

Memories of Bram Fischer
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Thank you Warden, and thank you to the African Studies Centre, for inviting me to come to Oxford to speak about Bram Fischer, this great South African Rhodes scholar who played such an important part in liberating South Africa from the apartheid system which was such a blight on our land and our people.

At the outset I have to tell you that I am a fan of Bram. I admired him. He was a comrade freedom fighter against the horrific tyranny and exploitation in the institutionalised system of apartheid racism by law. He was a friend, a fellow prisoner in an apartheid prison for 9 years until he died. I nursed him. I loved him for his utter humanity, for his gentleness and for his toughness. He had a backbone of tempered steel.

Within my own limitations I try to uphold his legacy of striving for a world in which human beings can achieve their potential instead of being stunted in their physical, mental/intellectual, psychological/spiritual capacities. Bram would have argued that 'spiritual' was not an appropriate word in the vocabulary of a philosophical materialist, a Marxist and a committed communist. But his concern for people en masse and as individuals make him in a certain sense spiritual because like all real Marxists our thinking about human beings starts from the intangible nature of people and the moral grounds for believing in the inherent right to be human.

Raymond Williams, the son of a Welsh miner who became a foremost student of English literature traces the 400 year old revolution for equal rights for all that had a noteworthy moment when a momentarily unified English people beheaded King Charles the First in 1649. I am sure that you all remember the poetic fragment from the Peasant Revolt of 1381, "When Adam delved and Eve span, who then was the gentleman?" Clearly that was a wish for a classless society uttered nearly 300 years earlier. We have not yet achieved that goal. Indeed, after the beheading the wealthy merchants and their allies first crushed the Diggers, the landless peasants; then they turned on the Levellers, the peasants who had some land, and so out of the feudal era we now had a new class based society dominated by merchant capitalists. They brought back the King, Charles the Second, but controlled him as the King-in-Parliament. (See, it pays to go to prison so that one has time to read history!)

Maybe those who knew Bram will recognise the person in some of the characteristics I saw in him, a person whose clarity of purpose was so striking, but, like most of us, he was complex and lived a life of great contradictions.

He was a family man who worked hard at it, but was often not there for his family because of his professional work load and his political activism for his larger family of all humankind.

He was a committed communist who is credited with resolving the legal issues of mining rights which enabled the mining capitalists to profitably mine gold from ultra deep levels; He also devised a legal tax avoidance scheme for the richest of the rich mine owners to pay no income tax but for their estates to pay capital gains tax of a paltry 11 per cent on their personal wealth when they died. You may think it is ironic that I am grateful to him for this. I am because when my Dad was destitute in his old age he humiliatingly turned to the Jewish Board of

Deputies which lent him money month by month to survive on. Of course the loans were to be repaid! But he died destitute while I was still in prison and his tax free loans were never repaid.

Bram rejected all ideas of national chauvinism because of our South African experience of a racist system designed to create cheap labour, resulting in poverty and denial of human dignity. But he was deeply concerned about the future of the Afrikaner People asking, "What shall we do with 'my arme mense (my poor people).'"

Bram Fischer was a committed anti imperialist because of the British oppression of the Afrikaner Volk yet strove to become a Rhodes Scholar while rejecting Rhodes's imperialist politics and rape of the people and resources of our land and indeed of Africa.

With all his positive attributes Bram was also quite determinedly modest.

What an ambitious young man he must have been to chase after a Rhode's Scholarship as he did! Yet, many have said that had he remained true to the Volk he could have been Prime Minister of apartheid South Africa. He set aside his personal ambition to serve a more abstract but burning need for justice for all people.

He grew up in a white supremacist Afrikaner family but rejected those ideas while never rejecting his family. He became a committed antiracist. In his address to the court that sentenced him to life imprisonment Bram told of growing up playing with black farm labourers' kids. But he went to a school for whites only and the farm kids had no schooling at all. Later as a college student he was introduced to Black students of his own age by the noted liberal Leo Marquard who was his teacher at Grey College in Bloemfontein. He was greeted warmly and found he was embarrassed by the need to shake hands with his new acquaintances. Being polite he did so but puzzled over why he was embarrassed. After all he had played with the black kids on the farm where physical contact was a daily occurrence. He realised, he said, that it was he who had changed not young Black people and realised there was no real or material basis for this shift in his thinking. He had been taught by his society to be a racist and therefore could unlearn it as well.

