
From the Ruins: The Constitution Hill Project

Mark Gevisser

*B*etween the University of the Witwatersrand and the inner-city neighborhood of Hillbrow (the densest square kilometer of urban space in Africa) is a giant building that emerges from rubble and ruins. To watch it rise is to see a city and a democracy heaving itself from the debris, carrying with it the physical markers and the tangible echoes of an iniquitous political system but also of a history stretching back long before apartheid. The building is the new Constitutional Court, and it is being erected on the site of the Old Fort, Johannesburg's notorious prison complex. On this 95,000-square-meter site, the municipal and provincial governments are developing a major urban regeneration project and mixed-use heritage precinct: Constitution Hill. Constitution Hill will house the new court, symbol and guardian of the South African Constitution, one of the most democratic public declarations in the world; it is also being developed as a "campus for human rights" that will house many statutory bodies and nongovernmental organizations whose job it is to protect and interpret the Constitution. Constitution Hill will bear the mantle of this new order—understood, always, within the context of the past. Prominent in the precinct are the three derelict prisons, left mostly to rot since 1983 when they were closed down and the prison was moved to Soweto. Each prison has its own legacies and ghostly presences; each will fulfill separate roles in the new public space being wrought from the heart of the city.

As the court rises, its every shape is etched against the high-rise apartment blocks of Hillbrow, a neighborhood of one hundred thousand people, most of whom are immigrants from other parts of Africa. From the ramparts of the Old

Fort you look down into the neighborhood and see right into its mass of humanity. Church song rises from the neighborhood, mingling with the sounds of children playing in the park directly below. The disparities of Johannesburg, and of South Africa more generally, are immediately evident: in one glance you can take in both the inner city with all its social problems and the leafy green forest of Johannesburg's affluent northern suburbs. The ramparts provide perspective over not only space but also time. On one side of the site are the colonial prisons; on the other side is the maximum-security prison of a later era, doors to the cells now ajar, yellow highveld grass rising in the cracks of the courtyard. The first phase of the five-year Constitution Hill development was completed and opened to the public in March 2004. It is a site in formation, its future uncertain but as full of promise and as vulnerable to implosion as the history of South Africa always has been. It's a city site, reaching far beyond itself. The only way to get to know the site and to fully understand the scale of the project is to walk it.

The text below is the result of a walking conversation that took place in late 2003 between me and Mark Gevisser, content advisor to Constitution Hill's Heritage, Education, and Tourism team. The accompanying images were taken during the course of the walk and were part of the process of making sense of the place in its incarnations of the past, the present, and the future.—S. N.

Sarah Nuttall: Mark, this is an evocative site for any of us who grew up in this city. You can feel its presences as we walk here now, but it was always powerful from the outside too, as we walked and drove past it but didn't quite know what it was. . . .

Mark Gevisser: Like so many kids who grew up in Johannesburg, I remember being driven down Kotze Street and seeing what appeared to be a gash in the landscape, this hole in the hill, and knowing that something bad was on the other side, but, yes, not knowing what it was. It was actually the entry through the ramparts of the Old Fort into the Johannesburg Prison. So the Old Fort and its prisons were some kind of absent center, a place that was literally overlooked—in two senses: they were neglected or ignored but also, quite strangely for a place of incarceration, they were right in the middle of the city. So if you lived in those then rather stylish modernist Hillbrow apartment blocks, you could sit there on your balcony doing whatever it was you did on a Saturday afternoon and look down at the prisoners doing their exercises or having to dance the *tauza* without actually seeing them.¹ In both these senses, it was overlooked.

1. The *tauza* was a "dance" that prisoners had to perform, naked, to show the guards that they had nothing concealed in their anuses.

SN: What about people on the inside—what could they see?

