

Joel Joffe Memorial Tribute

Saturday, 11 November 2017

10h00 for 10h00

Liliesleaf Farm, Rivonia

By Edwin Cameron

[1] Much has been said this morning about Joel Joffe's unusual human attributes. They included his unassuming nature, his humility, his enormous public-spirited generosity, and, also, his plain, simple courage.

[2] He was also a man of fierce idealism, and that is what I want to talk about. He was asked, out of the blue, to become the attorney in the most contentious and fraught political trial that the apartheid state had ever conducted against its most formidable opponents. It was an arduous task, and, at the time, a thankless one, with a hostile prosecutor and a potentially dire outcome, for almost no remuneration.

[3] During the trial, he came to know all the accused quite intimately. He also formed a deep and enduring bond with Bram Fischer, who was one of the defence counsel, but who would also within a short time stand trial for his life on charges of treason against the apartheid state.

[4] Joel Joffe's book about the treason trial,¹ based on the notes he took whilst it was occurring, is an unmatched historical testament, not only to the minutiae of a tense legal contest about men's lives, but also about the moral stature of the human individuals who had placed their lives at stake in the cause of freedom.

[5] Joel Joffe never lost his sense that Mandela and the other accused, together with Bram Fischer, were people of unmatched moral probity, vision, and integrity.

[6] I came into conflict with Joel on this. To all that has been said about him this morning must be added that he was a formidable opponent when you crossed his path as I did.

[7] He had long before asked me to give the lecture in Oxford that he had initiated in honour of his friend and idol Bram Fischer. I was eventually able to do this on 16 June 2015.

[8] Joel well knew that I wished to reflect on the arresting moral contradictions that arose from Bram Fischer's life. These included the fact that he held a lucrative retainer from South Africa's largest mining corporation whilst secretly leading the Communist Party; that he gave his word to the court that granted him bail that he would return to face trial, but breached his bail conditions and went into hiding; and,

¹ *The State v. Nelson Mandela: The Trial That Changed South Africa* (2007).

perhaps most intriguingly, that, despite the horror of Hungary in 1956 and the outrage of Prague in 1968, Bram never broke with Moscow.

[9] So concerned was Joel about my lecture that he and Arthur Chaskalson – who also idolised Bram – came to see me in my chambers at the Constitutional Court to enjoin me against my provisional theme. Arthur and Joel explained to me why Bram had never renounced Moscow communism – but I declined to be moved, since I thought that the questions I wanted to explore were intriguing and important, not only about Bram, but about our own lives.

[10] The questions about Bram’s life were nevertheless inflammatory, and I did raise them in my lecture.² For I thought the most interesting and important thing about Bram was not his saintliness, to which many testified, but his moral ambiguities.

[11] On the Sunday afternoon before it was to be delivered, as I was leaving for the airport, I sent the lecture to Joel.

[12] When he read it, he was incensed and outraged. He was appalled that I could reflect on the moral complexities of one whom he considered an irreproachable hero.

² “Fidelity and Betrayal Under Law”, available at https://www.groundup.org.za/article/fidelity-and-betrayal-under-law_3042/.

[13] The result was an angry confrontation between us over the course of the Monday and Tuesday before the lecture was to be delivered.

[14] Joel upbraided me. But I countered. I pointed out that he and Arthur had asked me to give the lecture, knowing that I had not skirted controversy in other contentious areas of my life and that of our country. I also challenged Joel: What had he want from this lecture when he asked me to do it? Another hagiography?

[15] We did not resolve these issues, but we at least laid them to rest, civilly, over lunch with Vanetta at his home at Liddington Manor outside Oxford on the Tuesday, just hours before the lecture.

[16] Why do I tell this story this morning? For two reasons. The first is that I differed profoundly with Joel in what I considered to be the unflagging and unquestioning loyalty that he afforded those whom he had defended with such signal courage in the Treason Trial.

[17] My point is about the moral qualities we demand of those who lead us. I made it in this way in my lecture:

“[W]e must humble ourselves before the complexity of our history, and the nuances of its lessons to us. . . . We must not seek our heroes only in those whose feet are not of clay. To fail to recognise this is to over-simplify our history and the cost the struggle for justice exacted. And it is to disrespect the complexity of the life Bram Fischer led. . . . [N]one of us live lives of

moral perfection, and we should not ask moral perfection of ourselves. Our task is to seek justice and improvement in the world not because we are perfect, but despite our failure to meet that unattainable standard.”

[18] The second, and more important, reason is this. My confrontation with Joel has stayed with me intensely in these dark, difficult days our country is experiencing. In the two-and-a-half years between the lecture and his death a few months ago, events have occurred in our country that would beggar the credulity of those high-minded men and women who struggled for our freedom, and whose lives Joel defended when the apartheid state put them on trial.

[19] I now think I better understand Joel’s refusal to accept that Bram Fischer may have had moral shortcomings. It was, I think, rooted in Joel’s essential idealism, a soaring vision of what our country could be if each of us gave the best within us to reforming and transforming the corrupt system of apartheid we had inherited.

[20] Joel’s anger at what he described as my soiling of Bram Fischer’s memory emanated from his belief that each of us had within us the best of us, and that this was available in South Africa for remedying the past and for creating a just and dignified future. In other words, his belief in this country’s future as a just democracy, transformed from apartheid, remained rooted in his belief in the utter probity of the men and women who sought that future.

[21] Joel was not wrong. This present time, with its breath-taking daily disclosures of alleged graft, criminality, corruption, and moral disintegration, requires precisely the best in each of us – a renewal of our high-minded purpose, a recommitment of our energies, and a replenished determination to fight for justice in our country.

[22] These are the lessons of Joel's idealism, as we are confronted by this grave national crisis that demands from u more idealism, more vision, and more moral purpose.

[23] Joel Joffe saw that each of us had these. And where we differed was that he was reluctant to concede that there was anything else. But he was right in his preoccupation, and it is his vision and idealism, his belief in what is best in our country that, if anything can, will save us in the years ahead.