As an officer of the court he was sworn to uphold the laws of the apartheid state but as a revolutionary he used the courts to further the revolutionary overthrow of the system. I believe that we solve the logical gap between what 'is' in society and what our morality tells us what 'it ought to be' through social action. He said in his speech from the dock that when the law is immoral, one must obey a higher law in the interests of justice, clearly drawing a distinction between justice and decisions of courts established to preserve the state.

Bram was an enormously talented athlete, playing against a touring New Zealand rugby team while he was still a student in the 1930Ss. Physically small, he was hard as nails. He was also a great tennis player with a vicious high kicking serve with a crafty crosscourt drop shot from close to the net.

Bram Fischer was highly regarded in mining and business circles, and is also still regarded as one of the greatest liberation lawyers. He was born into an elite Afrikaner family in 1908. I met him in the early 1960s when I was in Johannesburg on an advanced highways design course. His elder daughter Ruth invited me home for Sunday lunch, where I met Bram in a setting of informal pre-lunch chit-chat. It was clear that people simply dropped in, not needing an invitation to visit. Conversation flowed all round the political topics of the time. National and international affairs were intermingled; personalities and gossip seemed to mix frothily over the surface of Sunday at leisure. My own engineering work seemed of interest, but I think out of politeness to a visitor. Bram was clearly the centre of it all, with his wife Mollie being a little off-centre as she wandered in and out making sure that the entertainment and lunch flowed as

smoothly as the conversation. The deference with which Bram's remarks were received and his unassuming manner were striking. He seemed to twinkle!

The next time we met was in October 1963. I had been arrested with others at Liliesleaf Farm in Rivonia on the outskirts of Johannesburg. We had been detained under the 90 Days Detention law designed to give the police the power to hold a prisoner indefinitely until they had given the information they wanted. It was a licence to torture. Now that awful period was over and we had been released and immediately re-arrested under the Sabotage Act not knowing exactly what we were charged with. Nelson Mandela (already serving a 5 year sentence), Walter Sisulu, Govan Mbeki, Raymond Mhlaba, Ahmed Kathrada, Rusty Bernstein, Andrew Mlangeni, Elisa Matsoaledi, James Kantor, Bob Hepple and I were brought together in a room where we met our lawyers. Bram was leader of our defence team. George Bizos, Joel Joffe and Arthur Chaskalson were there. Later Vernon Berrange joined the team.

Since Joel, now Lord Joffe is here with Lady Joffe, I have the opportunity to thank them for cancelling their planned emigration to Australia to stay to defend us and then many others over a number of years. I have written that what this brave couple showed is that ordinary people are capable of extraordinary deeds when the need arises and conscience and a sense of justice prevail. Thank you dear Joel and Vanetta.

Bram was very quiet and still which was his usual manner. He must have been very worried about us all because the Sabotage Act not only required a minimum sentence of 5 years on conviction, it specifically allowed the death sentence. But there was more to it than that. He was himself directly involved in our underground activities and, though he didn't let on at all, he must have been deeply concerned that some of the witnesses arrested at Liliesleaf Farm in Rivonia would have seen him and so could identify him.

Throughout the trial Bram's manner was striking for his seriousness and determination. He had the ability to concentrate fiercely even in the bleak office set aside in the prison for consultations. That room was surely wired for sound, bugged. His very fair skin seemed thin; one could see the blood close beneath the skin. Sometimes his face would be suffused with a pink blush when he was annoyed. But when he was angered, or forced to be silent, Bram's face would be drained of blood, his lips squeezed in a tight bloodless line. His blue eyes would flash until he hid them behind partly closed lids, or he would tip his head down to hide his feelings.

Throughout the time I knew him - then, and later for nine long years in prison - he always hid his emotions, until you understood his stillness as the expression of the depth of his feelings.

