

**Meddling Mendel:  
Jewish immigrant, NP member and detainee attorney  
(1911 - 2001)**

by

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“Biographies are no longer written to explain or explore the greatness of the great. They redress balances, explore secret weaknesses, demolish legends.” - A.S. Byatt

## **Abstract:**

This study constructs the biography of an individual as a fragmented subject, Mendel Levin. Mendel Levin was a Latvian-born Jewish immigrant who arrived in South Africa in 1921. He practised as an attorney and represented political detainees and anti-apartheid activists in the late 1960s. He was a staunch supporter and proud member of the National Party. Additionally, he had a record of unlawful behaviour and collusion with the security police during the heyday of the apartheid era. This dissertation utilises Mendel Levin's biography as a lens through which the social, political and historical landscape of twentieth century South Africa can be viewed. Furthermore, through this biography, a new light is cast on the dubious and underhanded dealings of the Nationalist government during the height of the apartheid regime. The character, life and career of Mendel Levin flies in the face of the accepted narratives and stereotypes of South African Jewish history. Throughout this study, Mendel Levin proves without fail that the exception is not necessarily the rule as he consistently upended accepted norms and standards suggesting a new narrative for an individual with numerous devious and divergent dimensions.

**Keywords:** Mendel Levin; biography; South African history; anti-apartheid struggle; South African Jewry; National Party; detainee attorney.

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## List of Abbreviations

AI	Amnesty International
ANC	African National Congress
<i>AWB</i>	<i>Afrikaner Weerstandsbeweging</i>
DoD	Department of Defence Archives, Pretoria
GSC	General Service Corps
HNP	<i>Herstigte Nasionale Party</i>
IDAF	International Defence and Aid Fund
JBD	Jewish Board of Deputies, Johannesburg
JTA	Jewish Telegraphic Agency
KZN	Kwa-Zulu Natal
MK	<i>Umkhonto we Sizwe</i>
NA	National Archives of South Africa, Pretoria
NMC	Native Military Corps
NP	National Party
<i>OB</i>	<i>Ossewa Brandwag</i>
SA	South Africa
SADF	South African Defence Force
SAMC	South African Medical Corps
SAP	South African Party
TRC	Truth and Reconciliation Committee
UDF	Union Defence Force
UP	United Party

## Glossary of Names and Aliases

<b>Aubrey Levin</b>	Mendel Levin's only son, the SADF psychiatrist behind the aVersion Project
<b>Dr Shock</b>	Moniker of Aubrey Levin
<b>Herbert Knight</b>	The father of Maud Katzenellenbogen and Phyllis Peake, also one of the identities that Moosa Dinath used
<b>M.A. Katzenellenbogen</b>	An alias used by Moosa Dinath
<b>Mendel Levin</b>	The subject of this biography and father of Aubrey Levin
<b>Moosa Ahmed Dinath</b>	Maud Katzenellenbogen's husband, an Indian man who was convicted of over 250 crimes
<b>Moosa Mohamed Dinath</b>	Another name used by Moosa Dinath
<b>Mr. De la Rose</b>	One of Moosa Dinath's aliases, Mr. De la Rose was known as a "dark-skinned Frenchman"
<b>Mrs Kay</b>	Alias used by Maud Katzenellenbogen
<b>Rooi Rus</b>	Moniker for Theunis J. Swanepoel, Afrikaans for "Red Russian", due to his distinct appearance and red complexion
<b>Theunis Jacobus Swanepoel</b>	Also known as Theunis J. Swanepoel, a notorious interrogator for the apartheid government's security police

# Chapter 1: Introduction

## Introduction

This study focuses on the contorted and contested life and career of Mendel Levin. The first chapter introduces the topic of this study, presents the methodologies, considers the research and sources and outlines the aims.

The life and career of Mendel Levin was one with many differing and contradicting components. Mendel Levin was a Latvian-born Jewish immigrant who arrived in South Africa with his family in 1921.<sup>1</sup> After growing up in the Transvaal, he trained and worked as an attorney in the city of Johannesburg. He became a full member of the National Party (NP) in 1951 and held various positions in the party.<sup>2</sup> He remained an avid supporter throughout the rest of his life<sup>3</sup> and was the only South African Jewish individual to be appointed by the NP government as a Republican Agent in the Referendum of 1961.<sup>4</sup> In the late 1960s, Mendel Levin was appointed an attorney for some political detainees. In addition to these various facets of Mendel Levin, he was also the father of the notorious Dr Aubrey Levin.<sup>5</sup>

Although this study primarily focuses on the life and career of Mendel Levin, it is important to acknowledge his only son, Aubrey, who has become infamous for his involvement in the “aVersion Project” and the violations of human rights that he committed during his time in the South African Defence Force (SADF), as well as after the end of the apartheid regime. In the apartheid era, he subjected homosexual conscripts in the SADF to a variety of treatments and torture in an attempt to avert their sexuality. Once the apartheid regime came to an end in 1994, Aubrey Levin went to Calgary, Canada, after the Truth and Reconciliation Commission (TRC) indicted him for violations of human rights.<sup>6</sup> He continued practising as a forensic psychiatrist in Canada and lectured at the

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<sup>1</sup> L. Feldberg, (ed.) *South African Jewry 1967-1968: A Survey of the Jewish Community; Its Contributions to South Africa; Directory of Communal Institutions; and a Who's Who of Leading Personalities*, 2<sup>nd</sup> Revised Edition, Fieldhill Publishing, Johannesburg, 1968, p. 329.

<sup>2</sup> L. Feldberg, (ed.) *South African Jewry 1967-1968*, p. 329.

<sup>3</sup> M. Adelberg, 'The Future of the Jewish Community in South Africa', *The South African International*, 31 January 1982, p. 454.

<sup>4</sup> L. Feldberg, (ed.) *South African Jewry 1967-1968*, p. 329.

<sup>5</sup> See for example: R.M. Kaplan, 'The Bizarre career of Aubrey Levin: from abuser of homosexual conscripts to molester of male prisoners', *Forensic Research & Criminology International Journal* 2(15), 2016 and J. Dlamini's forthcoming work. Jacob Dlamini is currently engaged in researching Aubrey Levin. He presented an online lecture for the *African Lecture Series* at the University of Pennsylvania, Philadelphia in 2021. The lecture can be accessed on YouTube: <[https://www.youtube.com/watch?v=1iXqlwg\\_8Vc](https://www.youtube.com/watch?v=1iXqlwg_8Vc)>, Accessed: September 2022.

<sup>6</sup> R.M. Kaplan, 'The Bizarre career of Aubrey Levin: from abuser of homosexual conscripts to molester of male prisoners', *Forensic Research & Criminology International Journal* 2(15), 2016, p. 183.

College of Physicians and Surgeons and the University of Calgary.<sup>7</sup> Allegations of sexual assault against Aubrey Levin by his male patients in Canada first emerged in March 2010.<sup>8</sup> He continued working as a psychiatrist until his suspension as a result of these allegations.<sup>9</sup> He was tried in Canada and found guilty by a jury of “three charges of sexual assault” which were “worthy of four to five-year prison sentences” in addition to a “one-year sentence” for a “single assault on” another victim.<sup>10</sup> Additionally, Aubrey Levin’s sentence was “accompanied by Levin being added to a sex offender list”.<sup>11</sup> Although being convicted and sentenced to five years’ imprisonment, Aubrey Levin was released on parole after serving only 18 months of his sentence, and in July 2023, his sex offender registration was rescinded by the British Columbia Supreme Court.<sup>12</sup> Aubrey Levin did not appear before the TRC,<sup>13</sup> and is yet to account for the human rights violations that he committed during the apartheid regime.<sup>14</sup>

## Methodologies

This study depicts the relevance of utilising the genre of biography as a tool for historical enquiry. This genre has been utilised by the distinguished South African social historian, Charles van Onselen, to great effect, showing how the life of an individual reflects on the period they lived in.<sup>15</sup> This study uses the life of Mendel Levin as a lens to further analyse the time period in which he lived. By adopting this approach, the deeper intrigues and contortions within apartheid society are exposed. Typically the biography of a chosen subject is divided into different epochs and areas of their life,

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<sup>7</sup> Z. Nicholson, ‘21 charges of rape and sexual assault: ‘Dr Shock’ on trial in Canada’, *Cape Times*, 8 June 2011, p. 1; V. Reddy *et al.*, ‘Military Mutilation: The Aversion Program in the South African Defence Force in the Apartheid Era’, in S.N. Nyeck & M. Epprecht (eds.), *Sexual Diversity in Africa: Politics, Theory, and Citizenship*, McGill-Queen’s University Press, Montreal, 2013, p. 100.

<sup>8</sup> N. Bauer, ‘Dr Shock’ jailed in Canada for abuse’, *Mail and Guardian*, 14 February 2013, p. 8.

<sup>9</sup> V. Reddy *et al.*, ‘Military Mutilation: The Aversion Program in the South African Defence Force in the Apartheid Era’, in S.N. Nyeck & M. Epprecht (eds.), *Sexual Diversity in Africa: Politics, Theory, and Citizenship*, McGill-Queen’s University Press, Montreal, 2013, p. 100.

<sup>10</sup> Anon., ‘Dr Shock’ expected to be sentenced for three sex assaults’, *Cape Times*, 1 February 2013, p. 5.

<sup>11</sup> Anon., ‘Dr Shock’ expected to be sentenced for three sex assaults’, *Cape Times*, 1 February 2013, p. 5.

<sup>12</sup> D. Slade, ‘Sex charges dropped against ex-doctor’, *Calgary Herald*, 28 June 2014, p. A.10; M. Grant, ‘Calgary: Aubrey Levin released on parole after serving 18 months of sentence for sex crimes’, *CBC News*, 10 March 2016, <<https://www.cbc.ca/news/canada/calgary/aubrey-levin-sexual-assault-parole-1.3483928>>, Accessed: August 2023; J. Hainsworth, ‘Dr Shock’: Psychiatrist’s sex offender registration rescinded’, *Vancouver is Awesome*, 11 July 2023, <<https://www.vancouverisawesome.com/highlights/dr-shock-psychiatrists-sex-offender-registration-rescinded-7256220>>, Accessed: July 2023.

<sup>13</sup> L. Pollecut, ‘Unlocking South Africa’s Military Archives’, in K. Allan (ed.), *Paper Wars*, Wits University Press, Johannesburg, 2009, p. 125.

<sup>14</sup> Dr Jacob Dlamini from Princeton University is currently engaged in research on the topic of Aubrey Levin.

<sup>15</sup> See for example C. Van Onselen’s publications: C. Van Onselen, *The Seed is Mine: the life of Kas Maine, a South African sharecropper, 1894-1985*, David Philip, Cape Town, 1996; C. Van Onselen, *The Fox and the Flies: The Criminal Empire of the White Chapel Murderer*, Jonathan Cape, London, 2007; C. Van Onselen, *The Small Matter of a Horse: The Life of ‘Nongoloza’ Mathebula, 1867-1948*, Second Edition, Protea Book House, Pretoria, 2008.

which become the chapters of the biographical study.<sup>16</sup> Many biographies primarily rely on collections of private documents that the subject has left behind. However, if this is not the case, the biographer must rely on other primary materials, including public records and sources in the public domain.<sup>17</sup>

In his book, *The Fox and the Flies: The Criminal Empire of the White Chapel Murderer* (2007),<sup>18</sup> Van Onselen tracks the life and movement of Joseph Lis. Lis, who went by many different names and aliases, such as Joseph Silver and Felix Skratz,<sup>19</sup> was a career criminal. Van Onselen utilises historical evidence to suggest that Silver may have been the notorious, Jack the Ripper. In the appendix of *The Fox and the Flies*, Van Onselen describes his experience of conducting this biographical historical research and makes a significant point in terms of studying the early life of the subject at hand: "... it made sense for me to start at the beginning. If I could put together fragments of Lis's childhood, it might provide a few clues for understanding the man".<sup>20</sup> Through this comment, Van Onselen indicates the importance of ancestral and familial context when constructing the biography of an individual. This point lays the foundation for this study. Although Aubrey Levin has become the subject of much academic writing and popular attention, it is his father, Mendel Levin, who presents another fascinating, if not more intriguing, perspective on the South African twentieth-century political and social landscape. Van Onselen's statement also depicts how the historian's skills and expertise relate to the genre of biography, as historians must piece together fragments of an individual's life, in order to understand the individual and the time period in which they lived.

In their seminal article, "Biography in post-apartheid South Africa: A call for awkwardness", Nancy J. Jacobs and Andrew Bank outline the popularity and importance of the biography genre in post-apartheid South Africa.<sup>21</sup> In this article, they state that post-apartheid biographies can be categorised into four subgenres: political biographies of the individual-as-leader; social history biographies of the individual-as-exemplar; literary biographies of the individual-as-vessel-of-self; and critical studies biographies of the individual-as-fragmented-subject.<sup>22</sup> The biography of Mendel Levin falls under

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<sup>16</sup> F.R. Wyatt, 'Publishing Biographies to Learn About History, Writing, and Research', *Middle School Journal* 32(5), 2001, p. 9.

<sup>17</sup> L.E. Ambrosius, 'Introduction', in L.E. Ambrosius (ed.), *Writing Biography: Historians & Their Craft*, University of Nebraska Press, Lincoln, 2004, p. 11.

<sup>18</sup> C. Van Onselen, *The Fox and the Flies: The Criminal Empire of the White Chapel Murderer*, Jonathan Cape, London, 2007.

<sup>19</sup> C. Van Onselen, *The Fox and the Flies*, p. xxiii.

<sup>20</sup> C. Van Onselen, *The Fox and the Flies*, p. 490.

<sup>21</sup> N.J. Jacobs & A. Bank, 'Biography in post-apartheid South Africa: A call for awkwardness'. *African Studies* 78(2), 2019.

<sup>22</sup> N.J. Jacobs & A. Bank, 'Biography in post-apartheid South Africa: A call for awkwardness'. *African Studies* 78(2), 2019, p. 167.

the last-mentioned subgenre, that involves the process of critically studying the chosen subject's life by not only constructing the subject's self, but by examining how these constructions of self are "contested and historically contingent".<sup>23</sup> Furthermore, Jacobs and Bank explore the uncomfortable situation the post-apartheid biographers find themselves in whilst constructing the life history of a subject who lived within the apartheid era. This concern will be further explored in the second chapter of this dissertation.

The genre of biography is an insightful tool for historical research as the life of an individual may speak to the larger historical processes that the historian is interested in examining.<sup>24</sup> It is however regarded as one of the most challenging, yet beneficial, but also most criticised genres within the domain of historical research and writing.<sup>25</sup> Despite its advantages, over time the biography genre has been met with much scepticism and disapproval by numerous historians and academics alike.<sup>26</sup> It is most often critiqued for its overlap with subjectivity and truth.<sup>27</sup> Other critics assert that the genre explores its subject superficially.<sup>28</sup> This scepticism may also stem from the anxiety that biography, for the most part, leaves the "basic requirements of proper historical thinking"<sup>29</sup> unsatisfied. Academics such as philosopher Frank Ankersmit have argued that the genre of biography is merely a "narrative substitution for the past", which produces a reconstruction of the past that is anachronistically distorted.<sup>30</sup> The scepticism that historians have towards biography as a genre may also stem from the genre's potential for subjectivity, as objectivity is often yielded due to the priority that the biographer places on their version of their subject.<sup>31</sup> Other critics argue that the biography genre primarily focuses on human agency alone,<sup>32</sup> and therefore omits other decisive factors, such as

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<sup>23</sup> N.J. Jacobs & A. Bank, 'Biography in post-apartheid South Africa: A call for awkwardness'. *African Studies* 78(2), 2019, p. 176; N.J. Jacobs & A. Bank, 'Biography in post-apartheid South Africa: A call for awkwardness'. *African Studies* 78(2), 2019, p. 178.

<sup>24</sup> A. Kessler-Harris, 'Why Biography?'. *The American Historical Review* 114(3), 2009, p. 625.

<sup>25</sup> J.M. Sardica, 'The content and form of 'conventional' historical biography', *Rethinking History* 17(3), 2013, p. 383; See also the criticism of C. Van Onselen's work: W. James, 'Materialist history, materialist theory: A response to Charles van Onselen', *Social Dynamics* 9(1), 1983, pp. 84-90; P.S. Landau, 'Jack the Ripper in South Africa? Charles van Onselen's *The Fox and the Flies*', *South African Historical Journal* 61(1), 2009, pp. 187-201; B. Worsfold, 'Eurocentrism in Hybridity: A Critique of Charles van Onselen's *The Seed is Mine: The Life of Kas Maine, a South African Sharecropper 1894-1985*', *Journal of English Studies* II(2000), 2000, pp. 171-181.

<sup>26</sup> A. Munslow, *The New History*, Routledge, London, 2003, p. 138.

<sup>27</sup> L.E. Ambrosius, 'Introduction', in L.E. Ambrosius (ed.), *Writing Biography: Historians & Their Craft*, University of Nebraska Press, Lincoln, 2004, p. xiii.

<sup>28</sup> J.M. Sardica, 'The content and form of 'conventional' historical biography', *Rethinking History* 17(3), 2013, p. 384.

<sup>29</sup> A. Munslow, 'History and Biography: An Editorial Comment', *Rethinking History* 7(1), 2003, p. 2.

<sup>30</sup> A. Munslow, 'History and Biography: An Editorial Comment', *Rethinking History* 7(1), 2003, p. 13; J.M. Sardica, 'The content and form of 'conventional' historical biography', *Rethinking History* 17(3), 2013, p. 389.

<sup>31</sup> A. Munslow, 'History and Biography: An Editorial Comment', *Rethinking History* 7(1), 2003, p. 2.

<sup>32</sup> J.M. Sardica, 'The content and form of 'conventional' historical biography', *Rethinking History* 17(3), 2013, p. 387.



environment, accidental events and chance. For many historians, biography remains an “object form of history”.<sup>33</sup>

The French sociologist, Pierre Bourdieu, was one of the most influential critics of the biography genre.<sup>34</sup> He outlines his critiques of the genre in his essay, “*L’illusion Biographique*” (“The Biographical Illusion”).<sup>35</sup> When constructing a life history that falls into the category of “the individual-as-fragmented-subject”,<sup>36</sup> Bourdieu’s conception of biography is that the self must exist as a “coherent unity” is contradicted.<sup>37</sup> He argues that in order to legitimise and naturalise the life of the biographer’s chosen subject, meaning and unity are required.<sup>38</sup> Additionally, Bourdieu argues that the need for meaning and unity in the subject’s life, must be achieved “without revealing the social mechanisms involved in the development of each individual life”.<sup>39</sup> He argues that the question of such social mechanisms or institutions that “favour or permit the ordinary experience of life as a unity and a totality”,<sup>40</sup> cannot be evaded. However, when constructing a biography from a historiographical perspective, it is essential to fully comprehend the culture and environment of the biographical subject,<sup>41</sup> including the social mechanisms and institutions that have contributed to the development of the subject. Coherent unity cannot be achieved through the understanding of the historical context and the greater historical processes of the subject’s life. This study aims to identify and present the contortions and contradictions of Mendel Levin’s life and career by considering them within the broader historical processes of twentieth-century South Africa.

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<sup>33</sup> A. Munslow, ‘History and Biography: An Editorial Comment’, *Rethinking History* 7(1), 2003, p. 2.

<sup>34</sup> A. Pereira, ‘Notes on Facing The Biographical Illusion Without Getting Lost in the Process’, *The International Academic Forum Journal of Arts & Humanities* 5(1), 2018, p. 4.

<sup>35</sup> P. Bourdieu, ‘The Biographical Illusion (1986)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 216; M. Kolkenbrock, ‘Life as Trajectory: Pierre Bourdieu’s ‘The Biographical Illusion’ (1986)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 217.

<sup>36</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’. *African Studies* 78(2), 2019, p. 176.

<sup>37</sup> M. Kolkenbrock, ‘Life as Trajectory: Pierre Bourdieu’s ‘The Biographical Illusion’ (1986)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 218.

<sup>38</sup> M. Kolkenbrock, ‘Life as Trajectory: Pierre Bourdieu’s ‘The Biographical Illusion’ (1986)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 219.

<sup>39</sup> M. Kolkenbrock, ‘Life as Trajectory: Pierre Bourdieu’s ‘The Biographical Illusion’ (1986)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 21.

<sup>40</sup> P. Bourdieu, ‘The Biographical Illusion (1986)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 212.

<sup>41</sup> S. Wolpert, ‘Biography as History: A Personal Reflection’, *The Journal of Interdisciplinary History* 40(3), 2010, p. 400.

Yet despite the aforementioned criticisms, biography remains a significant genre in historical inquiry,<sup>42</sup> which, if utilised correctly, can be seen as a “tool of history”.<sup>43</sup> It is crucial for the historian to create a well-rounded and multifaceted study of the past and through the study of an individual in context this can be aspired to. As previously stated, this study constructs the life history of Mendel Levin that falls within the category of “the individual-as-fragmented-subject”.<sup>44</sup> British historian Alun Munslow argues that the biography genre can aid historians in unpacking and extending “the nature of the historical project”.<sup>45</sup> In addition, Munslow claims that the genre has the ability to “offer fresh aesthetic insights into writing-the-past-as-history”.<sup>46</sup>

In his book, *The Sociological Imagination*, sociologist C. Wright Mills describes the importance of history within the genre of biography. He argues that biographies cannot be understood without “reference to the historical structures in which the milieu” of the biographical subject’s life is established.<sup>47</sup> Wright Mills argues that “the social imagination enables us to grasp history and biography and the relations between the two in society”.<sup>48</sup> Additionally, Wright Mills states that by outlining the life history of an individual, the historian can understand how the subject’s society was shaped and historicised.<sup>49</sup>

In her seminal essay, “The Art of Biography”, English modernist writer Virginia Woolf outlines the importance of the biography genre.<sup>50</sup> She states that a well-rounded or “good biography” is constructed from authentic information.<sup>51</sup> In contrast to the arguments of post-modern scholars such as Bourdieu, alluded to above, Woolf emphasises the importance of objectivity in the biography genre, as she states that “the biographer is bound by facts”,<sup>52</sup> and that the task of the biographer is to detect falsity, “unreality, and the presence of obsolete conventions”.<sup>53</sup> Like Jacobs and Bank, who

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<sup>42</sup> A. Munslow, ‘History and Biography: An Editorial Comment’, *Rethinking History* 7(1), 2003, p. 1.

<sup>43</sup> S.A. Leckie, ‘Biography Matters: Why Historians Need Well-Crafted Biographies More than Ever’, in L.E. Ambrosius (ed.), *Writing Biography: Historians & Their Craft*, University of Nebraska Press, Lincoln, 2004, p. 2.

<sup>44</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’. *African Studies* 78(2), 2019, p. 176.

<sup>45</sup> A. Munslow, ‘History and Biography: An Editorial Comment’, *Rethinking History* 7(1), 2003, p. 1.

<sup>46</sup> A. Munslow, ‘History and Biography: An Editorial Comment’, *Rethinking History* 7(1), 2003, p. 2.

<sup>47</sup> C. Wright Mills, *The Sociological Imagination*, Fortieth Anniversary Edition, Oxford University Press, New York, 2000, p. 158.

<sup>48</sup> C. Wright Mills, *The Sociological Imagination*, p. 6.

<sup>49</sup> C. Wright Mills, *The Sociological Imagination*, p. 6.

<sup>50</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017.

<sup>51</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 129.

<sup>52</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 128.

<sup>53</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 128.

assert that the biographer must “embrace both the awkward storylines and messy relationships between historians and their subjects and sources”,<sup>54</sup> Woolf argues that “the biographer must accept the perishable, build with it, imbed it in the very fabric of his work”.<sup>55</sup>

Woolf further reiterates the importance of the biography genre, by arguing that the genre is “invaluable”,<sup>56</sup> as if the biographer respects factual and truthful evidence, the genre offers more than “another fact to add to our collection”.<sup>57</sup> The biography genre sifts important information from insignificant information, and in addition, constructs the entirety of the subject’s life so that the reader can perceive the outline.<sup>58</sup> Additionally, Woolf disputes that the biography genre “does more to stimulate the imagination” than any other genre or art form.<sup>59</sup> It is imperative to note that the discipline of history and the biography genre share the same epistemological nature, as both tell the story of the past.<sup>60</sup> It is also important to note that the genre of biography, when utilised correctly, is a construction of the past and not a reconstruction,<sup>61</sup> as complete objectivity is impossible to obtain.<sup>62</sup>

This dissertation is essentially a literature study which has utilised a variety of primary and secondary sources, all of which are in the public domain. It applied both external as well as internal criticism which also involves corroboration. In his book, *A Guide to Historical Method*,<sup>63</sup> historian Robert Jones Shafer outlines the importance of external and internal criticism and corroboration when analysing evidence in historical research. Shafer defines external criticism as the process of getting historical evidence ready to “use in the examination of human affairs”,<sup>64</sup> which is to prepare the evidence for the process of internal criticism. Unlike internal criticism which deals with the “statement or meaning of the document”,<sup>65</sup> external criticism deals with the document itself. The process of external criticism involves determining the authenticity of the evidence, which is being

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<sup>54</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’. *African Studies* 78(2), 2019, p. 179.

<sup>55</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 129.

<sup>56</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 129.

<sup>57</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 129.

<sup>58</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 129.

<sup>59</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 129.

<sup>60</sup> A. Munslow, ‘History and Biography: An Editorial Comment’, *Rethinking History* 7(1), 2003, p. 3.

<sup>61</sup> A. Munslow, ‘History and Biography: An Editorial Comment’, *Rethinking History* 7(1), 2003, p. 3.

<sup>62</sup> M. Kolkenbrock, ‘Life as Trajectory: Pierre Bourdieu’s ‘The Biographical Illusion’ (1986)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 218.

<sup>63</sup> R.J. Shafer, *A Guide to Historical Method*, The Dorsey Press, Chicago, 1980.

<sup>64</sup> R.J. Shafer, *A Guide to Historical Method*, p. 128.

<sup>65</sup> R.J. Shafer, *A Guide to Historical Method*, p. 128.

utilised for historical inquiry, and generally involves establishing the material's date of creation and authorship.<sup>66</sup> Establishing the authenticity of historical evidence becomes particularly useful when undergoing the process of internal criticism. Whereas external criticism deals with authenticity, internal criticism deals with credibility.<sup>67</sup> Shafer defines internal criticism as the process which determines the credibility of historical evidence.<sup>68</sup> He argues that the process of internal criticism must begin with “understanding of the words of the document in their literal sense”.<sup>69</sup>

In addition to external and internal criticism, Shafer also states the importance of corroboration of evidence in historical research. According to Shafer, when there is a lack of available information in the form of witnesses, oral history and physical documents and materials, the historian must “search for corroboration”,<sup>70</sup> in other words, supporting evidence to substantiate information. Shafer identifies corroboration as a “major part of historical method”,<sup>71</sup> as the use of corroboration provides a resolution to problems that emerge from contradictory evidence.<sup>72</sup>

In the previously mentioned work of Woolf, she also emphasises the importance of corroboration. She states, “by fact in biography we mean facts that can be verified by other people besides the artist”.<sup>73</sup> She also argues that by combining both facts that the biographer has invented, or facts that no one else or no other evidence can verify, with facts that are true, will cause both to become unreliable.<sup>74</sup> Therefore, the ability to verify evidence with other documentation that corroborates it in historical research, as well as in the construction of a biography, becomes a crucial part of the study's reliability. This is of even greater importance when the individual being studied has a contentious or contradictory past.

It is important to note that there were a number of individuals with the name, “Mendel Levin” who were alive during the time of Mendel Levin's life. A great deal of time was spent to verify information to ensure that the evidence which is presented in this study is in fact about the relevant Mendel Levin. Corroboration and comparative methods have been utilised to ensure this. In addition to challenges

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<sup>66</sup> R.J. Shafer, *A Guide to Historical Method*, p. 128.

<sup>67</sup> R.J. Shafer, *A Guide to Historical Method*, p. 128.

<sup>68</sup> R.J. Shafer, *A Guide to Historical Method*, p. 127.

<sup>69</sup> R.J. Shafer, *A Guide to Historical Method*, p. 150.

<sup>70</sup> R.J. Shafer, *A Guide to Historical Method*, p. 154.

<sup>71</sup> R.J. Shafer, *A Guide to Historical Method*, p. 168.

<sup>72</sup> R.J. Shafer, *A Guide to Historical Method*, p. 168.

<sup>73</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 127.

<sup>74</sup> V. Woolf, ‘The Art of Biography (1939)’, in W. Hemecker & E. Saunders (eds), *Biography in Theory: Key Texts with Commentaries*, De Gruyter, Boston, 2017, p. 127.

faced when searching for information, other issues emerged due to “Levin” usually being spelt without an “e” but sometimes being spelt “Levine” in other documents. Again, verification and corroboration were key elements in this study.

## Uncovering “the person behind the person”

Biography as a genre remains one of the most prominent genres in both academic and popular discourses. This study aims to construct the biography of a “person behind the person”, Mendel Levin, who is the subject of this dissertation. The life and career of Mendel Levin has been overshadowed by that of his son, the notorious Dr Aubrey Levin. Nothing has yet been written on the life story of either Aubrey Levin or his father, Mendel Levin; however, Aubrey Levin is the more well-known of the two. In the case of Aubrey Levin, his career as a psychiatrist in the South African Defence Force (SADF) during the apartheid era has been examined in works of literature in academic discourses, such as in articles in academic journals and in chapters in non-fictional books. Dr Aubrey Levin’s career has also been referenced in non-academic works of literature,<sup>75</sup> such as in fictional novels.

Three cases of this subcategory of the biography genre that explore “the person behind the person” will now be considered. However, only one of these three examples includes a single work of literature that focuses exclusively on the biography of the chosen subject. The first case considers Otto Frank, the father of Anne Frank, the other two examples focus on the lives of Gladys Presley and Nandi Zulu.

