be considered only on payment of the outstanding amount of £27; and, if you are then re-admitted, you will be required to pay for each term in full on the first day of the term.

Yours faithfully,

Signature

I. Glyn Thomas

Registrar

Copy for Professor Hahlo and Mr. Dodds<sup>80</sup>

The beginning of the 1950s provides us with some of the explanations why Mandela was not able to see the Wits registrar for example as per the university's instruction. "The spirit of the mass

action surged,”<sup>81</sup> which is narrated in part three of *Long Walk to Freedom*, titled “Birth of a Freedom Fighter.”<sup>82</sup>

For the preparation of the mass actions and protests that occupied Mandela, there just was no way that he would have time for his law studies and to travel into the Wits campus when it was became clear that politics and the struggle were becoming Mandela’s life.

On June 30, 1952, at the height of the Defiance Campaign, police arrived with a warrant for Mandela’s arrest when he was at work at the then law firm of H.M. Basner. The charge was violation of the Suppression of Communism Act.

Mandela had completed his articles in 1951 at Witkin, Sidelisky and Eidelman; and he went to work for the law firm of Terblanche & Briggish. At the time Mandela was not yet a full-fledged attorney, but he was in a position to draw court pleadings, send out summonses and interview witnesses – all of which an attorney must do before a case goes to court. At this stage, “there were, of course, no African law firms”; the findings from Mandela’s investigation after leaving Sidelsky.

From law firm, Terblanche & Briggish, where Mandela worked for just a year; he joined Helman and Michel firm; he stayed there for a few months while he prepared and studied for his qualification examination, meant to establish him as of full-rank standing attorney. Mandela writes, “I had given up studying for an LLB degree at the University of the Witwatersrand after failing my exams several times.”<sup>83</sup>

Mandela, the reconciler and peace-maker, was just content to state this in *Long Walk to Freedom*; instead of saying it as it had been told straight to him, that it was ‘cancellation’ and ‘exclusion’: “I have to inform you that your registration as an LL.B. student for 1952 has been cancelled, and you are excluded from further attendance at classes.”<sup>84</sup>

Sixty years after Wits excluded Mandela, the person who would become its most famous law student, Mandela, the former President of the Republic of South Africa, remembers to write Wits University into his Will. Mandela’s generosity and his capacity for forgiveness were remarkable:

Nelson Mandela has left about R100 000 to Wits University in his will. This was revealed earlier today at a reading of the will in Houghton.

“The University of the Witwatersrand is honoured and deeply appreciative to learn that it is a beneficiary of former President Nelson Mandela’s legacy, and we are indeed humbled that he chose to remember the University in his will,” said Wits vice-chancellor, Professor Adam Habib.<sup>85</sup>

The presence of Wits University in Mandela’s will reflects that the man Mandela concealed no grudges for the humiliations he experienced at Wits in the 1940s. “The struggle is my life” was for Nelson Mandela a fight against the system, a structural racism and apartheid; it was never for this freedom fighter a fight against persons or people. For him, like it was for Bob Marley, “there were no complexes, inferior or superior” as Marley sings in “WAR”, almost literally extracted directly from a 1963 speech by Ethiopian Emperor Haile Selassie I delivered at the United Nations in New York City; just less than a year before Mandela was sentenced to life imprisonment at the famous Rivonia Trial in June 1964:

#### WAR

Until the philosophy which hold one race superior  
And another Inferior Is finally And permanently  
Discredited And abandoned Everywhere is war -  
Me say war.

That until there no longer

First class and second class citizens of any nation  
Until the colour of a man’s skin  
Is of no more significance than the colour of his eyes -  
Me say war.

That until the basic human rights Are equally guaranteed to  
all,

Without regard to race Dis a war. . . .<sup>86</sup>

In 1973, while Mandela was already nine years into his life imprisonment sentence on Robben Island after the famous Rivonia Trial of 1963-1964, Wits conferred the LLD *honoris causa* degree on Professor Hahlo. On Robben Island, Mandela probably heard from his mostly white, English, Johannesburg-based and Wits-trained attorneys, such George Bizos and Bram Fischer, that his former law faculty persecutor had been honoured by this University. Perhaps that was one of the reasons the political prisoner Mandela took steps the following year to complete his Wits LLB

from inside Robben Island prison. Mandela wrote to Wits's Law Faculty, to which Wits replied with this letter below (figure 3).