He used language beautifully and precisely in both English and Afrikaans. During our trial he hardly ever swore. But on one occasion he singled me out to chat while the other lawyers and my co-accused were busy. He asked me how I felt about our situation. I told him that I was convinced that apartheid, for all its seeming strength, was living on borrowed time. His response: "We'll get the bastards yet, won't we?" The rarity of the curse made it a powerful expression of determination, of the rigidity of his backbone. Later I realised that he had been asking me how I felt about our trial. Such a strong case had been made against us. But that seemed to me in some way irrelevant. Our future was more bound up in the politics of South Africa than in some abstract concept of law and justice or injustice.

Bram throughout the trial generated energy and ideas as he fought to save our lives. He was meticulous in his preparations and once told me that a basic guideline in cross-examination was not to ask a hostile witness a question to which you did not know the answer, because the answer could be turned against you.

Our defence strategy was to show that even though there had been much discussion about “Operation Mayibuye” (the name means “Operation Come Back,” as in Mayibuye i’Afrika, Come back Africa) no date had been set for starting guerrilla warfare. In that sense, even the investigations we, in fact I, had made into making weapons, landmines, grenades, detonators, were all part of a thorough, responsible study made by serious people. There really was a dispute about whether Operation Mayibuye had been adopted or not but despite that Joe Slovo had already left the country to make arrangements for international support, for weapons supply and military training facilities.

Furthermore, the state wanted a show trial and we had to turn it around to show that it was the apartheid state that was the source of violence and brutality, i.e. through state terrorism.

Bram the activist showed enormous courage by appearing in court in the Rivonia trial. He avoided appearing in court during the first few days of the trial when the farm labourers were called to give evidence. But the State witnesses Patrick Mthembu and Bartholomew Hlaphane, both members of the SACP and of UmKhonto we Sizwe, knew Bram in both capacities and could have betrayed him, but did not. It was striking that state witnesses would acknowledge their membership of the ANC and of MK, but conceal their membership of the Communist Party.

In Cold War times, that was a fairly natural form of self preservation. The Government and Security Police hated communists as the cause of all their problems. I said I was not a member of the Communist Party and was apparently in good company because Nelson Mandela also denied that he was a member. It is an oddity of our history that it was okay to hold “foreign ideologies” that supported apartheid, but ideologies of the left were, and for some still are reprehensible. We even have a noted former editor who says he has no ideology because he is a liberal, meaning that as long as things stay as they are all will be peaceful, I suppose.

Martin Plaut, a former BBC news editor, wrote recently in the *New Statesman* that even if Nelson Mandela was a member of the Communist Party we should be grateful for that influence because it insisted on a non-racial future which is what the ANC led Government insisted would be the basis of our new Constitution. We know too that the Communist Afrikaner Bram Fischer, was influential in weaning Nelson Mandela (and many others) away from the belief that Afrikaners are automatically racists.

But back to Bram who quite cold-bloodedly said that he felt he was “safe” from arrest for as long as the Rivonia Trial continued. His arrest would have triggered even more international criticism of the trial for the implication that a proper legal defence was impossible. He was right. Shortly after the trial he was charged with others with membership of the illegal Communist Party. He was given bail to plead a commercial case before the British House of Lords Judicial Committee. He said he would return to stand trial and did so despite his exiled comrades urging him to stay abroad. He then jumped bail and went underground to try to rebuild our political structures, that had been shattered by the Liliesleaf arrests and many others all round the country.

Prior to sentencing, my comrades insisted that they would not appeal against death sentences which were widely expected and called for by the Prosecution and the mainstream White media. They said our executions would anger our people who would rise up and sweep away the apartheid system! Bram said he would insist on an appeal because the length of time that would take would allow tempers to cool and also give time for other governments to exercise pressure to stop the executions. Indeed the UN General Assembly had overwhelmingly voted to stop the trial. I agreed with Bram not just because I wanted to live but the loss of my

comrades who had become such great leaders over the past 20 years would have been a political tragedy for our future when we would need to rebuild our society.

The Rivonia Trial ended with us being sentenced variously to one to four life sentences and our team led by Bram had I believe literally saved our lives. It sure is nice to report that to you tonight.