A key example of a biography that explores the life of a “person behind the person” or the life of a parent of a better-known individual is *The Hidden Life of Otto Frank* (2003) written by Carol Ann Lee.<sup>76</sup> Lee, who is a British journalist<sup>77</sup> and historian,<sup>78</sup> had first written and published a biography of Anne Frank in 1998,<sup>79</sup> before turning her attention to the life of Anne’s father, Otto Frank. *The Hidden Life of Otto Frank*, which was originally published in 2002,<sup>80</sup> provides a biography of Otto Frank. It is an ideal example of this subcategory of the biography genre, as it explores the life of Otto Frank, the father of well-known Anne Frank. The title, *The Hidden Life of Otto Frank*, further

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<sup>75</sup> For an overview of what has been written about the treatment of homosexuals in the SADF as well as the career of Dr Aubrey Levin see: R. Schnell, ‘Avoiding Aversion: The Hidden Histories of Homosexuals in the SADF’, Bachelor of Social Science Honours (History) Research Report, University of Pretoria, Pretoria, 2021.

<sup>76</sup> C.A. Lee, *The Hidden Life of Otto Frank*, Penguin Books, London, 2003.

<sup>77</sup> D. Barnouw, *The Phenomenon of Anne Frank*, Indiana University Press, Bloomington, 2018, p. 12.

<sup>78</sup> E. Friedmann, ‘The Netherlands’, *The American Jewish Year Book* 103, 2003, p. 435.

<sup>79</sup> J.L. Foray, ‘The Nation Behind the Diary: Anne Frank and the Holocaust of the Dutch Jews’, *The History Teacher* 44(3), 2011, p. 344.

<sup>80</sup> D. Barnouw, *The Phenomenon of Anne Frank*, p. 12.



reinforces that this book falls into the subgenre of “the person behind the person”, as Otto Frank and his life have been largely overlooked due to the fame of his daughter, Anne Frank.

Anne Frank was a Dutch Jewish adolescent girl who went into hiding with her family during the Holocaust.<sup>81</sup> The Frank family, as well as the van Pels family, hid in an Annex for over two years,<sup>82</sup> in Otto Frank’s office building which had been converted into a living space.<sup>83</sup> Anne kept a diary and documented her experiences and thoughts during this time. In addition to her diary, Anne also wrote short stories and autobiographical sketches.<sup>84</sup> Otto Frank was the sole survivor of the Frank family, as well as the others who lived in the Annex with the Franks.<sup>85</sup> In August 1945, Otto Frank discovered that his wife Edith, as well as his daughters, Anne and Margot, did not survive the War.<sup>86</sup> It was after this that Otto Frank was given the surviving transcript of Anne’s diary by his secretary, Miep Gies.<sup>87</sup> He was the individual who was ultimately responsible for the publication of Anne Frank’s diary.<sup>88</sup>

The life and actions of Otto Frank depict the influential role that parents have on shaping their children. Both Otto and his wife, Edith Frank, played crucial roles in the upbringing and education of their two daughters, Margot and Anne. Their education was extensive, as Otto Frank encouraged both of his daughters to write and keep diaries and also ensured that “books and sources of knowledge were always accessible to them”.<sup>89</sup> Otto Frank may have contributed towards the creation of this invaluable text in addition to its eventual publication.

Importantly, when publishing his daughter’s diary, Otto Frank edited and omitted various sections from the original transcript. These sections of Anne’s diary included her observations about her parent’s marriage that was strained at times, as well as her thoughts about her mother.<sup>90</sup> The reasons as to why Otto Frank had excluded these sections have been heavily debated in academic as well as

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<sup>81</sup> H. Miller, ‘Teaching and Learning about Cultural Diversity: Who Owns History?’, *The Reading Teacher* 52(1), 1998, p. 76.

<sup>82</sup> J.L. Foray, ‘The Nation Behind the Diary: Anne Frank and the Holocaust of the Dutch Jews’, *The History Teacher* 44(3), 2011, p. 336.

<sup>83</sup> J.L. Foray, ‘The Nation Behind the Diary: Anne Frank and the Holocaust of the Dutch Jews’, *The History Teacher* 44(3), 2011, p. 335.

<sup>84</sup> S. Schroth, ‘Translating Anne Frank’s “Het Achterhuis”’, *Translation and Literature* 23(2), 2014, p. 236.

<sup>85</sup> M. Hasian, ‘Anne Frank, Bergen-Belsen, and the Polysemic Nature of Holocaust Memories’, *Rhetoric and Public Affairs* 4(3), 2001, p. 351.

<sup>86</sup> D. Barnouw, *The Phenomenon of Anne Frank*, p. 17.

<sup>87</sup> T. Larson, “‘In Spite of Everything’: The Definitive Indefinite Anne Frank”, *The Antioch Review* 58(1), 2000, p. 44.

<sup>88</sup> D. Barnouw, *The Phenomenon of Anne Frank*, p. 22.

<sup>89</sup> C.A. Lee, *The Hidden Life of Otto Frank*, p. 67.

<sup>90</sup> M. Hasian, ‘Anne Frank, Bergen-Belsen, and the Polysemic Nature of Holocaust Memories’, *Rhetoric and Public Affairs* 4(3), 2001, p. 368.

public discourses. Some argued that Otto Frank omitted these sections as he found them “offensive”,<sup>91</sup> whilst other scholars suggest that specific parts were removed by Otto Frank as he was eager to promote Anne’s diary “for what he identified as its humanitarian and broadly speaking optimistic content”.<sup>92</sup> Regardless of Otto Frank’s motivations for omitting sections from his daughter’s diary, by doing so, Otto Frank has influenced how Anne Frank and her life is remembered in public memory.

The second example of the “person behind the person” subgenre to be considered is the life of Gladys Love Presley, the mother of Elvis Presley. Two publications on this topic include: *Elvis and Gladys* (1985) by Elaine Dundy<sup>93</sup> and *Baby, Let’s Play House: Elvis Presley and the Women Who Loved Him* (2010) by Alanna Nash.<sup>94</sup> The relationship between Elvis Presley and his mother, Gladys Love Presley is one which has been written about in both public and academic discourses. Dundy’s biography depicts the decisive and influential role which Gladys Presley played in her son’s upbringing, career and success, as evident in the cover text which reads: “The first revealing look at how the King’s mother shaped his life”.<sup>95</sup> Nash’s biography focuses on the relationships between Elvis and the most prominent women in his life and in particular, the relationship between Elvis and his mother.

Dundy acknowledges the lack of a “detailed, documented illumination of what Gladys was actually like growing up, as a child, an adolescent, and a young woman”.<sup>96</sup> She also asserts that it is “extraordinary” that Gladys’ life has not been “thoroughly explored in view of the fact that it is now accepted that his mother, Gladys, was the pivotal force in his life”.<sup>97</sup> Furthermore, Dundy recognises the importance of understanding Gladys’ biography in order to understand the life and career of her son. Dundy asserts that, “it is only through this kind of historical approach – with its emphasis on the interweaving of families, generations and cultures – that the true meaning of Elvis’ life unfolds”.<sup>98</sup> Here, Dundy recognises the importance of this subcategory of the biography genre, and how it is essential to explore the life of “the person behind the person”, as she asserts that by following the life

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<sup>91</sup> H. Miller, ‘Teaching and Learning about Cultural Diversity: Who Owns History?’, *The Reading Teacher* 52(1), 1998, p. 76.

<sup>92</sup> V. Stewart, ‘Anne Frank and the Uncanny’, *Paragraph* 21(1), 2001, p. 112.

<sup>93</sup> E. Dundy, *Elvis and Gladys*, Macmillan Publishing Company, New York, 1985.

<sup>94</sup> A. Nash, *Baby, Let’s Play House: Elvis Presley and the Women Who Loved Him*, Harper Collins eBooks, New York, 2010.

<sup>95</sup> E. Dundy, *Elvis and Gladys*, Macmillan Publishing Company, New York, 1985, book cover.

<sup>96</sup> E. Dundy, *Elvis and Gladys*, p. xi.

<sup>97</sup> E. Dundy, *Elvis and Gladys*, p. xi.

<sup>98</sup> E. Dundy, *Elvis and Gladys*, p. xii.

of Gladys Presley, she found “new information, providing a far firmer foundation than [what] has been laid before, enabling [her] to rebuild Elvis’ character”.<sup>99</sup>

Gladys Presley was born into a poor and impoverished Southern community.<sup>100</sup> During her lifetime, she lived in a world of “social barriers” and economic and class distinctions and injustices.<sup>101</sup> In addition to this, Gladys Presley was a “habitual worrier”<sup>102</sup> and was often overcome with anxiety. Although historians and writers have characterised Gladys as “pious, pure and domestic”,<sup>103</sup> she was not a submissive woman,<sup>104</sup> and had a temper which was “a force to be reckoned with”.<sup>105</sup> Furthermore, Dundy asserts that she had “unpredictable impulses” which Elvis Presley would inherit from his mother.<sup>106</sup> Dundy also affirms that Gladys was a “pivotal force”<sup>107</sup> in Elvis’ life. Gladys had to fill the paternal role of the “provider and protector”<sup>108</sup> during her son’s childhood and upbringing as a result of the absence of Elvis’ father, Vernon Presley,<sup>109</sup> who was imprisoned.<sup>110</sup> It was through his mother that Elvis learnt how to manage with the disadvantages that he suffered because of his social class effectively.<sup>111</sup>

Gladys “loomed large”<sup>112</sup> over Elvis, and often over supervised, overprotected and overdefended him. She also had a profound impact on her son’s musical career and consequently, his later success and fame. Elvis inherited his preoccupation with religious music from his mother, which was initially centred around church going. His mother’s death had a profound and lasting effect on him and he “struggled earnestly and ceaselessly to pull himself together”.<sup>113</sup> The relationship between Gladys and her son is portrayed as a dependent and symbiotic one.

Another example of the “person behind the person” subgenre is the life of Nandi Zulu. Nandi remained a dominant personality throughout her son Shaka’s lifetime.<sup>114</sup> There are many

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<sup>99</sup> E. Dundy, *Elvis and Gladys*, p. xii.

<sup>100</sup> A. Nash, *Baby, Let’s Play House*, p. 33.

<sup>101</sup> E. Dundy, *Elvis and Gladys*, p. 185; E. Dundy, *Elvis and Gladys*, p. 26.

<sup>102</sup> C. Lester, ‘Make Room for Elvis’, in J.N. Duvall, & A.J. Abadie (eds) *Faulkner and Postmodernism*, University of Mississippi Press, Jackson, 2002, p. 142.

<sup>103</sup> J. Williamson, *Elvis Presley*, p. 90.

<sup>104</sup> J. Williamson, *Elvis Presley*, p. 90.

<sup>105</sup> A. Nash, *Baby, Let’s Play House*, p. 35.

<sup>106</sup> E. Dundy, *Elvis and Gladys*, p. 59.

<sup>107</sup> E. Dundy, *Elvis and Gladys*, p. xi.

<sup>108</sup> J. Williamson, *Elvis Presley*, p. 94.

<sup>109</sup> J. Williamson, *Elvis Presley*, p. 93.

<sup>110</sup> J. Williamson, *Elvis Presley*, p. 94.

<sup>111</sup> J. Williamson, *Elvis Presley*, p. 94.

<sup>112</sup> E. Dundy, *Elvis and Gladys*, p. 100.

<sup>113</sup> J. Williamson, *Elvis Presley*, p. 170.

<sup>114</sup> D. Golan, ‘The Life Story of King Shaka and Gender Tensions in the Zulu State’, *History in Africa* 17, 1990, p. 103; The following sources were reviewed: M.Z. Shamase, ‘Women of valour: character exposition of some Zulu royal



contradictions between works of literature that depict the life of Shaka and his mother, and traditional Zulu oral sources, including “*izibongo*” (praise poems),<sup>115</sup> which have been passed down over generations. These praises characterise Nandi as “a strong willed, ambitious, tenacious bitter and a caring mother who only wanted the best for her children”.<sup>116</sup> However, these praises also depict how Nandi was not favoured by the Zulu people, despite her “physical link” to Shaka.<sup>117</sup> Other oral sources characterise Nandi as having a difficult and “fierce temperament” as well as being a “sharp-tongued woman who made life miserable for those around her”.<sup>118</sup>

Nandi and Shaka were exiled from the Zulu kingdom and Shaka grew up without a father figure in his life.<sup>119</sup> They were treated as outcasts who were “sent away to fend for themselves”.<sup>120</sup> Nandi’s unhappiness overshadowed Shaka’s early childhood,<sup>121</sup> as did the bullying and humiliation that he was subjected to by other children.<sup>122</sup> Older boys ridiculed Shaka for the absence of a father figure in his life, by calling him “the fatherless one”,<sup>123</sup> and Nandi remained his only companion and thus he idolised his mother.<sup>124</sup> Later in his life, Shaka grew “increasingly revenge-focused”,<sup>125</sup> as he “exalted those who has treated his mother well”,<sup>126</sup> and took “revenge on those” who ridiculed and ill-treated both him as well as Nandi.<sup>127</sup>

The relationship between Nandi and her son was “much more intensely involved” than the conventional maternal-child dynamic in the Zulu culture and lifestyle.<sup>128</sup> This may have been a

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women’, *Gender and Behaviour* 15(2), 2017, p. 9164; M.F.R. Kets de Vries, *Lessons on Leadership by Terror: Finding Shaka Zulu in the Attic*, Edward Elgar Publishing Limited, Cheltenham, 2004; C. Hamilton, *Terrific Majesty: The powers of Shaka Zulu and the limitations of historical invention*, Harvard University Press, Cambridge, Massachusetts, 1998; M. Kunene, *Emperor Shaka The Great: A Zulu Epic*, University of KwaZulu-Natal Press, Durban, 2017.

<sup>115</sup> M.Z. Shamase, ‘Women of valour: character exposition of some Zulu royal women’, *Gender and Behaviour* 15(2), 2017, p. 9163.

<sup>116</sup> M.Z. Shamase, ‘Women of valour: character exposition of some Zulu royal women’, *Gender and Behaviour* 15(2), 2017, p. 9177.

<sup>117</sup> N. Zondi, ‘Critiquing the Male Writings of Female Izibongo: A Feminist Approach’, *Agenda: Empowering Women for Gender Equality* (68), 2006, p. 31.

<sup>118</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 18.

<sup>119</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 18.

<sup>120</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 19.

<sup>121</sup> M.Z. Shamase, ‘Women of valour: character exposition of some Zulu royal women’, *Gender and Behaviour* 15(2), 2017, p. 9166.

<sup>122</sup> M.Z. Shamase, ‘Women of valour: character exposition of some Zulu royal women’, *Gender and Behaviour* 15(2), 2017, p. 9166.

<sup>123</sup> M.Z. Shamase, ‘Women of valour: character exposition of some Zulu royal women’, *Gender and Behaviour* 15(2), 2017, p. 9166.

<sup>124</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 18.

<sup>125</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 19.

<sup>126</sup> M.Z. Shamase, ‘The royal women of the Zulu monarchy through the keyhole of oral history: Queens Nandi (c. 1764 - c. 1827) and Monase (c. 1797 - 1880)’, *Inkanyiso* 6(1), 2014, p. 3.

<sup>127</sup> M.Z. Shamase, ‘The royal women of the Zulu monarchy through the keyhole of oral history: Queens Nandi (c. 1764 - c. 1827) and Monase (c. 1797 - 1880)’, *Inkanyiso* 6(1), 2014, p. 8.

<sup>128</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 65.

consequence of the trauma that the pair had experienced during their exile from the Zulu kingdom and the ridicule that they were exposed to.<sup>129</sup> Many historians and scholars agree that Nandi was “devoted to her son”,<sup>130</sup> and that she directed “all her emotional energy towards” Shaka as compensation for the lack of a husband.<sup>131</sup> M. Kunene asserts that Shaka’s “absolute sense of self-will and self-determination against all adversities” were instilled in him by Nandi.<sup>132</sup>

Nandi played a pivotal role in the life of her son,<sup>133</sup> and both of their legacies are intertwined. Some scholars argue that Nandi was the only person who was “completely influential”<sup>134</sup> over Shaka and she often urged him to make political compromises.<sup>135</sup> In addition to the influence that Nandi possessed over Shaka’s political career, she also had an impact on Shaka’s relationships with women,<sup>136</sup> as the intensity of this supportive dynamic made it difficult for any other woman to compare to Nandi.<sup>137</sup> After Nandi’s death in 1827,<sup>138</sup> Shaka was overcome with “profound and malevolent grief”,<sup>139</sup> and as a result of Shaka’s grief, the Zulu empire experienced mass executions, persecutions and “lawlessness”.<sup>140</sup>

These three biographies of “the person behind the person” exemplify the importance and relevance of understanding the broader context of an individual by considering the parentage and background of a personality under study. It is partly for this reason that this dissertation constructs the biography of Mendel Levin, which falls into this biography subcategory of the “person behind the person”. However, it becomes increasingly apparent that Mendel Levin is not only of significance within this context, but also as an individual in his own right as his life sheds an extraordinary light on the actions of the apartheid state as well as upending certain preconceptions about twentieth-century South African politics.

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<sup>129</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 65.

<sup>130</sup> M.Z. Shamase, ‘Women of valour: character exposition of some Zulu royal women’, *Gender and Behaviour* 15(2), 2017, p. 9165.

<sup>131</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 65.

<sup>132</sup> M. Kunene, *Emperor Shaka The Great*, p. xv.

<sup>133</sup> M.Z. Shamase, ‘The royal women of the Zulu monarchy through the keyhole of oral history: Queens Nandi (c. 1764 - c. 1827) and Monase (c. 1797 - 1880)’, *Inkanyiso* 6(1), 2014, p. 2.

<sup>134</sup> J.W. Fernandez, ‘The Shaka Complex’, *Transition* (29), 1967, p. 12.

<sup>135</sup> M.Z. Shamase, ‘Women of valour: character exposition of some Zulu royal women’, *Gender and Behaviour* 15(2), 2017, p. 9167.

<sup>136</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 82.

<sup>137</sup> M.F.R. Kets de Vries, *Lessons on Leadership by Terror*, p. 82.

<sup>138</sup> M. Kunene, *Emperor Shaka The Great*, p. xvi.

<sup>139</sup> J.W. Fernandez, ‘The Shaka Complex’, *Transition* (29), 1967, p. 12.

<sup>140</sup> M. Kunene, *Emperor Shaka The Great*, p. xvi.

## Sources

As this dissertation is a literature study, it utilises both primary and secondary sources which are all in the public domain, including letters, diaries and other primary documents. All archives, both national and international, that are used in this study are open access archives. The majority of the primary sources that are examined are from the *Joel Carlson South African Legal Files* Collection, in the Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division at The New York Public Library.<sup>141</sup> The primary materials that make up this collection include documents from the period between 1958 to 1990. Joel Carlson was a South African attorney who dedicated his professional career to the anti-apartheid struggle. What is of critical significance, is that in 1969, Carlson took over Mendel Levin's position as Winnie Mandela's attorney. This collection contains Carlson's own notes on Mendel Levin, recollections of conspiracies that he was involved in, affidavits and various newspaper clippings about Mendel Levin's career and work as an attorney. This collection also contains information about Mendel Levin's criminal activities.

In addition to the primary materials from the *Joel Carlson* collection, the repository at the Jewish Board of Deputies (JBD) in Johannesburg contains collections of newspaper clippings and other documents that were of relevance to this study.<sup>142</sup> Other documents include obituaries, notes on candidates for election to the Executive Council and pamphlets. The National Archives of South Africa in Pretoria (NA) and other public repositories also had documents relating to estates and Mendel Levin's career. Additionally, online databases such as NewsBank,<sup>143</sup> *The Rand Daily Mail*,<sup>144</sup> SA Media,<sup>145</sup> and *The Sunday Times* Archive,<sup>146</sup> were also utilised in this study. These range from announcements in the relevant newspapers, such as births, engagements and wedding announcements, as well as death announcements and obituaries. Other sources from these databases include articles about Mendel Levin's legal career as well as his arrests. In addition to the abovementioned primary materials, a range of secondary sources have also been utilised in this study. The research completed for this dissertation corroborates Van Onselen's telling comment on

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<sup>141</sup> The New York Public Library, New York (NYPL), Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990.

<sup>142</sup> Jewish Board of Deputies, Johannesburg (JBD), Biographies, *Levin G-Z*, Volume No. 199, n.d.

<sup>143</sup> Newsbank, 2023, *Newsbank Archives Primary Sources* [online], Available from: <https://infoweb-newsbank-com.uplib.idm.oclc.org/apps/readex/welcome?p=ARDX>, Accessed: March 2023.

<sup>144</sup> Newsbank, 2023, *Rand Daily Mail (1902-1985)* [online], Available from: <https://infoweb-newsbank-com.uplib.idm.oclc.org/apps/readex/?p=HN-SARDM>, Accessed: March 2023.

<sup>145</sup> Sabinet, 2023, *SA Media* [online], Available from: <https://discover-sabinet-co-za.uplib.idm.oclc.org/search?Search=&ProductType=allmedianewsclippings>, Accessed: March 2023.

<sup>146</sup> Newsbank, 2023, *The Sunday Times 1906 – 2019* [online], Available from: <https://infoweb-newsbank-com.uplib.idm.oclc.org/apps/news/browse-pub?p=WORLDNEWS&t=pubname%3A16ED7D43CFB7D6F4%21Sunday%2BTimes&year=2019>, Accessed: March 2023.

biographical research that “[t]he bucket would have to go down much deeper if [he] hoped to retrieve anything meaningful”.<sup>147</sup>

## Conclusion

This dissertation aims to analyse the life and times of Mendel Levin by unpacking the extraordinary role that this Jewish immigrant played in a critical period of the South African past. It is a construction of the life of Mendel Levin and sets out to present the life of Mendel Levin as “the historical rather than the mythical”.<sup>148</sup> It focuses on the multi-faceted life of a man who was a detainee attorney, a NP politician, a co-conspirator and criminal and ultimately, the father of Aubrey Levin.

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<sup>147</sup> C. Van Onselen, *The Fox and the Flies*, p. 487.

<sup>148</sup> R. Mendelsohn, ‘Writing South African Jewish Biography: Sammy Marks, “The Uncrowned King of the Transvaal”’, *Second Jacob Gitlin Memorial Lecture*, Cape Town, 19 June 1990, p. 2.

## Chapter 2: Select Biographical Literature Review

### Introduction

In post-apartheid South Africa biographies remain the most popular non-fiction literary genre.<sup>1</sup> Political biographies and autobiographies, two subfields of the biography genre, are the most dominant.<sup>2</sup> This literature review first considers a few key articles on biography within the South African context; the second part focuses on studies on the history and biography of Jews in South Africa; the third touches briefly on biography, the struggle and the NP; and the last part identifies literature that includes brief biographical references to Mendel Levin.

### The Biography Genre

As was made evident in Chapter 1, much has been written on biography as a genre by historians over an extended period of time. Many of those works attest to its popularity, while some caution against its weakness. For example, Shafer acknowledges its appeal and future prospects, but also makes the point that it can suffer from two weaknesses – too much “sympathy with the subject” and that the concentration on an individual life “distorts perspective”.<sup>3</sup> Others are more positive, such as Charles van Onselen who wrote:

The delight of biography, properly done, lies in its unparalleled ability to conjure up lives in eras past so as better to understand the deepest sources of the complexities, contradictions, ironies and paradoxes that beset the modern world.<sup>4</sup>

Furthermore, in her Masters dissertation titled, “Biographical Study of H.-A. Junod: the Fictional Dimension”,<sup>5</sup> Bronwyn Michler asserts that the study of biography is, “a celebration of an individual life as well as an opportunity to concentrate on the many facets of the context in which an individual lived”.<sup>6</sup>

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<sup>1</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 165.

<sup>2</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 165.

<sup>3</sup> R.J. Shafer, *A guide to historical method*, pp. 13 & 38.

<sup>4</sup> C. Van Onselen, ‘Biographers’ craft and the alchemy of the book’, *University of Pretoria Research Review* 2015, p. 91.

<sup>5</sup> B.L. Michler, ‘Biographical Study of H.A. Junod: The Fictional Dimension’, Magister Artium (History) dissertation, University of Pretoria, Pretoria, 2003.

<sup>6</sup> B.L. Michler, ‘Biographical Study of H.A. Junod: The Fictional Dimension’, Magister Artium (History) dissertation, University of Pretoria, Pretoria, 2003, p. 1.

In the already referenced article titled, “Biography in post-apartheid South Africa: A call for awkwardness”, Jacobs and Bank consider the various dimensions that the biography genre has in South Africa, post 1994.<sup>7</sup> They claim that over one hundred biographies have been written and published on the lives of male leaders who were involved in the struggle against the apartheid regime. They also affirm that biographers should engage more with the “unseen or less examined contrary forces”<sup>8</sup> which may be uncomfortable or awkward to do. Jacobs and Bank further argue that the most uncomfortable form of “awkwardness” that emerges in political biographies often arises when the personal life of the biography’s subject complicates or contradicts “public understanding”.<sup>9</sup>

As mentioned, Jacobs and Bank outline the four primary “constellations”<sup>10</sup> of the biography genre,<sup>11</sup> and the one which pertains directly to this construction of Mendel Levin’s life story is the “individual-as-fragmented-subject”.<sup>12</sup> Instead of depicting the life of its subject as an integral whole, critical studies biographies of the “individual-as-fragmented-subject” portray the subject as “a fragmented entity consisting of various parts and forms”.<sup>13</sup> Like other “postmodern theories” of the biography genre, Jacobs and Bank point out that the “individual-as-fragmented-subject” biographies “insist on the complex and fragmented nature of the self”.<sup>14</sup> Aligning with this is what the biographer and literary critic, Leon Edel, states that when constructing a biography, there are “granite facts”, which are “fragments of knowable and discursively independent reality”.<sup>15</sup> Furthermore, Edel asserts that it is up to the historian to locate such fragments in “the most appropriate rhetorical form to create meaning”.<sup>16</sup> When constructing a critical studies biography of the “individual-as-fragmented-

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<sup>7</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019.

<sup>8</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 166.

<sup>9</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 169.

<sup>10</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 167.

<sup>11</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 165.

<sup>12</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 176.

<sup>13</sup> K. van Walraven, ‘Prologue: Reflections on Historiography and Biography and the Study of Africa’s Past’, in K. van Walraven (ed.) *The Individual in African History: The Importance of Biography in African Historical Studies*, Brill, Leiden, 2020, p. 22.

<sup>14</sup> J.M. Sardica, ‘The content and form of ‘conventional’ historical biography’, *Rethinking History* 17(3), 2013, p. 387.

<sup>15</sup> A. Munslow, ‘History and Biography: An Editorial Comment’, *Rethinking History* 7(1), 2003, p. 3.

<sup>16</sup> A. Munslow, ‘History and Biography: An Editorial Comment’, *Rethinking History* 7(1), 2003, p. 3.



subject”,<sup>17</sup> the writing of the past “becomes a sort of necessary connecting thread”,<sup>18</sup> in which the fragments of the subject are connected and made whole.

In a similar vein to the general process of constructing a biography and the idea of the individual as a fragmented subject, other authors refer to the process of utilising information from a range of materials that are fragmented. In an interview by S. Nuttall, which focuses on the writing of biography, academic Jon Hyslop asserts that a genre such as biography presents the challenge of “gradually piecing fragmented material together in a way which makes a coherent account of life”.<sup>19</sup> Furthermore, Hyslop asserts that the use of fragmented materials in the process of constructing a biography “tests the explanations” the historian or biographer offers “for broad social processes to the limit”.<sup>20</sup>

## **Biography of the South African Jewish Community**

While Jewish Studies is a worldwide phenomenon and has both research institutes and journals dedicated to it, there are also a number of historians and academics who have written and published literature on the history of the Jewish community in South Africa. Such historians include Gustav Saron, Gideon Shimoni, Milton Shain, Richard Mendelsohn and Marcia Leveson. The most prominent works on the history of the South African Jewish community include books such as *Memories, Realities and Dreams: Aspects of the South African Jewish Experience* (2002),<sup>21</sup> edited by Milton Shain and Richard Mendelsohn; *Jews and Zionism: The South African Experience 1910-1967* (1980);<sup>22</sup> and *Community and Conscience: The Jews in Apartheid South Africa* (2003),<sup>23</sup> both written by Gideon Shimoni.

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<sup>17</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 176.

<sup>18</sup> L. Edel as quoted in: J.M. Sardica, ‘The content and form of ‘conventional’ historical biography’, *Rethinking History* 17(3), 2013, p. 398.

<sup>19</sup> S. Nuttall, ‘Writing Biography: An interview with Jon Hyslop, John Matshikiza and Mark Gevisser’, *Social Dynamics* 30(1), 2004, p. 105.

<sup>20</sup> S. Nuttall, ‘Writing Biography: An interview with Jon Hyslop, John Matshikiza and Mark Gevisser’, *Social Dynamics* 30(1), 2004, p. 105.

<sup>21</sup> M. Shain & R. Mendelsohn (eds.), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002.

<sup>22</sup> G. Shimoni, *Jews and Zionism: The South African Experience (1910-1967)*, Oxford University Press, Cape Town, 1980.

<sup>23</sup> G. Shimoni, *Community and Conscience: The Jews in Apartheid South Africa*, David Philips Publishers, Cape Town, 2003.