This was the first time that Mandela attempted to pursue his law degree with Hahlo *out of sight, out of mind*. But he did not succeed. In his Wits paper (*Sunday Times*, July 26, 2015) Murray does not tell us why, except to say, “. . .but they came to naught.” But one can see in the letter above that Wits was actually informing Mandela that his enrolment at Wits depended on the Minister of Education of the government of the day, the very government that imprisoned him for life.

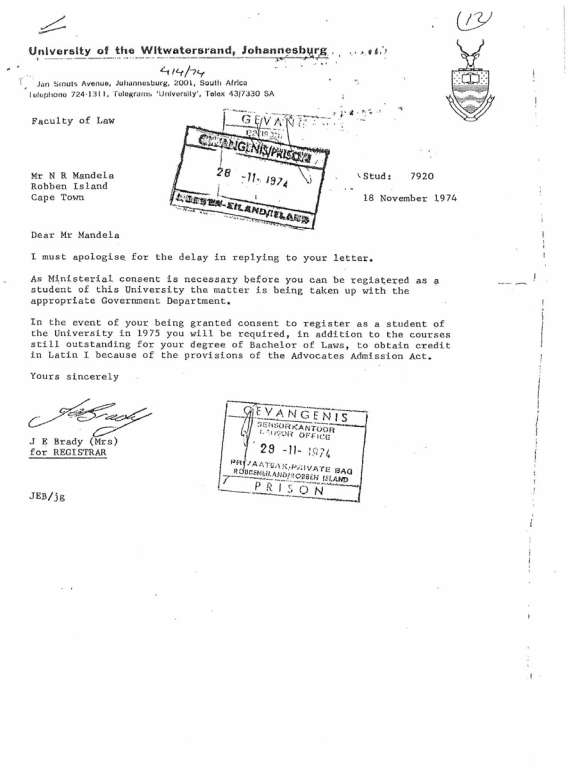


Figure 4: Law Faculty, University of Witwatersand<sup>87</sup>

## Conclusion

I want to share with the reader why I felt the strongest convictions to write this article on the years Nelson Rolihlahla Mandela spent at the Law Faculty at Wits University. As I completed my PhD coursework with a three-year funding from the Ford Foundation International Fellowship at Howard University in Washington D.C. in the fall (August) 2006, and preparing to relocate back home with my young family – our second son, Rethabile ‘Moupi Ramoupi, had just been born there in April 2006, I was recruited by The Mandela Foundation’s Centre of Memory in Houghton-Johannesburg, South Africa. Arriving back home, I joined the Mandela Foundation in the former President Mandela’s offices for his post-presidential projects. Every new staff member of the foundation meets Madiba, and my day came on October 3, 2006. I am not sure if I slept the night before, thinking what I was going to wear for Mandela and what I was going to tell him. As I described in the newsletter of the Ford Foundation, “October 3, 2006, I finally came face to face with history when I met Nelson Mandela, also known as *Madiba* or “father of the nation!”<sup>88</sup>

I had prepared all I could think of for the meeting with Madiba. When I met Mandela I was wearing my *Seshweshwe*, a Batswana (I am a Motswana) traditional shirt, like his famous *Madiba shirt*, with a beaded Xhosa necklace. I felt that was the dignified manner by which I could show my gratitude for what Mandela means to African people. I met Madiba with another new Foundation staff member, a female medical doctor, Dr. Mothomang Diaho. Madiba walked in with his trusted PA, Zelda La Grange, author of *Good Morning Mr. Mandela*, and Zelda introduced both of us to *Tata* (father) Madiba. “Tata, this is Neo Ramoupi, he is completing his PhD on Robben Island!” Immediately Madiba said to me, “Wow! Which period are you looking at?” I told him, “From 1960 to 1991,” and very quickly, Mandela said, “31 years! Wow that is very good! I am very impressed!” Then Zelda introduced Dr. Diaho to Tata Madiba, and Mandela said to my colleague, “I have a pain in my heart, can you help me, doctor?” It came out as a joke, but that never left me because throughout Mandela’s life, how can he not have a pain in his heart? After the formal introductions, Nelson Mandela went on a lecture to both of us about the importance of education for young

