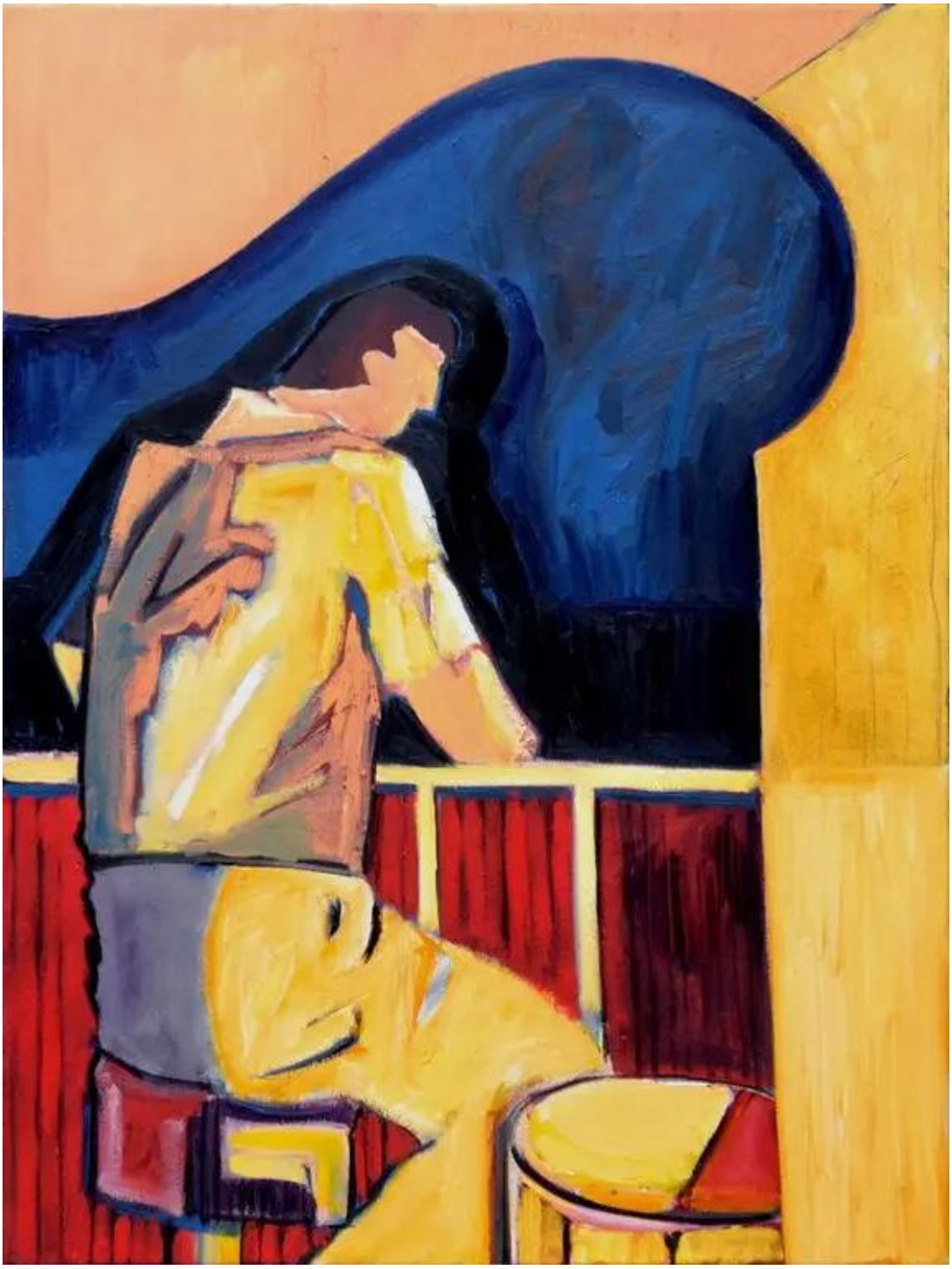
An Event in Apartheid South Africa



Man at Bar, Michael William Eggleston

This is a true story, but with details imagined and the real names of the *dramatis personae* changed.