In a review titled, “Apartheid and the Jewish Question”,<sup>24</sup> Shula Marks, a well-known South African historian, identifies the “three ‘triumphalist’ narratives”<sup>25</sup> that have predominantly framed the history of the Jewish community in South Africa and how South African Jewish history has been portrayed. She refers specifically to both *Community and Conscience* by Shimoni in 2003 as well as the 2002 *Memories, Realities and Dreams: Aspects of the South African Jewish Experience* edited by Shain and Mendelsohn. The first narrative that Marks recognises is the common “from rags to riches” story or anecdote,<sup>26</sup> which she asserts has been “based on Jewish entrepreneurial drive and their respect for learning”.<sup>27</sup> The second narrative focuses on the “seamless sense of community and closely knit family life”<sup>28</sup> of the Jewish community in South Africa. The third narrative that Marks identifies is the “*goldene medina*”,<sup>29</sup> or the myth which views South Africa as a utopia or “golden state”<sup>30</sup> in which Jewish communities had not experienced discrimination or anti-Semitism. Marks then also identifies a fourth narrative that has framed the history of the Jewish community in South Africa and how this history has been portrayed in the period relevant to this study. This, she indicates, began to emerge in the early 1980s and concentrates on the “role of specifically Jewish values in generating a disproportionately large number”<sup>31</sup> of Jewish individuals who were part of the anti-apartheid struggle. This fourth narrative, which explores the liberalism and radicalism of the Jewish community in South Africa, Marks claims became the predominantly popular narrative of South African Jewish history in the early 2000s.<sup>32</sup>

*Memories, Realities and Dreams*, edited by Shain and Mendelsohn, comprises chapters from academics that explain various aspects of the experience of the South African Jewish community. These chapters outline the early origins of the South African Jewry in the nineteenth century,<sup>33</sup> until the post-apartheid era which began in 1994.<sup>34</sup> Furthermore, this collection explores specific aspects that are significant to, and have shaped, the South African Jewish experience. Such aspects include

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<sup>24</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004.

<sup>25</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 889.

<sup>26</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 889.

<sup>27</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 889.

<sup>28</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 889.

<sup>29</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 889.

<sup>30</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 889.

<sup>31</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 890.

<sup>32</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 891.

<sup>33</sup> M. Shain & R. Mendelsohn, ‘Introduction’, in M. Shain & R. Mendelsohn (eds), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002, p. 7.

<sup>34</sup> D. Davis, ‘Jews and the Open Society’, in M. Shain & R. Mendelsohn (eds), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002, p. 199.



Jewish immigration,<sup>35</sup> anti-semitism and discrimination against the Jewish community,<sup>36</sup> and the “disproportionate involvement” of Jewish individuals in the liberal and radical resistance against the apartheid regime.<sup>37</sup> Historic events which impacted the South African Jewish experience are also examined, such as the South African War and the First World War.<sup>38</sup> On the other hand, Shimoni’s monograph, *Community and Conscience*, focuses particularly on the South African Jewish community within the apartheid era, specifically from 1948 to 1994.<sup>39</sup> *Community and Conscience* explores aspects such as the Afrikaner regime, the political behaviour of individuals in the South African Jewish community, and the transformation of the South African Jewish community during this period.<sup>40</sup> All of these works encapsulate the various narratives Marks has identified.

In the 1950s, a “pioneering”<sup>41</sup> study of the history and historiography of the Jewish community in South Africa was produced. *The Jews in South Africa: A History* (1955),<sup>42</sup> edited by Gustav Saron and Louis Hotz, is a “multi-authored volume”,<sup>43</sup> which is believed to be the “first comprehensive history of the South African Jewish community”.<sup>44</sup> It explores the history of South African Jewry from their first arrivals until the first decade of the twentieth century. Additionally, it depicts anti-semitism in South Africa during the 1930s and 1940s as “an aberration”<sup>45</sup> of this period.<sup>46</sup> In this collection, Saron and Hotz assert that anti-semitism during this era was a result of the import of “foreign ideologies, fascist theories, and group hatreds” into South Africa.<sup>47</sup> This then also complies with two of the narratives Marks identifies.

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<sup>35</sup> M. Shain & R. Mendelsohn, ‘Introduction’, in M. Shain & R. Mendelsohn (eds), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002, p. 7.

<sup>36</sup> M. Shain, ‘“If It Was So Good, Why Was It So Bad?” The Memories and Realities of Antisemitism in South Africa, Past and Present’, in M. Shain & R. Mendelsohn (eds), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002, p. 89.

<sup>37</sup> G. Shimoni, ‘Accounting for Jewish Radicals in Apartheid South Africa’, in M. Shain & R. Mendelsohn (eds), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002, p. 163.

<sup>38</sup> R. Mendelsohn, ‘The Boer War, The Great War and the Shaping of South African Jewish Loyalties’, in M. Shain & R. Mendelsohn (eds), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002, p. 51.

<sup>39</sup> G. Shimoni, *Community and Conscience*, p. 1.

<sup>40</sup> G. Shimoni, *Community and Conscience*, p. 18; G. Shimoni, *Community and Conscience*, p. 55; G. Shimoni, *Community and Conscience*, p. 201.

<sup>41</sup> J. Boje, ‘Small in number, great in stride’, *The Pretoria News*, Pretoria, 2 June 2008, p. 7.

<sup>42</sup> G. Saron & L. Hotz (eds), *The Jews in South Africa: A History*, Oxford University Press, Cape Town, 1955.

<sup>43</sup> S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-60’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 50.

<sup>44</sup> D. Jacobson, ‘The Jews of South Africa’, *Commentary* 24, 1957, p. 39.

<sup>45</sup> S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-60’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 50.

<sup>46</sup> J. Boje, ‘Small in number, great in stride’, *The Pretoria News*, 2 June 2008, p. 7.

<sup>47</sup> S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-60’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 50.

Gideon Shimoni is a “distinguished Israeli historian with South African roots”,<sup>48</sup> who has written and published many academic works such as articles and non-fiction books on both Zionism and the South African Jewish community. In his article titled “South African Jews and the Apartheid Crisis”, Shimoni states that the beginning of a “significant Jewish presence in South Africa” can be traced back to the last quarter of the nineteenth century.<sup>49</sup> Furthermore, he asserts that Jewish individuals have been “very important in the economic and cultural development” of South Africa.<sup>50</sup> Marks states that Shimoni’s 2003 book is “the most detailed examination to date of the history of the Jews under apartheid”.<sup>51</sup> Furthermore, Marks also contends that *Community and Conscience* is based upon a “serious study of archival material” and is primarily concerned with the “tug of war”<sup>52</sup> between what the South African Jewry saw as being necessary for the survival of their community and the “demands of the conscience”.<sup>53</sup>

In addition to focusing on the history of the Jewish community in South Africa, the work of historian Shain also primarily investigates the history of anti-semitism in South Africa. *A Perfect Storm: Antisemitism in South Africa 1930-1948*,<sup>54</sup> written by Shain and published in 2016 builds on his “previous groundbreaking work”<sup>55</sup> in the area of anti-semitism in South Africa during the first half of the twentieth century. In addition to the narratives that have been identified by Marks, Shain has recognised another narrative that is prominent in South African Jewish historiography.<sup>56</sup> Shain has called this narrative the “accommodationist”<sup>57</sup> or “hospitality” school of Jewish historiography in South Africa.<sup>58</sup> This “accommodationist” narrative was an early phase of South African Jewish historiography which Shain argues “sought to minimize conflict and maximize accommodation between Jew and Gentile”.<sup>59</sup> Furthermore, Shain notes that this phase depicts anti-semitism and discrimination against the South African Jewish community, specifically during the 1930s and 1940s,

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<sup>48</sup> M. Shain, ‘Community and Conscience: The Jews in Apartheid South Africa (review)’, *Jewish Quarterly Review* 98(1), 2008, p. 147.

<sup>49</sup> G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 6.

<sup>50</sup> G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 3.

<sup>51</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 891.

<sup>52</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 891.

<sup>53</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 891.

<sup>54</sup> M. Shain, *A Perfect Storm: Antisemitism in South Africa 1930-1948*, Jonathan Ball Publishers, Johannesburg, 2015.

<sup>55</sup> D. Saks, ‘Milton Shain’s *A Perfect Storm* – Historical and Contemporary Angles’, *Jewish Affairs* 71(1), Pesach 2016, p. 12; Other works by Milton Shain include: M. Shain, *Antisemitism*, Bowerdean Briefings Series, Bowerdean Publishing Company, London, 1998; M. Shain, *The Roots of Antisemitism in South Africa*, Second Edition, Witwatersrand University Press, Johannesburg, 2001.

<sup>56</sup> L.M. Stone, ‘Seeking Asylum: German Jewish Refugees in South Africa, 1933-1948’. Doctor of Philosophy (History) Thesis, Clark University, Worcester, Massachusetts, 2010, p. 8.

<sup>57</sup> M. Shain, *The Roots of Antisemitism*, p. 3.

<sup>58</sup> L.M. Stone, ‘Seeking Asylum: German Jewish Refugees in South Africa, 1933-1948’. Doctor of Philosophy (History) Thesis, Clark University, Worcester, Massachusetts, 2010, p. 8.

<sup>59</sup> M. Shain, *The Roots of Antisemitism*, p. 2.

as an “essentially” “alien phenomenon”.<sup>60</sup> Shain asserts that this “hospitality” narrative resulted in a new South African Jewish historiography which:

... has neither denied nor ignored the many instances of hospitality accorded to Jews in South Africa and the manifold ways in which Jews have been accommodated within and have benefitted from the South African body politic.<sup>61</sup>

Despite this, this newer trend of South African Jewish historiography, which emerged in the 1960s,<sup>62</sup> still treats anti-semitism in South Africa during the first half of the twentieth century as a foreign notion.<sup>63</sup> This fifth trend is also of relevance to this study as it throws light on the behaviour of the subject at hand.

*Memories, Realities and Dreams: Aspects of the South African Jewish Experience* (2002) is an edited book by Milton Shain and Richard Mendelsohn,<sup>64</sup> who are regarded as “two leading scholars of South African Jewry”.<sup>65</sup> This volume is a “compendium of academic papers”<sup>66</sup> which includes chapters written by both editors as well as historians and other academics. In his review of *Memories, Realities and Dreams*, South African historian Saul Dubow asserts that the “immediate genesis”<sup>67</sup> of the book originates from a conference that was held to “reflect on the Jewish experience in the light of South African democratization”.<sup>68</sup> Dubow further contends that the book is “grounded in broader historiographic traditions”<sup>69</sup> that focus on memory, identity formation and migration. *Memories, Realities and Dreams* provides a broader context of South African Jewish historiography.

A predominant theme that emerges in literature which depicts the history of South African Jewry, is that of the South African “Jew as inveterate outsider”.<sup>70</sup> During the first half of the twentieth century, Jewish individuals in South Africa were referred to as “*uitlanders*”<sup>71</sup> (which is the Afrikaans term for “outsiders”).<sup>72</sup> This theme is further explored in Marcia Leveson’s chapter titled “Insiders on

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<sup>60</sup> M. Shain, *The Roots of Antisemitism*, p. 3.

<sup>61</sup> M. Shain, *The Roots of Antisemitism*, p. 3.

<sup>62</sup> M. Shain, *The Roots of Antisemitism*, p. 2.

<sup>63</sup> M. Shain, *The Roots of Antisemitism*, p. 3.

<sup>64</sup> M. Shain & R. Mendelsohn (eds). *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002.

<sup>65</sup> S. Dubow, ‘Reviews: The Jewish Experience in South Africa’, *Journal of African History* 45(2004), 2004, p. 141.

<sup>66</sup> V. Horler, ‘Jews in South Africa by Richard Mendelsohn and Milton Shain (Jonathan Ball)’, *The Daily News*, 1 July 2008, p. 12.

<sup>67</sup> S. Dubow, ‘Reviews: The Jewish Experience in South Africa’, *Journal of African History* 45(2004), 2004, p. 141.

<sup>68</sup> S. Dubow, ‘Reviews: The Jewish Experience in South Africa’, *Journal of African History* 45(2004), 2004, p. 141.

<sup>69</sup> S. Dubow, ‘Reviews: The Jewish Experience in South Africa’, *Journal of African History* 45(2004), 2004, p. 141.

<sup>70</sup> P. Beinart, ‘The Jews of South Africa’, *Transition* (71), 1996, p. 64.

<sup>71</sup> L.M. Stone, ‘Seeking Asylum: German Jewish Refugees in South Africa, 1933-1948’. Doctor of Philosophy (History) Thesis, Clark University, Worcester, Massachusetts, 2010, p. 62.

<sup>72</sup> L.M. Stone, ‘Seeking Asylum: German Jewish Refugees in South Africa, 1933-1948’. Doctor of Philosophy (History) Thesis, Clark University, Worcester, Massachusetts, 2010, p. 62.

Outsiders: Some South African Jewish Writers”.<sup>73</sup> In this chapter, the theme and notion of “outsiderhood”<sup>74</sup> is further investigated through an exploration of South African Jewish literature as well as literature that focuses on Jewish individuals. Leveson explores this theme in South African Jewish literature in much of her other academic work. In an essay titled, “The Wandering Jew – South African Jewish Writing: Where to Now?”, Leveson argues that “Jews were in fact always ‘outsiders’”,<sup>75</sup> and that contemporary Jewish writers have often chosen to portray similar themes of “Jewish self-rejection”,<sup>76</sup> “outsiderhood and stigma”.<sup>77</sup> Furthermore, Leveson argues that “the Jew has been portrayed almost invariably as an outsider”,<sup>78</sup> in the writing and literature of “South African gentiles”.<sup>79</sup> Leveson further asserts that Jewish individuals have been portrayed as individuals who have “wandered into”<sup>80</sup> and who wander across” South Africa, but still do not “fully belong” to the country.<sup>81</sup> These notions of “outsiderhood”, alienation and not fully belonging to South Africa are not only evident in South African Jewish literature, but are also evident in works of fiction.

As Mendel Levin was a Jewish individual who lived in South Africa for the majority of his life, it is also of relevance to consider literature that explores the life of another Jewish South African. Therefore, this next section will single out the biography of Sammy Marks, titled, *Sammy Marks: Uncrowned King of the Transvaal* written by Richard Mendelsohn in 1991.<sup>82</sup>

Sammy Marks is often regarded as “a pivotal figure in the economic history of South Africa”,<sup>83</sup> whose life story would fall under the “rags to riches”<sup>84</sup> narrative that Marks has identified. This narrative typically explores the entrepreneurial drive and the respect for learning of the Jewish community.<sup>85</sup>

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<sup>73</sup> M. Leveson, ‘Insiders on Outsiders: Some South African Jewish Writers’, in M. Shain & R. Mendelsohn (eds), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002, pp. 60-75.

<sup>74</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 898.

<sup>75</sup> M. Leveson, ‘The Wandering Jew – South African Jewish Writing: Where to Now?’, *Journal for Semitics* 19(1), 2010, p. 264.

<sup>76</sup> M. Leveson, ‘The Wandering Jew – South African Jewish Writing: Where to Now?’, *Journal for Semitics* 19(1), 2010, p. 264.

<sup>77</sup> M. Leveson, ‘The Wandering Jew – South African Jewish Writing: Where to Now?’, *Journal for Semitics* 19(1), 2010, p. 264.

<sup>78</sup> M. Leveson, ‘The Wandering Jew – South African Jewish Writing: Where to Now?’, *Journal for Semitics* 19(1), 2010, p. 266.

<sup>79</sup> M. Leveson, ‘The Wandering Jew – South African Jewish Writing: Where to Now?’, *Journal for Semitics* 19(1), 2010, p. 266.

<sup>80</sup> M. Leveson, ‘The Wandering Jew – South African Jewish Writing: Where to Now?’, *Journal for Semitics* 19(1), 2010, p. 266.

<sup>81</sup> M. Leveson, ‘The Wandering Jew – South African Jewish Writing: Where to Now?’, *Journal for Semitics* 19(1), 2010, p. 266.

<sup>82</sup> R. Mendelsohn, *Sammy Marks: Uncrowned King of the Transvaal*, David Philip, Cape Town, 1991.

<sup>83</sup> W.H. Worger, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The American Historical Review* 98(1), 1993, p. 213.

<sup>84</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 889.

<sup>85</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 889.

In South Africa specifically, there have been many successful and prosperous Jewish individuals who have had lucrative careers as “entrepreneurs and as professionals”.<sup>86</sup> Sammy Marks is one of the most emblematic examples of such an individual and is known as “one of the most prominent and distinguished Jews in South Africa”.<sup>87</sup> In this monograph, Mendelsohn describes how Samuel Marks<sup>88</sup> arrived in South Africa in 1868 as a Russian Jewish immigrant<sup>89</sup> and travelled to Kimberley, where he established a “leading diamond-dealing partnership” with Isaac Lewis, a distant cousin of his.<sup>90</sup> Mendelsohn explains how Marks was involved in “almost every form of economic activity”<sup>91</sup> in South Africa during the late 1800s until the early 1900s and would become what he terms as one of South Africa’s “most prominent industrialists”,<sup>92</sup> playing a prominent role in both the gold and diamond industries in South Africa during the late nineteenth and early twentieth centuries.

By the time of his death in 1920,<sup>93</sup> Mendelsohn points out that Sammy Marks had become a well-respected member of both the Jewish community and of “South African society at large”.<sup>94</sup> Mendelsohn also declares that the South African Jewry responded to the news of Marks’s death with “general regret”,<sup>95</sup> as Marks had become “a symbol of what could be achieved”<sup>96</sup> by Jewish individuals in South Africa. He concludes that to the Jewish community in South Africa, as well as the country as a whole, Sammy Marks became an inspiration of the possibility for individuals to rise above the circumstances of their birth and environment, and to achieve great things.<sup>97</sup> This further reinforces the “rags to riches” narrative referred to by Shula Marks and depicts a stereotype of Jews in the literature on the history of the South African Jewry.

In this biography, Mendelsohn includes a chapter titled, “Sammy Marks the Jew”,<sup>98</sup> which is centrally concerned with the Jewish facet of Marks’ character and life. Mendelsohn describes Marks as the “prototype of the modern South African Jew”,<sup>99</sup> and asserts that the core of Marks’s identity was “his

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<sup>86</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 890.

<sup>87</sup> R. Mendelsohn, *Sammy Marks*, p. 250.

<sup>88</sup> T. Clynick, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 25(2), 1992, p. 405.

<sup>89</sup> I. Noomé, ‘What the little Marks knew about Africa’, *The English Academy Review* 23(1), 2006, p. 85.

<sup>90</sup> S. Marks, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *African Affairs* 92(366), 1993, p. 135.

<sup>91</sup> S. Marks, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *African Affairs* 92(366), 1993, p. 135.

<sup>92</sup> T. Clynick, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 25(2), 1992, p. 405.

<sup>93</sup> R. Mendelsohn, *Sammy Marks*, p. 249.

<sup>94</sup> I. Noomé, ‘What the little Marks knew about Africa’, *The English Academy Review* 23(1), 2006, p. 85.

<sup>95</sup> R. Mendelsohn, *Sammy Marks*, p. 249.

<sup>96</sup> R. Mendelsohn, *Sammy Marks*, p. 249.

<sup>97</sup> R. Mendelsohn, *Sammy Marks*, p. 250.

<sup>98</sup> R. Mendelsohn, *Sammy Marks*, p. 197.

<sup>99</sup> R. Mendelsohn, *Sammy Marks*, p. 197.



Jewishness”.<sup>100</sup> In addition to Marks’ “Jewishness”, the common theme of the “Jew as an outsider” is also depicted by Mendelsohn in this biography. Academic Tim Clynick asserts that it was in the small town of his birth where Marks, “as a Jew”,<sup>101</sup> learned how to survive as an “outsider to the establishment”.<sup>102</sup>

Academic and author Clive Glaser asserts that Mendelsohn “demonstrates the effectiveness of biography as an historical medium”,<sup>103</sup> and that this biography is “invaluable to scholars of South African Jewish history”.<sup>104</sup> Furthermore, Glaser states that Mendelsohn’s account of Marks’ life history “acts as a powerful lens through which to view a fascinating era of South African history”.<sup>105</sup> Glaser asserts that Mendelsohn’s biography makes an “important contribution to South African historiography”,<sup>106</sup> as it provides important insights and observations into the development of early industrialisation in South Africa and also “demystifies”<sup>107</sup> Sammy Marks, who is one of the most “enigmatic historical figures”<sup>108</sup> in South African history. Additionally, in her review of this biography of Sammy Marks, Shula Marks identifies “Mendelsohn’s sensitive awareness of the social context and political economy in which Marks operated”<sup>109</sup> as its primary strength. Shula Marks contends that it is not only an “important contribution to the historiography of the early years of South Africa’s Industrial Revolution”,<sup>110</sup> but is also a “meticulously researched account of the life”<sup>111</sup> of one of the “great capitalists”<sup>112</sup> of this period in South African history. Much of both Glaser’s and Shula Marks’ appraisal in this paragraph are of significant relevance to this study of Mendel Levin as well. This will be made apparent in the Conclusion of this dissertation.

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<sup>100</sup> R. Mendelsohn, *Sammy Marks*, p. 197.

<sup>101</sup> T. Clynick, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 25(2), 1992, p. 406.

<sup>102</sup> T. Clynick, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 25(2), 1992, p. 406.

<sup>103</sup> C. Glaser, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 17(4), 1991, p. 781.

<sup>104</sup> C. Glaser, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 17(4), 1991, p. 780.

<sup>105</sup> C. Glaser, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 17(4), 1991, p. 781.

<sup>106</sup> C. Glaser, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 17(4), 1991, p. 779.

<sup>107</sup> C. Glaser, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 17(4), 1991, p. 779.

<sup>108</sup> C. Glaser, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 17(4), 1991, p. 779.

<sup>109</sup> S. Marks, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *African Affairs* 92(366), 1993, p. 136.

<sup>110</sup> T. Clynick, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 25(2), 1992, p. 405.

<sup>111</sup> S. Marks, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *African Affairs* 92(366), 1993, p. 136.

<sup>112</sup> C. Glaser, ‘Sammy Marks: “The Uncrowned King of the Transvaal” by Richard Mendelsohn’, *The International Journal of African Historical Studies* 17(4), 1991, p. 779.

## Biographies of the Struggle and NP

Since the end of the apartheid regime in 1994, many studies have emerged that portray the narrative of “South Africa’s leadership of the human rights revolution”.<sup>113</sup> As affirmed by Jacobs and Bank, since 1994 the political biography genre remains the dominant non-fiction genre in South Africa’s readership. As mentioned, biographies that explore the life stories of male leaders in the anti-apartheid struggle feature the most prominently<sup>114</sup> and the most popular and emblematic example of a political autobiography of a leader of the anti-apartheid movement is *Long Walk to Freedom* (1994) by Nelson Mandela.<sup>115</sup>

Another work of literature that explores this freedom struggle narrative is the 2007 memoir titled *Odyssey to Freedom: A memoir by the world-renowned human rights advocate, friend and lawyer to Nelson Mandela*<sup>116</sup> by the late Greek South African lawyer and human rights activist, George Bizos. *Odyssey to Freedom* is an autobiographical account of Bizos’ life and career as an attorney in South Africa both during, as well as after the end of, the apartheid era. It traces his life from his birth and early childhood in Greece;<sup>117</sup> his journey to, and arrival in, South Africa in 1941;<sup>118</sup> his career as an attorney and human rights advocate during the apartheid era; and his involvement in the Treason Trial and the Rivonia Trial.<sup>119</sup> Up until his death, Bizos was “involved in attempts to secure justice”<sup>120</sup> in several murders that occurred during the apartheid era.

Although *Odyssey to Freedom* is an autobiographical work, it provides details of significant events in the history of twentieth-century South Africa. Bizos outlines the journey which he undertook in order to fight against the apartheid regime and achieve freedom for all in South Africa. Furthermore, Bizos provides his own account of events in a historical manner which allows one to utilise Bizos’ own life as a subjective lens to explore the history of the anti-apartheid struggle. Among many rave reviews, Andre Brink asserts that *Odyssey to Freedom* provides valuable insight into the “operation

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<sup>113</sup> T. Gibbs, ‘Mandela, Human Rights and the Making of South Africa’s Transformative Constitution’, *Journal of Southern African Studies* 45(6), 2019, p. 1132.

<sup>114</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 168.

<sup>115</sup> N. Mandela, *Long Walk to Freedom*, New York, Little, Brown and Company, 1994.

<sup>116</sup> G. Bizos, *Odyssey to Freedom: A memoir by the world-renowned human rights advocate, friend and lawyer to Nelson Mandela*, Random House, Johannesburg, 2007.

<sup>117</sup> G. Bizos, *Odyssey to Freedom*, p. 17.

<sup>118</sup> G. Bizos, *Odyssey to Freedom*, p. 30; G. Bizos, *Odyssey to Freedom*, p. 48.

<sup>119</sup> G. Bizos, *Odyssey to Freedom*, p. 173; G. Bizos, *Odyssey to Freedom*, p. 221.

<sup>120</sup> J. Brickhill, ‘The path-breaking odyssey of George Bizos SC: A tribute’, *South African Journal on Human Rights* 36(4), 2020, p. 417.

of the South African judicial system”<sup>121</sup> during the apartheid era. It also includes references to the subject of this dissertation.

In a similar manner to *Long Walk to Freedom*, the biography by Martin Meredith titled *Nelson Mandela: A Biography* (1997)<sup>122</sup> also investigates the life story of the late freedom fighter and former President of South Africa. Meredith is the author of several books on southern Africa and is a former correspondent for the *Sunday Times*.<sup>123</sup> He provides a comprehensive account of Mandela’s extensive involvement in the anti-apartheid struggle and his political career until 1996.<sup>124</sup> He gives a detailed account of events which shaped Nelson Mandela’s life, including the creation of the Freedom Charter,<sup>125</sup> the Treason Trial,<sup>126</sup> the Rivonia Trial,<sup>127</sup> Nelson Mandela’s imprisonment on Robben Island<sup>128</sup> and his release from prison.<sup>129</sup> Meredith also focuses on events in the life of Nelson Mandela’s wife, Winnie Mandela, that impacted his life as well. In a Chapter 24 of the biography, titled, “Winnie’s Downfall”,<sup>130</sup> Meredith describes the deterioration of their marriage. In addition to this chapter, the subsequent chapter titled “The Loneliest Man”<sup>131</sup> also depicts a period of Nelson Mandela’s life which is personal and where he was especially vulnerable. Meredith describes events such as Oliver Tambo’s death as a “colossal blow” to Nelson Mandela.<sup>132</sup> By including personal details such as this, Meredith has demystified Nelson Mandela by depicting him as an individual, rather than the iconic face of the anti-apartheid struggle, which he is usually viewed as.

Aside from being an attorney, Mendel Levin was also an avid supporter of the NP and as indicated was the first Jewish individual to be elected to the NP.<sup>133</sup> Both Mendel Levin, and his son, Dr Aubrey Levin, were “longstanding supporters of the National Party”.<sup>134</sup> Therefore, it is crucial to consider what has been written and published on the history of the NP by scholars and historians, such as Dan O’Meara, Christi van der Westhuizen and Lindie Koorts.

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<sup>121</sup> A Brink, ‘Odyssey to Freedom. George Bizos. Johannesburg: Random House, 2007. 616 pp. R270’, *The Sunday Independent*, Johannesburg, 5 August 2007, p. 18.

<sup>122</sup> M. Meredith, *Nelson Mandela: A Biography*, Penguin Books, London, 1997.

<sup>123</sup> E. Windrich, ‘Review: Then and Now: Reflections on How Mugabe Rules Zimbabwe’, *Third World Quarterly* 23(6), 2002, p. 1182.

<sup>124</sup> M. Meredith, *Nelson Mandela*, p. 554.

<sup>125</sup> M. Meredith, *Nelson Mandela*, p. 139.

<sup>126</sup> M. Meredith, *Nelson Mandela*, p. 164.

<sup>127</sup> M. Meredith, *Nelson Mandela*, p. 248.

<sup>128</sup> M. Meredith, *Nelson Mandela*, p. 281.

<sup>129</sup> M. Meredith, *Nelson Mandela*, p. 442.

<sup>130</sup> M. Meredith, *Nelson Mandela*, pp. 458-465.

<sup>131</sup> M. Meredith, *Nelson Mandela*, pp. 485-499.

<sup>132</sup> M. Meredith, *Nelson Mandela*, p. 485.

<sup>133</sup> G. Bizos, *Odyssey to Freedom*, p. 350.

<sup>134</sup> G. Shimoni, *Jews and Zionism*, p. 351.



Dan O'Meara is an academic who is renowned for his work on the history of the National Party, the apartheid regime and Afrikaner nationalism. In his book, *Forty Lost Years: The apartheid state and the politics of the National Party, 1948-1994* (1996),<sup>135</sup> O'Meara explains the historical and structural features<sup>136</sup> which both influenced and determined the hegemony of Afrikaner nationalism in the South African state, while also “interpreting Afrikaner political culture, Afrikaner nationalist politics and Afrikaner politicians”.<sup>137</sup> *Forty Lost Years* has been “divided into four largely chronological parts”.<sup>138</sup> The first part of the book investigates the “construction of the NP project”<sup>139</sup> between 1948 and 1966 and sets the foundation for the “crisis of the 1970s”;<sup>140</sup> the second part examines the “various levels of this crisis”<sup>141</sup> and concludes with an analysis of the Muldergate affair; the third deals with the attempt to reform apartheid by the government under PW Botha between the years of 1978 and 1986;<sup>142</sup> the fourth and final part addresses the reasons for, as well as the politics of, the “collapse of each of the successive reformist strategies”.<sup>143</sup>

In their seminal article, Jacobs and Bank recognise a “belated emergence”<sup>144</sup> of the political biography subgenre in post-apartheid South Africa which explores the life story of individuals who were on the opposite side of the anti-apartheid struggle. They attribute the delayed emergence of this specific subgenre to the difficulty of exploring aspects of the past, such as those who were either complicit in or collaborated with the apartheid regime, as the “memories of apartheid”<sup>145</sup> are still too “raw”<sup>146</sup> in the present day. The number of political biographies that explore the lives of those who were a part of the anti-apartheid struggle greatly outweigh the number of those that portray individuals who were part of, or supported, the apartheid regime. Despite this, several biographies have been published on the life stories of “the most brutal functionaries”<sup>147</sup> of the apartheid government and state.