Bram visited my comrades on Robben Island together with Joel Joffe to discuss an appeal against the life sentences. It was deemed too risky because the Appeal Court might say we were fortunate not to be sentenced to death. Bram stoically did not tell them that Mollie, his beloved wife and comrade, and comrade to all of us, had died in a motor accident. He simply would not impose his grief on others. When they visited me in Pretoria Prison – apartheid in prison too! – I knew that she had died. I had been told with a sense of shock and commiseration by a Prison General. I took Bram’s hand to express my sympathy. He simply hid his face, willing the tears not to fall and would not talk about it.

Bram had indicated that his intention was to go underground. I devised a book code for him while we were on trial. Based on the Bible which was a legitimate book to find in even poor homes it served very well until one of his confidantes was broken under interrogation. Bram survived for 9 months until arrested and charged. As you know Bram was sentenced to life imprisonment and three terms of imprisonment of 8 years each to run consecutively. The latter were for offences such as forging a driving licence.

Later, in prison with a comrade who had been broken under torture and had given up where he was to be found, Bram never once berated him.

Before prison in his professional life Bram was a dapper dresser in his suit and well-shaped hat, with his briefcase under his arm but in prison he kind of revelled in wearing a pair of too-big-for-him khaki shorts, shoes without laces and an old felt hat kind of conical shaped because it was so old, as he potted about in our garden. Imagine: a hot hot summer’s day; Bram with his watering can tending seed trays in the shadow of a high wall, the fair skin of his chest and back burnt bright pink by the sun. The Head of our Prison had been a ganger working on the roads as a labourer under what was called the civilised labour policy to employ whites and not blacks in the hungry 1930s and forties. This Captain who was enormously proud of being a “Boer nationalist” and ardent supporter of apartheid, remarked to me, “Kyk die ou stasiemeester (look at the old station master).” It was said with quiet affection as he referred to the government owned railway system running station garden competitions to generate a bit of pride in their people. It was so contradictory, because the authorities sometimes showed their deep-seated hatred for one of their finest elders who in their eyes was a traitor to the Afrikaner people, or “the Boere” as they liked to call themselves then!

Bram over the years would seek evidence of a shift of attitudes on race issues among “his people.” The poet Antje Krog delighted him as did Ingrid Jonker whose poem the “Child is not dead” about a baby shot by a policemen said that its life would live in our memory of the brutality of the system.

And though Bram seldom swore, as I’ve mentioned, in prison he would sometimes unleash a vocabulary that made me envious and especially because of the elegant accent with which he cursed the brutality of the apartheid system and its Western international backers.

Bram loved music, but he could not stand music playing loudly when he was working: thinking, reading, or writing. Classical music he loved. Formal jazz, for example Dave Brubeck, he thought was good. He liked the complexity of the music and its rhythms. It was also planned and coherent like a symphony; written down, meaning that it had been carefully composed. Jam

sessions and therefore, by definition, spontaneous music-making he thought was self-indulgent and lacking in meaning because it was not composed. Of course it was; it was instantaneous composition of variations on a theme leading to totally new musical expression. Beethoven's variations on a theme or Bartok's variations for that matter were legitimate because they were pre-planned. And "serious" jazz, - think of Brubeck – which would take a simple pop melody as the basis for variations of increasing complexity, and a variety of moods, and expression he thought was fine.

He found rock music cacophonous. I agreed with him about that, but I found that some rock music had a complexity that made repeated hearing a pleasure because there was always something new in it, unlike most pop music which did not stand up to repeated hearing. The Beatles and the Stones were fabulous for their interesting lyrics and the way in which the melody matched the meaning of the songs. The Stones in particular had a large range of sounds and moods which far transcended the "noise" of some other groups who seemed to adopt the same energy levels and sounds but somehow did not match them for sustained development.

Bram loved African rhythms and drum music, but found jazz drumming decadent, probably because it was American and therefore suspect in his opinion. But also, I think it was because the limited tonal range of African percussion music seemed to be designed to provide rhythms for dance - and especially ritual dance - and therefore had an internal consistency. Similarly Bram thought the scat singing of Ella Fitzgerald was meaningless childish noise because it was singing that did not use words to give meaning. But the making of voice music by operatic singers who sing sounds, which though they start from the lyrics, was often voice music divorced from any words, was superb, he said. It was easy to agree about the latter, and just as easy to argue heatedly about the former.