In the bad years of the apartheid regime in South Africa, the Orange Free State was known to be the worst of the four provinces for harsh treatment of the Blacks.

Most of the white people were Afrikaners, many of them farmers, who supported the Nationalist Government and its segregation policy.

This story began when a Free State farmer—we'll call him Piet Albertyn—died suddenly at the age of fifty-five and was found to have been poisoned. His black cook—we'll call her Lizzie—was arrested and charged with her boss's murder.

The law allowed her, as an accused murderer, to choose between having a jury trial, or three judges called "assessors." It was generally understood that if a defendant was guilty, it was better for him or her to ask for a jury, since a jury could be more easily swayed by a clever lawyer; but if he or she was not guilty, it was better to ask for the three judges, as they were experienced in weighing up evidence, and were much less likely to be impressed by emotive rhetoric.

Lizzie was provided by the state with a defense lawyer. But he was young and inexperienced, nervous about taking on a capital case, so he advised the solicitors who had briefed him to try and get "a cunning Jewish advocate from Johannesburg" to take his place. "They're all politically bleeding-hearted sentimentalists up there in Jewburg," he opined. "She'll get some guy who feels really sorry for her just because she's black and maybe he'll make the jury weep."

A somewhat experienced, academically clever, Johannesburg Jewish lawyer—we'll call him Harry Hillman—agreed to undertake Lizzie's defense *pro bono.* He reckoned that getting an acquittal for a black woman accused of murdering her white boss would do his reputation good. Besides which, he was decidedly one of the "bleeding-hearted sentimentalists" of

“Jewburg.”

Harry studied the brief attentively, then drove to the town where the trial was to be held, arriving two days before its set date. He was not alone. He’d learned from the solicitors that his client knew no English but was fluent in Afrikaans, and as his own Afrikaans was poor, and as he didn’t trust police interpreters, he took with him a well-mannered twenty-year-old law student who was fluent in both languages. We’ll call him Milo.

Lizzie, they found, was a young woman, not much older than Milo. A guard brought a folding chair into her cell and set it up for Harry. Milo sat beside their client on her bunk, keeping a decorous distance between them.

She was slight and slender, dressed in a red cotton dress that fitted her figure well (probably made by herself, Harry guessed), a clean white *doekie* capping her head, and well-worn once-white gym shoes. With a skin as light as café au lait, she looked more Cape Colored than Bantu. Yet she behaved like a Bantu. She sat down when Harry and Milo entered, which was the polite thing to do in Bantu custom. When Harry handed her his card, she clapped her hands quickly and softly together before taking it from him, a way of thanking a giver that generations of black children were taught by Christian missionaries. He supposed she was the child of a Bantu mother and a Colored father, or a Malay perhaps, who had come up from the Cape to work and was probably long gone. He was not likely to have been an Indian, as Indians were not allowed to live or work in the Free State, or even stop over for one night when they drove through it.

Harry asked about her mother. She was dead, Lizzie said. She had been an apprentice and assistant to the German chef of a Bloemfontein hotel. She had taught Lizzie how to cook.

And her father? She did not remember her father.

How long had she been working for Piet Albertyn? Nearly two years.

Had she been happy in her job? While his wife was alive it had been good, but she died three months ago.

And since then?

“It was not good.”

She had spoken simply and believably, but now she hesitated. Harry explained to her through Milo that she must answer all his questions absolutely truthfully because he could only help her successfully if he knew the whole truth. She nodded that she understood.

Had she, Harry asked, deliberately killed her boss?

“Ja,” she replied promptly and clearly, looking at Harry, not Milo. She went on of her own accord, and Milo interpreted. “I put rat poison in his food. I wanted to kill him.“

“Why?”