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<sup>135</sup> D. O'Meara, *Forty Lost Years: The apartheid state and the politics of the National Party, 1948-1994*, Ravan Press, Johannesburg, 1996.

<sup>136</sup> D. O'Meara, *Forty Lost Years*, p. 14.

<sup>137</sup> D. O'Meara, *Forty Lost Year*, p. 14.

<sup>138</sup> D. O'Meara, *Forty Lost Years*, p. 15.

<sup>139</sup> D. O'Meara, *Forty Lost Years*, p. 15.

<sup>140</sup> D. O'Meara, *Forty Lost Years*, p. 15.

<sup>141</sup> D. O'Meara, *Forty Lost Years*, p. 15.

<sup>142</sup> D. O'Meara, *Forty Lost Years*, p. 15.

<sup>143</sup> D. O'Meara, *Forty Lost Years*, p. 15.

<sup>144</sup> N.J. Jacobs & A. Bank, 'Biography in post-apartheid South Africa: A call for awkwardness', *African Studies* 78(2), 2019, p. 166.

<sup>145</sup> N.J. Jacobs & A. Bank, 'Biography in post-apartheid South Africa: A call for awkwardness', *African Studies* 78(2), 2019, p. 166.

<sup>146</sup> N.J. Jacobs & A. Bank, 'Biography in post-apartheid South Africa: A call for awkwardness', *African Studies* 78(2), 2019, p. 166.

<sup>147</sup> N.J. Jacobs & A. Bank, 'Biography in post-apartheid South Africa: A call for awkwardness', *African Studies* 78(2), 2019, p. 166.

The work of historian Lindie Koorts has largely concentrated on Afrikaner nationalism and the history of the NP.<sup>148</sup> She wrote the biography entitled, *DF Malan and the Rise of Afrikaner Nationalism* (2014),<sup>149</sup> and maintains that as Prime Minister of South Africa, Malan propagated the ideal of the apartheid regime, while those who worked under his leadership “were left to implement it”.<sup>150</sup> This book depicts how Malan fused “religion with Afrikaner nationalism”,<sup>151</sup> and acknowledges that Malan was a “hated and controversial figure”,<sup>152</sup> as he was the “man who instituted the policy of apartheid”<sup>153</sup> in 1948 when the NP won the general election. Despite this, Koorts provides the reader with an understanding of the past “without any attempt at apology or justification”<sup>154</sup> for the actions of its subject. The book not only presents the life of this individual who has “become synonymous with a rigid system of racial oppression”,<sup>155</sup> but also introduces its reader to the movement of Afrikaner nationalism,<sup>156</sup> and the broader South African context.

Furthermore, Koorts addresses crucial aspects of constructing the biography of a controversial figure such as Malan. She asserts that engaging and interacting with Malan’s humanity is, “an unavoidable part of the endeavour to understand the past”,<sup>157</sup> and by doing so, one is confronted with the “discomfort” of the biography genre, which “helps one to appreciate the intricacies of the past”.<sup>158</sup> By addressing this discomfort, one is forced to address the truth that the “past was shaped by complex individuals who share in a common humanity - and inhumanity”,<sup>159</sup> which is generally an uncomfortable task to endeavour. Furthermore, Koorts claims that through acknowledging and understanding an individual as complex as Malan, one begins to grasp the world in which the subject lived and “also begins to comprehend how” his personality and actions “could shape a people and a country”.<sup>160</sup>

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<sup>148</sup> N. Roos, ‘South African History and Subaltern Historiography’, *International Review of Social History* 61(1), 2016, p. 138.

<sup>149</sup> L. Koorts, *DF Malan and the Rise of Afrikaner Nationalism*, Tafelberg, Cape Town, 2014.

<sup>150</sup> L. Koorts, ‘An Ageing Anachronism: D.F. Malan as Prime Minister, 1948-1954’, *Kronos* (36), 2010, p. 114.

<sup>151</sup> L. Koorts, ‘Human Symbols: The Biographical Pursuit and the Language of Symbolism in Contemporary South Africa’, in K. van Walraven (ed.) *The Individual in African History: The Importance of Biography in African Historical Studies*, Brill, Leiden, 2020, p. 53.

<sup>152</sup> L. Koorts, ‘Human Symbols: The Biographical Pursuit and the Language of Symbolism in Contemporary South Africa’, in K. van Walraven (ed.) *The Individual in African History: The Importance of Biography in African Historical Studies*, Brill, Leiden, 2020, p. 54.

<sup>153</sup> L. Koorts, ‘Human Symbols: The Biographical Pursuit and the Language of Symbolism in Contemporary South Africa’, in K. van Walraven (ed.) *The Individual in African History: The Importance of Biography in African Historical Studies*, Brill, Leiden, 2020, p. 53.

<sup>154</sup> L. Koorts, *DF Malan*, p. xii.

<sup>155</sup> L. Koorts, *DF Malan*, p. xii.

<sup>156</sup> L. Koorts, *DF Malan*, p. xii.

<sup>157</sup> L. Koorts, *DF Malan*, p. xiv.

<sup>158</sup> L. Koorts, *DF Malan*, p. xii.

<sup>159</sup> L. Koorts, *DF Malan*, p. xii.

<sup>160</sup> L. Koorts, *DF Malan*, p. xiv.

In his review of *DF Malan and the Rise of Afrikaner Nationalism*, scholar Jacob Dlamini asserts that Koorts provides a “critical reflection” on a history which is “complicated and uncomfortable”,<sup>161</sup> and carefully depicts “Malan in his complexity”.<sup>162</sup> This publication stands as one example of biography of those who formed part of the NP. It presents an alternative lens on the period from a different angle.

## Brief Biographical References

As indicated earlier, nothing comprehensive has yet been written about the life story of Mendel Levin, or that of his son, Dr Aubrey Levin. However, some studies have appeared on the career of Dr Aubrey Levin, specifically during his time as a psychiatrist in the South African Defence Force (SADF) during the apartheid era. Although a biography of Mendel Levin has not yet been published, there are brief references to him in a few non-fiction books. By pulling on these random threads, traces of both Mendel Levin’s life and career can be constructed. Works of literature referred to above, such as *Odyssey to Freedom* by Bizos, *Community and Conscience* and *Jews and Zionism* by Shimoni and *Nelson Mandela: A Biography* by Meredith are all examples.

*No Neutral Ground* published in 1973 by Joel Carlson<sup>163</sup> contains the most references to Mendel Levin within a single work. *No Neutral Ground* is an autobiographical work that outlines Carlson’s experiences as a liberal South African defence lawyer who focused on “defending African clients”<sup>164</sup> during the apartheid era. The book documents Carlson’s career from its beginning in the late 1940s, up until when he was forced to leave South Africa in 1970.<sup>165</sup> It explores Carlson’s contribution to the struggle against “the apartheid system” as he fought to protect the rights of political detainees and to expose “police barbarism”<sup>166</sup> under the apartheid government, which included the justice system and the police force. Therefore, Carlson’s book falls into the category of history of the struggle against the apartheid regime. Furthermore, *No Neutral Ground* contains eyewitness accounts of individuals who Carlson represented or those who were directly involved in the resistance movement with him.<sup>167</sup>

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<sup>161</sup> C. DeBoer-Langworthy, ‘Reviewed Work(s): The Biographical Turn: Lives in History by Hans Renders. Binne de Haan and Jonne Harsma’, *Biography* 42(4), 2019, p. 934.

<sup>162</sup> J. Dlamini, ‘Review: Life Choices and South African Biography’, *Kronos* (41), Special Issue: The Micro-Politics of Knowledge Production in South Africa, 2015, p. 345.

<sup>163</sup> J. Carlson, *No Neutral Ground*, Thomas Y. Crowell Company, New York, 1973.

<sup>164</sup> W. Roder, ‘No Neutral Ground by Joel Carlson’, *The International Journal of African Historical Studies* 8(1975), 1975, p. 71.

<sup>165</sup> W. Roder, ‘No Neutral Ground by Joel Carlson’, *The International Journal of African Historical Studies* 8(1975), 1975, p. 71.

<sup>166</sup> J. Carlson, *No Neutral Ground*, p. 256.

<sup>167</sup> K.N. Carstens, ‘No Neutral Ground by Joel Carlson’, *Africa Today* 21(2), 1974, p. 88.

Mendel Levin is first introduced in the thirteenth chapter of the book, titled “XIII Harassment and Intimidation”,<sup>168</sup> and includes important references specifically during his time as the attorney of Winnie Mandela in the late 1960s. Like *Odyssey to Freedom*, *No Neutral Ground* presents the narrative of the history of the struggle against apartheid that has been led by, most often, white lawyers who had been influenced primarily by American notions of democratisation and human rights.<sup>169</sup> In one review, Kenneth N. Carstens asserts that the most valuable part of *No Neutral Ground* “lies in the vivid and moving glimpses it gives of the great and heroic people whose dignity and humanity dwarf the tragedy, humiliation and pain which the pusillanimous gnomes of apartheid impose upon them”.<sup>170</sup>

There are also references to Mendel Levin in two books written by the late Bizos: *Odyssey to Freedom* and *65 Years of Friendship: A memoir of my friendship with Nelson Mandela* (2017).<sup>171</sup> In a similar manner to *No Neutral Ground*, both of these books fall into the category of history of the struggle against the apartheid regime and contain brief, but important, references to Mendel Levin that provide valuable insights into his career as an attorney as well as his reputation as a member of the NP. Like *Odyssey to Freedom*, the references to Mendel Levin found in *65 Years of Friendship* are rather telling and provide crucial insights.

*Nelson Mandela: A Biography* also contains a brief reference to Mendel Levin.<sup>172</sup> Although this reference is fleeting, it provides more insight into the characters of Moosa Dinath and Maud Katzellenbogen,<sup>173</sup> who both play a key role in the legal and political life of Mendel Levin. Similarly, the biography of Arthur Chaskalson titled, *And Justice For All: Arthur Chaskalson and the Struggle for Equality in South Africa* (2020)<sup>174</sup> by Stephen Ellmann also contains a few brief but telling references to Mendel Levin.

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<sup>168</sup> J. Carlson, *No Neutral Ground*, p. 262.

<sup>169</sup> T. Gibbs, ‘Mandela, Human Rights and the Making of South Africa’s Transformative Constitution’, *Journal of Southern African Studies* 45(6), 2019, p. 1133.

<sup>170</sup> K.N. Carstens, ‘No Neutral Ground by Joel Carlson’, *Africa Today* 21(2), 1974, p. 88.

<sup>171</sup> G. Bizos, *65 Years of Friendship: A memoir of my friendship with Nelson Mandela*, Umuzi (an imprint of Penguin Random House South Africa), Cape Town, 2017.

<sup>172</sup> M. Meredith, *Nelson Mandela*, p. 307.

<sup>173</sup> M. Meredith, *Nelson Mandela*, p. 307.

<sup>174</sup> S. Ellmann, *And Justice For All: Arthur Chaskalson and the Struggle for Equality in South Africa*, NewSouth Books, Montgomery, 2020, pp. 72-73.

In addition to *Community and Conscience*, another book by Shimoni titled, *Jews and Zionism: The South African Experience 1910-1967* (1980),<sup>175</sup> also mentions Mendel Levin as well as his son, Dr Aubrey Levin. Unlike *No Neutral Ground*, *Odyssey to Freedom*, *65 Years of Friendship*, and *Mandela: A Biography*, the references to Mendel Levin and his son in these two books focus on their affiliation to the NP and their Jewish identity. References such as these also indicate that the political opinions of Mendel Levin, as well as his son, may have largely differed from that of their broader religious community. This will become apparent in the next chapters.

The recently published *Winnie and Nelson: Portrait of a Marriage* (2023) by Jonny Steinberg<sup>176</sup> also contains references to Mendel Levin. *Winnie and Nelson* provides a biographical overview of the marriage between Nelson and Winnie Mandela. References to Mendel Levin have also been found in a few biographical works that explore the life of Winnie Mandela as well as an autobiographical book written by Winnie Mandela. *491 Days: Prisoner number 1323/69*.<sup>177</sup> This is an account of her time whilst imprisoned in 1969 and 1970 and includes personal documents of hers, such as entries from a journal that she kept whilst being detained and letters that were exchanged between Winnie Mandela, her husband, Nelson Mandela, attorneys and other individuals. *Winnie Mandela: A Life* by Anné Marië du Preez Bezdrob (2004)<sup>178</sup> is a biographical study which outlines the life history of Winnie Mandela. Like du Preez Bezdrob's biography, *The Lady: the life and times of Winnie Mandela* by Emma Gibley (1994),<sup>179</sup> provides a biographical overview of Winnie Mandela's life. All three of these books contain references to Mendel Levin, specifically during his time as Winnie Mandela's attorney in 1969.

Although short and occasionally fragmented, these references are significant as they depict the character of Mendel Levin as well as the contradictions and contortions of his life. Through the use of such materials, this study aims to construct and analyse the checkered life and career of Mendel Levin.

## Conclusion

This chapter examined a selection of key texts on biographies in South Africa post-1994. After considering biography as a genre, the literature on the South African Jewish community and their

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<sup>175</sup> G. Shimoni, *Jews and Zionism: The South African Experience (1910-1967)*, Oxford University Press, Cape Town, 1980.

<sup>176</sup> J. Steinberg, *Winnie and Nelson: Portrait of a Marriage*, Jonathan Ball Publishers, Johannesburg, 2023.

<sup>177</sup> W. Madikizela-Mandela, *491 Days: Prisoner number 1323/69*, Picador Africa, Johannesburg, 2013.

<sup>178</sup> A.M. du Preez Bezdrob, *Winnie Mandela: A Life*, Zebra Press, Cape Town, 2004.

<sup>179</sup> E. Gibley, *The Lady: the life and times of Winnie Mandela*, Vintage, London, 1994.

experience during twentieth-century South Africa was reviewed. Secondly, an example of biographical literature that was published on individuals in the anti-apartheid struggle and the NP was appraised. Furthermore, the last section indicated where biographical references have been made to Mendel Levin in other biographical works of literature. Overall, this biographical literature review has highlighted the effectiveness of the biography genre as an historical medium, in which the life of the biography's subject acts as a lens through which the past is viewed. Additionally, this literature review has identified primary strengths of the biography genre, one of the most significant being the sensitivity and awareness of the biographer for the social, political and historical contexts in which the biography's subject existed.



## Chapter 3: Background

### Introduction

This chapter presents an overview of key events in twentieth-century South Africa which form a background to South African Jewish history. In particular, it considers the development of the apartheid state under the NP and how this impacted the South African Jewish community. It thus provides historical context for the period of Mendel Levin's life.

### History of the South African Jewish Community

The beginning of a meaningful Jewish presence in South Africa can be traced back to the last quarter of the nineteenth century.<sup>1</sup> From the late 1880s, there was a significant number of Eastern European Jews in the South African region, specifically in the Cape Colony.<sup>2</sup> This influx from Eastern Europe was a result of both the “pull of the mineral discoveries in the Transvaal”, and the push of the “anti-Semitic policies of Tsarist Russia”.<sup>3</sup> Leaders of the Russian empire became alarmed “at the widespread breakdown of public order” which became evident in the pogroms<sup>4</sup> that took place between 1881 and 1882. They “did not hesitate to blame the Jews themselves”, as they believed that the “exploitation of the peasants” by Jewish individuals was “now reaping its bitter fruit”.<sup>5</sup> Soon after, the government embarked on a “repressive battle against” the Russian Jewish population and implemented “intensely anti-Jewish” policies and legislation.<sup>6</sup> The “tsarist bureaucracy was rife with anti-semites”.<sup>7</sup> The pogroms in Russia that “sparked an influx of Jewish immigration”<sup>8</sup> emerged in “three great waves” between the years of 1881-1884, 1905-1906 and 1917-1921.<sup>9</sup> Over time, these pogroms became “bloodier”<sup>10</sup> and more violent.

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<sup>1</sup> G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 6.

<sup>2</sup> E. Bradlow, ‘Anti-Semitism in the 1930s: Germany and South Africa’, *Historia* 49(2), 2004, p. 48.

<sup>3</sup> E. Bradlow, ‘Anti-Semitism in the 1930s: Germany and South Africa’, *Historia* 49(2), 2004, p. 48.

<sup>4</sup> B. Nathans, *Beyond the Pale: The Jewish Encounter with Late Imperial Russia*, University of California Press, Berkeley, 2002, p. 196; Although there is no fixed definition of the term “pogrom”, it generally refers to the anti-Jewish riots: D. Gaunt, J. Dekel-Chen, N.M. Meir & I. Bartal, ‘Introduction’, in J. Dekel-Chen, D. Gaunt & N.M. Meir (eds) *Anti-Jewish Violence: Rethinking the Pogrom in Eastern European History*, Indiana University Press, Bloomington, 2010, p. 4; D. Engel, ‘What’s in a Pogrom? European Jews in the Age of Violence’, in J. Dekel-Chen, D. Gaunt & N.M. Meir (eds) *Anti-Jewish Violence: Rethinking the Pogrom in Eastern European History*, Indiana University Press, Bloomington, 2010, p. 19.

<sup>5</sup> B. Nathans, *Beyond the Pale*, p. 196.

<sup>6</sup> B. Horowitz, *Russian Idea--Jewish Presence: Essays on Russian Jewish Intellectual Life*, Academic Studies, Brighton, 2013, p. 113.

<sup>7</sup> S. Lambroza, ‘The Tsarist Government and the Pogroms of 1903-06’, *Modern Judaism* 7(3), 1987, p. 288.

<sup>8</sup> M. Shain, *The Roots of Antisemitism*, p. 12.

<sup>9</sup> A.S. Lindemann & R.S. Levy (eds), *Antisemitism: A History*, Oxford University Press, New York, 2010, p. 177.

<sup>10</sup> A.S. Lindemann & R.S. Levy (eds), *Antisemitism: A History*, p. 177.



Other Jewish immigrants who came to South Africa during what is known as the “broad wave”<sup>11</sup> of Jewish immigration were refugees who were trying to escape the “oppressive conditions” in countries such as Poland, Lithuania and Latvia.<sup>12</sup> For those leaving Eastern Europe, specifically the “Litvaks” (Jewish individuals of Lithuanian origin),<sup>13</sup> there were “immediate incentives” to migrate.<sup>14</sup> The term “Litvaks” originates from “Yiddish speech, folklore and literature” and referred to Jewish people from “the northwestern region of the Pale of Settlement”.<sup>15</sup> In this region of the Russian empire, the Jewish population was “confined in terms of copious restrictive laws and regulations”.<sup>16</sup> The immediate incentives to migrate included the “increasing formal restrictions”<sup>17</sup> on the Jewish community and the attendant increase in anti-Semitism in the region.<sup>18</sup> South Africa was “the target destination” for this Jewish community, specifically those from Lithuania who saw South Africa as *di goldene medina* (the golden country).<sup>19</sup> It is estimated that around 40 000 Jewish people immigrated to South Africa from Eastern Europe between 1880 and 1914.<sup>20</sup> Furthermore, about 20 000 of these immigrants settled in the Witwatersrand region (also known as the Rand), which is located in the Transvaal (the present-day province of Gauteng).<sup>21</sup> When on the Rand, Jewish immigrants opened retail businesses, hotels, wholesale and manufacturing businesses, kept livestock, were involved in solicitation and “moved into the professions”.<sup>22</sup>

The 1910s also saw the establishment of numerous organisations that are important to both South African Jewish history as well as South African history as a whole. In the aftermath of the South African War (1899-1902), the Constitution of 1909 led to the “formal inception”<sup>23</sup> of the Union of South Africa in 1910.<sup>24</sup> The general election in 1910 was won by the South African Party (SAP) which

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<sup>11</sup> G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 3.

<sup>12</sup> T. Adler, ‘Lithuania’s Diaspora: The Johannesburg Jewish Workers’ Club, 1928-1948’, *Journal of Southern African Studies* 6(1), Special Issue on Urban Social History, 1979, p. 71.

<sup>13</sup> D.J. Elazar, ‘Jewish Frontier Experiences in the Southern Hemisphere: The Cases of Argentina, Australia, and South Africa’, *Modern Judaism* 3(2), 1983, p. 138.

<sup>14</sup> D. Heisel, ‘Reviewed Work(s): Worlds Apart: The Re-Migration of South African Jews by Colin Tatz, Peter Arnold and Gillian Heller’, *The International Migration Review* 43(1), 2009, p. 230.

<sup>15</sup> G. Shimoni, *Community and Conscience*, p. 2.

<sup>16</sup> G. Shimoni, *Community and Conscience*, p. 2.

<sup>17</sup> D. Heisel, ‘Reviewed Work(s): Worlds Apart: The Re-Migration of South African Jews by Colin Tatz, Peter Arnold and Gillian Heller’, *The International Migration Review* 43(1), 2009, p. 230.

<sup>18</sup> D. Heisel, ‘Reviewed Work(s): Worlds Apart: The Re-Migration of South African Jews by Colin Tatz, Peter Arnold and Gillian Heller’, *The International Migration Review* 43(1), 2009, p. 230.

<sup>19</sup> M. Leveson, ‘The Wandering Jew - South African Jewish Writing: Where to Now?’, *Journal for Semitics* 19(1), 2010, p. 264.

<sup>20</sup> W. Beinart, *Twentieth-Century South Africa*, Oxford University Press, Oxford, 2001, p. 74.

<sup>21</sup> W. Beinart, *Twentieth-Century South Africa*, p. 74.

<sup>22</sup> W. Beinart, *Twentieth-Century South Africa*, p. 74.

<sup>23</sup> E.A. Tiryakian, ‘Apartheid and Politics in South Africa’, *The Journal of Politics* 22(4), 1960, p. 683.

<sup>24</sup> C.J. Makgala, ‘Bid to Settle Jewish Refugees from Nazi-Germany in Botswana, 1938-1939’, *Botswana Notes and Records* 36(2006), 2006, p. 20.

was led by Louis Botha and Jan Smuts.<sup>25</sup> Two years after the formation of the Union of South Africa, the South African Jewish Board of Deputies (JBD) was founded, the same year in which the South African Native National Congress (forerunner of the African National Congress [ANC]) was established.<sup>26</sup> Almost since its inception, the JBD implemented a policy of non-involvement in political issues, except if they “impinged upon the rights and interests of Jews”.<sup>27</sup> Along with the South African Zionist Federation that was established in 1895, the JBD was one of the two “main organs of Jewish life”<sup>28</sup> in South Africa.

The NP was founded in January 1914 by James Barry Munnik (J.B.M.) Hertzog, with the objectives of protecting Afrikaner cultural and economic interests and separating South Africa from the British Empire.<sup>29</sup> Four years later, in 1918, the Afrikaner *Broederbond* (which translates to the Afrikaner Brotherhood or “Band of Brothers”)<sup>30</sup> was established.<sup>31</sup> This was a secret Afrikaner nationalist society that was committed to the promotion and advancement of Afrikaner interests<sup>32</sup> and aimed to mobilise “political support”.<sup>33</sup> The organisation was controlled by Afrikaner intellectuals and members of the clergy from the Transvaal province,<sup>34</sup> and was dismayed at the increasing problem of “poor whites”.<sup>35</sup> The *Broederbond* was active in, and intent on, organising initiatives to “enhance the position”<sup>36</sup> of Afrikaners at the expense of other cultural groupings and races, including the Jewish communities.

Segregationist ideology became firmly entrenched in the 1920s, and emphasised “retribalization”.<sup>37</sup> In this sense, the term, “retribalization” refers to attempts “to “return” indigenous Africans to older, precolonial modes of living”.<sup>38</sup> These attempts first began in South Africa in the early twentieth

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<sup>25</sup> L. Thompson, *A History of South Africa*, Revised Edition, Yale University Press, New Haven, 1996, p. 157.

<sup>26</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon* (1960-) 32(2), 2<sup>nd</sup> Qtr., 1971, p. 125.

<sup>27</sup> G. Shimoni, *Jews and Zionism*, p. 76.

<sup>28</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon* (1960-) 32(2), 2<sup>nd</sup> Qtr., 1971, p. 125.

<sup>29</sup> L. Thompson, *A History of South Africa*, p. 158; A Żukowski, ‘The Union of South Africa Towards the Outbreak of the Second World War’, *Politeja* 42(African Studies), 2016, p. 19.

<sup>30</sup> M. Shain, *A Perfect Storm*, p. 46.

<sup>31</sup> N. Worden, *The Making of Modern South Africa: Conquest, Apartheid, Democracy*, John Wiley & Sons, Hoboken, 2012, p. 98.

<sup>32</sup> D. Posel, ‘The Apartheid Project, 1948-1970’, in R. Ross, A. Kelk Mager, & B. Nasson (eds) *The Cambridge History of South Africa Volume 2 1885-1994*, Cambridge University Press, Cambridge, 2012, p. 326.

<sup>33</sup> N. Worden, *The Making of Modern South Africa*, p. 98.

<sup>34</sup> N. Worden, *The Making of Modern South Africa*, p. 98.

<sup>35</sup> M. Shain, *A Perfect Storm*, p. 46.

<sup>36</sup> M. Shain, *A Perfect Storm*, p. 46.

<sup>37</sup> N. Worden, *The Making of Modern South Africa*, p. 85.

<sup>38</sup> V.J. Collis-Buthelezi, ‘UNDER THE AEGIS OF EMPIRE: Cape Town, Victorianism, and Early-Twentieth-Century Black Thought’, *Callaloo* 39(1), 2016, p. 130.

century.<sup>39</sup> Additionally, the 1920s saw an increase in the number of Eastern European Jews who immigrated to South Africa.<sup>40</sup> This led to the characterisation of immigrants from Eastern Europe as being “unassimilable”,<sup>41</sup> which questioned the inability and potential to integrate into broader South African society.<sup>42</sup> The notion of Jewish unassimilability increasingly controlled debates regarding immigration legislation and restriction.<sup>43</sup> It is important to note the essential function that anti-semitism served within Afrikaner society.<sup>44</sup> According to historian Milton Shain, the notion of Jewish individuals as being aliens or outsiders aided to “consolidate an all-embracing Afrikaner identity”.<sup>45</sup> Shain further asserts that anti-semitism allowed “class divisions and antagonisms” to be blurred within Afrikaner society.<sup>46</sup>

Furthermore, due to the Russian Revolution of 1917,<sup>47</sup> Jewish people in South Africa who came from Eastern Europe and Russia were also associated with Bolshevism.<sup>48</sup> Bolshevism was essentially a “labour movement” that was intent on disseminating Vladimir Lenin’s “interpretation of Karl Marx’s theories of communism and the revolutionary impulse”.<sup>49</sup> Consequently, the Rand Revolt of 1922 contributed towards the crystallisation of what Shain terms an “unspecified and unstructured attitude” towards the Jewish community in South Africa.<sup>50</sup> The Rand Revolt was a violent confrontation between the state and white mine workers,<sup>51</sup> and was predominantly led by “Afrikaner commandos”.<sup>52</sup> During the Rand Revolt in 1922, socialist ideologies spread and “a broader revolt developed”.<sup>53</sup> Furthermore, “allegations were made” that blamed “‘Bolshevik’ Russian Jews” for giving rise to the Revolt.<sup>54</sup> The Rand Revolt was a “manifestation of class conflict” in which the recently urbanised Afrikaner proletariat united with the entrenched English-speaking working class.<sup>55</sup>

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<sup>39</sup> V.J. Collis-Buthelezi, ‘UNDER THE AEGIS OF EMPIRE: Cape Town, Victorianism, and Early-Twentieth-Century Black Thought’, *Callaloo* 39(1), 2016, p. 130.

<sup>40</sup> E. Bradlow, ‘Anti-Semitism in the 1930s: Germany and South Africa’, *Historia* 49(2), 2004, p. 48.

<sup>41</sup> M. Shain, *A Perfect Storm*, p. 19.

<sup>42</sup> M. Shain, *The Roots of Antisemitism*, p. 99.

<sup>43</sup> Such as legislation pertaining specifically to “aliens”; M. Shain, *A Perfect Storm*, p. 19.

<sup>44</sup> M. Shain, *Antisemitism*, Bowerdean Briefings Series, Bowerdean Publishing Company, London, 1998, p. 81.

<sup>45</sup> M. Shain, *Antisemitism*, p. 81.

<sup>46</sup> M. Shain, *Antisemitism*, p. 81.

<sup>47</sup> D. Dumitru, *The State, Antisemitism, and Collaboration in the Holocaust: the Borderlands of Romania and the Soviet Union*, Cambridge University Press, New York, 2016, p. 29.

<sup>48</sup> M. Shain, *The Roots of Antisemitism*, p. 143.

<sup>49</sup> C.C. Northrup (ed.) *Encyclopedia of World Trade: From Ancient Times to the Present*, Routledge, New York, 2015, p. 113.

<sup>50</sup> M. Shain, *The Roots of Antisemitism*, p. 106.

<sup>51</sup> M. Shain, *A Perfect Storm*, p. 19.

<sup>52</sup> T.H.R. Davenport & C. Saunders, *South Africa: A Modern History*, Fifth Edition, Palgrave Macmillan, Basingstoke, 2000, p. 333.

<sup>53</sup> W. Beinart, *Twentieth-Century South Africa*, p. 84.

<sup>54</sup> G. Shimoni, *Jews and Zionism*, p. 89.

<sup>55</sup> C. Bloomberg, *Christian Nationalism and the Rise of the Afrikaner Broederbond in South Africa 1918-1948*, Macmillan Press, London, 1990, p. 72.