MG: There's a story I love about a man called Cecil Williams, a white gay communist theater director who was detained here during the 1960 state of emergency, with a whole lot of others. He recalls one evening being in one of the recreation courtyards of the Old Fort and looking up at the flats above him and seeing, on one balcony, a party in full swing. He actually recognized some of the people hanging off the balcony and drinking *parfait d'amour* and having a gay old party on a beautiful Johannesburg evening. But they couldn't see him. Or they wouldn't see him. It's a metaphor, I think, for how whites dealt with apartheid: it was under their very noses, but it was invisible to them.

And if the Old Fort has that kind of metaphorical power for whites, it has another, even stronger one for blacks, as this place of darkness in the middle of the city to which they'd be taken if their passes were out of order, or they had broken the curfew regulations, or any one of a number of other petty apartheid laws that criminalized their very existence. Given that all pass offenders in Johannesburg were brought here, there's barely a black family in the city that doesn't have some memory of what it was like inside. In black popular culture, the Old Fort is still known as Number Four because the black male section was "section four," and those two words still send shivers down people's spines. Yvonne Chaka Chaka wrote a song in which she uses "number four" as a kind of code for apartheid repression, because she was a gospel singer who played her hits on Radio Bantu so she had to talk in a signifying way. Even now, people from all over the country know nothing about the fort, but they do know about Number Four. They don't locate it, root it, in this site, but they know that it exists. And it's fearsome.

SN: This site has so many earlier incarnations as well, multiple histories of the changing faces of carceral space. How did the British and the Boers imagine and utilize the site differently?

MG: The Old Fort actually was built originally as a military garrison, by Paul Kruger's Boer Republic in the late 1890s, as a way of keeping watch over the restive *uitlanders*—the foreign miners—in the village of Johannesburg below. The *uitlanders* were believed to be plotting to overthrow Kruger and hand the precious gold reef over to the British. So it was a place of surveillance, and of control, and of defiance: a way of saying to the British, "Fuck you, we're not scared of your imperial designs!" There was one howitzer cannon on the southwest corner of the ramparts trained on the village below and another on the northeast, protecting the road to Pretoria, the republic's capital. But the Boers were also not entirely comfortable with their identity, so they did a bizarre thing: they camouflaged the outside of



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View of Number Four prison from the Old Fort ramparts

the fort as a hill and built their facade with its grand Zuid-Afrikaansche Republiek coat of arms on the inside. It's such a strong image of the laager! The Boers never really liked Johannesburg, they saw it as Gomorrah, and so when the Brits marched in, in 1900, they gave it away without much fuss. The fort became a British bastion and a place where Afrikaners were humiliated, forced to surrender their precious muskets. In fact, a few Cape Rebels—British subjects who had fought on the side of the Boers—were executed here, the only executions that ever happened on the site. Then, once the war was over, the fort reverted to being a prison (there was originally a prison on the site, built in 1892), and that's what it remained until 1983—Johannesburg's main place of incarceration—when the prison was moved to Diepkloof, outside Soweto. Since then it has been largely derelict and neglected, until the Constitutional Court came along in the late nineties and said, "We want our permanent home here."

SN: Why do you think they chose this site, given the heaviness of its history and its proximity to one of the least safe and, in some senses, one of the most traumatic parts of the city?

MG: They explicitly liked the symbolism of building the home of the Constitution atop or within this place of oppression—to put the Constitution into a historical context, to show that it was a consequence of a long and difficult struggle. And secondly, the current court is both activist and evangelical: they want to be of the people, with the people, and in the people. That's important to them, given the constitutional values of transparency and accountability. So they wanted to be right here, slap bang in the middle of Hillbrow, with all its social problems, rather than in, say, rarified Sandton. An international competition was held for the design of the court and won by an exceptional, a truly exceptional team of young South African architects. And then we were brought in to try and figure out how to give this place meaning; how to interpret it as a heritage site, a tourist site, a place of education, as a place that people could use.

SN: How will you give the site meaning as public space?

