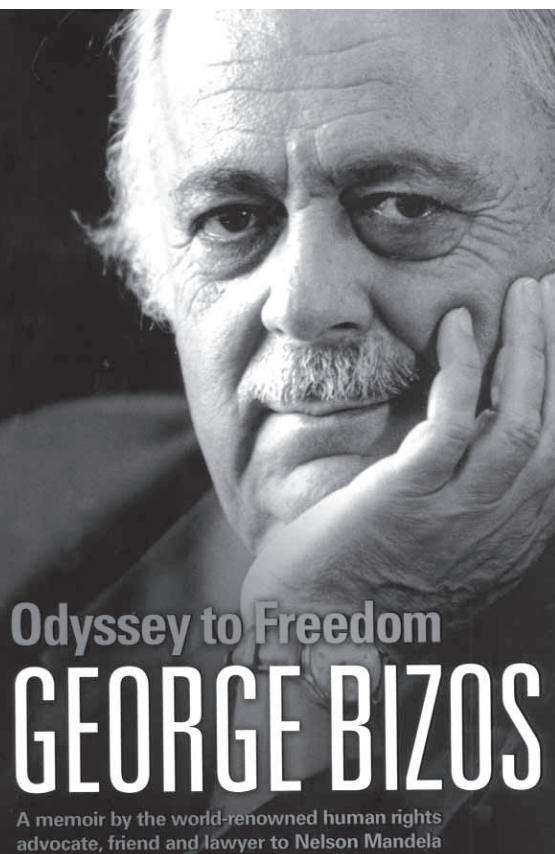


Review

Odyssey to freedom

George Bizos (Random House, 2007).

Reviewed by Drew Forrest



One of the many fascinating passages in George Bizos's recently published autobiography, *Odyssey to Freedom*, concerns a crucial tactical disagreement he had with Joel Joffe and Arthur Chaskalson while preparing for the Rivonia Trial.

Fearing that under Percy Yutar's brutal cross-examination they would only make matters worse for themselves, Joffe had argued, with Chaskalson's tentative agreement, that some of the accused should not give evidence under oath.

Bizos countered that Yutar, a flamboyant National Party

sycophant intent on demonstrating the pro-government sentiments of South African Jewry, would use the trial as a platform to discredit the African National Congress (ANC) and its leaders, rather than to build a watertight case. Walter Sisulu, Govan Mbeki and others, he believed, were more than equal to this challenge.

More critically, he argued that lengthy evidence by eloquent, dignified and courageous black leaders about the plight of their people might tip the balance if the judge wanted a reason not to impose the death penalty. Judge Quartus de Wet had never been exposed to Africans except as servants, he pointed out. Also, enabling the leaders of banned organisations to speak directly to the world and South Africa was too good an opportunity to pass up.

Bizos won the argument, paving the way for Sisulu's extraordinary marathon in the witness box (which so frustrated Yutar that he had the ANC secretary general isolated from his co-accused). Indeed, the debate in Bram Fischer's shady Johannesburg garden in late 1963 may have made it possible for Nelson Mandela to emerge from prison a quarter of a century later and lead South Africa's first democratic government.

The incident underscores Bizos's great strengths as one of the country's best-known human rights lawyers: his broad humanity, complete freedom from racial prejudice, shrewd psychological insight and grasp of the political

context in which the law operates.

Lawyers who have worked with him say that he cannot match Chaskalson's legal acumen, but that he is a consummate courtroom strategist with an unusual understanding of ordinary people, whether township activists or white policemen.

Despite his international fame, long friendship with the aristocracy of the liberation movement, particularly the Mandelas, and association with such legendary legal figures as Chaskalson, Fischer, Duma Nokwe, Vernon Berrangé and Ismail Mahomed, something of the intuitive Greek peasant still clings to Bizos.