However, for the Afrikaner labourers, this was not only an economic battle, but was also a national struggle against the force of “foreign English-speaking capital”.<sup>56</sup> The Rand Revolt of 1922 “marked an early realisation that Nationalist and class interests” concurred.<sup>57</sup> Furthermore, the Revolt also signified an early awareness that “the mining magnates embodied” the power of foreign British imperialism which were “oppressing the Afrikaner”.<sup>58</sup> Therefore, the “continued existence of the Afrikaner People” became affiliated with the preservation of “white civilisation”,<sup>59</sup> and Afrikaners feared “communist inroads”, and therefore, a Bolshevik strike, as such ideologies were considered a threat to Afrikaner self-preservation and “Afrikaner unity”.<sup>60</sup>

During the Revolt and its aftermath,<sup>61</sup> which was dubbed the “Bolshevik revolt”,<sup>62</sup> this negative stereotype of Jewish individuals was further entrenched.<sup>63</sup> Shain asserts that associating the Jewish community in South Africa with Bolshevism “was a way of dealing with ideological conflict and opposition”.<sup>64</sup> Furthermore, he states that “focusing upon the Jew” was a means of advancing “political and/or ideological interests” and it was possible to utilise the Jewish community in this manner because they “had earlier been perceived as the archetypal subversive outsider”.<sup>65</sup> In addition, the “fear of Bolshevik Russia was tied to the old fears about the preservation” of white society and civilisation in South Africa.<sup>66</sup> Politicians such as D.F. Malan became increasingly concerned about “the effect that foreign evils” such as socialism and Bolshevism “would have on the Afrikaners’ national character”.<sup>67</sup> The term, “national character” was interchangeable with German philosophers such as Johann Gottlieb Fichte, who was “synonymous with German nationalism”.<sup>68</sup>

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<sup>56</sup> C. Bloomberg, *Christian Nationalism and the Rise of the Afrikaner Broederbond*, p. 72.

<sup>57</sup> C. Bloomberg, *Christian Nationalism and the Rise of the Afrikaner Broederbond*, p. 72.

<sup>58</sup> C. Bloomberg, *Christian Nationalism and the Rise of the Afrikaner Broederbond*, p. 72.

<sup>59</sup> T. Dunbar Moodie, *The Rise of Afrikanerdom: Power, Apartheid, and the Afrikaner Civil Religion*, University of California Press, Los Angeles, 1975, p. 248.

<sup>60</sup> M. Shain, *A Perfect Storm*, p. 156.

<sup>61</sup> M. Shain, ‘The Foundations of Antisemitism in South Africa: Images of the Jew c. 1870-1930’, Doctor of Philosophy (History) Thesis, University of Cape Town, Cape Town, 1990, p. 265.

<sup>62</sup> M. Shain, *A Perfect Storm*, p. 19.

<sup>63</sup> M. Shain, *The Roots of Antisemitism*, p. 111.

<sup>64</sup> M. Shain, ‘The Foundations of Antisemitism in South Africa: Images of the Jew c. 1870-1930’, Doctor of Philosophy (History) Thesis, University of Cape Town, Cape Town, 1990, p. 17.

<sup>65</sup> M. Shain, ‘The Foundations of Antisemitism in South Africa: Images of the Jew c. 1870-1930’, Doctor of Philosophy (History) Thesis, University of Cape Town, Cape Town, 1990, p. 17.

<sup>66</sup> L. Koorts, ‘If neither capitalism nor communism, then what? DF Malan and the National Party’s economic rhetoric, 1895-1954’, *Economic History of Developing Regions* 29(2), 2014, p. 188.

<sup>67</sup> L. Koorts, *DF Malan*, p. 13.

<sup>68</sup> L. Koorts, *DF Malan*, p. 13.

After the collapse of the Rand Revolt, many Afrikaners joined J.B.M. Hertzog's National Party<sup>69</sup> which was primarily concerned with "Afrikaner national feeling" merged with a fear of capitalism and "black competition".<sup>70</sup> Additionally, after the Rebellion, the Labour Party, which had represented the white working class, formed a coalition with Hertzog's NP, in an effort to create feelings of "discontent among disadvantaged whites".<sup>71</sup> Furthermore, this "concern over the plight of poor whites" also enabled Afrikaner ideologues to subscribe to critiques of the capacity of Jewish and English capital with "popular anti-black sentiment".<sup>72</sup> During his time as Prime Minister between 1924 and 1933,<sup>73</sup> Hertzog was able to keep this "racial alliance, known as the Pact government" together. The primary objective of this Government was to preserve "civilised labour", specifically, white workers or "labourers whose standards of living conformed to European standards".<sup>74</sup> This was a dual policy which could join the representatives of white workers with the representatives of Afrikaners who had been "forced out of the countryside by poverty".<sup>75</sup> This union of the representatives of two distinct groups would materialise on the assumption that their material conditions would improve and would be "accompanied by an attachment to Afrikaner nationalism and its attendant institutions".<sup>76</sup>

Feelings of shock and anxiety spread through the South African Jewish community with the introduction of an Immigration Bill on the 28 January 1930.<sup>77</sup> The Quota Act<sup>78</sup> was introduced by the then Minister of the Interior, Malan and directly affected Jewish immigration.<sup>79</sup> In particular, the Act "severely restricted immigration from Greece, Latvia, Lithuania, Poland, Russia and Palestine",<sup>80</sup> and in turn, specifically restricted Jewish immigration to South Africa.<sup>81</sup> Scholars of South African Jewish historiography, such as Edna Bradlow, assert that the implementation of the Quota Act of 1930 indicated a "shift in nature of anti-Semitism"<sup>82</sup> which was produced by Afrikaner nationalist "build-

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<sup>69</sup> I. Berger, *South Africa in World History*, Oxford University Press, Cary, 2009, p. 103; T.H.R. Davenport & C. Saunders, *South Africa*, p. 333.

<sup>70</sup> T. Dunbar Moodie, *The Rise of Afrikanerdom*, p. 97.

<sup>71</sup> I. Berger, *South Africa in World History*, p. 103.

<sup>72</sup> S. Dubow, 'Afrikaner Nationalism, Apartheid and the Conceptualization of 'Race'', *The Journal of African History* 33(2), 1992, p. 215.

<sup>73</sup> I. Berger, *South Africa in World History*, p. 103.

<sup>74</sup> R. Ross, *A Concise History of South Africa*, Cambridge University Press, Cambridge, 1999, p. 105.

<sup>75</sup> R. Ross, *A Concise History of South Africa*, p. 105.

<sup>76</sup> R. Ross, *A Concise History of South Africa*, p. 105.

<sup>77</sup> M. Shain, *The Roots of Antisemitism*, p. 137.

<sup>78</sup> E. Bradlow, 'Anti-Semitism in the 1930s: Germany and South Africa', *Historia* 49(2), 2004, p. 50; For the Quota Act of 1930 see: *Government Gazette Extraordinary*, Vol. LXXIX, No. 1854, Union of South Africa, Cape Town, 12 March 1930, p. xl.

<sup>79</sup> M. Shain, *The Roots of Antisemitism*, p. 137.

<sup>80</sup> L.M. Thomas, 'Skin Lighteners, Black Consumers and Jewish Entrepreneurs in South Africa', *History Workshop Journal* 73(Spring 2012), 2012, p. 261.

<sup>81</sup> G. Shimoni, 'South African Jews and the Apartheid Crisis', *The American Jewish Year Book* 88(1988), 1988, p. 7.

<sup>82</sup> E. Bradlow, 'Anti-Semitism in the 1930s: Germany and South Africa', *Historia* 49(2), 2004, p. 50.



up”.<sup>83</sup> Although the Quota Act achieved its purpose after Adolf Hitler came to power in Germany in 1933, a “new situation” developed and a mass emigration of Jewish people occurred.<sup>84</sup> In 1936 there was a “rapid and significant” increase in the number of Jewish immigrants who came to South Africa.<sup>85</sup> This increase resulted in “heightened” anti-semitism by the NP.<sup>86</sup> Furthermore, the 1930s also saw the first emergence of the use of the term “apartheid” by Afrikaner intellectuals.<sup>87</sup> This further epitomised Afrikaner nationalism in its drive for self-preservation and survival as a distinctive feature of the ideology of apartheid was “its attempt to reconcile the demands for white survival and justice”.<sup>88</sup> The ideology of apartheid was grafted as a “survival plan” which “would produce much greater unity” as it operated within Afrikaner nationalism.<sup>89</sup> Additionally, as a result of “the divine election of Afrikanerdom”, anything that appeared to be a threat to “Afrikaner separateness became demonic”.<sup>90</sup> By the mid-1930s, the “first secular formations”<sup>91</sup> of what would later become the apartheid regime and ideology had begun to take form.

Pursuing this line of exclusion, just over a half dozen years later, on 1 February 1937, the South African Aliens’ Act that was adopted instituted an “entirely new system of controlling immigration”.<sup>92</sup> The Act made the ability of assimilation into the white population of the Union of South Africa the “basis for its immigration policy”.<sup>93</sup> This Act further restricted admittance into the Union.<sup>94</sup> The previously mentioned notion of “Jewish unassimilability” had become popular in Afrikaner nationalist groups during this time,<sup>95</sup> and questioned the possibility of the integration of Jewish individuals into society.<sup>96</sup> The authority of Malan in the Afrikaner nationalist movement was perceived as a threat to the South African Jewish community.<sup>97</sup>

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<sup>83</sup> E. Bradlow, ‘Anti-Semitism in the 1930s: Germany and South Africa’, *Historia* 49(2), 2004, p. 50.

<sup>84</sup> G.C. Cuthbertson, ‘Jewish Immigration as an Issue in South African Politics, 1937-39’, *Historia* 26(2), 1981, p. 119.

<sup>85</sup> C.J. Makgala, ‘Bid to Settle Jewish Refugees from Nazi-Germany in Botswana, 1938-1939’, *Botswana Notes and Records* 36(2006), 2006, p. 24.

<sup>86</sup> C.J. Makgala, ‘Bid to Settle Jewish Refugees from Nazi-Germany in Botswana, 1938-1939’, *Botswana Notes and Records* 36(2006), 2006, p. 24.

<sup>87</sup> L. Thompson, *A History of South Africa*, p. 186.

<sup>88</sup> H. Giliomee, *The Afrikaners: Biography of a People*, Tafelberg, Cape Town, 2003, p. 417; H. Giliomee, *The Afrikaners*, p. 461.

<sup>89</sup> H. Giliomee, *The Afrikaners*, p. 446.

<sup>90</sup> T. Dunbar Moodie, *The Rise of Afrikanerdom*, p. 15.

<sup>91</sup> H. Giliomee, *The Afrikaners*, p. 464.

<sup>92</sup> R.G. Weisbord, ‘The Dilemma of South African Jewry’, *The Journal of Modern African Studies* 5(2), 1967, p. 234.

<sup>93</sup> M. Wischnitzer, ‘Jewish Emigration from Germany 1933-1938’, *Jewish Social Studies* 2(1), 1940, p. 29.

<sup>94</sup> M. Wischnitzer, ‘Jewish Emigration from Germany 1933-1938’, *Jewish Social Studies* 2(1), 1940, p. 35.

<sup>95</sup> S. Gilbert & D. Posel, ‘The Holocaust, Apartheid, and Contemporary South African Jewish Perspectives on Victimhood’, *Journal of Jewish Identities* 14(2), 2021, p. 157.

<sup>96</sup> S. Gilbert & D. Posel, ‘The Holocaust, Apartheid, and Contemporary South African Jewish Perspectives on Victimhood’, *Journal of Jewish Identities* 14(2), 2021, p. 157.

<sup>97</sup> E. Bradlow, ‘Anti-Semitism in the 1930s: Germany and South Africa’, *Historia* 49(2), 2004, p. 50.

As a result of the Aliens Act of 1937 and increasing anti-semitism within the NP, at the NP's congress in October 1937,<sup>98</sup> the Party's Transvaal Branch "excluded Jews from membership".<sup>99</sup> This action was followed soon after by other branches of the NP, such as the Natal and Orange Free State,<sup>100</sup> which also banned Jewish individuals from becoming members of the Party. In addition to the implementation of Aliens Act, members of the NP continued to emphasise the notion that Jewish individuals were "undesirable" because they reportedly controlled "the world of business and were propagators of communism".<sup>101</sup>

Additionally, what became known as the "Jewish Question"<sup>102</sup> had made its way from the "political margins of South African public life to its centre".<sup>103</sup> Similar to what was known as the "Native Question" in early twentieth-century South Africa,<sup>104</sup> the "Jewish Question" involved a series of political matters that were believed to have been caused by the Jewish population in South Africa. Also known as the "Jewish issue",<sup>105</sup> the "Jewish Question" harnessed a "festering anti-Jewish feeling"<sup>106</sup> and "fed the appetites of South Africa's anti-Semites".<sup>107</sup> In particular, some South Africans, such as Malan's Purified Nationalists, "chose to focus on" the question surrounding Jewish immigration into South Africa.<sup>108</sup> Other issues that are associated with what was known as the "Jewish Question" include "the well-worn accusations of the "unassimilability" of Jews",<sup>109</sup> and the belief of "Jewish domination of the economy".<sup>110</sup> Shain asserts that the "Jewish question" had been particularly affiliated with "the upward mobility of Jews, as well as with the fear of radical Jewish activism in alliance with the *swart gevaar* (black peril)".<sup>111</sup>

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<sup>98</sup> G. Shimoni, *Community and Conscience*, p. 14.

<sup>99</sup> C. Bloomberg, *Christian Nationalism and the Rise of the Afrikaner Broederbond*, p. 149.

<sup>100</sup> C. Bloomberg, *Christian Nationalism and the Rise of the Afrikaner Broederbond*, p. 149; R.P. Stevens, 'Zionism, South Africa and Apartheid: The Paradoxical Triangle', *Phylon* (1960-) 32(2), 2<sup>nd</sup> Qtr., 1971, p. 128.

<sup>101</sup> C. Bloomberg, *Christian Nationalism and the Rise of the Afrikaner Broederbond*, p. 149.

<sup>102</sup> M. Shain, *A Perfect Storm*, p. 140.

<sup>103</sup> M. Shain, 'Paradoxical ambiguity - D.F. Malan and the "Jewish Question"', *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 65.

<sup>104</sup> G. Cornwell, "'A Teaspoon of Milk in a Bucketful of Coffee: The Discourse of Race Relations in Early Twentieth-Century South Africa', *English in Africa* 38(3), 2011, p. 21.

<sup>105</sup> G. Shimoni, *Jews and Zionism*, p. 168

<sup>106</sup> M. Shain, 'Paradoxical ambiguity - D.F. Malan and the "Jewish Question"', *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 64.

<sup>107</sup> L. Koorts, *DF Malan*, p. 310.

<sup>108</sup> M. Shain, *A Perfect Storm*, p. 110.

<sup>109</sup> M. Shain, 'Paradoxical ambiguity - D.F. Malan and the "Jewish Question"', *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 65.

<sup>110</sup> H. Giliomee, *The Afrikaners*, p. 417.

<sup>111</sup> M. Shain, *A Perfect Storm*, p. 1.



By 1937, the “Jewish Question” had begun to be “utilised for political ends”<sup>112</sup> and had become “firmly entrenched within mainstream white politics”.<sup>113</sup> The first issue of *Die Transvaler* that was published after Hendrik Verwoerd became the editor of the newspaper in 1937<sup>114</sup> included an article under Verwoerd’s name that was titled “The Jewish Question from the Nationalist Point of View”.<sup>115</sup> It claimed that there was “a conflict of interests” between the “disadvantaged Afrikaner majority and a privileged Jewish minority”.<sup>116</sup> Other topics that Verwoerd mentioned in this article included “questionable Jewish commercial morality” and the use of financial wealth and money by the Jewish community to influence the government through the English media and press.<sup>117</sup> Furthermore, this article asserted that “younger generations” of the South African Jewish community were forcing out “Afrikaners in the professions” due to the Jewish domination of the economy.<sup>118</sup>

For the first time in the history of the Union, the “Jewish Question” became a national issue in the parliamentary elections of May 1938.<sup>119</sup> It played a considerable role in the election campaign,<sup>120</sup> and was utilised by the National Party as “a stick” with which “to beat the United Party” (UP).<sup>121</sup> In the 1938 general election, DF Malan employed the “Jewish Question” which was particularly helpful in mobilising support from “marginalised Afrikaners and the urban petit bourgeoisie” who resented the commercial and economic presence of the Jewish community in South Africa.<sup>122</sup> Additionally, in contradiction to their policy of non-involvement in politics, the JBD “openly took a political stand against the *Gesuiwerde* National Party”<sup>123</sup> - the Purified National Party.<sup>124</sup> During the election of 1938, the Purified Nationalists “predictably stressed the Jewish Problem” in their election campaign.<sup>125</sup> The JBD asserted that there had “never been any antagonisms between Jews and the legitimate aspirations of Afrikanerdom”, and that a “specific Jewish issue” had been pulled into the election by a specific political party.<sup>126</sup> The JBD, whilst “acting discreetly”, encouraged members of

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<sup>112</sup> M. Shain, ‘Paradoxical ambiguity - D.F. Malan and the “Jewish Question”’, *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 67.

<sup>113</sup> M. Shain, *The Roots of Antisemitism*, p. 147.

<sup>114</sup> H. Giliomee, *The Afrikaners*, p. 417; H. Giliomee, *The Afrikaners*, p. 416.

<sup>115</sup> M. Shain, *The Roots of Antisemitism*, p. 147.

<sup>116</sup> H. Giliomee, *The Afrikaners*, p. 417.

<sup>117</sup> M. Shain, *The Roots of Antisemitism*, p. 147.

<sup>118</sup> H. Giliomee, *The Afrikaners*, p. 417.

<sup>119</sup> M. Moskowitz, ‘Union of South Africa’, *The American Jewish Year Book* 41(September 14, 1939 to October 2, 1940 / 5700), 1939-1940, p. 240.

<sup>120</sup> M. Moskowitz, ‘Union of South Africa’, *The American Jewish Year Book* 41(September 14, 1939 to October 2, 1940 / 5700), 1939-1940, p. 240.

<sup>121</sup> M. Shain, *A Perfect Storm*, p. 3.

<sup>122</sup> M. Shain, ‘Paradoxical ambiguity - D.F. Malan and the “Jewish Question”’, *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 67.

<sup>123</sup> G. Shimoni, *Jews and Zionism*, p. 152.

<sup>124</sup> G. Shimoni, *Community and Conscience*, p. 11.

<sup>125</sup> M. Shain, *The Roots of Antisemitism*, p. 147.

<sup>126</sup> G. Shimoni, *Jews and Zionism*, p. 152.

the South African Jewish community to aid the “United Party’s candidates in certain critical constituencies” with their campaign and financial assistance.<sup>127</sup> However, when the UP “split over the question of entry into World War II”, some of the candidates who had benefitted from the support of the South African Jewish community “followed Hertzog” into reuniting with Malan’s party.<sup>128</sup> As a result of this, the JBD did not go “so far as to help political candidates, even secretly”<sup>129</sup> ever again. However, the JBD “remained fearful”, as Shain points out: “Afrikaner nationalism had little place for the Jew, who was considered hostile to its political agenda”.<sup>130</sup>

During the 1920s and 1930s, South Africa experienced a great increase in anti-semitic rhetoric and “anti-Jewish immigration actions”.<sup>131</sup> Such discourses and actions echoed a “significant shift in state policy and practice”.<sup>132</sup> In addition, the 1930s also experienced an emergence of paramilitary and totalitarian movements which were both ominous as well as “threatening” to the South African Jewish community.<sup>133</sup> Additionally, during this time, movements that were linked to and inspired by Nazism were founded in South Africa and spread throughout the region.<sup>134</sup> These included the “Greyshirts”, the *Ossewa Brandwag* and *Die Nuwe Orde*.

The South African Christian National Socialist Movement, otherwise known as the “Greyshirts”, was founded in October 1933. The Greyshirts, who took “inspiration from Hitler’s Brown Shirts”,<sup>135</sup> was founded by Louis T. Weichardt, who was an Afrikaner of German descent.<sup>136</sup> The term “Greyshirts” referred to the top part of the uniform worn by those in the “militant sector” or the “advance guard” of the organisation.<sup>137</sup> Those involved in the militant section were responsible for protecting the organisation’s leader and preserving order in political gatherings.<sup>138</sup> Many Afrikaners, particularly from rural areas, responded to the “Nazi-style anti-Semitism”<sup>139</sup> that was adopted by the Greyshirts.

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<sup>127</sup> G. Shimoni, *Jews and Zionism*, p. 152.

<sup>128</sup> G. Shimoni, *Jews and Zionism*, p. 153.

<sup>129</sup> G. Shimoni, *Jews and Zionism*, p. 153.

<sup>130</sup> M. Shain, *A Perfect Storm*, p. 175.

<sup>131</sup> S. Peberdy, *Selecting Immigrants: National Identity and South Africa’s Immigration Policies 1910-2008*, Wits University Press, Johannesburg, 2009, p. 58.

<sup>132</sup> S. Peberdy, *Selecting Immigrants*, p. 58.

<sup>133</sup> E. Bradlow, ‘Anti-Semitism in the 1930s: Germany and South Africa’, *Historia* 49(2), 2004, p. 50.

<sup>134</sup> F.L. Monama, ‘The Second World War and South African society, 1939-1945’, in T. Potgieter & I. Liebenberg (eds) *Reflections on War: Preparedness and Consequences*, African Sun Media, SUN Press, Stellenbosch, 2012, p. 48.

<sup>135</sup> L. Koorts, *DF Malan*, p. 311.

<sup>136</sup> M. Shain, ‘“If It Was So Good, Why Was It So Bad?” The Memories and Realities of Antisemitism in South Africa, Past and Present’, in M. Shain & R. Mendelsohn (eds), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002, p. 85; M. Shain, ‘Paradoxical ambiguity - D.F. Malan and the “Jewish Question”’, *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 65; G. Shimoni, *Community and Conscience*, p. 13.

<sup>137</sup> M. Shain, *The Roots of Antisemitism*, p. 143.

<sup>138</sup> M. Shain, *The Roots of Antisemitism*, p. 143.

<sup>139</sup> E. Bradlow, ‘Anti-Semitism in the 1930s: Germany and South Africa’, *Historia* 49(2), 2004, p. 51.

By 1935, extremists of the Greyshirts had established five “independently branded movements”<sup>140</sup> that operated either as breakaway groups or as newly created movements.<sup>141</sup> The Greyshirts were more a racist organisation than an Afrikaner nationalist group, as notions of “Aryanness” and “Aryanism” were apparent and important in their ideology.<sup>142</sup>

Another group which emerged in 1938 was the *Ossewa Brandwag* (which translates to “ox-wagon sentinel”, and also known as *OB*), an “ostensibly a cultural organisation”.<sup>143</sup> It had fascist tendencies with an “anti-democratic agenda”<sup>144</sup> and during the Second World War (1939-1945) became “increasingly militant”<sup>145</sup> and openly sympathised with Hitler and his objectives.<sup>146</sup> During this time, members of the organisation gave the Nazi salute and wore swastikas.<sup>147</sup> Additionally, the *OB* protested against participation in the War as well as against Jewish people.<sup>148</sup> Organisations such as this became significant in “conducting subversive operations”<sup>149</sup> against the state. According to historian Christoph Marx, the *OB* had three primary aims: to establish national unity (*volksseenheid*); to reject South Africa’s participation in the Second World War; and to establish South Africa as a republic.<sup>150</sup> Although former members of the Greyshirts brought “distinct anti-Semitic tendencies into” the *OB*, Marx claims these tendencies “remained fractional in character”.<sup>151</sup>

*Die Nuwe Orde* (which translates to The New Order)<sup>152</sup> was “another group of anti-democratic Afrikaner nationalists”<sup>153</sup> founded in 1940 by Oswald Pirow.<sup>154</sup> Pirow, who was the son of German

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<sup>140</sup> M. Shain, ‘Paradoxical ambiguity - D.F. Malan and the “Jewish Question”’, *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 65.

<sup>141</sup> M. Shain, ‘Paradoxical ambiguity - D.F. Malan and the “Jewish Question”’, *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 65.

<sup>142</sup> C. Marx, ‘The Ossewabrandwag As a Mass Movement, 1939-1941’, *Journal of Southern African Studies* 20(2), 1994, p. 208.

<sup>143</sup> R.G. Weisbord, ‘The Dilemma of South African Jewry’, *The Journal of Modern African Studies* 5(2), 1967, p. 240; M. Shain, ‘Paradoxical ambiguity - D.F. Malan and the “Jewish Question”’, *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 68; G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 32.

<sup>144</sup> M. Shain, ‘Paradoxical ambiguity - D.F. Malan and the “Jewish Question”’, *Transactions of the Royal Society of South Africa* 72(1), 2017, p. 68.

<sup>145</sup> R.G. Weisbord, ‘The Dilemma of South African Jewry’, *The Journal of Modern African Studies* 5(2), 1967, p. 240.

<sup>146</sup> R.G. Weisbord, ‘The Dilemma of South African Jewry’, *The Journal of Modern African Studies* 5(2), 1967, p. 240.

<sup>147</sup> R.G. Weisbord, ‘The Dilemma of South African Jewry’, *The Journal of Modern African Studies* 5(2), 1967, p. 240.

<sup>148</sup> G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 32.

<sup>149</sup> F.L. Monama, ‘The Second World War and South African society, 1939-1945’, in T. Potgieter & I. Liebenberg (eds) *Reflections on War: Preparedness and Consequences*, African Sun Media, SUN Press, Stellenbosch, 2012, p. 48.

<sup>150</sup> C. Marx, ‘The Ossewabrandwag As a Mass Movement, 1939-1941’, *Journal of Southern African Studies* 20(2), 1994, p. 196.

<sup>151</sup> C. Marx, ‘The Ossewabrandwag As a Mass Movement, 1939-1941’, *Journal of Southern African Studies* 20(2), 1994, p. 209.

<sup>152</sup> G. Shimoni, *Community and Conscience*, p. 15.

<sup>153</sup> G. Shimoni, *Community and Conscience*, p. 15.

<sup>154</sup> S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-1960’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 36.

immigrants, “successfully practised law in Pretoria”<sup>155</sup> and became a member of the National Party in 1924.<sup>156</sup> Five years later, in 1929, Pirow would become the Minister of Justice<sup>157</sup> and also held the position of Minister of Defence.<sup>158</sup> *Die Nuwe Orde* was “avowedly pro-fascist”<sup>159</sup> and was the “most sophisticated of all the antisemitic groups in South Africa”.<sup>160</sup> Pirow prided “himself on original thinking within the national socialist world outlook”<sup>161</sup> and “purported to reject crude antisemitic diatribes”,<sup>162</sup> but his organisation “fundamentally challenged inclusivity”.<sup>163</sup>

During the Second World War and the first few years following it, Smuts was the Prime Minister of the Union (1939 to 1948).<sup>164</sup> Afrikaner anti-semitism had generally “dissipated in the wake of a new push for unity” amongst white South Africans.<sup>165</sup> This was outlined by the abovementioned founder of the Greyshirts, Weichardt, who stated that the Greyshirts “place the saving of White South Africa first”,<sup>166</sup> above the group’s anti-semitic “public references”<sup>167</sup> and policies. Additionally, an historic event occurred a few weeks before the 1948 elections that would particularly influence the attitudes of Nationalists<sup>168</sup> - the formation of the state of Israel on 14 May 1948.<sup>169</sup> In addition, before the NP’s victory in the 1948 elections, the JBD did not falter to promote all “liberal causes”<sup>170</sup> and openly expressed its views on issues of discrimination and colour prejudice.<sup>171</sup>

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<sup>155</sup> D. Katz, ‘Book Review: The opportunist: The political life of Oswald Pirow, 1915-1959 by Alex Mouton’, *Scientia Militaria: South African Journal of Military Studies* 49(1), 2021, p. 123.

<sup>156</sup> D. Katz, ‘Book Review: The opportunist: The political life of Oswald Pirow, 1915-1959 by Alex Mouton’, *Scientia Militaria: South African Journal of Military Studies* 49(1), 2021, p. 124.

<sup>157</sup> F.A. Mouton, “‘All just grandiose plans and talk’: The destruction of Oswald Pirow’s reputation as Minister of Defence, 1940”, *Scientia Militaria, South African Journal of Military Studies* 48(2), 2020, p. 2; See also: F.A. Mouton, *The Opportunist: The Political Life of Oswald Pirow, 1915-1959*, Protea Boekhuis, Pretoria, 2022.

<sup>158</sup> A Żukowski, ‘The Union of South Africa Towards the Outbreak of the Second World War’, *Politeja* 42(African Studies), 2016, p. 20.

<sup>159</sup> S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-1960’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 36.

<sup>160</sup> G. Shimoni, *Community and Conscience*, p. 15.

<sup>161</sup> G. Shimoni, *Community and Conscience*, p. 15.

<sup>162</sup> G. Shimoni, *Community and Conscience*, p. 15.

<sup>163</sup> M. Shain, *A Perfect Storm*, p. 241.

<sup>164</sup> B. Freund, ‘South Africa: The Union Years, 1910-1948 - Political and Economic Foundations’, in R. Ross, A. Kelk Mager, & B. Nasson (eds) *The Cambridge History of South Africa Volume 2 1885-1994*, Cambridge University Press, Cambridge, 2012, p. 216.

<sup>165</sup> S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-1960’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 46.

<sup>166</sup> S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-1960’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 46.

<sup>167</sup> S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-1960’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 46.

<sup>168</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 126.

<sup>169</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 126.

<sup>170</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 129.

<sup>171</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 129.