MG: It was clear that the first thing we had to do was shine some light on it. We interviewed people in Hillbrow, people who live in the buildings that overlook it. They are no longer trendy gay men drinking *parfaits d'amour* but abject illegal immigrants, often twelve to a one-bedroom flat. They hang their washing on their balconies watching the construction of the court, but not one of them stopped to think, hey, what's going on there? It says something about the way Johannesburg's inner-city residents are alienated from their environment and about how daunting our task is, which is to create safe and meaningful public space in the middle of the city.

Constitution Hill, in fact, is actually built on one of the highest points of the Witwatersrand, on a watershed, and there is this sense of it being on a cusp between two things. We were really struck by what happens when you stand on the rampart and you walk along toward Hillbrow: on one side you see the Old Fort falling down and on the other side you see the new court coming up, and there's this sort of balance of forces or energy, the promise of the Constitutional Court rising up out of the ruins of the past. It seemed as if, as we were walking along the rampart, we were suspended between the past and the future, the past derelict and misunderstood and the future still very much under construction—a utopian dream of what we might be able to achieve in this country but nowhere near being built yet. This society is still very much in transition and the values of the Constitution remain an ideal rather than something that has been realized. That's what walking on the ramparts evokes, and that's the way we want the site to work interpretatively: to be used as a place where you find yourself between the past and the future, and where you understand that the only way the future can happen, resting on the past, is through your agency as someone in the present. So you pull from the past and put into the future. That's the energy that

we want to drive this site: you are in the imperfect present, and you can make the future happen by understanding the past. There's nothing triumphalist about it. Like South Africa itself, it's a work in progress. A place where you watch, and participate in, democracy at work.

SN: Is the Constitution so very important in the life of a society, or are we only imagining that it is? Should we attach such significance to it? Won't its symbolic, material, and living power fade? Have you remained convinced as you work on the site that it will continue to be an important document?

MG: I think the whole point of this development is to make sure that it doesn't fade, that it remains relevant and alive in people's minds. Most South Africans *are* aware of the Constitution and know that it gives them rights, even though they don't necessarily know what those rights are. They know that the Constitution is the fruit of the liberation struggle and of their suffering. Our American consultants who've been here have been struck by the way South Africans say *my* Constitution or *our* Constitution, whereas Americans would say *the* Constitution. So I do have a sense of the Constitution being not just a document or a set of ideas but a place of refuge, a place of possibility. It is that "architecture" that drives the development of this site: it will be a place that embodies the Constitution and its possibilities—and perhaps also its frailties.

It is very difficult to know what the Constitution will mean in one or two generations' time. But if this place is constructed in such a way that it is dynamic, that it responds to what's happened to its society around it, rather than ossifying this grand moment, the "Mandela magic moment" of the late nineties, then it will remain relevant. It has to be looking at the society around it and measuring that society against the values of the Constitution.

SN: What are the stories that these prisons tell? They are each so different, they seem to carry quite different senses of the past; even as one thinks of the bodies that were confined in each, one imagines those bodies—the way they move and lay and sat and suffered—quite differently. Much of this is suggested by the architecture of each, which signals, in particular ways, what it means to be imprisoned and what kinds of humiliation the prisoner ought to suffer.

MG: Almost immediately, an apartheid developed in terms of the spatial design of the fort, and this existed up until its closure. The whites were kept within the ramparts, and new prisons were built outside of the ramparts for black men and women. These were sections four and five, which contained the native jail, the venereal section, the awaiting trial block (which has been demolished to make way for the Court), and the Women's Gaol. It's very interesting to compare the buildings. The Old Fort was built by the Boers, and it has a kind of ramshackle inefficiency to its logic. The Women's Gaol

was built by the people who perfected the building of jails—the British, the empire—and it's built as a panopticon. You really see how it works. It's an extraordinarily handsome building with its redbrick courtyards and its oval double-volume atrium in the center. It's very British in that it is beauty with a purpose. It's not just aesthetic; its beauty masks a function that is brutal, efficiently so. Fatima Meer, who was imprisoned here with Winnie Mandela after the 1976 Soweto student uprising, tells a story in her memoirs that really brings this home: She talks about how she was led into the oval atrium, with its perfect neoclassical proportions and columns and its finely wrought iron balustrades along the gallery above, and she imagined that she might see women in Victorian ball gowns sweeping down the staircase. Then, as her eyes accustomed to the darkness, she saw what was really going on in there—naked African women, new intakes, having their vaginas searched for contraband.