Bram never stopped thinking politics. We saw a report in a smuggled piece of a newspaper of a Soviet Kirov-Class cruiser and its escort vessels sailing through the Malacca Straits under the noses of the assembled Heads of Commonwealth Governments meeting in Singapore. The news item reported a frisson of disquiet. The Soviet Admiral Gorshakov's blue water fleet was too much for them. Within a matter of days Bram had the outline of a strategy, which would change the balance of power in the Indian Ocean, and therefore the possibilities of liberation for countries on the eastern seaboard of the whole African continent. First Hugh Lewin and then Fred Carneson memorised the final version and when they were released Bram's strategy was passed on through the SACP to colleagues in the Soviet Union. Bram's vision was truly international and comprehensive.

Bram was awarded the Lenin Peace Prize by the Soviet Union but did not tell us about it. Hugh Lewin's visitor informed him and so we knew about this honour.

We had to smuggle news because we were denied access to news for sixteen years. I initiated a court case to change this and Sir Sydney Kentridge, who is here tonight, took our case in administrative law all the way to the Appeal Court. We lost but got the judgement I had hoped for: that this was a serious matter and the court hoped that when the matter was reconsidered the Commissioner of Prisons would come to a different decision. Having lost the case we did get what we wanted when the Chief Justice came to see me to tell me that the authorities had agreed to allow us to read newspapers. Thank you Sydney, it made a huge difference to our lives.

Bram seldom allowed himself to show physical or emotional pain. He suppressed physical pain so that he could play sports. Early on, shortly after he was sentenced, we were playing "bucket ball," a primitive kind of basketball. It was played with a tennis ball that had to be thrown into a bucket balanced on a stool balanced on a small table. This supposedly non-

contact sport was intensely physical. David Evans once flipped out his arm to send me crashing into a brick wall. The impact seemed to put my own elbow through my ribs! Hugh dribbled the ball round Bram in fine style, only to be harried by him. Hugh tucked the ball under his arm like a rugby player and gave Bram a rough hand-off. Undeterred, Bram reverted to his provincial rugby playing days of 40 years earlier. He grabbed Hugh's outstretched hand, swung his feet up under Hugh's armpit and with a superb manoeuvre judo-threw him to the ground. Bram rolled out over his shoulder to stand up. Hugh got up much more slowly as he struggled to get back his breath.

Comrade Bram had a twinkling sense of fun too. Christmas parties were his specialty. The first time we made our own meal from saved-up tins of spaghetti and meatballs, green peas, canned peaches with ideal milk, and the like, his contribution to the fun was to read with great enjoyment the Mad Hatter's Tea Party from Lewis Carol's *Alice in Wonderland*! He had us in fits of laughter.

In 1974 Bram was frequently ill. He needed a cataract operation. His hip became more uncomfortably sore with what he thought was arthritis, his digestion was bad and he was beginning to look gaunt and frail. Marius Schoon pressed on me the need for us to urge Bram to insist that the prison doctor refer him to the necessary specialists to find the causes of his various ailments. Together we spoke to Bram with Marius explaining our concern. Bram, as usual, denied the need for such bold measures. His health was not bad, he said. I am sure what disconcerted him the most was that we had seen through his attempts to conceal his bouts of ill health. Finally Bram agreed to do it. I kept a diary of Bram Fischer's medical treatment because it seemed to me that he was not being properly treated and I wanted a factual contemporary record on which to base a complaint to the authorities. If there were no response I hoped that I would be able to get to people outside the prison to use it as ammunition against the callous attitude of the prisons department. I was pleased when it was submitted to the Truth and Reconciliation Commission after our liberation.

Bram died of cancer while still a prisoner. He was taken to his brother's house in Bloemfontein which had been declared a prison. Yes, it was a privilege, but the whole process was terribly lacking in compassion, despite the Minister's promise that he could be released to his daughter's home in Johannesburg. Bram was cremated by the prison authorities and they refused to give his ashes to his daughters. I am sure that they feared the ashes would become a shrine for those in the struggle.