The year 1948 was a “critical turning point” in both the history of South Africa as well as for the South African Jewish community.<sup>172</sup> After the NP’s victory, the reaction of the Jewish community in South Africa was one of “shock and anxiety”.<sup>173</sup> The NP utilised the control it had over the government to achieve both white racial objectives and Afrikaner ethnic aims.<sup>174</sup> By this time the *Broederbond* had already established “an institutional presence and influence in the country”.<sup>175</sup> It is of interest to note that eight of the nine Jewish individuals elected to Parliament in 1948 belonged to the United Party.<sup>176</sup> Those who belonged to the United Party were: H. Gluckman; M. Kentridge; M. Sonnenberg; A. Davis; B. Friedman; A. Bloomberg; Bertha Solomon and A. Robinson.<sup>177</sup> H. Davidoff was the Jewish individual from the Labour Party who was elected to Parliament in 1948.<sup>178</sup> It is also interesting to note that by 1948, 99 percent of South African Jews were affiliated with Zionism.<sup>179</sup>

After the NP’s electoral victory in 1948, the JBD “dictated a new practice”<sup>180</sup> which permitted political involvement in support of “the liberal, democratic” political sector.<sup>181</sup> However, the JBD generally stayed faithful to its original policy of non-involvement.<sup>182</sup> In 1948, S.M. Kuper, the chairman of the JBD’s Executive Council,<sup>183</sup> issued a statement that declared:

The Board of Deputies takes no part whatever in the party-political struggle. Party politics are entirely beyond its province. The Board is concerned only to protect the Jewish community against discrimination or any interference with their rights as citizens. The position of the individual Jew is, of course, entirely different. As a citizen it is both his right and his duty to play his part in the political life of the country, in terms of his own viewpoint and party affiliation.<sup>184</sup>

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<sup>172</sup> G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 10.

<sup>173</sup> S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-1960’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 45.

<sup>174</sup> L. Thompson, *A History of South Africa*, p. 188.

<sup>175</sup> D. Posel, ‘The Apartheid Project, 1948-1970’, in R. Ross, A. Kelk Mager, & B. Nasson (eds) *The Cambridge History of South Africa Volume 2 1885-1994*, Cambridge University Press, Cambridge, 2012, p. 326.

<sup>176</sup> G. Shimoni, *Jews and Zionism*, p. 156.

<sup>177</sup> G. Shimoni, *Jews and Zionism*, p. 388.

<sup>178</sup> G. Shimoni, *Jews and Zionism*, p. 388.

<sup>179</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 125.

<sup>180</sup> G. Shimoni, *Community and Conscience*, p. 17.

<sup>181</sup> G. Shimoni, *Jews and Zionism*, p. 155.

<sup>182</sup> G. Shimoni, *Jews and Zionism*, p. 155.

<sup>183</sup> G. Shimoni, *Jews and Zionism*, p. 395; G. Shimoni, *Jews and Zionism*, p. 210; G. Shimoni, *Jews and Zionism*, p. 209.

<sup>184</sup> G. Shimoni, *Jews and Zionism*, p. 210.



As the work of historian Shimoni indicates, the political behaviour of South African Jewry during apartheid can be organised into “two facets”.<sup>185</sup> The first consists of the “extraordinary prominence” of Jewish individuals in the “radical and liberal streams of political opposition to the apartheid system”.<sup>186</sup> The second facet includes those who avoided association with such “streams on part of the vast majority” of South African Jewry and their propensity to gather around a position in the “white political spectrum” which would generally be inclined to the left.<sup>187</sup>

### First Phase of Apartheid

In his 2000 book title *The History of South Africa*,<sup>188</sup> author and academic Roger B. Beck identifies three phases of the apartheid regime. He asserts that the first phase of apartheid began with the NP’s victory in the 1948 election and lasted until 1959 when the apartheid state introduced “separate development and self-government for the African Reserves”.<sup>189</sup> This first phase saw the ideology of apartheid become legislation and is known as the phase of “*baaskap*”<sup>190</sup> (which translates to White supremacy) or the “classical”<sup>191</sup> phase. This is also the phase when all the racially based pieces of discriminatory legislation were introduced, such as the Population Registration Act (1950), the Group Areas Act (1950), and the Separate Amenities Act (1953).<sup>192</sup> During this time, the government also began to introduce a range of acts to control and restrict any organisation that it believed had a subversive ideology. As Beck has indicated, the NP government employed its ideologies to rationalise “its reinforced legislative” institutionalisation<sup>193</sup> during the “*baaskap*” phase of apartheid.<sup>194</sup> One such an example of this was the Suppression of Communism Act which was introduced in 1950 that defined communism in broad terms and gave the Minister of Justice authority over any individual who he perceived as furthering “any of the aims of communism”.<sup>195</sup>

The NP’s ban on Jewish membership was lifted in its Transvaal branch in September 1951.<sup>196</sup> As a result of this ban being withdrawn, the JBD issued a statement that argued that the ban should “never

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<sup>185</sup> G. Shimoni, *Community and Conscience*, p. 73.

<sup>186</sup> G. Shimoni, *Community and Conscience*, p. 73.

<sup>187</sup> G. Shimoni, *Community and Conscience*, p. 73.

<sup>188</sup> R.B. Beck, *History of South Africa*, Greenwood Publishing Group, London, 2000.

<sup>189</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>190</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>191</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>192</sup> R. Ross, *A Concise History of South Africa*, pp. 116, 136,

<sup>193</sup> G. Shimoni, *Community and Conscience*, p. 18.

<sup>194</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>195</sup> L. Thompson, *A History of South Africa*, p. 198.

<sup>196</sup> JTA, ‘Welcome Nationalist Lifting of Ban on Jewish Members’, *Daily News Bulletin*, Volume No XVIII, No 189, 27 September 1951, p. 3; S. Gilbert, ‘Jews and the Racial State: Legacies of the Holocaust in Apartheid South Africa, 1945-1960’, *Jewish Social Studies: History, Culture, Society* 16(3), 2010, p. 49.

have been introduced” and “brought no credit to South African public life”.<sup>197</sup> The JBD also “expressed the hope that elimination of the discrimination” caused by this ban would exemplify the “disappearance of the last vestige of the so-called Jewish question” from South African public life.<sup>198</sup> The leader of the UP in the Orange Free State, Dr. Colin Steyn, “welcomed” the lifting of the ban and stated that he “considered the ban a stigma on our public life and to the highest degree undesirable”.<sup>199</sup> Additionally, he also stated that the ban was “a canker on society” and asserted, “We are a small people and we must seek to make friends”.<sup>200</sup> This action of allowing Jewish membership was subsequently followed by the NP’s branches in Natal and the Orange Free State.<sup>201</sup> However, according to Shimoni, “very few Jews had supported” the NP in the 1950s and early 1960s.<sup>202</sup>

Furthermore, 1951 also saw the abolishment of British citizenship in the Union.<sup>203</sup> Interestingly, the financial support for the NP by the South African Jewish community increased in the 1950s, while the Jewish financial support for the opposition decreased.<sup>204</sup> S. Kirshner indicates that although the Jewish community in South Africa generally had reservations about the apartheid system, the community’s leadership generally “tended to be conservative and did not rock the boat”.<sup>205</sup> Crucially, the JBD “opted for neutrality”<sup>206</sup> and adhered to a policy of non-involvement in politics.<sup>207</sup> The “communal policy”<sup>208</sup> of political non-involvement was a function of the “collective interests”<sup>209</sup> of the Jewish community in South Africa. As previously indicated, the political behaviour of the South African Jewry during apartheid can be organised into “two facets”.<sup>210</sup> The first consists of the “extraordinary prominence” of Jewish individuals in the “radical and liberal streams of political

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<sup>197</sup> JTA, ‘Welcome Nationalist Lifting of Ban on Jewish Members’, *Daily News Bulletin*, Volume No XVIII, No 189, 27 September 1951, p. 3.

<sup>198</sup> JTA, ‘Welcome Nationalist Lifting of Ban on Jewish Members’, *Daily News Bulletin*, Volume No XVIII, No 189, 27 September 1951, p. 3.

<sup>199</sup> JTA, ‘Welcome Nationalist Lifting of Ban on Jewish Members’, *Daily News Bulletin*, Volume No XVIII, No 189, 27 September 1951, p. 3.

<sup>200</sup> JTA, ‘Welcome Nationalist Lifting of Ban on Jewish Members’, *Daily News Bulletin*, Volume No XVIII, No 189, 27 September 1951, p. 3.

<sup>201</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 128.

<sup>202</sup> G. Shimoni, *Community and Conscience*, p. 125.

<sup>203</sup> D. Posel, ‘The Apartheid Project, 1948-1970’, in R. Ross, A. Kelk Mager, & B. Nasson (eds) *The Cambridge History of South Africa Volume 2 1885-1994*, Cambridge University Press, Cambridge, 2012, p. 326.

<sup>204</sup> R.G. Weisbord, ‘The Dilemma of South African Jewry’, *The Journal of Modern African Studies* 5(2), 1967, p. 238.

<sup>205</sup> S. Kirshner, ‘The Kirschner File: South African Jews and Apartheid’, *The Canadian Jewish News*, 9 December 2004, p. 11.

<sup>206</sup> S. Kirshner, ‘The Kirschner File: South African Jews and Apartheid’, *The Canadian Jewish News*, 9 December 2004, p. 11.

<sup>207</sup> S. Kirshner, ‘The Kirschner File: South African Jews and Apartheid’, *The Canadian Jewish News*, 9 December 2004, p. 11.

<sup>208</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 892.

<sup>209</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 892.

<sup>210</sup> G. Shimoni, *Community and Conscience*, p. 73.



opposition to the apartheid system”.<sup>211</sup> The second facet includes those who avoided association with such “streams on part of the vast majority” of the South African Jewry and their propensity to gather around a position in the “white political spectrum” which would generally be inclined to the left.<sup>212</sup> In addition to this second facet, there was also a disproportionate amount of Jewish participation in the struggle against the apartheid regime.<sup>213</sup> He claims that within the first two decades of NP rule, “Jewish names kept appearing in every facet of the struggle”.<sup>214</sup> Furthermore, scholars of South African Jewish historiography contend that the broader South African Jewish community suffered a “grave dilemma of conscience” during the apartheid era over their “compliance with apartheid itself”.<sup>215</sup> This part of the South African Jewish community would, of course, be the Jewish individuals whose political behaviour fell under the second facet.

In 1958, Verwoerd was elected as Prime Minister,<sup>216</sup> an appointment that was supported by the *Broederbond* who had “actively campaigned for his succession”.<sup>217</sup> As indicated above, as a journalist Verwoerd had previously embodied extreme “totalitarian antisemitic tendencies”.<sup>218</sup> From the start of his political career in 1937, he pursued an independent line that was actively republican, powerfully racist and anti-semitic to a degree.<sup>219</sup> Verwoerd, who was a “Dutch-born nationalist hardliner”,<sup>220</sup> was a “lecturer in psychology”<sup>221</sup> and a professor at the University of Stellenbosch before he began his political career.<sup>222</sup> During the 1920s, Verwoerd studied abroad in Germany,<sup>223</sup> where he became “imbued with “neo-Fichteian” nationalism”<sup>224</sup> which refers to the “Romantic tradition of authoritarian nationalism which drew its inspiration”<sup>225</sup> from the work of German philosopher, Johann Gottlieb Fichte.<sup>226</sup> “Neo-Fichteian” nationalism is characterised by a firmly idealised view of “the nation or

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<sup>211</sup> G. Shimoni, *Community and Conscience*, p. 73.

<sup>212</sup> G. Shimoni, *Community and Conscience*, p. 73.

<sup>213</sup> S. Marks, ‘Apartheid and the Jewish Question’, *Journal of Southern African Studies* 30(4), 2004, p. 894.

<sup>214</sup> G. Shimoni, *Community and Conscience*, p. 125.

<sup>215</sup> G. Shimoni, *Community and Conscience*, p. 52.

<sup>216</sup> L. Thompson, *A History of South Africa*, p. 189; R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon* (1960-) 32(2), 2<sup>nd</sup> Qtr., 1971, p. 128.

<sup>217</sup> N. Worden, *The Making of Modern South Africa*, p. 118.

<sup>218</sup> T.H.R. Davenport & C. Saunders, *South Africa: A Modern History*, p. 335.

<sup>219</sup> T.H.R. Davenport & C. Saunders, *South Africa: A Modern History*, p. 339.

<sup>220</sup> D. O’Meara, *Forty Lost Years: The apartheid state and the politics of the National Party, 1948-1994*, Ravan Press, Johannesburg, 1996, p. xxxviii.

<sup>221</sup> C. Marx, ‘Hendrik Verwoerd and the Leipzig School of Psychology in 1926’, *Historia* 58(2), 2013, p. 92.

<sup>222</sup> E. Bradlow, ‘Anti-Semitism in the 1930s: Germany and South Africa’, *Historia* 49(2), 2004, p. 50; C. Marx, ‘Hendrik Verwoerd and the Leipzig School of Psychology in 1926’, *Historia* 58(2), 2013, p. 92.

<sup>223</sup> E. Bradlow, ‘Anti-Semitism in the 1930s: Germany and South Africa’, *Historia* 49(2), 2004, p. 50.

<sup>224</sup> C. Marx, ‘Hendrik Verwoerd and the Leipzig School of Psychology in 1926’, *Historia* 58(2), 2013, p. 91.

<sup>225</sup> S. Dubow, ‘Afrikaner Nationalism, Apartheid and the Conceptualization of ‘Race’’, *The Journal of African History* 33(2), 1992, p. 219.

<sup>226</sup> C. Marx, ‘Hendrik Verwoerd and the Leipzig School of Psychology in 1926’, *Historia* 58(2), 2013, p. 91.

volk as a collective organism with its own distinctive ‘genius’ or soul”.<sup>227</sup> Fichte himself was “notorious for his virulent anti-Judaism” as well as his contribution towards the anti-semitism that evolved in Germany in the late 1900s and “that came to a head with the Nazi destruction of European Jewry”.<sup>228</sup> Ideologies such as “neo-Fichteian” nationalism were brought to South Africa “from the 1930s onwards”<sup>229</sup> by individuals such as Dr. Nico Diedrichs, who was “an important member of the Nationalist party”.<sup>230</sup> Like politicians before them, such as Malan, Verwoerd and other Nationalists who “admired the work of Fichte”, and began to echo Fichte’s convictions involving “classical nationalism”<sup>231</sup> and anti-semitism.

Verwoerd most likely became politically influenced by German scholars during his time at the Psychological Institute in Leipzig.<sup>232</sup> Unlike other German scholars from Hamburg and Berlin who were “drawn by radical nationalism”,<sup>233</sup> the psychologists and academics in Leipzig displayed “rightist political leanings”.<sup>234</sup> As previously mentioned, as the editor of *Die Transvaler*,<sup>235</sup> it was apparent that Verwoerd was “consistently” anti-semitic.<sup>236</sup> During his time as editor he also disseminated a “modified form” of his “neo-Fichteian” views<sup>237</sup> and utilised his newspaper to “maintain that Jews should be regulated to an inferior position in the life” of South Africa.<sup>238</sup> Additionally, during the middle of the 1930s, Verwoerd opposed the immigration of Jewish people from Nazi Germany to South Africa and promoted “the cause of the Poor Whites”.<sup>239</sup> He was appointed by Malan as Minister of Native Affairs in 1950<sup>240</sup> and was later appointed as Prime Minister,<sup>241</sup> a position which he held to his assassination in 1966.<sup>242</sup>

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<sup>227</sup> S. Dubow, ‘Afrikaner Nationalism, Apartheid and the Conceptualization of ‘Race’’, *The Journal of African History* 33(2), 1992, p. 220.

<sup>228</sup> P. Franks, ‘Fichte’s Kabbalistic Realism: Summons as zimzum’, in G. Gottlieb (ed.) *Fichte’s Foundations of Natural Right: A Critical Guide*, Cambridge University Press, Cambridge, 2016, p. 115; P. Franks, ‘Fichte’s Kabbalistic Realism: Summons as zimzum’, in G. Gottlieb (ed.) *Fichte’s Foundations of Natural Right: A Critical Guide*, Cambridge University Press, Cambridge, 2016, p. 116.

<sup>229</sup> S. Dubow, ‘Afrikaner Nationalism, Apartheid and the Conceptualization of ‘Race’’, *The Journal of African History* 33(2), 1992, p. 220.

<sup>230</sup> L. Rubin, ‘Afrikaner Nationalism and the Jews’, *Africa South* 1(3), 1956, p. 28; S. Dubow, ‘Afrikaner Nationalism, Apartheid and the Conceptualization of ‘Race’’, *The Journal of African History* 33(2), 1992, p. 220.

<sup>231</sup> L. Koorts, *DF Malan*, p. 46; L. Koorts, *DF Malan*, p. 47.

<sup>232</sup> C. Marx, ‘Hendrik Verwoerd and the Leipzig School of Psychology in 1926’, *Historia* 58(2), 2013, p. 91.

<sup>233</sup> C. Marx, ‘Hendrik Verwoerd and the Leipzig School of Psychology in 1926’, *Historia* 58(2), 2013, p. 91.

<sup>234</sup> C. Marx, ‘Hendrik Verwoerd and the Leipzig School of Psychology in 1926’, *Historia* 58(2), 2013, p. 91.

<sup>235</sup> R.B. Beck, *History of South Africa*, p. 143.

<sup>236</sup> T.H.R. Davenport & C. Saunders, *South Africa: A Modern History*, p. 336.

<sup>237</sup> D. O’Meara, ‘The Afrikaner Broederbond 1927-1948: Class Vanguard of Afrikaner Nationalism’, *Journal of Southern African Studies* 3(2), 1977, p. 175.

<sup>238</sup> L. Rubin, ‘Afrikaner Nationalism and the Jews’, *Africa South* 1(3), 1956, p. 29.

<sup>239</sup> L. Thompson, *A History of South Africa*, p. 189.

<sup>240</sup> W. Beinart, *Twentieth-Century South Africa*, p. 146.

<sup>241</sup> W. Beinart, *Twentieth-Century South Africa*, p. 146.

<sup>242</sup> R.B. Beck, *History of South Africa*, p. 213.

Verwoerd, who is also known as the “chief architect of apartheid”,<sup>243</sup> has become increasingly associated with apartheid in “its broader perception”.<sup>244</sup> He “dominated policy towards Africans”<sup>245</sup> and was the individual responsible for the implementation of “Grand Apartheid”,<sup>246</sup> as well as the implementation of the policy of “Bantu education”.<sup>247</sup> Interestingly, a deputation from the JBD “extended formal congratulations”<sup>248</sup> to Verwoerd after he was elected as Prime Minister in 1958. This may have been a result of the JBD’s policy of compliance and not wanting to “rock the boat”<sup>249</sup> and aligns with what Shain refers to as “accommodationist”.<sup>250</sup>

The Treason Trial, which was the “longest and most complex political trial”<sup>251</sup> in twentieth-century South African history, epitomised the suppressive actions of the NP government. At the beginning of the Treason Trial in December 1956,<sup>252</sup> 156 individuals were accused of “treason in the form of a conspiracy to overthrow the state by violence” and to replace the apartheid state with a communist state.<sup>253</sup> Out of the 156 accused, 23 were white, more than half of whom were Jewish.<sup>254</sup> Those accused who were Jewish included Ruth First, Joe Slovo and Lionel (also known as “Rusty”) Bernstein.<sup>255</sup> During the most critical period of the Treason Trial, the defence team was led by Israel Maisels, who was a “prominent personality” within the South African Jewish community.<sup>256</sup> Additionally, Sydney Kentridge, whose father was a “notable parliamentarian and Jewish communal leader”,<sup>257</sup> assisted Maisels on the defence team.<sup>258</sup> Importantly, one of the main allegations of the Treason Trial was that those accused had sponsored “a meeting of the Congress of People at Kliptown, Johannesburg”.<sup>259</sup> At this meeting, which was held on 26 June 1955, almost a year and a half prior to

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<sup>243</sup> R.B. Beck, *History of South Africa*, p. 213.

<sup>244</sup> W. Beinart, *Twentieth-Century South Africa*, p. 146.

<sup>245</sup> W. Beinart, *Twentieth-Century South Africa*, p. 146.

<sup>246</sup> D. O’Meara, *Forty Lost Years*, p. 92.

<sup>247</sup> R.B. Beck, *History of South Africa*, p. 213.

<sup>248</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 128.

<sup>249</sup> S. Kirshner, ‘The Kirschner File: South African Jews and Apartheid’, *The Canadian Jewish News*, 9 December 2004, p. 11

<sup>250</sup> M. Shain, *The Roots of Antisemitism*, p. 3.

<sup>251</sup> S. Clingman, ‘Writing the South African Treason Trial’, *Current Writing: Text and Reception in Southern Africa* 22(2), 2010, p. 37.

<sup>252</sup> G. Shimoni, *Community and Conscience*, p. 60.

<sup>253</sup> L.J. Blom-Cooper, ‘The South African Treason Trial: R. v. Adams and Others’, *The International and Comparative Law Quarterly* 8(1), 1959, p. 60.

<sup>254</sup> G. Shimoni, *Community and Conscience*, p. 60.

<sup>255</sup> G. Shimoni, *Community and Conscience*, p. 60.

<sup>256</sup> G. Shimoni, *Community and Conscience*, p. 61.

<sup>257</sup> G. Shimoni, *Community and Conscience*, p. 61.

<sup>258</sup> G. Shimoni, *Community and Conscience*, p. 61.

<sup>259</sup> L.J. Blom-Cooper, ‘The South African Treason Trial: R. v. Adams and Others’, *The International and Comparative Law Quarterly* 8(1), 1959, p. 63.

the arrests of the accused, “the Freedom Charter was adopted”.<sup>260</sup> The Freedom Charter was a document of 1500 words, which was “an attenuated form of declaration of human rights for South Africa”.<sup>261</sup> The Freedom Charter was “adopted by voice vote of the 3,000 people” who were present at the meeting.<sup>262</sup> Those who supported the principles which the Freedom Charter outlined,<sup>263</sup> or who were involved in “the Charterist Movement”.<sup>264</sup> Importantly, the Freedom Charter laid the foundation for “the ideological evolution from armed struggle to constitutional governance”.<sup>265</sup> Pirow, the former Minister of Justice,<sup>266</sup> was called out of “semi-retirement”<sup>267</sup> and was appointed as the chief prosecutor to lead the case for the state.<sup>268</sup> He later passed away in October 1959 before the Treason Trial came to an end<sup>269</sup> and the prosecution was subsequently led by Advocate De Vos.<sup>270</sup> Pirow’s involvement in the Treason Trial is of relevance and interest to this study, given his history with Nazism and his involvement in the founding of the paramilitary organisation, *Die Nuwe Orde* with its anti-semitic stance.

Throughout the second half of the 1950s, the Treason Trial, which captured the attention of the news media both locally and internationally,<sup>271</sup> served to publicise the cause of the “Charterists”. Importantly, the historically significant event known as the Sharpeville Massacre of 1960 occurred while the Treason Trial was ongoing.<sup>272</sup> By the time that the Treason Trial came to an end in 1961,<sup>273</sup> all of the 156 accused were acquitted, including the Jewish accused.<sup>274</sup> It is important to note that in the Treason Trial, “Jews were conspicuous” among the lawyers who “undertook the defence” of those

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<sup>260</sup> L.J. Blom-Cooper, ‘The South African Treason Trial: R. v. Adams and Others’, *The International and Comparative Law Quarterly* 8(1), 1959, p. 63.

<sup>261</sup> L.J. Blom-Cooper, ‘The South African Treason Trial: R. v. Adams and Others’, *The International and Comparative Law Quarterly* 8(1), 1959, p. 63.

<sup>262</sup> G.M. Carter, ‘The Black Experience in South Africa’, *The Wilson Quarterly* 1(3), 1977, p. 59.

<sup>263</sup> M. Burnham, ‘Unbowed and Unbanned: The South African Freedom Charter at Fifty’, *Safundi: The Journal of South African and American Comparative Studies* 6(2), 2005, p. 27.

<sup>264</sup> M. Burnham, ‘Unbowed and Unbanned: The South African Freedom Charter at Fifty’, *Safundi: The Journal of South African and American Comparative Studies* 6(2), 2005, p. 24.

<sup>265</sup> M. Burnham, ‘Unbowed and Unbanned: The South African Freedom Charter at Fifty’, *Safundi: The Journal of South African and American Comparative Studies* 6(2), 2005, p. 24.

<sup>266</sup> T.G. Karis, ‘The South African Treason Trial’, *Political Science Quarterly* 76(2), 1961, p. 226.

<sup>267</sup> T.G. Karis, ‘The South African Treason Trial’, *Political Science Quarterly* 76(2), 1961, p. 226.

<sup>268</sup> T.G. Karis, ‘The South African Treason Trial’, *Political Science Quarterly* 76(2), 1961, p. 226; D. Goldberg, *A Life for Freedom: The Mission to End Racial Injustice in South Africa*, University Press of Kentucky, Lexington, 2016, p. 48.

<sup>269</sup> T.G. Karis, ‘The South African Treason Trial’, *Political Science Quarterly* 76(2), 1961, p. 226.

<sup>270</sup> S. Clingman, ‘Writing the South African Treason Trial’, *Current Writing: Text and Reception in Southern Africa* 22(2), 2010, p. 51.

<sup>271</sup> N. Worden, *The Making of Modern South Africa*, p. 115; G. Shimoni, *Community and Conscience*, p. 60.

<sup>272</sup> S. Clingman, ‘Writing the South African Treason Trial’, *Current Writing: Text and Reception in Southern Africa* 22(2), 2010, p. 53.

<sup>273</sup> P. Landau, ‘The ANC, MK, and ‘The Turn to Violence’ (1960-1962)’, *South African Historical Journal* 64(3), 2012, p. 544.

<sup>274</sup> S. Clingman, ‘Writing the South African Treason Trial’, *Current Writing: Text and Reception in Southern Africa* 22(2), 2010, p. 37.

who fought against the apartheid regime.<sup>275</sup> As mentioned, “the celebrated legal champion of the accused” was Israel Maisels,<sup>276</sup> who was both a distinguished leader in both the Zionist Federation as well as in the JBD.<sup>277</sup> Shimoni asserts that such lawyers “exemplified the liberal conscience of many Jews, especially in the legal profession”.<sup>278</sup> Importantly, Jewish individuals were also prominent in the Treason Trial Defence Fund,<sup>279</sup> which was the primary “fund-raising support effort within South Africa on behalf” of those accused in the Treason Trial.<sup>280</sup> More than “£70,000”<sup>281</sup> was raised for the Treason Trial Defence to support those accused.

In 1956, John Collins, who was a canon of St Paul’s Cathedral in London, founded the Defence and Aid Fund,<sup>282</sup> which was “an outgrowth” of Christian Action which was a group which was “inspired by anti-colonial movements”.<sup>283</sup> As a group, Christian Action engaged “in solidarity action and civil disobedience”.<sup>284</sup> The Defence and Aid Fund, which was originally known as the Treason Trial Defence Fund,<sup>285</sup> was established with the objective of providing and arranging legal support to those who were prosecuted for violating the laws of the apartheid regime as well as to provide support to the families and relatives of “apartheid prisoners”.<sup>286</sup> Additionally, the Defence and Aid Fund “acted as a conduit for funds donated” by individuals, organisations and governments.<sup>287</sup> Under Collins’ leadership, the Defence and Aid Fund became “the key conduit for material support” for anti-apartheid movements.<sup>288</sup>

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<sup>275</sup> G. Shimoni, *Community and Conscience*, p. 66.

<sup>276</sup> G. Shimoni, *Community and Conscience*, p. 111.

<sup>277</sup> G. Shimoni, *Community and Conscience*, p. 61.

<sup>278</sup> G. Shimoni, *Community and Conscience*, p. 66.

<sup>279</sup> G. Shimoni, *Community and Conscience*, p. 61.

<sup>280</sup> G. Shimoni, *Community and Conscience*, p. 61.

<sup>281</sup> L.J. Blom-Cooper, ‘The South African Treason Trial: R. v. Adams and Others’, *The International and Comparative Law Quarterly* 8(1), 1959, p. 59.

<sup>282</sup> G. Klein, ‘The British Anti-Apartheid Movement and Political Prisoner Campaigns, 1973-1980’, *Journal of Southern African Studies* 35(2), 2009, p. 458; M. Lenta, ‘History effaced: the International Defence and Aid Letters’, *Social Dynamics* 34(2), 2008, p. 203.

<sup>283</sup> H. Thörn, ‘Solidarity Across Borders: The Transnational Anti-Apartheid Movement’, *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 17(4), 2006, p. 288.

<sup>284</sup> H. Thörn, ‘Solidarity Across Borders: The Transnational Anti-Apartheid Movement’, *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 17(4), 2006, p. 288.

<sup>285</sup> R. Skinner, ‘The Moral Foundations of British Anti-Apartheid Activism, 1946-1960’, *Journal of Southern African Studies* 35(2), 2009, p. 413.

<sup>286</sup> H. Thörn, ‘Solidarity Across Borders: The Transnational Anti-Apartheid Movement’, *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 17(4), 2006, p. 288.

<sup>287</sup> M. Lenta, ‘History effaced: the International Defence and Aid Letters’, *Social Dynamics* 34(2), 2008, p. 204.

<sup>288</sup> R. Skinner, ‘The Moral Foundations of British Anti-Apartheid Activism, 1946-1960’, *Journal of Southern African Studies* 35(2), 2009, p. 413.



In 1965, eleven years after the organisation was founded, it was formally established as an international organisation.<sup>289</sup> However, the organisation was banned by the Minister of Justice, John Vorster, in 1966,<sup>290</sup> under the Suppression of Communism Act as it was claimed that it might have provided legal aid to “defendants who were communists”.<sup>291</sup> Due to its banning, the organisation was “reformed and renamed” the International Defence and Aid Fund (IDAF) for Southern Africa.<sup>292</sup> After its banning, the IDAF began to “channel external funding to South African lawyers fighting the system”.<sup>293</sup> In addition to raising funds, the IDAF “gathered and collected published information” on prisoners of the apartheid state in South Africa and the “conditions to which they were subjected”.<sup>294</sup>

## Second Phase of Apartheid

The second phase of apartheid, as identified by Beck, lasted from 1959 to the early 1970s and included the peak of Afrikaner nationalism and the apartheid regime.<sup>295</sup> During this phase, which saw the “implementation of separate development”,<sup>296</sup> anti-apartheid movements and organisations began to implement “violent means for affecting change”,<sup>297</sup> which led to NP government action becoming even more draconian.

