

The Biography of an Unlikely International Lawyer

Daniel Terris, *The Trials of Richard Goldstone*

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367 pp

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The Trials of Richard Goldstone is a well written account of the life of Justice Goldstone. The author traces the life of Justice Goldstone (born in 1938) from his years as a young boy, then as a Wits University student, a lawyer, a Supreme Court judge in South Africa, and his role as the first Chief Prosecutor of two international criminal tribunals. The biography is divided into careful, distinct chapters which outline Justice Richard Goldstone's family background meticulously, discussing his upbringing, university life, legal practice, role on the bench and his most remarkable achievement – his appointment as a Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (the ICTY) in 1993 and the International Criminal Tribunal for Rwanda (the ICTR) in 1994.

The Trials of Richard Goldstone is set apart by Terris's skilful writing, which makes the book a pleasure to read. The author succeeds in capturing the reader's attention and keeping one 'hooked' from the first page to the last. The main strength of *The Trials of Richard Goldstone* is Terris's articulation of extensive information about Goldstone. It provides a full account of the personal, political, and legal conundrums which confronted him at different stages in his life and career. The book is useful not only for those without prior knowledge about Goldstone, but also for those who wish to know more about privilege under apartheid, the experience of attending a top South African law school and serving as a judge, the politics of South Africa's transition from apartheid to constitutional democracy, and fame in the prosecution of some of the most heinous crimes against humanity.

Like many biographies of its kind, the impact of *The Trials of Richard Goldstone* is perhaps limited by its attempts to paint Justice Goldstone in a favourable light. These attempts, for the most part, seek to justify some of the decisions he took during his career on the bench. Consequently, there is some overemphasis on the merits of Goldstone's views, some of the choices and decisions which profoundly shaped his career as a judge and a Chief Prosecutor of both the ICTY and the ICTR.

A weakness of *The Trials of Richard Goldstone* is the attempt to portray Goldstone as a martyr of justice and a principled, fearless defender of human rights. A more nuanced account, noting that arguably Justice Goldstone did not have the original intent to pursue a career in international criminal justice, and that his primary expertise did not lie in international criminal law, would have added complexity to the celebratory trope of Justice Goldstone as an avenger for the victims of heinous crimes. Several instances in the biography show that Terris is at pains to spin some of Goldstone's controversial views, such as his affirmation of unjust apartheid laws, his 'hanging antics' on the Supreme Court and Appellate Division, and his controversial retraction of critical aspects in the report on the atrocities committed by Israel in Gaza.

Nevertheless, Terris succeeds in showing that Justice Goldstone was a politically-seasoned individual whose wit, skill, personal network, and – at times – good luck assisted his appointments to the Supreme Court, Appellate Division and as a Constitutional Court judge. Also, Terris makes it clear that Justice Goldstone's unexpected rise to the ad hoc international criminal tribunals was perhaps in part due to his being in the right place at the right time, with the right social capital and connections. If Terris's interpretation and analysis are to be taken seriously (which I believe they are), one gets the impression that Justice Goldstone was, in part at least, interested in gaining personal glory (through political means), as much as he was in the pursuit of human rights. Indeed, it is clear in this biography that in his newfound role in international criminal justice, Justice Goldstone was influenced by personal politics alongside his efforts to end the impunity of human rights atrocities. Terris shows that Justice Goldstone valued his family, Jewish faith, self-image, and legacy. To what extent this outlook influenced the retraction of a critical report into possible war crimes and crimes against humanity in Gaza, remains up for debate. Some more critical reflection on his personal politics and the troubled politics of international legal opinion would have added depth to what is otherwise an excellent biography.

In a nutshell, *The Trials of Richard Goldstone* is a pleasure to read. Terris provides a vivid account of Justice Goldstone's legal career and the role of politics in global peace and justice. However, the biography would have benefited immensely from a more critical account of his life and career. Notwithstanding this caveat, Terris illustrates Goldstone's notable achievements with great skill. I recommend *The Trials of Richard Goldstone* to any person who wishes to know more about the advent of the international criminal tribunals for the former Yugoslavia and Rwanda. The biography also provides insight into South Africa's apartheid past, judging on the bench, and the politics of constitutional adjudication.

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The British Empire's Swan Song in South Africa

Graham Viney, *The Last Hurrah: South Africa and the Royal Tour of 1947*

Johannesburg: Jonathan Ball, Johannesburg and Cape Town, 2018

xiv + 386 pp

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The pageantry and imperial nostalgia of royal tours are a fascinating lens into the project of empire and the role of monarchy within colonial rule. Graham Viney's *The Last Hurrah* is a well-researched and engaging read, with literary qualities and critical insights that place it a step above more pedestrian accounts within the genre.

The author places the 1947 royal tour to South Africa of King George VI, and other members of the royal family including a young Elizabeth (and future Queen) within historical context that asks some important questions about the period. The royal tour occurred a year before the rise to power of the National Party in the 1948 election, with many in the British Empire still riding high on the heady but uncertain wave of victory and imperial patriotism that followed the end of the Second World War.