“He raped me,” she said in the same clear tone. But then she bowed her head and sat like that for the rest of the interview. She is ashamed, Harry saw; ashamed of what had happened to her—not of what she had done.

That was her defense. Harry went back to the small single-story hotel where he was lodging, the only hotel in the town which was near the prison and courthouse. He turned on the electric fan in his room and stretched out on the bed to think about the case.

She was guilty, so he should advise her to ask for a jury. *But*—

The “but” was big. The jury would consist of the victim’s

neighbors, friends, even probably his relations. So, no. No jury. She would stand a better chance with the assessors, none of them necessarily from these parts, if he pleaded that she had acted in self-defense.

He fetched Milo from his room and the two of them went out again into the heat to revisit Lizzie.

She accepted his advice without question.

The trial was held the following afternoon and was soon over. The assessors found Lizzie guilty of murder and sentenced her to be hanged.

She stood very still while the verdict was pronounced, a small figure neat in her red dress, her white-capped head bowed as she listened. Harry braced himself for the look of accusation she would surely turn on him, but she did not even glance his way. She kept her head down as she was taken out of the courtroom.

He left the court feeling angry at his defeat.

“Bad,” Milo said as they walked to the hotel. “I don’t mean you, Mr. Hillman. I thought you made a good case.”

“Thanks, but … as you say, it’s bad,” Harry said. “Was the court interpreter accurate?’

“Yes, he was. The man didn’t sound as—as—“

“Moving?”

“Yes—not as *moving* as you did, but he did translate everything you said. And after you’d finished, I mean after you and the man had finished, I thought for sure now they won’t give her the death penalty. A long stretch, yes, but not the death penalty.”

Harry had not been as hopeful as Milo. He had pleaded all the

more eloquently for having felt, at first sight of those three stern faces, a shadow fall on his expectations.

As if sharing his thoughts, Milo said, “Those three men—the judges—their faces were—they looked as if—as if they were made of wood. You know what I mean?”

Harry nodded.

“Mr. Hillman, are we driving back tonight?”

Should I get in the car and speed away? Harry asked himself. No, he felt, I can’t do that—though he could not explain why to Milo or even to himself. He said, “I’m not keen on driving in the dark. We’ll make an early start tomorrow.”

But Milo could not get away soon enough. “Would you mind if I go tonight, Mr. Hillman? There’s a train I can catch. I know because I looked at the timetable in the hotel. But, I mean, not if you still need me?”

Harry didn’t need him. What I do need, he thought, is a drink.

So that evening Harry went, for the first time, to the *kroeg*, the bar (where no men under twenty-one and no women of any age were allowed to enter), and ordered a double brandy. The bar was cooler than his room. He was still dressed in the lightweight grey suit, white shirt and dark blue tie he had worn in court, where he had felt rather too warm. He carried his drink to a corner table, aware of being in hostile territory. Men in open-neck shirts were sitting at the low round tables, talking not loudly but distinctly in Afrikaans. They did not seem to take any notice of him. The lights were hazed by the smoke from pipes and cigarettes, the air not unpleasantly redolent of beer.

Before many minutes had passed, a man with a tankard in his left hand approached Harry and introduced himself in English. “Good-day. My name’s de Groot, Danny de Groot. Do you mind if

I join you?”

“Please do,” Harry said, and stood up to shake hands. “Hillman,” he said, “Harry Hillman.”

‘*Ja. Ek weet*. I know.”

They sat, raised their drinks as a salute, drank, set them down, looked at each other.

Danny de Groot was about forty years old. His hair was part dark, part blond as though bleached unevenly by the sun, his eyes blue, his voice a light tenor. He was dressed in a well-pressed blue shirt, wine-colored corduroy trousers, highly polished brown shoes.

“I heard you in court today,” he said. “You made a *verry* good argument.”

“Thank you,” Harry said. “But not good enough as it turned out.”

“You feel sad for her?’

Was this a challenge, Harry wondered. Well, he would not lie, but he would not be tempted into provocation.