The early years of the 1960s marked many important events in the history of South Africa as Verwoerd began to specifically “target anti-apartheid groups”.<sup>298</sup> In 1961,<sup>299</sup> Verwoerd appointed Balthazar Johannes Vorster (also known as B.J. Vorster or John Vorster),<sup>300</sup> as Minister of Justice and instructed him to “do whatever was necessary to crush” the government’s opponents.<sup>301</sup> Vorster, who was a former General for the *Ossewa Brandwag*,<sup>302</sup> had experience with similar situations.<sup>303</sup> During the Second World War he was detained for “terrorism against the state”<sup>304</sup> and for his “pro-Nazi

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<sup>289</sup> H. Thörn, ‘Solidarity Across Borders: The Transnational Anti-Apartheid Movement’, *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 17(4), 2006, p. 288.

<sup>290</sup> M. Lenta, ‘History effaced: the International Defence and Aid Letters’, *Social Dynamics* 34(2), 2008, p. 204.

<sup>291</sup> L.S. Hinds, ‘Apartheid in South Africa and the Universal Declaration of Human Rights’, *Crime and Social Justice* 1985(24), 1985, p. 12.

<sup>292</sup> M. Lenta, ‘History effaced: the International Defence and Aid Letters’, *Social Dynamics* 34(2), 2008, p. 204.

<sup>293</sup> H. van As, ‘Legal Aid in South Africa: Making Justice Reality’, *Journal of African Law* 49(1), 2005, p. 55.

<sup>294</sup> G. Klein, ‘The British Anti-Apartheid Movement and Political Prisoner Campaigns, 1973-1980’, *Journal of Southern African Studies* 35(2), 2009, p. 458

<sup>295</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>296</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>297</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>298</sup> R.B. Beck, *History of South Africa*, p. 144.

<sup>299</sup> D. O’Meara, *Forty Lost Years*, p. xxxviii.

<sup>300</sup> D. O’Meara, *Forty Lost Years*, p. 97; G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 14; D. O’Meara, *Forty Lost Years*, p. xxxviii.

<sup>301</sup> R.B. Beck, *History of South Africa*, p. 144.

<sup>302</sup> D. O’Meara, *Forty Lost Years*, p. xxxviii.

<sup>303</sup> R.B. Beck, *History of South Africa*, p. 144.

<sup>304</sup> R.B. Beck, *History of South Africa*, p. 144.

sympathies”.<sup>305</sup> Furthermore, after the Sharpeville Massacre (1960), the size of the police force of the apartheid regime drastically increased and almost all new recruits were Afrikaners.<sup>306</sup> The *Broederbond* also held a much more powerful position with regard to decision making.<sup>307</sup> At this time *Umkhonto we Sizwe* (which translates to “Spear of the Nation” and is also known as MK), was founded in 1961 by Nelson Mandela, Walter Sisulu and others as “an underground guerrilla army”.<sup>308</sup>

Furthermore, one of the primary objectives of the NP was achieved in 1961.<sup>309</sup> This was the completion of the process of detachment from Great Britain and the Commonwealth, and was the transformation of South Africa into a republic.<sup>310</sup> The year 1960 began with a “surprise announcement” from South Africa’s Prime Minister, Verwoerd, who declared that a referendum would be held to “decide whether South Africa should become a republic”.<sup>311</sup> In October 1960, a “national referendum of the enfranchised white population”<sup>312</sup> of both South Africa and South West Africa took place.<sup>313</sup> As a result of this “strongly contested republican”<sup>314</sup> referendum, the National Party declared that the Union of South Africa would become a republic in May 1961 and would additionally “seek to continue Commonwealth membership”.<sup>315</sup> This declaration gave substance to the developing assumption of Afrikaner nationalists that Afrikaners were the only true South Africans.<sup>316</sup> Furthermore, according to Dubow, Verwoerd’s decision to host this republican referendum was an “attempt to deflect from ruction within” the NP over Verwoerd’s “unyielding implementation of apartheid”.<sup>317</sup> In the year following the establishment of South Africa as a Republic, the capability of the Minister of Justice, Vorster, to restrict political and anti-apartheid activism was increased with the Sabotage Act of 1962.<sup>318</sup> This Act also allowed the state to place

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<sup>305</sup> R.B. Beck, *History of South Africa*, p. 145.

<sup>306</sup> N. Worden, *The Making of Modern South Africa*, p. 117.

<sup>307</sup> N. Worden, *The Making of Modern South Africa*, p. 118.

<sup>308</sup> R.B. Beck, *History of South Africa*, p. 144.

<sup>309</sup> L. Thompson, *A History of South Africa*, p. 188.

<sup>310</sup> L. Thompson, *A History of South Africa*, p. 188.

<sup>311</sup> S. Dubow, ‘Macmillan, Verwoerd, and the 1960 ‘wind of change’ speech’, *The Historical Journal* 54(4), 2011, p. 1088.

<sup>312</sup> F. Hayes, ‘South Africa’s Departure from the Commonwealth, 1960-1961’, *The International History Review* 2(3), 1980, p. 469.

<sup>313</sup> F. Hayes, ‘South Africa’s Departure from the Commonwealth, 1960-1961’, *The International History Review* 2(3), 1980, p. 469.

<sup>314</sup> S. Dubow, ‘Macmillan, Verwoerd, and the 1960 ‘wind of change’ speech’, *The Historical Journal* 54(4), 2011, p. 1088.

<sup>315</sup> F. Hayes, ‘South Africa’s Departure from the Commonwealth, 1960-1961’, *The International History Review* 2(3), 1980, p. 469.

<sup>316</sup> S. Dubow, ‘South Africa and South Africans: Nationality, Belonging, Citizenship’, in R. Ross, A. Kelk Mager, & B. Nasson (eds) *The Cambridge History of South Africa Volume 2 1885-1994*, Cambridge University Press, Cambridge, 2012, p. 56.

<sup>317</sup> S. Dubow, ‘Macmillan, Verwoerd, and the 1960 ‘wind of change’ speech’, *The Historical Journal* 54(4), 2011, p. 1109.

<sup>318</sup> R.B. Beck, *History of South Africa*, p. 145.



those believed to be “communist agitators” under house arrest.<sup>319</sup> In addition, the General Law Amendment Act of 1963 permitted the state police to detain individuals without charge and place them in solitary confinement.<sup>320</sup>

On 11 July 1963, police raided Lilliesleaf Farm,<sup>321</sup> the “temporary underground headquarters”<sup>322</sup> of *Umkhonto we Sizwe* which had been lent to them by the Communist Party.<sup>323</sup> During this raid, the state police confiscated “Operation Mayibuye”,<sup>324</sup> which was a six-page long plan of action<sup>325</sup> and generally outlined a “possible commencement of guerrilla operations”<sup>326</sup> and how it may contribute towards the start of a mass armed uprising against the apartheid state.<sup>327</sup> Nelson Mandela, who at the time of the raid was sentenced to five years in prison,<sup>328</sup> joined the rest of the accused after being arrested and detained in Pretoria Central Prison.<sup>329</sup> During the interrogation of the accused by the special branch of the security police, Captain Theunis Jacobus Swanepoel<sup>330</sup> (also known as T.J. Swanepoel, or “*Rooi Rus*”)<sup>331</sup> was one of the interrogators. He utilised threats of violence and “racist epithets” during such interrogations.<sup>332</sup>

The Rivonia Trial began on 9 October 1963.<sup>333</sup> Along with Nelson Mandela, those who were arrested at Lilliesleaf Farm were charged with “high treason” and faced a possible death sentence.<sup>334</sup> The Judge of the Rivonia Trial was Justice Quartus de Wet, who was the judge president of the Transvaal Provincial Division at the time.<sup>335</sup> Interestingly, Dr Percy Yutar, who “led the state’s prosecution”<sup>336</sup> during the trial, was Jewish,<sup>337</sup> and had been appointed to “take charge of any legal proceedings” originating from the raid at Lilliesleaf Farm.<sup>338</sup> Furthermore, Yutar had set up offices in the

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<sup>319</sup> R.B. Beck, *History of South Africa*, p. 145.

<sup>320</sup> N. Worden, *The Making of Modern South Africa*, p. 117.

<sup>321</sup> R.B. Beck, *History of South Africa*, p. 145.

<sup>322</sup> D. Goldberg, *A Life for Freedom*, p. 84.

<sup>323</sup> D. Goldberg, *A Life for Freedom*, p. 84.

<sup>324</sup> G. Eisen & L. Glassman, ‘The Jewish Connection in the Rivonia Trial, 1963-4’, *Jewish Affairs* 71(2), 2016, p. 78.

<sup>325</sup> G. Eisen & L. Glassman, ‘The Jewish Connection in the Rivonia Trial, 1963-4’, *Jewish Affairs* 71(2), 2016, p. 78.

<sup>326</sup> G. Eisen & L. Glassman, ‘The Jewish Connection in the Rivonia Trial, 1963-4’, *Jewish Affairs* 71(2), 2016, p. 78.

<sup>327</sup> G. Eisen & L. Glassman, ‘The Jewish Connection in the Rivonia Trial, 1963-4’, *Jewish Affairs* 71(2), 2016, p. 78.

<sup>328</sup> D. Goldberg, *A Life for Freedom*, p. 84.

<sup>329</sup> D. Goldberg, *A Life for Freedom*, p. 98.

<sup>330</sup> J. Carlson, *No Neutral Ground*, p. 167.

<sup>331</sup> K.S. Broun, *Saving Nelson Mandela: The Rivonia Trial and the Fate of South Africa*, Oxford University Press, New York, 2012, p. 10; The moniker of “*Rooi Rus*” pertains to his distinct appearance, as according to Carlson, he was “short and heavily built”, his face was “pockmarked, blotchy pink and purple” and “the most outstanding thing about him was his ugliness”: J. Carlson, *No Neutral Ground*, p. 220; J. Carlson, *No Neutral Ground*, p. 186.

<sup>332</sup> K.S. Broun, *Saving Nelson Mandela*, p. 10.

<sup>333</sup> G. Eisen & L. Glassman, ‘The Jewish Connection in the Rivonia Trial, 1963-4’, *Jewish Affairs* 71(2), 2016, p. 79.

<sup>334</sup> G. Shimoni, *Community and Conscience*, pp. 64-65.

<sup>335</sup> K.S. Broun, *Saving Nelson Mandela*, p. x.

<sup>336</sup> G. Shimoni, *Community and Conscience*, p. 44.

<sup>337</sup> G. Bizos, *65 Years of Friendship*, p. 64.

<sup>338</sup> M. Meredith, *Nelson Mandela*, p. 249.

headquarters of the security police<sup>339</sup> and would gain “national recognition”<sup>340</sup> for his involvement in the state’s prosecution of the defendants in the Rivonia Trial. The defence team for the Rivonia Trial consisted of “two senior, even eminent, counsel” who were Bram Fischer and Vernon Berrangé, and “two much younger lawyers”, Arthur Chaskalson and George Bizos<sup>341</sup> - all of whom would later become known for their work as anti-apartheid lawyers.

It is important to note that Yutar had made a “fundamental compromise with the security state”<sup>342</sup> in which despite his lack of political views and his indifference to the apartheid regime,<sup>343</sup> he “became one of Special Branch’s favourite prosecutors”.<sup>344</sup> According to George Bizos, “Policemen like Swanepoel would sit behind the prosecution table to smirk and enjoy the show while Yutar demolished defence witnesses”.<sup>345</sup> Generally, Yutar’s behaviour during the Rivonia Trial “outraged the defence team”<sup>346</sup> and he was described as being “underhanded and unethical in his dealings with the defence”.<sup>347</sup>

The Rivonia Trial lasted until 12 June 1964,<sup>348</sup> when eight of the leaders of *Umkhonto we Sizwe* were found guilty of “sabotage” and were sentenced to life imprisonment.<sup>349</sup> The Rivonia Trial holds great significance in the history of South Africa<sup>350</sup> as the Trial itself, as well as its aftermath, would entice “world-wide interest” and contribute towards the formation of “one of the largest international protests against”<sup>351</sup> the political persecution of individuals who supported the anti-apartheid movement. Additionally, the defence of the Rivonia Trial was “subsidised” by the previously discussed Defence and Aid Fund.<sup>352</sup>

All six of the white individuals who were arrested at Lilliesleaf Farm were Jewish, or came from Jewish backgrounds.<sup>353</sup> These individuals were: Arthur Goldreich, Denis Goldberg, Harold Wolpe,

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<sup>339</sup> M. Meredith, *Nelson Mandela*, p. 249.

<sup>340</sup> E. Rathbone, ‘Mandela’s Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?’, *The Virginia Quarterly Review* 89(4), 2013, p. 161.

<sup>341</sup> S. Ellmann, *And Justice For All*, p. 41.

<sup>342</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>343</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>344</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>345</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>346</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>347</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>348</sup> E. Rathbone, ‘Mandela’s Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?’, *The Virginia Quarterly Review* 89(4), 2013, p. 162.

<sup>349</sup> R.B. Beck, *History of South Africa*, p. 145.

<sup>350</sup> K.S. Broun, *Saving Nelson Mandela*, p. xix.

<sup>351</sup> G. Shimoni, *Community and Conscience*, p. 136.

<sup>352</sup> M. Lenta, ‘History effaced: the International Defence and Aid Letters’, *Social Dynamics* 34(2), 2008, p. 204.

<sup>353</sup> G. Eisen & L. Glassman, ‘The Jewish Connection in the Rivonia Trial, 1963-4’, *Jewish Affairs* 71(2), 2016, p. 78; S. Ellmann, *And Justice For All*, p. 46.

James Kantor, Lionel Bernstein and Bob Hepple.<sup>354</sup> Furthermore, Arthur Chaskalson and Joel Joffe, two of the five lawyers for the defence, were also Jewish.<sup>355</sup> The white defendants at the Rivonia Trial were “all considered Jews”, regardless of whether they were “resolutely atheistic or of mixed origin”.<sup>356</sup> Although the organisations of the South African Jewry sought to evade it, the Rivonia Trial put the role of Jewish individuals in the anti-apartheid struggle openly before the public.<sup>357</sup> Thus, the “earlier mammoth Treason Trial and several later political trials”,<sup>358</sup> as well as the Rivonia Trial, saw the prominence of Jewish lawyers who undertook the defence of anti-apartheid activists. In direct contrast to this group of Jewish lawyers who defended those involved in the anti-apartheid struggle was the Jewish state prosecutor Dr Percy Yutar.

Percy Yutar, who was a very religious Jewish individual,<sup>359</sup> was also a prominent member of the South African Jewish community. He was the president of both the Johannesburg United Hebrew Congregation (which was the largest orthodox synagogue in Johannesburg at the time), a position which he held for over a decade,<sup>360</sup> and the South African Board of Education.<sup>361</sup> After receiving his doctorate in law at the University of Cape Town, where he was the recipient of a scholarship, Yutar worked in a “lowly position”<sup>362</sup> at a post office for five years. According to Yutar, this was due to the “anti-Semitism” of the state.<sup>363</sup> Yutar sought to overcome such anti-semitism and wished to prove that Jewish individuals could achieve appointments to the highest offices of the state and that he “could do the government’s bidding just as well as any steadfast Afrikaner”.<sup>364</sup> He was appointed as the Deputy Attorney-General of the Transvaal by the apartheid government in 1960<sup>365</sup> and eight years later he was promoted to the position of Attorney General of the Orange Free State.<sup>366</sup> Some historians

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<sup>354</sup> G. Eisen & L. Glassman, ‘The Jewish Connection in the Rivonia Trial, 1963-4’, *Jewish Affairs* 71(2), 2016, p. 78.

<sup>355</sup> S. Ellmann, *And Justice For All*, p. 10; S. Ellmann, *And Justice For All*, p. 40; S. Ellmann, *And Justice For All*, p. 46.

<sup>356</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>357</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>358</sup> G. Shimoni, *Community and Conscience*, p. 66.

<sup>359</sup> E. Rathbone, ‘Mandela’s Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?’, *The Virginia Quarterly Review* 89(4), 2013, p. 160; G. Eisen & L. Glassman, ‘The Jewish Connection in the Rivonia Trial, 1963-4’, *Jewish Affairs* 71(2), 2016, p. 79.

<sup>360</sup> E. Rathbone, ‘Mandela’s Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?’, *The Virginia Quarterly Review* 89(4), 2013, p. 160.

<sup>361</sup> E. Rathbone, ‘Mandela’s Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?’, *The Virginia Quarterly Review* 89(4), 2013, p. 160; R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 128.

<sup>362</sup> E. Rathbone, ‘Mandela’s Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?’, *The Virginia Quarterly Review* 89(4), 2013, p. 160.

<sup>363</sup> E. Rathbone, ‘Mandela’s Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?’, *The Virginia Quarterly Review* 89(4), 2013, p. 160.

<sup>364</sup> E. Rathbone, ‘Mandela’s Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?’, *The Virginia Quarterly Review* 89(4), 2013, p. 160.

<sup>365</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 128.

<sup>366</sup> R.P. Stevens, ‘Zionism, South Africa and Apartheid: The Paradoxical Triangle’, *Phylon (1960-)* 32(2), 2<sup>nd</sup> Qtr., 1971, p. 128.

such as R.P. Stevens believe that both of Yutar's appointments may have put "any lingering doubts" of the South African Jewish community to rest regarding the ability for Jews to be appointed to "high governmental positions".<sup>367</sup>

Interestingly, the defence team was concerned that Yutar would be "especially intent on impugning" Denis Goldberg, as Goldberg, like Yutar himself, was also Jewish.<sup>368</sup> Goldberg would be the only one of the six Jewish individuals who were originally accused to be convicted.<sup>369</sup> According to Goldberg, during a conversation with an interrogator from the security police, he was told about Yutar:<sup>370</sup> "He's your prosecutor and he's a Jew like you and he's going to hang you".<sup>371</sup> Goldberg also asserts that the attitude of the security police was that Yutar, who was "The good Jew" or the state's "Jew", was one of them, while Goldberg was the "enemy".<sup>372</sup> Additionally, biographer Ellmann notes that the most appalling part of Yutar's motivation during the Rivonia Trial appeared to be "his desire to show that a Jew could be as loyal to the system of apartheid"<sup>373</sup> as anyone else. Furthermore, Ellman further characterised Yutar as being "[o]bsessed with media publicity", and states explicitly that Yutar was "underhanded and unethical in his dealings with the defence".<sup>374</sup>

Towards the mid-1960s, the "radical onslaught" on the apartheid state had essentially been suppressed<sup>375</sup> and allowed the apartheid system a "further lease on life".<sup>376</sup> In September 1966 Verwoerd was assassinated in Parliament<sup>377</sup> following which Vorster was the "unanimous compromise candidate"<sup>378</sup> for the position of Prime Minister, despite his "junior status".<sup>379</sup> It was under his premiership, from 1966 to 1978, that the implementation of grand apartheid resumed.<sup>380</sup> Furthermore, during Vorster's premiership, the state police force "enjoyed much greater political

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<sup>367</sup> R.P. Stevens, 'Zionism, South Africa and Apartheid: The Paradoxical Triangle', *Phylon* (1960-) 32(2), 2<sup>nd</sup> Qtr., 1971, p. 128.

<sup>368</sup> S. Ellmann, *And Justice For All*, p. 51.

<sup>369</sup> G. Eisen & L. Glassman, 'The Jewish Connection in the Rivonia Trial, 1963-4', *Jewish Affairs* 71(2), 2016, p. 80.

<sup>370</sup> E. Rathbone, 'Mandela's Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?', *The Virginia Quarterly Review* 89(4), 2013, p. 162.

<sup>371</sup> E. Rathbone, 'Mandela's Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?', *The Virginia Quarterly Review* 89(4), 2013, p. 162.

<sup>372</sup> E. Rathbone, 'Mandela's Prosecutor: Percy Yutar led the case against the anti-apartheid revolutionary. What did it cost him?', *The Virginia Quarterly Review* 89(4), 2013, p. 162.

<sup>373</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>374</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>375</sup> G. Shimoni, 'South African Jews and the Apartheid Crisis', *The American Jewish Year Book* 88(1988), 1988, p. 14.

<sup>376</sup> G. Shimoni, 'South African Jews and the Apartheid Crisis', *The American Jewish Year Book* 88(1988), 1988, p. 14.

<sup>377</sup> D. O'Meara, *Forty Lost Years*, p. xxxviii.

<sup>378</sup> D. O'Meara, *Forty Lost Years*, p. xxxviii.

<sup>379</sup> D. O'Meara, *Forty Lost Years*, p. xxxviii.

<sup>380</sup> G. Shimoni, 'South African Jews and the Apartheid Crisis', *The American Jewish Year Book* 88(1988), 1988, p. 14.

influence than the army”<sup>381</sup> and became primarily responsible for counter insurgency.<sup>382</sup> Additionally, the powerful counter-state ideology of Black Consciousness emerged in the late 1960s, which first originated from and inspired university students.<sup>383</sup> Importantly, the Terrorism Act of 1967 allowed the apartheid authorities the right to detain any individual for interrogation indefinitely,<sup>384</sup> based on who was suspected of being a terrorist or of possessing knowledge of terrorism against the state.<sup>385</sup>

After Verwoerd was assassinated in 1966, the United Progressive Jewish Congregation of Johannesburg held a “Special Memorial Service in Memory of the Late Dr. Henrik Frensch Verwoerd”.<sup>386</sup> This memorial service, which was advertised in the *Rand Daily Mail*, took place at Temple Israel on Paul Nel Street on the evening of Friday 9 September 1966.<sup>387</sup> All “members of the Jewish Congregation” were invited to attend the service.<sup>388</sup> “Rabbi Arthur Saul Super”, the senior rabbi, delivered the memorial sermon.<sup>389</sup> The Rabbi eulogised Verwoerd as “one of the greatest Prime Ministers, if not the greatest” that South Africa had ever had.<sup>390</sup> This event reflects on the complicated relationship that the South African Jewish community had with Verwoerd and the NP apartheid state and again aligns with what Shain refers to as “accommodationist”.

By the late 1960s, a division began to emerge in the NP between two primary ideological factions that became known as the more liberal *verligtes* (enlightened) and the “ultra-conservative”<sup>391</sup> *verkrampstes* (narrow-minded).<sup>392</sup> In 1969, this internal conflict came to a peak when Dr Albert Hertzog, the “eccentric son” of the NP’s founder and former Prime Minister, J.B.M. Hertzog, founded the *Herstigte Nasionale Party* (Reconstituted National Party, also known as HNP) after having been expelled from the NP.<sup>393</sup>

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<sup>381</sup> T. Lodge, ‘Resistance and Reform, 1973-1994’, in R. Ross, A. Kelk Mager, & B. Nasson (eds) *The Cambridge History of South Africa Volume 2 1885-1994*, Cambridge University Press, Cambridge, 2012, p. 467.

<sup>382</sup> T. Lodge, ‘Resistance and Reform, 1973-1994’, in R. Ross, A. Kelk Mager, & B. Nasson (eds) *The Cambridge History of South Africa Volume 2 1885-1994*, Cambridge University Press, Cambridge, 2012, p. 467.

<sup>383</sup> N. Worden, *The Making of Modern South Africa*, p. 126.

<sup>384</sup> R.B. Beck, *History of South Africa*, p. 130.

<sup>385</sup> R.B. Beck, *History of South Africa*, p. 130.

<sup>386</sup> Anon., ‘Leader Page Advertisements’, *Rand Daily Mail*, 8 September 1966, p. 16.

<sup>387</sup> Anon., ‘Leader Page Advertisements’, *Rand Daily Mail*, 8 September 1966, p. 16.

<sup>388</sup> Anon., ‘Leader Page Advertisements’, *Rand Daily Mail*, 8 September 1966, p. 16.

<sup>389</sup> Anon., ‘Leader Page Advertisements’, *Rand Daily Mail*, 8 September 1966, p. 16.

<sup>390</sup> R.G. Weisbord, ‘The Dilemma of South African Jewry’, *The Journal of Modern African Studies* 5(2), 1967, p. 233.

<sup>391</sup> W. Muller, ‘Albert Hertzog’s “Calvinist Speech” and the verlig-verkrampstryd: the origins of the right-wing movement in South Africa’, *Southern African Journal for Contemporary History* 46(1), 2021, p. 63.

<sup>392</sup> G. Shimoni, *Community and Conscience*, p. 121.

<sup>393</sup> W. Muller, ‘Albert Hertzog’s “Calvinist Speech” and the verlig-verkrampstryd: the origins of the right-wing movement in South Africa’, *Southern African Journal for Contemporary History* 46(1), 2021, p. 63.



### Third Phase of Apartheid

The third and final phase of apartheid that Beck identified lasted from the mid-1970s until the official end of apartheid in 1994.<sup>394</sup> During this phase, anti-apartheid movements, both local and abroad, began to put “increasing economic and political pressure” on the government in an attempt to affect change.<sup>395</sup> On 11 February 1990,<sup>396</sup> Nelson Mandela was freed from prison and the apartheid regime came to an “official end”<sup>397</sup> when Mandela was inaugurated as the President of South Africa on 10 May 1994.<sup>398</sup>

It was during this period, towards the end of the 1970s, the issue of Holocaust denial surfaced in South Africa.<sup>399</sup> This was particularly evident in the Afrikaner *Weerstandsbeweging* (otherwise known as the *AWB*, which translates to “Afrikaans Resistance Organisation”).<sup>400</sup> The *AWB* was an “openly Nazi-inspired” group<sup>401</sup> which had been established in 1973 by the right-wing “fanatic”, Eugene Terreblanche, and had a symbol that was akin to the swastika.<sup>402</sup> Ultimately, the threats of a race war by the *AWB* were unrealistic and impractical and “counter-productive”.<sup>403</sup> Other historically significant events that influenced the anti-apartheid struggle that occurred in the 1970s include the introduction of the television in South Africa in 1976, which connected South Africans to the rest of the world;<sup>404</sup> the Soweto student uprising that occurred on 16 June 1976;<sup>405</sup> and the murder of the leader of the Black Consciousness Movement, Steve Biko,<sup>406</sup> while being politically detained by the police in September 1977.<sup>407</sup> Importantly, the Soweto uprising had directly hit two “pillars of Afrikaner nationalist power”:<sup>408</sup> the government’s policy regarding “urban blacks”<sup>409</sup> and the Afrikaans language as a medium of instruction.

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<sup>394</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>395</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>396</sup> I. Berger, *South Africa in World History*, p. 148.

<sup>397</sup> R.B. Beck, *History of South Africa*, p. 126.

<sup>398</sup> D. O’Meara, *Forty Lost Years*, p. 414.

<sup>399</sup> S. Gilbert & D. Posel, ‘The Holocaust, Apartheid, and Contemporary South African Jewish Perspectives on Victimhood’, *Journal of Jewish Identities* 14(2), 2021, p. 158.

<sup>400</sup> S. Gilbert & D. Posel, ‘The Holocaust, Apartheid, and Contemporary South African Jewish Perspectives on Victimhood’, *Journal of Jewish Identities* 14(2), 2021, p. 158.

<sup>401</sup> S. Gilbert & D. Posel, ‘The Holocaust, Apartheid, and Contemporary South African Jewish Perspectives on Victimhood’, *Journal of Jewish Identities* 14(2), 2021, p. 158.

<sup>402</sup> N. Worden, *The Making of Modern South Africa*, p. 151.

<sup>403</sup> N. Worden, *The Making of Modern South Africa*, p. 152.

<sup>404</sup> I. Berger, *South Africa in World History*, p. 139.

<sup>405</sup> I. Berger, *South Africa in World History*, p. 137.

<sup>406</sup> I. Berger, *South Africa in World History*, p. 135.

<sup>407</sup> I. Berger, *South Africa in World History*, p. 139.

<sup>408</sup> D. O’Meara, *Forty Lost Years*, p. 196.

<sup>409</sup> D. O’Meara, *Forty Lost Years*, p. 196.



It is also interesting to note that by the 1970s, the JBD began to call for the removal of “unjust discrimination so that all, regardless of race, creed or colour, be permitted and encouraged to achieve the full potential of their capabilities and live in dignity and harmony”.<sup>410</sup> Some members of the JBD would have regarded these views as “disloyal, if not treacherous” a decade earlier.<sup>411</sup> However, there were also in contrast an increasing number of Jewish people who began to vote in favour of the NP in the late 1970s.<sup>412</sup> A decade later, towards the eventual downfall of the apartheid regime, Sam Bloomberg<sup>413</sup> became the “first Jew ever to be seated in parliament” as one of the NP’s “duly elected representatives” in 1987.<sup>414</sup>

By 1978, the apartheid regime was “in trouble”<sup>415</sup> as the “rigid Verwoerdian model” began to collapse in the late 1970s and 1980s.<sup>416</sup> Additionally, the NP itself was “tainted by scandal”,<sup>417</sup> as it was revealed that individuals within the government had “misappropriated public funds”<sup>418</sup> that were intended for “secret propaganda purposes”.<sup>419</sup> Members who were involved in this scandal included senior cabinet members as well as the Prime Minister at the time, Vorster.<sup>420</sup> In September 1978, Pieter Willem (P.W.)<sup>421</sup> Botha took over as Prime Minister<sup>422</sup> and appeared “determined”<sup>423</sup> to introduce policies focusing on reform. Botha, who previously held the position of Minister of Defence, adopted a new approach known as “Total Strategy”.<sup>424</sup> These policies sought to allure “moderate, middleclass blacks through a series of political reforms” in an attempt to convert them into allies of the regime.<sup>425</sup> In addition, the increased political influence that the policies had, began to change during Botha’s time as Prime Minister.<sup>426</sup>

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<sup>410</sup> G. Shimoni, *Community and Conscience*, p. 136.

<sup>411</sup> G. Shimoni, *Community and Conscience*, p. 133.

<sup>412</sup> S. Kirshner, ‘The Kirschner File: South African Jews and Apartheid’, *The Canadian Jewish News*, 9 December 2004, p. 11.