Viney brings to life many of the personalities, controversies and complexities of the 1947 royal tour to South Africa. We are introduced to both the public performance and private thoughts of King George VI and his entourage, aided greatly by archival labour most notably within the Royal Archives at Windsor, but also by research undertaken at the Eton College Archives, the National Archives in Pretoria, and using newspapers and pamphlets. There are also several photographs in the pages of the book, many previously unpublished. By looking beyond secondary sources for the narrative, the author introduces some details that might well be new to historians who are familiar with the period.

Viney is astute in his nuanced approach to the royal tour. This was not a royal visit embraced by all, and the itinerary and purpose of the tour was met with scepticism from some members of the public. The African National Congress (ANC) Youth League and South African Communist Party called, unsuccessfully, for a boycott of the visit, which cast a small cloud over the meeting between the royal family, the ANC president-general AB Xuma, his wife, and other African politicians at the *Ngoma Nkosi* held at Eshowe. As Viney notes, 'populism triumphed over politics when it came to the crunch' (p. 140). Also present at this same event was Albert Luthuli, future president of the ANC and Nobel Peace Prize winner (1961) as representative chief of the Zulu people. With a nod to the work of Hilary Sapire on the 1947 royal tour, Viney agrees that 'the tour witnessed the last genuine outpouring of black loyalism in South Africa' (p. 141). The symbolism of royal sympathy and

possible benevolent intervention against settler colonial overreach in segregation policy was on the wane, but still held some value in the eyes of African nationalists and traditionalists alike.

In contrast, on the far-right of Afrikaner nationalism, the *Ossewa Brandwag* cautioned against the seductive dangers if one were ‘to pay tribute to the Conquerors’ (p. 109). *Die Transvaler*, then edited by Hendrik Verwoerd, chose to avoid much mention of the royal visit. Yet, several of the ‘Queen’s Afrikaners’, represented most clearly in the then Prime Minister Jan Smuts and his wife Isie, embraced the royal visit. Viney weaves into the narrative the conviviality and tensions in response to the royal tour in South Africa.

With the royal itinerary only covering a day in Johannesburg, the largest city in South Africa – compared to three in Bloemfontein – which Queen Mary commented privately was ‘too stupid’, behind-the-scenes appeals from residents for a longer stay won out when the royals agreed to give up a day of rest on Easter Friday. A brief royal stop-over at the black township of Alexandra was met by the cheers of around 60 000 residents, and the singing of *Nkosi Sikelel’ iAfrica*, yet the royal household was struck by the contrast between ‘the cheerful herdsmen they had seen in the countryside and the often-miserable looking blacks “in grey flannel trousers, shiftless and outcast”’ (p. 203). As Viney notes, this unfavourable impression by the royals would not have gone down well among the African majority, facing racial discrimination, yet eager to forward an image of modernity and equality. The discomfort of the royals to critique of empire was kept to a minimum. In contrast, and perhaps most at home among the English-speaking elite of Johannesburg, King George VI was moved – uncharacteristically, given his speech impediment – to give an impromptu speech during one luncheon. ‘There is an atmosphere here that I find very encouraging and stimulating’, he said, noting that in Johannesburg he had found ‘a progressive and friendly community’ (p. 202).

In the penultimate chapter, titled ‘The Coming of Age of the Heiress Presumptive’, Viney presents a very human portrait of the then Princess Elizabeth, who celebrated her 21st birthday in Cape Town. At her birthday dinner and dance, she danced into the early hours, despite a headache and at least one incident of trampled royal feet (the culprit, the rugby-playing lock-forward Nellis Bolus with his size-13 feet). In the hours before, against the backdrop of a parade of 8 000 military and ex-servicemen, there was well-wishing from various children, the mayor of Cape Town, and numerous other dignitaries. It all provided a particular messaging of empire as being benevolent and multi-racial. In her birthday speech, Elizabeth vowed: ‘... my whole life whether it be long or short shall be devoted to your service and the service of the great imperial family to which we all belong’ (p. 275). These words ring out as being both earnest and anachronistic today, following her seventy years on the throne, and long after decolonisation and the emergence of the Commonwealth.

Book Reviews

The book falls within what could be called academic trade: of appeal both to the general public and to an academic readership. Most often, Viney gravitates towards literary detail that is highly readable, but is less attentive to prolonged historical analysis. *The Last Hurrah* is somewhat sympathetic towards the liberal view of empire at the time, and within the book there is some sentimentality and a pang of regret for what might have been if not for the rise of Afrikaner nationalism and the passage towards a republic. Despite 14 years between the 1947 royal tour and the birth of the Republic of South Africa on 31 May 1961 – upon which Viney ends the book – those events ‘belong[ed] to two South Africas ago’ (p. 328). Historians still have much to debate about the 1947 royal tour, especially around the political economy of racial segregation in ways not sufficiently covered by Viney. *The Last Hurrah* is an excellent introduction to the topic, and an enjoyable read, but it is not the final word.

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