The saga of Bram's last days had a sequel for me. After he had been taken away from our prison I asked my Dad to send him a telegram of birthday greetings from us all in April 1975. Some weeks later, after he had died, I was called to see a Captain in the Prison Service. He was an Irishman who had served in the British Army. He had later joined the prison service in seven former British colonies in Africa, moving from one to the other as each became independent. He was ruthless and rather enjoyed having a go at me because I had once complained to the Minister of Prisons, the notorious Jimmy Kruger, about his behaviour. The Captain demanded to know how I dared to go "outside of channels." The Minister is officially the head of the Prison Service, yet for that sadist that was going outside of channels. Clearly the Captain had been chastised for his conduct. He told me he "would get me" and would break no rules in the process. Now he was going to get me for communicating with a prisoner without permission from the Commissioner of Prisons. The Captain assured me he was serious. They had a recording of the words I had asked my Dad to put in the telegram and the telegram contained those words. The telegram was illegal and had been confiscated and not given to Bram. "What sort of person are you," I

demanded, “that you stop a birthday greeting to a man who has been with us for nine years and is now dying?” His response was that he had warned me and now he had me. At last I would be convicted of a prison offence. Of course I demanded the right to see a lawyer to defend me. Then I gave him a lecture about inhumanity, ending with a peroration about the need for Nuremburg style trials of officials who had been complicit in the inhumanity of apartheid. It ended with me spinning about and storming out of the room. O damn! I was in prison and the door was locked. Nevertheless, it was a great performance, even if I was the only one to enjoy it. No charge was brought against me and I like to think that his superiors saw the potential embarrassment that might come from such a charge against me. The Irish British Army officer, who had become a prison officer, was posted to another prison and we saw him only once again for a short time. I wonder if he was just a man who liked to be in uniform or was that a cover for another trade. Was he an undercover agent?

Bram Fischer’s fate was the result of systematic negligence in the prison medical service that we all experienced at various times. After Bram’s death and under pressure from the International Committee of the Red Cross, our health care did improve.

Bram today. We know more about him because of an excellent documentary film directed by Sharon Farr who had access to the family archives. We have Stephen Klingman’s biography and Martin Meredith’s and much to read on the internet and what others have written in their autobiographies, including mine. Joel Joffe’s *The State versus Mandela* is a lawyerly account of the trial and Bram’s role in it. Ken Broun’s *Saving Mandela* is an American lawyer’s analysis of the trial.

Honoured by Stellenbosch University, the home of allegedly enlightened Afrikaner nationalism, with a posthumous doctorate Bram has been brought in from the cold. But Yvonne Malan the promoter of this award was beaten up getting ribs broken in the process by Afrikaner students who are still verkrampes (reactionaries) who would like to go back to apartheid racism. Yvonne, I am glad you are here tonight because I know that Bram would have been so proud of you; proud that you are so vasberade (determined). I too feel that your initiative in getting this lecture series re-started shows a truly great sense of justice. President Mandela delivered the first Bram Fischer Memorial lecture in Johannesburg sponsored by the Legal Resources Centre.

Would Bram be satisfied with what has been achieved? I believe he would be pleased by our great Constitution but would be striving for better implementation of policies to overcome the apartheid legacy. He would be appalled by the profligate spending of state resources for personal enrichment. He said Ministers should have cars no bigger than a VW Beetle!

He would want more intervention to improve the living conditions of working people and to curb the high salaries and perks of top earners in government and the private sector. But he would laud the progress that has been made and want more and more rapidly. I am sure that he would say that what has been achieved is a step towards being free to organise for a socialist society.

Nikolai Ostrowski’s eulogy for a communist comrade in his 1930s novel, *How the steel was tempered*, could have been written for Bram:

“Man’s dearest possession is life. It is given to him but once, and he must live it so as to feel no torturing regrets for wasted years, never know the burning shame of a mean and petty past; so live that dying he might say: all my life, all my strength were given to the finest cause in all the world - the fight for the Liberation of Mankind.”

The progressive Liberal American Judge Oliver Wendell Holmes once said, “When we were young our hearts were touched with fire.” and “As life is action and passion, it is required of a man that he should share the passion and action of his time, at the peril of being judged not to have lived.”

Bram Fischer lived! I am convinced his spirit will live on and on.

I thank you for ensuring that the series of Bram Fischer Memorial Lectures will continue.