He nodded.

“Of course you do,” said de Groot, and he nodded too.

While they were speaking, more men had come strolling over to their corner. Soon there were about a dozen of them, probably the regular clientele of this bar in the evenings. Their ages, Harry estimated as he glanced at them warily, ranged from about twenty-five to about sixty. Only one had the beard that Harry would have expected most rustic Afrikaners to wear, and that one wore a pricey leather jacket.

Was there aggression in the way they were looking at him? Or were they just curious about this alien from Johannesburg? Two

of them, speaking at the same time, offered to buy him a drink. “Not yet, thanks,” he said, smiling, lifting his glass to show it was not empty.

They took chairs at nearby tables and turned them so they all faced towards Harry and de Groot. Harry was now the center of attention, the sole object of interest for everyone in the room. They spoke only to him—in English, about the weather. There was drought, they said. They joked that though they had prayed for rain, God seemed to be “otherwise engaged.” Harry joined in their laughter. He told himself that it was ridiculous to fear them; it was very unlikely that they would assault him or throw him out. They expected something of him; he was their novelty, their evening’s entertainment.

There came a pause in the talk. A moment or two of silence. Harry glanced round again at their fresh faces, lined faces, suntanned faces, with his own looking, he hoped, friendly and cheerful.

De Groot smiled slowly, then laughed briefly, pulling a face as if in pain, closing his eyes tightly, twisting his mouth. The others did not join in the laughter. Their eyes were fixed on Harry, and Harry’s were on de Groot. He saw de Groot’s expression change from wry mirth and anguish to plain earnestness as he reached over the table to touch Harry’s arm.

“*Jy’s ‘n Jood*,” he said in a serious tone. You’re a Jew. Now it starts, Harry thought. He picked up his glass, looking toward the door, and quickly swallowed the rest of his drink, intending to rise, wish them a cheerful “Good-evening”, and go.

But no insult was meant after all. The statement was only the introduction to an explanation.

“*Wag*, man! Wait! You see,” de Groot went on, affably enough, pressing lightly on Harry’s arm to keep him in his chair, “it’s *because* that’s what you are and where you

live, *because* you're a Jewish lawyer from Jo'burg … "

He's a boer but not necessarily a thug, Harry reminded himself. He leant back. They would see he was at ease. He made himself attend to what De Groot was saying. "… you could not be expected to understand us. And the solicitors, they also got us wrong. They made a mistake when they got you here to defend the girl."

"Why? What do you mean?"

"You should have told her to ask for a jury. A local lawyer would have told her to choose a trial by jury. It would have been better for her."

"Why do you say that?"

"*Luister.* Listen, Mr. … Advocate … Hillman. *Neewat*—I can call you Harry, hey? Our neighbor Albertyn disgusts us. He did a disgusting thing. Filthy. Horrible. *Vreeslik*. Having intimacy with that kaffir girl."

Having intimacy! Harry was amused, thinking, "He's avoiding the vulgar word. Because he doesn't like to use it, or to impress me?"

"He deserved what he got," de Groot insisted. "You think we would have been hard on her because she's black, but hell man, you're wrong! We would never have let her be punished."

"You—you would have *acquitted* her?" Harry said, sitting up straight, so surprised that he was hardly aware of someone putting a refilled glass into his hand.

'*Ja*, *ja*," many voices murmured. They shook their heads, clicked their tongues, repeated, "She should've got off. We wouldn't punish her. *Nee*, man! *Nimmer*. Never."

"You hear, Harry?" Danny de Groot said. "We would've let her off for sure, man." He grasped the handle of his tankard, hung

his head and continued gently without looking at Harry, “I’m sorry if that makes you feel still more sad.”

“*Ja*, sorry, sorry,” the others softly chorused.

They raised their glasses and tankards, and still in a low tone of sympathy, as if commiserating with someone suffering from a recent loss, they wished Harry “*Gesondheid*! Good health!”