In contrast is the experience of going into sections four and five: you really do feel when you walk into them that you're entering the dark heart of apartheid, that you're treading on bones. I don't know why that is. I don't know if it's because this part's derelict, because it's falling apart and nature is pushing through and taking over. Unlike the Old Fort and the Women's Gaol, it wasn't reused after the prison closed in 1983 (the Old Fort was taken over by the Rand Light Infantry and the Women's Gaol by the Metropolitan Police). So it was just left to rot, abandoned. I've been thinking about why that is. Maybe it's because it resisted reuse; that's its power. The way it was built—which says a lot about the attitude to black prisoners—was to relegate all communal activity to the outside. So the very architecture didn't lend itself to being interpreted in any other way—and still doesn't. This is clear. We'll reuse the other buildings: the Commission on Gender Equality is moving into the Women's Gaol, and an educational center will be set up in the Old Fort. But we can't do anything with sections four and five. They will be a place of interpretation only—where you enter and you understand what happened in the past.

Because the fort and the Women's Gaol were reused, they were repainted. Which means that we lost, forever, the most potent prison records available: the graffiti. There are two kinds of prison record—the story from above, the official documents, and the story from below, the graffiti. In section four, you walk under an observation bridge (which I have to say makes me feel like I'm in a Nazi concentration camp) and down into what really is the darkest place in the darkness of the prison: the solitary punishment cells. Like everywhere else in section four it is built around an outdoor courtyard. But in this punishment section, the outdoor courtyard has wire mesh between you and the sky. So you're outside but you're caged. Coming



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Graffiti on the door of an isolation cell in Number Four prison

off this courtyard are the cell doors and on the back of them, a hundred years of records. And what's fascinating about them is that most of the people who were kept there were violent or dangerous criminals, which is why they were kept there, and we know some Soweto kids were kept there—yet the discourse on the doors is a discourse of liberation: “Viva ANC,” et cetera. The liberation struggle became a metaphor for freedom. You're incarcerated, you're oppressed by white warders, you identify with the liberation struggle.

SN: The other major national and international political heritage site in this country is Robben Island. This site seems utterly different from the symbolic political symmetry of the island. It seems to offer quite different imaginative force from the particular drama and undiluted majesty and therefore the perfect horror—the clear juxtaposition of beauty and ugliness—of the island. This site is more messy, ambiguous, less clear-cut in terms of the psychic and political terrains it seems to take us into, even as we walk here this afternoon. I can feel right now for instance its banality and brilliance (perhaps it's the proximity of the everyday life of the city—

just over there, so close one can hear it, even smell it) that demystifies the site and makes its history seem, on the one hand, ethereal and untouchable; and then suddenly, as we walk through a particular entrance or find objects we can't identify still lying around, we're back to the full force of its violence, in the midst of this sunny Saturday afternoon.

MG: What's really important about these prisons is that we cannot claim them as a Robben Island, a place where political prisoners exclusively were sent and incarcerated for decades, a place of heroes and martyrs. The fort was a busy, bustling urban prison holding all sorts of people. Certainly there were political prisoners who were brought in here while they were awaiting trial—Mandela himself was kept in here for two sessions of a few weeks each, one during the treason trial of 1956 and one after his final arrest in 1962; Gandhi was in and out of here at the beginning of the twentieth century; virtually any political activist, anyone who opposed the state, throughout the century, spent time here. But the bulk of the people here were common criminals, among them violent murderers, rapists, sociopaths, *bad* people—and one's got to deal with that legacy: the people who were imprisoned here were not necessarily noble and one can't iconize them. But the zone of interpretation we're most interested in when we look at the site is that most of the people held here were criminalized because of the colonial and apartheid race laws; they were pass offenders, curfew breakers, people arrested under the Immorality Act, beer brewers—all people who in a just society would never have been imprisoned. Understanding that particular prisoner profile is very important in interpreting this site, for it sets the scene for the constitutional rights that the court now upholds. If there's a constitutional clause that says, "Everyone has the right to freedom of movement," this has to be interpreted within the context that tens of thousands of people were held here for breaking the pass laws, which denied them that freedom.