His book starts with an account of the first 13 years of his life in the Peloponnesian village of Vasilitsi and flight by fishing boat, with his father and New Zealand soldiers, as the Germans swept into Greece in 1941. It is peppered with details of his extended family, involvement with the South African Hellenic community (particularly in the founding of the Saheti Senior School in Johannesburg), and love of Greek food and poets, whom he often cites.

Passionately Greek and passionately South African, he offers a model of the melting pot principle.

At 604 pages, *Odyssey to Freedom* could have done with tougher editing. Bizos writes lucidly and sometimes with dry humour, but the book has its *longueurs*.

At its heart is a first-hand account of many of apartheid's most

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important political trials, which he interweaves with the political history of the period. For those familiar with the gradual ratcheting up of repression through the courts, from the pass-burning trials of the early 1950s, through the Treason, Rivonia and Fischer trials, to the marathon Delmas treason case of the UDF (United Democratic Front) era, the fascination lies in the anecdotes and personal portraits of the principal actors.

Yutar, for example, could never bring himself to address African witnesses by their surnames. Ever the showman, he arranged for his opening address at the Rivonia Trial to be broadcast live on radio.

Bizos's portrait of the legal profession under apartheid is frequently unflattering. He describes, for example, the shocked silence when Mahomed entered the robing room at the Pretoria courts (a separate room had been set aside for Nkomo, the first African member of the Johannesburg bar) and Bizos helped him with his collar studs. After the Defiance Campaign, in which Mandela was volunteer-in-chief, the law society wanted the ANC leader struck from the roll.

But in 2007, when racial obsessives on the ANC right are trying to discredit white liberals and their contribution to the anti-apartheid struggle, Bizos's book is also a monument to the deep humanitarian commitment of the many liberal lawyers "who had the courage to say no to tyranny". Never a Communist Party member or ideologue of any kind, Bizos himself

can best be described as a radical liberal.

Struggle through the courts made sense while the state still had some respect for legal forms and mass political movements had been disabled, as they were, effectively, from the early 1960s until the rise of the UDF. Political trials resulted in victories or created martyrs, as well as providing one of the few privileged platforms from which leaders could speak.

And there can be little doubt that the non-racial perspective of some present-day black leaders - Mosiuoa Lekota, whom Bizos defended, comes to mind - owes something to their contact with freedom-loving whites in the legal profession, trade unions, universities and the media during the 1980s.

Answering the charge that he and like-minded lawyers lent legitimacy to an illegitimate regime, Bizos writes: "Those holding the knife by the cutting edge were not interested in logically correct philosophical notions; it was for the accused and their loved ones to decide whether they wanted to be defended or not."

His trial narratives, particularly of the rural hearings of the early 1950s, are a nightmare reflection of the white racial attitudes of the time and a salutary reminder of how profoundly democratic transition has transformed the lives of ordinary black people. The inescapable fact is that people need dignity, the recognition that they are human, as much as they need full bellies.

The pity is that *Odyssey to Freedom's* South African story ends with the Constitutional Court's ruling on the death penalty. Bizos's only reflection on the post-1994 government is to express (qualified) disappointment in Thabo Mbeki's policies on Zimbabwe.

One senses a certain evasiveness in this, a reluctance to be seen as opposing a movement he has defended for most of his professional life and whose leaders revere him.

But this essentially modest man must be uncomfortable with the indecent scramble for power and money which has eroded the culture of service and self-sacrifice in the ruling party. As a non-racialist whose distaste for the Pan Africanist Congress occasionally surfaces in his writing, he cannot enjoy the racial nationalism of Mbeki and his coterie.

And as a humanist and democrat, certain new South African trends in government must worry him. These include the interpenetration of state and party such as the Olligate scandal showed; growing signs of executive intolerance evidenced in the judiciary bills, which he publicly criticised and threatened media curbs; and repeated indications of executive interference in the criminal justice system as the Selebi/Pikoli affair illustrates.

It would be very interesting to know his private thoughts on where the beloved country is heading. LB

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