people like ourselves, whose education is going to be very important for those who will be future leaders of South Africa. We spent about 10-15 minutes with Mandela that were so intimate that to take out my camera would have disturbed the conversation and its intimacy. As a result, I do not have a photo with Madiba, and *I honestly do not regret it*, because I hold that few minutes with Mandela in my mind so clearly it is like it was only yesterday. The point I want to make about this meeting is how Mandela was so serious about the fundamentals of acquiring an education, even when my colleague was already a medical doctor and I was completing my PhD degree. I connect his lecture on education with his own law degree struggles at Wits University when he was just starting out on the journey with which the entire world is so familiar. I think Mandela wanted us to believe that the struggle is not over once we become medical doctors or complete our doctoral degrees. As he writes in *Long Walk to Freedom*:

I have walked that long road to freedom. I have tried not to falter; I have made missteps along the way. But I have discovered the secret that after climbing a great hill, one only finds that there are many more hills to climb. I have taken a moment here to rest, to steal a view of the glorious vista that surrounds me, to look back on the distance I have come. But I can rest only for a moment, for with freedom come responsibilities, and I dare not linger, for my long walk is not yet ended.<sup>89</sup>

I see this as an agreement, “honoring the contract” between Mandela’s well-founded conversations about the value of acquiring education to lead South Africa and ourselves, the emerging scholars and leadership of African activism. Writing this article is my activism, an act that overwhelms and carries a feeling that reminds me how much *anything Mandela* I collected from the year that I entered University in 1987 to the present—that initiated family members and my in-laws to preserve all Mandela related articles, t-shirts, pictures etc for me. The second rationale that inspired me to write the Mandela-Wits article is that I agree with Julius Malema that, “The criticism of Mandela does not make him an evil person;”<sup>90</sup> a quote that has become so over-quoted in radio and television in the news bulletins in South Africa since Malema aired this statement in December 2015 in an interview that debated Mandela’s legacy. Mandela was no saint--he said

so himself. For example, the TRC that are Mandela's policies, we have learnt, have very serious shortcomings. But at the same time, as we continue to critique the legacy of Mandela, we must write the historiography of what the generations of Mangaliso Robert Sobukwe, Nelson Rolihlahla Mandela, Archie Mafeje, Neville Alexander, and Bantu Steve Biko went through for the freedoms we enjoy today in South Africa. Additionally, in my research on transformation in higher education in South Africa, researching and writing Mandela's saga at Wits, I see disturbing similarities with the current situation in the universities in South Africa. First, there are remnants of the kinds of professor Hahlo in the universities and in the workplaces that are subtle with their prejudices towards the black students and black employees. Second, these current students have challenged the pedagogy system by establishing the #RhodesMustFall, #FeesMustFall, #OpenStellenbosch, #AfrikaansMustFall and the other MustFall movements. These movements take place in the twenty-first century because the challenges Mandela encountered at Wits in the 1940s are yet to be addressed, and the consequences of the *Bantu Education Act of 1953* and the *Extension of University Education Act of 1959* to the entire national education system have not been diagnosed and resolutions taken. We need to identify measures and mechanisms to (re)address what the country is facing as a result of these Acts.

Lastly, this article had to be written *for the sake of justice*. I write this so *all* the children of South Africa, especially the African and black children deserve to *know* the complete story of one of their heroes and liberators. I concur with Fidel Castro (2016): "Knowing men such as him [Mandela] was worthwhile."<sup>91</sup>

*Do not tell me how to remember my history.*

**Dedicated** to Gaur Radebe, the streetwise political activist who became Mandela's conscience when he was starting at the law firm in Johannesburg in the early 1940s.