SN: Over here was the awaiting trial block. What's happened to it? And where has the visitors' block gone?

MG: The awaiting trial block was demolished to make way for the court, in one of those terrible trade-offs between urban regeneration and conservation. For an inexplicable and quite frankly unforgivable reason, the heritage consultants who originally advised the Constitutional Court said the building had to be demolished to make space for the new buildings, and so the court made it a precondition of moving onto the site. The South African Heritage Resources Agency gave permission for it to be demolished, because they understood that by giving up this building you could save the rest—by bringing the court onto the site and creating a heritage precinct around it. But the rub is that in terms of heritage significance the awaiting

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trial block was far and away the most important site in the complex, because it was where most of the political prisoners were kept—including the 1956 treason trialists and the kids of the Soweto uprising—and also where the visitors' block was, where "outside" met "inside." Luckily, the very innovative architects have found ways of commemorating the building. All its red bricks have been carefully preserved and are used both to build the walls of the court chamber and to mark the footprint of the original building. Its four stairwells have been kept and have been built into the design of the court and the square. You'll be able to see them from all over Johannesburg: they'll be glazed, and images will be projected onto them. They'll be seven stories tall, spires of the cathedral, built on the ruins of the past. They've also kept the visitors' block, which has been demolished brick by brick and kept in containers. Part of our brief is to figure out where and how it will be rebuilt. All this says something about the terrible compromises made in urban development.

SN: We're walking here today as we have many times before, because the site means a great deal to us as participants in the city, as two people who grew up here and care about the future of our city. But how can the site be made to speak to the tourist, both the local tourist and the international tourist—and in what kind of language? Why would people most want to come here, in the name of what kind of vision, do you think? As we walk here now, in the red soil and the piles of rubble, so in a few months time this will be a paved concourse, a shortcut from Hillbrow through to Braamfontein, or a place to linger—even play soccer or watch the court in session. What visiting rites will be conjured from this high city terrain and for whom?

MG: There's an essential contradiction to the site that is also the core of its energy: it needs to be both sacred space and living, vibrant space. Sacred because of the ghosts who inhabit the prisons and the (hopefully!) Solomonic wisdom taking place inside the court chamber; vibrant because it is the place where the Constitution becomes a living, breathing document, a place where democracy is both at work and at play, where we perform the values of the Constitution into being. So one of our jobs is to harness the energy created by the juxtaposition—the clash—of these two personalities, to understand that the one defines the other, just as a medieval cathedral opens out onto a bustling town square.

One of the reasons why tourism is limited to the extent that it is, especially in Johannesburg, is that there is an assumption that locals aren't tourists. Think of Washington, D.C.: if you are American, it's a journey you have to take, your pilgrimage to the shrine of democracy. So our first question is, can we make Constitution Hill a place of pilgrimage for South

Africans, a place you have to visit at least once in your lifetime? It's also in the middle of a city—a very underresourced city, a city that has negative public space. It is so clear to us from our research in Hillbrow that people are not interested in the values of the Constitution but in how those values are going to improve their lives. One shocking figure about Hillbrow is that it has a population of one hundred thousand people and yet there's currently only one library with twenty seats in it! So much for freedom of access to information! So much for the right to education! A lot of people come to live in Hillbrow because it's close to places of study. The need for study places is huge, as is the need for safe spaces for children. This is articulated by residents all the time. And safety is important, because what is the Constitution if not a place of refuge for those in our society who are vulnerable? So just as the Constitution is a place of refuge, this place has to be a space of refuge, too.

