

Moments with George at the LRC

by Susannah Cowen SC



In 2010, I acted as director of the Constitutional Litigation Unit at the Legal Resources Centre, George Bizos' ultimate professional home. The LRC had recently relocated to affordable if characterless offices near Ghandi Square. George's corner office instantly became a sacrosanct space and a place of warmth, embodying an extraordinary professional life. And – provided you were not in a rush – it was an office you could enter should you need any serious advice. A sense of history was palpable – the Treason Trial, Rivonia, Fischer, Delmas, the Mandelas, Biko, Hani. It was a daily reminder of what South Africa emerged from and that our Constitution and today's legal system should not be taken for granted.

Arthur Chaskalson, one of the LRC's founders, had recently retired as Chief Justice. He would visit the LRC weekly – on Mondays if memory serves me – to mentor us and see his great friend George. George and Arthur would regularly publicly and humorously point out that they were very different kinds of lawyers: Arthur - the law man – and George – the fact man, they would say, with George being so good at remembering facts that he would remember things that never happened. I never learnt the back story. Mondays were good days, and not infrequently, the CLU was invited to join Arthur and George for lunch at an Italian eatery not far from the office. The walk to lunch with these two icons took longer

than necessary. On each block, at each traffic light, some-one would greet George and pay him respect and George would return the greeting sincerely. Arthur was neither surprised nor took any umbrage that, it was George, not he, who was recognised in the streets.

What followed was a unique opportunity to spend an hour infused with history, perspective on current political challenges and insight into how to face some litigation challenge of the day. And to eat a bit of humble pie. What struck me about these two very different lawyers, was that they had in common what matters most – their respect for other people, their humanity, integrity and a set of deeply entrenched personal and professional ethics and values (and they worked unbelievably hard). They didn't "take these things seriously": it is who they were. It is why they were great.

At a welcoming event, George gave each new LRC lawyer a considered personal message of encouragement. In my case, he encouraged me to seek guidance in the courage, constitutional vision and intellectual rigour and creativity that animated the 1950s 'Harris cases', to which my late father had made an important contribution. These cases arose from the removal of the Coloured people in the Cape from the voters' roll. They challenged prevailing constitutional orthodoxy in the Anglo-legal world of parliamentary sovereignty, and established, back then,

the now trite constitutional principle constraining Parliament to act within law. George vividly took us to his activist student life at Wits, and the inspiration he had drawn from my father and others involved in these cases, at a time when any prospect of constitutional democracy was slim. (Aim high, no pressure.)

At a point when the Legal Practice Bill was in Parliament law-makers proposed to define an advocate as a lawyer practising without a fidelity fund certificate. George was incensed. And rightly so. It failed to give cognizance to the role that an independent legal profession plays in maintaining the rule of law and independence of the judiciary. It offended what he and the best of his generation did to salvage a semblance of the rule of law from the wreckage of apartheid not only via high profile political trials or well-crafted public interest litigation, but through tireless if sometimes futile and dangerous efforts to protect ordinary South Africans from security and other apartheid laws. George did not turn clients away. His is a legacy to which we owe a considerable debt. Not only a historical debt, but one of professional ethics and integrity.

Neither George nor Arthur had illusions about the challenges we face as the profession reshapes and transforms itself. Perhaps we can still learn something from George's life and the extraordinary generation of lawyers of which he was a central part.