## Notes

<sup>1</sup> *Rivonia Trial*, Monday 15 October 1962, South Africa: "I had chosen traditional dress to emphasise the symbolism that I was a black African walking into a white

man's court." Mandela, *Long Walk to Freedom: The Autobiography of Nelson Mandela*, (South Africa, Randburg: Macdonald Purnell 1994), 311.

<sup>2</sup> Rolihlahla Nelson Mandela, in Anthony Sampson, *Mandela: The Authorized Biography* (New York: Vintage Books, 1999), 37

<sup>3</sup> <https://www.wits.ac.za/alumni/notable-alumni/mandela-and-wits-university/> accessed 2016/04/13.

<sup>4</sup> Bruce Murray, "No easy walk to LLB for Madiba," *Sunday Times*, July 26 2015.

<sup>5</sup> "Here's How Desmond Tutu, Elie Wiesel, Paulo Freire, and MLK Approach Neutrality," <http://organizingchange.org/here-is-how-moral-leaders-approach-neutrality/> accessed: 2016/04/14.

<sup>6</sup> Neo Lekgotla laga Ramoupi, "Racism at Wits cost Madiba his LLB," Letters to the Editor, *Sunday Times*, 2 August, 2015.

<sup>7</sup> Neo Lekgotla laga Ramoupi, "Between Mandela and his LLB Degree was Racism and Apartheid" (2016), *The Thinker*, Vol. 68 (Quarter 2, 2016): 76-78.

<sup>8</sup> Neo Lekgotla laga Ramoupi, "African Research and Scholarship: 20 Years of Lost Opportunities to Transform Higher Education in South Africa," *Ufahamu: A Journal of African Studies*, 38.1 (2014): 270-271. <http://escholarship.org/uc/item/13m5c5vp#page-3>

<sup>9</sup> Wikipedia contributors, "Jan Smuts," *Wikipedia, The Free Encyclopedia*, [https://en.wikipedia.org/wiki/Jan\\_Smuts](https://en.wikipedia.org/wiki/Jan_Smuts) (accessed: 2016/04/14).

<sup>10</sup> <https://franknatter.wordpress.com/2010/08/09/white-skins-black-souls-highly-recommended-critique-of-white-liberals-steve-biko/> accessed: 2016/05/25. See also, Steve Biko, *I Write What I Like: A Selection of his Writings*. Edited by Aelred Stubbs C.R., Oxford: Heinemann 1987 19-26.

<sup>11</sup> "20 Years After the TRC Hearings South Africa's Pain Persists," *Sunday Times*, 10 April 2016 <http://www.timeslive.co.za/sundaytimes/opinion/2016/04/10/20-years-after-the-TRC-hearings-South-Africas-pain-persists/>; "TRC 20 years on: 'many, many unanswered questions'," <http://www.iol.co.za/news/politics/trc-20-years-on-many-many-unanswered-questions-2009894> Accessed: 2016/04/17.

<sup>12</sup> Neo Lekgotla laga Ramoupi, "African Research and Scholarship: 20 Years of Lost Opportunities to Transform Higher Education in South Africa," *Ufahamu: A Journal of African Studies*, 38.1 (2014): 270-271. <http://escholarship.org/uc/item/13m5c5vp#page-3>

<sup>13</sup> Anthony Sampson, *Mandela: The Authorized Biography*, 30.

<sup>14</sup> Nelson Mandela, *Long Walk to Freedom: The Autobiography of Nelson Mandela* (South Africa: Macdonald Purnell LTD, 1994), 63.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., 64.

<sup>17</sup> Ibid., 64-65.

<sup>18</sup> Ibid., 66.

<sup>19</sup> Ibid., 66

<sup>20</sup> Ibid., 66.

<sup>21</sup> Ibid., 68.

- <sup>22</sup> Ibid, 67.
- <sup>23</sup> Ibid.
- <sup>24</sup> Ervin Williams, *The Leadership Traits and Footsteps of Nelson Mandela* (United States: Xlibris publishers, 2014), 41.
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- <sup>44</sup> Anthony Sampson, *Mandela: The Authorized Biography*, 36.
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