There's a lesson that comes out of rural ecotourism that we'll be trying to apply here: the way you ensure the sustainability of a tourism project like this is that you make sure that the host community owns it. So there are lots of ideas about how the residents of Hillbrow are going to own this site in terms of the economic value they're going to be able to draw from it, the fact that it's going to be a place of pride for them, and so forth. Whether that can happen or not remains to be seen, because there are a lot of balancing acts that have to happen, because our imperative—our *constitutional* imperative—is to be open and accessible and transparent. The court site has to function as a series of city blocks—it has to be a thoroughfare as well as a destination with no physical access control to the site. People have to be able to walk through, hang out, and do what they do. But it's right next to Hillbrow—and we know what people do in Hillbrow: on the one hand it's a community of schools and churches, but a whole lot of bad stuff goes down here too. The site has to function as part of the city. It's a huge issue, the issue at the center of Johannesburg's battle for survival. In a place like inner-city Johannesburg, can public space be secure and accessible at the same time? Can it be attractive to tourists without being removed from the city by security booms and white-gloved officials, like Melrose Arch, or reachable only through a shopping mall and a parking garage, like Sandton Square? This is Constitution Hill's real challenge.

Because, let's face it, the reason why the city authorities are supporting this project is not so much because they believe in the power of heritage, but because they are interested in inner-city regeneration, and they see a heritage precinct as a means toward that end. Which means one thing more than anything else: foreign tourists, who bring resources in quantum leaps. If this site is going to work for international tourists, it has to serve two

functions: it has to be a place of pilgrimage, the place where you touch the holy stone of the “South African miracle.” Then, in that contradictory way, it also has to be a place where you can experience the buzz and tension of Johannesburg and South Africa in action. Johannesburg could be marketed as a very exciting Afropolitan city: as a place where you can eat *fufu* or Swahili curry or *pap en vleis*. It’s all there at the moment, but it’s inaccessible to foreigners. Research also shows that even continental Africans, who come here to shop, stay in their hotels—they fear xenophobia and mugging.

There’s a very interesting theory of urban design, advanced by Christine Boyer of Princeton in her book *The City of Collective Memory*, about how modern cities create simulacra of democratic public space.² These spaces are all civic or nationalist projects to create the sense of an eternal value that is embedded in their cobblestones, contrived and often anachronistic—built to look older than they are—because their purpose is to represent the ethos out of which the city was developed. Constitution Hill would need to be that kind of place, in the best possible way; the place to which you would come to experience the essence of Johannesburg and of South Africa; just like you go to the Potsdamerplatz to experience the essence of Berlin, or the Plaza Mayor to experience the essence of Madrid, or Red Square to experience the essence of Moscow, or the Mall to experience the essence of, well, not just of Washington but of the American democracy. Right now we go to another kind of “mall” to experience the essence of Johannesburg. Hopefully, in the future, you’re going to come to Constitution Square, at the middle of Constitution Hill, to see the South African democracy embedded in its stones and represented on its surfaces. But because the South African foundation myth is such a dynamic one—the negotiated settlement, the nation that talked itself out of war and into democracy—it won’t be, it can’t be, a project of ossification or memorialization. What needs to be embedded into Constitution Hill’s surfaces is a process rather than ideology: the belief that debate, reason, interaction, negotiation, and reconciliation will make the future happen. That’s why we are using the Sesotho word *lekgotla* so much—a “meeting place.” It follows the concept at the core of the Constitutional Court and its new building: “justice under a tree.”

2. M. Christine Boyer, *The City of Collective Memory: Its Historical Imagery and Architectural Entertainments* (Cambridge, Mass.: MIT Press, 1998).

Mark Gevisser is a journalist, biographer, consultant, and filmmaker who has written extensively for publications both in South Africa and abroad. His books include *Portraits of Power: Profiles in a Changing South Africa* (1996) and a forthcoming biography of Thabo Mbeki.