<sup>413</sup> Sam Bloomberg was the youngest brother of Mendel Levin’s first wife, Dora Bloomberg and therefore, was Mendel Levin’s brother-in-law.

<sup>414</sup> S. Kirshner, ‘The Kirschner File: South African Jews and Apartheid’, *The Canadian Jewish News*, 9 December 2004, p. 11.

<sup>415</sup> L. Thompson, *A History of South Africa*, p. 221.

<sup>416</sup> N. Worden, *The Making of Modern South Africa*, p. 131.

<sup>417</sup> L. Thompson, *A History of South Africa*, p. 223.

<sup>418</sup> L. Thompson, *A History of South Africa*, p. 223.

<sup>419</sup> L. Thompson, *A History of South Africa*, p. 223.

<sup>420</sup> L. Thompson, *A History of South Africa*, p. 223.

<sup>421</sup> L. Thompson, *A History of South Africa*, p. 223.

<sup>422</sup> G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 14.

<sup>423</sup> D. O’Meara, *Forty Lost Years*, p. 241.

<sup>424</sup> I. Berger, *South Africa in World History*, p. 140.

<sup>425</sup> I. Berger, *South Africa in World History*, p. 140.

<sup>426</sup> T. Lodge, ‘Resistance and Reform, 1973-1994’, in R. Ross, A. Kelk Mager, & B. Nasson (eds) *The Cambridge History of South Africa Volume 2 1885-1994*, Cambridge University Press, Cambridge, 2012, p. 467.

Botha's policies caused disillusionment among Afrikaners within and without of the NP.<sup>427</sup> Under his leadership the NP had officially discarded the "statist policies and Afrikaner favouritism which had"<sup>428</sup> supported the apartheid regime since the NP's victory in the 1948 elections. By mid-1981, the divisions within Afrikaner nationalist organisations as well as the NP were "deeper and more bitter"<sup>429</sup> than they had been since the Second World War and in 1982 the NP split, which "forever destroyed Afrikaner political unity".<sup>430</sup> During the 1980s the leadership of the NP began to lose the "large and active membership"<sup>431</sup> it had during its founding in 1914 and in February 1989,<sup>432</sup> Frederick Willem (F.W.) de Klerk took over the leadership becoming the State President of South Africa. By the end of the 1980s, the NP had "run out of alternatives".<sup>433</sup> This then ushered in a period of negotiation with the new democratic South Africa coming into being in 1994 and the NP's final demise as a political party three years later.

## Conclusion

This chapter has highlighted a selection of critical events that occurred in South Africa during the twentieth century. However, these events are not only significant to the history of South Africa but are also essential to this study as a backdrop for the biography of Mendel Levin. It has outlined the history of the South African Jewish community and three thematic periods of South African history. When examining the history of the NP specifically, although its anti-semitism did not evolve to the "level of planned genocide", in neither theory nor practice,<sup>434</sup> it is crucial to acknowledge the prevalence of anti-semitic elements along with a few outliers who complied or were complicit with the NP apartheid state.

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<sup>427</sup> D. O'Meara, *Forty Lost Years*, p. 372.

<sup>428</sup> D. O'Meara, *Forty Lost Years*, p. 272.

<sup>429</sup> D. O'Meara, *Forty Lost Years*, p. 300.

<sup>430</sup> D. O'Meara, *Forty Lost Years*, p. 313.

<sup>431</sup> D. O'Meara, *Forty Lost Years*, p. 48

<sup>432</sup> D. O'Meara, *Forty Lost Years*, p. 396.

<sup>433</sup> D. O'Meara, *Forty Lost Years*, p. 402.

<sup>434</sup> T.H.R. Davenport & C. Saunders, *South Africa: A Modern History*, p. 336.

## Chapter 4: Mendel the Immigrant Jew

### Introduction

This chapter focuses on the early history of the Levin family and their arrival in South Africa from Latvia. It presents an outline of where they came from and what their early experiences were in order to provide some ancestral context to the family and their position within the broader South African society. It explores aspects such as Mendel Levin's immigration to South Africa, his early life after immigrating, as well as his Jewish affiliation and his importance as a figure in the broader South African Jewish community, his first wife and his only son, his health and his military service.

Finding information and documentation regarding the personal life of Mendel Levin has been a challenging endeavour. The usual traces of a biographical information, such as birth registers, death notices and the like were elusive. Much of the information that was retrieved was located in a reference book, titled, *South African Jewry 1967-8: A Survey of the Jewish Community; Its Contributions to South Africa; Directory of Communal Institutions; and a Who's Who of Leading Personalities*.<sup>1</sup> This book was edited by Leon Feldberg and was published as a second edition in 1968. Other source materials included various articles and clippings from newspapers such as *Sunday Times*, *Rand Daily Mail* and *Die Vaderland*<sup>2</sup> as well as snippets preserved in the archives of the JBD. Like other members of the Levin family, Mendel Levin would place announcements in newspapers regarding important events in his life. Such events included his first wedding to Dora Bloomberg,<sup>3</sup> milestones in his first marriage,<sup>4</sup> and his 80<sup>th</sup> birthday.<sup>5</sup> Newspaper clippings and articles such as these have been invaluable in constructing the more personal aspects of Mendel Levin's life and biography (see Figure 1 for the Levin family tree).

### Mendel the Immigrant

Little is known about Mendel Levin's early life, including his early childhood spent in Latvia, his journey to South Africa in 1921<sup>6</sup> and his adolescent years. However, as indicated in Chapter 1, in line

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<sup>1</sup> L. Feldberg (ed.), *South African Jewry 1967-8: A Survey of the Jewish Community; Its Contributions to South Africa; Directory of Communal Institutions; and a Who's Who of Leading Personalities*, Second Edition, Fieldhill Publishing Co., Johannesburg, 1968.

<sup>2</sup> Newsbank, 2022, *Newsbank Archives Primary Sources* [online], Available from: <https://infoweb-newsbank-com.uplib.idm.oclc.org/apps/readex/welcome?p=ARDX>, Accessed: June 2023.

<sup>3</sup> Anon., 'Evening Wedding Levin-Bloomberg', *Rand Daily Mail*, 10 December 1936, p. 8.

<sup>4</sup> Anon., 'Announcements: Silver Wedding', *Sunday Times*, 3 December 1961, p. 26.

<sup>5</sup> Anon., '80<sup>th</sup> Birthday', *The Jewish Herald Times*, 22 March 1991, p. 94.

<sup>6</sup> Anon., 'Boxing promoter Dave Levin dies', *The Citizen*, 15 April 1986, p. 13.

with what Van Onselen said, by piecing “together fragments of [Mendel Levin’s] childhood, it might provide a few clues of understanding the man”.<sup>7</sup> Much of the information that has been uncovered about the Levin family before and during their immigration to South Africa was found in an article published in the newspaper, *Die Vaderland*, on 24 November 1981.<sup>8</sup> This article, written by Gerhard Burger outlines the Levin’s journey to South Africa according to information provided by Mendel Levin’s older brother, David Levin (usually referred to as “Dave”).<sup>9</sup> It is important to note that this newspaper article is a romanticised account of Dave Levin’s fame as a boxing promoter and his successful career as well as the lives of the other family members, both before and after immigrating to South Africa. Therefore, other primary sources such as newspaper clippings, *Government Gazettes* and materials found in the NA and the JBD repository such as estate papers, were consulted to provide a more holistic and verified version of events.

Mendel Levin’s father, Abraham Levin, was born in Lutzin (which is the town of Lūdza in present-day Latvia, “Lutsin” in Yiddish)<sup>10</sup> which during the time of his birth was part of Russia.<sup>11</sup> Abraham Levin’s parents were Natha Levin (his father) and Sifre Levin (his mother).<sup>12</sup> Since Abraham Levin was 66 years of age at the time of his death on 4 August 1938,<sup>13</sup> he would have been born in either 1872 or 1873. Abraham first came to South Africa sometime during the late 1800s.<sup>14</sup> According to his son, Dave Levin, Abraham left Russia because of a misunderstanding or conflict between the Russian Jewish community and the Tsar.<sup>15</sup> As explained in the previous chapter, the turmoil in Russia triggered a “great migration” of Jewish people.<sup>16</sup> As a result, from 1881 onwards many Jewish individuals were expelled by “the Imperial Russian government”.<sup>17</sup> However, since the government

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<sup>7</sup> C. Van Onselen, *The Fox and the Flies*, p. 490.

<sup>8</sup> G. Burger, ‘Van harpui en bloed tot pluiskiel en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>9</sup> G. Burger, ‘Van harpui en bloed tot pluiskiel en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>10</sup> G.P. Megargee, M. Dean & M. Hecker ‘Estonia and Latvia Regions (Generalkommissariat Estland und Generalkommissariat Lettland)’, in G.P. Megargee, M. Dean & M. Hecker (eds) *The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos, 1933-1945, Volume II: Ghettos in German-Occupied Eastern Europe*, Indiana University Press, Bloomington, 2012, p. 1014.

<sup>11</sup> National Archives of South Africa, Pretoria (NA), Master of the Supreme Court, Pretoria. Estates (19873 - 1976) (MHG), Volume No 2727/38, Reference No 2727/38, Estate Papers: ‘Levin, Abraham’, 1938, n.p.

<sup>12</sup> NA, MHG, Volume No 2727/38, Reference No 2727/38, Estate Papers: ‘Levin, Abraham’, 1938, n.p.

<sup>13</sup> NA, MHG, Volume No 2727/38, Reference No 2727/38, Estate Papers: ‘Levin, Abraham’, 1938, n.p.

<sup>14</sup> G. Burger, ‘Van harpui en bloed tot pluiskiel en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>15</sup> G. Burger, ‘Van harpui en bloed tot pluiskiel en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>16</sup> C. Van Onselen, ‘Jewish Police Informers in the Atlantic World, 1880-1914’, *The Historical Journal* 50(1), 2007, p. 119.

<sup>17</sup> M. Kellogg, *The Russian Roots of Nazism: White Émigrés and the Making of National Socialism, 1917-1945*, University of Cambridge Press, Cambridge, 2005, p. 34.

of the time was anti-semitic, Abraham Levin's first migration to South Africa most likely occurred sometime between 1881, and the end of 1900, when he returned to Russia.<sup>18</sup>

During his initial journey to South Africa, Abraham Levin first travelled by train from Lūdza to Riga, the capital of Latvia, which is situated on the Baltic Coast.<sup>19</sup> From there, he travelled overland to the port of Libau (which is the present-day city of Liepāja in Latvia),<sup>20</sup> before travelling by ship to Britain<sup>21</sup> and then onto South Africa.<sup>22</sup> Once in South Africa, Abraham Levin became a general dealer and opened a store, which later burnt down.<sup>23</sup> After this, Abraham Levin returned to Russia where he married Hannah Mayofis in October 1900.<sup>24</sup> Hannah (also known as "Hennah")<sup>25</sup> was born in Yanesiki, Lithuania.<sup>26</sup> Her father was Liebe Mayofis and her mother was Freda Mayofis.<sup>27</sup> Since Hannah Levin also passed away on 17 May 1947 at the age of 65,<sup>28</sup> she would have been born in either 1882 or 1883. Like her husband, Hannah Levin passed away at the Lady Dudley Nursing Home in de Korte Street, Hillbrow, Johannesburg.<sup>29</sup> Additionally, Hannah had a brother, Joseph Mayofis (born on 15 April 1896 and died on 30 April 1976),<sup>30</sup> who also immigrated to South Africa. During the decade prior to Mendel Levin's birth, the Levin family owned a flour shop in Latvia.<sup>31</sup>

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<sup>18</sup> NA, MHG, Volume No 2727/38, Reference No 2727/38, Estate Papers: 'Levin, Abraham', 1938, n.p.

<sup>19</sup> G. Burger, 'Van harpui en bloed tot pluiskiel en verhoog: Jong David het in 'n beestrok in SA aangekom', *Die Vaderland*, 24 November 1981, n.p.

<sup>20</sup> C. Alston, *Antonius Piip, Zigfrīds Meierovics and Augustinas Voldemaras: The Baltic States*, Haus Publishing, London, 2011, p. 15.

<sup>21</sup> G. Burger, 'Van harpui en bloed tot pluiskiel en verhoog: Jong David het in 'n beestrok in SA aangekom', *Die Vaderland*, 24 November 1981, n.p.

<sup>22</sup> G. Burger, 'Van harpui en bloed tot pluiskiel en verhoog: Jong David het in 'n beestrok in SA aangekom', *Die Vaderland*, 24 November 1981, n.p.

<sup>23</sup> *Government Gazette*, Vol. I.XXVI, No. 1782, Union of South Africa, Pretoria, 17 May 1929, p. 482; G. Burger, 'Van harpui en bloed tot pluiskiel en verhoog: Jong David het in 'n beestrok in SA aangekom', *Die Vaderland*, 24 November 1981, n.p.

<sup>24</sup> G. Burger, 'Van harpui en bloed tot pluiskiel en verhoog: Jong David het in 'n beestrok in SA aangekom', *Die Vaderland*, 24 November 1981, n.p.; NA, MHG, Volume No 2727/38, Reference No 2727/38, Estate Papers: 'Levin, Abraham', 1938, n.p.

<sup>25</sup> NA, MHG, Volume No, 3092/47, Reference No 3092/47, Estate Papers: 'Levin, Hennah. Born Mayofis', 1947, n.p.

<sup>26</sup> NA, MHG, Volume No, 3092/47, Reference No 3092/47, Estate Papers: 'Levin, Hennah. Born Mayofis', 1947, n.p.

<sup>27</sup> NA, MHG, Volume No, 3092/47, Reference No 3092/47, Estate Papers: 'Levin, Hennah. Born Mayofis', 1947, n.p.

<sup>28</sup> NA, MHG, Volume No, 3092/47, Reference No 3092/47, Estate Papers: 'Levin, Hennah. Born Mayofis', 1947, n.p.

<sup>29</sup> NA, MHG, Volume No 2727/38, Reference No 2727/38, Estate Papers: 'Levin, Abraham', 1938, n.p.; NA, MHG, Volume No, 3092/47, Reference No 3092/47, Estate Papers: 'Levin, Hennah. Born Mayofis', 1947, n.p.

<sup>30</sup> *Government Gazette Extraordinary*, Vol. VI, No. 376, Republic of South Africa, Pretoria, 16 November 1962, p. 10; Anon., 'Legal: 60 Creditors & Debtors, 290', *Rand Daily Mail*, 28 January 1977, p. 21.

<sup>31</sup> G. Burger, 'Van harpui en bloed tot pluiskiel en verhoog: Jong David het in 'n beestrok in SA aangekom', *Die Vaderland*, 24 November 1981, n.p.

Mendel Levin was born on 9 March 1911 in Lutzin, Latvia.<sup>32</sup> He was the youngest child of Abraham and Hannah Levin and had four older siblings.<sup>33</sup> Mendel Levin's siblings were Simon Levin (born on 2 August 1901, died on 20 March 1977),<sup>34</sup> Leah Levin (later Mymin and Borman, born on 15 August 1903,<sup>35</sup> date of death unknown), Freda Levin (later Moss, born on 19 January 1905, died on 7 October 1984)<sup>36</sup> and David Levin (born on 15 November 1907, died on 14 April 1986).<sup>37</sup>

According to Dave Levin, Abraham Levin returned to South Africa sometime between 1911 and 1914, without any money to support himself due to a heatwave and pestilence in Latvia.<sup>38</sup> There is evidence which indicates that the summer of 1911 was “extremely hot”, where regions in Europe “suffered a particularly severe heatwave and associated drought”.<sup>39</sup> Furthermore, in 1911, an “Eastern” “type of drought” occurred in regions in “European Russia”, such as in the eastern and western parts of Siberia and the Ukraine.<sup>40</sup> As regards to pestilence and disease, the “largest cholera epidemic of the twentieth century in Europe” occurred in Russia in 1910.<sup>41</sup> This outbreak is often viewed as “the first truly national epidemic in Russian history”, as the disease spread to practically “every province in the geographically largest” nation in the world.<sup>42</sup> Furthermore, this epidemic was lethal, as out of the 230 232 recorded cases, 109 560 cases (just under half), were fatal.<sup>43</sup> It is most

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<sup>32</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>33</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329; NA, Registrar of the Supreme Court of South Africa, Transvaal Provincial Division. Applications (1910 - 1980) (TPD), Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin, Certificate of Naturalization, Abraham Levin’, 1936, p. C2.

<sup>34</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin, Certificate of Naturalization, Abraham Levin’, 1936, p. C2; Anon., ‘Classified Advertisements: Deaths, Levin’, *Rand Daily Mail*, 21 March 1977, p. 17.

<sup>35</sup> Anon., ‘The People’s Column: Notice of Marriage’, *Sunday Times*, 17<sup>th</sup> February 1924, Vol. XV.-938, p. 1; Anon., ‘Matrimonial Matters in the Supreme Court’, *Rand Daily Mail*, 23 August 1950, p. 7; NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin, Certificate of Naturalization, Abraham Levin’, 1936, p. C2.

<sup>36</sup> Anon., ‘Classified Advertisements: Deaths, Moss’, *Sunday Times*, 14 October 1984, p. 40; NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin, Certificate of Naturalization, Abraham Levin’, 1936, p. C2.

<sup>37</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin, Certificate of Naturalization, Abraham Levin’, 1936, p. C2; Anon., ‘Boxing promoter Dave Levin dies’, *The Citizen*, 15 April 1986, p. 13.

<sup>38</sup> G. Burger, ‘Van harpuis en bloed tot pluiskiel en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>39</sup> A. Lleras-Muney & F. Moreau, ‘A Unified Model of Cohort Mortality’, *Demography* 59(6), 2022, p. 2122; M. Poland, ‘Walking with the Goat-God: Gothic Ecology in Algernon Blackwood’s “Pan’s Garden: A Volume of Nature Stories”’, *Critical Survey* 29(1), 2017, p. 64; M.G. Sanderson & G.P. Ford, ‘Projections of severe heat waves in the United Kingdom’, *Climate Research* 71(1), 2016, p. 64.

<sup>40</sup> S.D. Schubert, H. Wang, R.D. Korster, M.J. Suarez & P.Y. Groisman, ‘Northern Eurasian Heat Waves and Droughts’, *Journal of Climate* 27(9), 2014, p. 3198.

<sup>41</sup> J.P. Davis, *Russia in the Time of Cholera: Disease under Romanovs and Soviets*, Bloomsbury Academic, London, 2018, p. 118.

<sup>42</sup> J.P. Davis, *Russia in the Time of Cholera*, p. 119.

<sup>43</sup> J.P. Davis, *Russia in the Time of Cholera*, pp. 118-119.



probable that this cholera epidemic was the “pestilence” that caused Abraham Levin to return to South Africa between 1911 and 1914.

During this time, Abraham Levin raised money to help his wife and five children immigrate to South Africa.<sup>44</sup> Just as the rest of the Levin family was about to join him in South Africa, the First World War broke out in 1914. It was possible for Hannah Levin and her children to travel to South Africa through Siberia or Japan, but they remained in Latvia as it was too expensive.<sup>45</sup> Due to poor communication infrastructure, Abraham Levin almost lost contact with his family completely.<sup>46</sup> He was only able to establish contact with his wife and children in 1920,<sup>47</sup> two years after World War I (1914-1918) came to an end. According to Dave Levin, in order to survive and look after her children, his mother turned to begging.<sup>48</sup> According to an issue of the *Government Gazette* that was published on 5 February 1917,<sup>49</sup> Abraham Levin on the other hand set up shop and conducted business at “Stand No. 168 Luipaardsvlei No. 8 Krugersdorp”.<sup>50</sup> But, he abandoned this business on 31 May 1916.<sup>51</sup>

In 1921, Hannah Levin and her five children began their journey to South Africa to join Abraham Levin.<sup>52</sup> Apparently, Hannah Levin and her children travelled in a cattle truck from Lūdza to Riga.<sup>53</sup> They then travelled to Liepāja and London, before finally arriving by ship in South Africa.<sup>54</sup> According to Mendel Levin’s ex parte application, Hannah Levin and her children arrived in South

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<sup>44</sup> G. Burger, ‘Van harpui en bloed tot pluiskeil en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>45</sup> G. Burger, ‘Van harpui en bloed tot pluiskeil en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>46</sup> G. Burger, ‘Van harpui en bloed tot pluiskeil en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>47</sup> G. Burger, ‘Van harpui en bloed tot pluiskeil en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>48</sup> G. Burger, ‘Van harpui en bloed tot pluiskeil en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>49</sup> *Government Gazette Extraordinary*, Vol. XXVII, No. 787, Union of South Africa, Cape Town, 5<sup>th</sup> February 1917, p. xxiii.

<sup>50</sup> *Government Gazette Extraordinary*, Vol. XXVII, No. 787, Union of South Africa, Cape Town, 5<sup>th</sup> February 1917, p. xxiii.

<sup>51</sup> *Government Gazette Extraordinary*, Vol. XXVII, No. 787, Union of South Africa, Cape Town, 5<sup>th</sup> February 1917, p. xxiii.

<sup>52</sup> G. Burger, ‘Van harpui en bloed tot pluiskeil en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>53</sup> G. Burger, ‘Van harpui en bloed tot pluiskeil en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

<sup>54</sup> G. Burger, ‘Van harpui en bloed tot pluiskeil en verhoog: Jong David het in ‘n beestrok in SA aangekom’, *Die Vaderland*, 24 November 1981, n.p.

Africa on 17 May 1921.<sup>55</sup> At this time, Mendel Levin's father Abraham had been certified a "Naturalized British Subject"<sup>56</sup> on 2 February 1921.<sup>57</sup>

In the 1920s, the Levin family resided in the Luipaardsvlei district of Krugersdorp, in the Transvaal.<sup>58</sup> Aside from working as a general dealer, Abraham Levin also had the occupation of an "Eating-house Keeper".<sup>59</sup> On 4 March 1904, the Government Gazette published that an "eating-house":<sup>60</sup> "...shall mean any premises or place where any articles of food or drink is sold or offered for sale to Natives and accommodation is provided for the consumption of such food and drink".<sup>61</sup> Sometime later, the Levin family settled near the Consolidated Mines in Krugersdorp West where they opened another store.<sup>62</sup> They later opened a store in the Randfontein region as well.<sup>63</sup>

During the beginning of his school days in Krugersdorp, Mendel Levin and his siblings understood neither English nor Afrikaans.<sup>64</sup> According to the *South African Jewry 1967-8*, Mendel Levin attended Krugersdorp High School for his secondary education.<sup>65</sup> The *South African Jewry* also states that Mendel Levin studied at the University of the Witwatersrand (also known as Wits) in Johannesburg for his tertiary education,<sup>66</sup> yet it does not state when or what he studied. The Wits Archives only possess a very brief record stating that a Mendel Levin, born on 21 April 1911 in Latvia, only completed the first year of a Bachelor of Medicine degree in 1931.<sup>67</sup> According to the Wits Archives, Mendel Levin did not complete his studies.<sup>68</sup> Since this was the only record that Wits had regarding a Mendel Levin who was born in Latvia in 1911, this is, in all likelihood, the Mendel Levin of this study despite the incorrect date of birth, which is a month and ten days after his recorded date of birth.

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<sup>55</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: 'Mendel Levin', 1936, p. 3.

<sup>56</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: 'Mendel Levin', 1936, p. 3.

<sup>57</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: 'Mendel Levin, Certificate of Naturalization, Abraham Levin', 1936, p. C2.

<sup>58</sup> *Government Gazette*, Vol. I.XXVI, No. 1782, Union of South Africa, Pretoria, 17 May 1929, p. 482.

<sup>59</sup> *Government Gazette*, Vol. I.XXVI, No. 1782, Union of South Africa, Pretoria, 17 May 1929, p. 482.

<sup>60</sup> The original wording from the primary document has not been used as it is offensive.

<sup>61</sup> C.M. Rogerson, "'Shisha Nyama': The rise and fall of the native eating house trade in Johannesburg", *Social Dynamics* 14(1), 1988, p. 21.

<sup>62</sup> G. Burger, 'Van harpui en bloed tot pluiskiel en verhoog: Jong David het in 'n beestrok in SA aangekom', *Die Vaderland*, 24 November 1981, n.p.

<sup>63</sup> G. Burger, 'Van harpui en bloed tot pluiskiel en verhoog: Jong David het in 'n beestrok in SA aangekom', *Die Vaderland*, 24 November 1981, n.p.

<sup>64</sup> G. Burger, 'Van harpui en bloed tot pluiskiel en verhoog: Jong David het in 'n beestrok in SA aangekom', *Die Vaderland*, 24 November 1981, n.p.

<sup>65</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>66</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>67</sup> E-mail correspondence with Molatelo Pampa, Records Management Coordinator, Wits Archives, Johannesburg, South Africa, 9 March 2023.

<sup>68</sup> E-mail correspondence with Molatelo Pampa, Records Management Coordinator, Wits Archives, Johannesburg, South Africa, 9 March 2023.

## Personal Life

Mendel Levin's first marriage was to Dora Bloomberg, who also came from a large Jewish family, not unlike Mendel Levin himself. Dora Bloomberg was the eldest daughter of Bertha and Louis Bloomberg (who were both Jewish immigrants)<sup>69</sup> and was born on 8 March 1913.<sup>70</sup> Dora Bloomberg was born in the town of Prieska in the province of the Northern Cape in present-day South Africa.<sup>71</sup> Her mother was Bertha Bloomberg (born Levy),<sup>72</sup> who was the "artist-daughter of a Jerusalem rabbi", Rev. Isaac Levy.<sup>73</sup> Dora's father, Louis Bloomberg, arrived in South Africa in 1890.<sup>74</sup> The Bloomberg family lived comfortably in Prieska in the Northern Cape,<sup>75</sup> until they were forced to relocate as a result of the "seven year drought of the 30s".<sup>76</sup> This drought "devastated the family's farms"<sup>77</sup> and so they migrated to Johannesburg "in search of survival".<sup>78</sup>

Louis Bloomberg was a "founder member"<sup>79</sup> of the Jewish community in Prieska. Furthermore, he was renowned to have "contributed significantly to"<sup>80</sup> the spirit of the Jewish community in Prieska. After arriving in South Africa, Louis Bloomberg fought on the side of the "Republicans",<sup>81</sup> during the South African War (1899-1902). Additionally, according to Sam Bloomberg, one of Dora Levin's younger brothers, Louis Bloomberg served in the Russian army for five years before arriving in South Africa.<sup>82</sup> He was also "one of the first Jews in the Tzar's Dragoon Guards",<sup>83</sup> and was "one of only

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<sup>69</sup> F. Higginson, 'Sunday Profile: Sam Bloomberg - 25 years of dicing with death', *The Sunday Star*, 17 February 1985, p. 6.

<sup>70</sup> Anon., 'People's Column: Fiancailles [sic]', *Sunday Times*, 3 February 1965, p. 2; Anon., 'Fiances [sic]: BLOOMBERG-LEVY', *Cape Times*, 23 February 1912, p. 2; *Government Gazette*, Vol. 169, No. 6561, Republic of South Africa, Pretoria, 6 July 1979, p. 86.

<sup>71</sup> A. Levin, 'An analysis of the drug use and certain sequelae thereof, with emphasis on cannabis satvia, in a sample of young men conscripted for military service', Doctor of Medicine Thesis, University of Pretoria, Pretoria, 1974, p. 5.

<sup>72</sup> Anon., 'Matrimonial Matters in Supreme Court', *Rand Daily Mail*, Johannesburg, Wednesday, 22 October 1947, p. 10.

<sup>73</sup> A. Goldstuck, 'The Human Angle: Sam Bloomberg - highest-ranking SA Police Reservist', *South African Jewish Times* 45(19), 20 January 1984, p. 2; Anon., 'People's Column: Deaths, Levy', *Sunday Times*, 15 February 1942, p. 2.

<sup>74</sup> C. Vermaak, 'Suicides Anonymous founder helps police: 'Angry man' chief reservist', *Rand Daily Mail*, 18 March 1964, p. 1.

<sup>75</sup> L. Waldman, 'When Social Movements Bypass the Poor: Asbestos Pollution, International Litigation and Griqua Cultural Identity', *Journal of Southern African Studies* 33(3), 2007, p. 578.

<sup>76</sup> F. Higginson, 'Sunday Profile: Sam Bloomberg - 25 years of dicing with death', *The Sunday Star*, 17 February 1985, p. 6.

<sup>77</sup> F. Higginson, 'Sunday Profile: Sam Bloomberg - 25 years of dicing with death', *The Sunday Star*, 17 February 1985, p. 6.

<sup>78</sup> F. Higginson, 'Sunday Profile: Sam Bloomberg - 25 years of dicing with death', *The Sunday Star*, 17 February 1985, p. 6.

<sup>79</sup> A. Goldstuck, 'The Human Angle: Sam Bloomberg - highest-ranking SA Police Reservist', *South African Jewish Times* 45(19), 20 January 1984, p. 2.

<sup>80</sup> A. Goldstuck, 'The Human Angle: Sam Bloomberg - highest-ranking SA Police Reservist', *South African Jewish Times* 45(19), 20 January 1984, p. 2.

<sup>81</sup> A. Goldstuck, 'The Human Angle: Sam Bloomberg - highest-ranking SA Police Reservist', *South African Jewish Times* 45(19), 20 January 1984, p. 2.

<sup>82</sup> C. Vermaak, 'Suicides Anonymous founder helps police: 'Angry man' chief reservist', *Rand Daily Mail*, 18 March 1964, p. 1.

<sup>83</sup> A. Goldstuck, 'The Human Angle: Sam Bloomberg - highest-ranking SA Police Reservist', *South African Jewish Times* 45(19), 20 January 1984, p. 2.

10 Jews allowed to join the Russian Royal Dragoon Guards from which guards to the Czar of Russia were selected”.<sup>84</sup>

Mendel Levin and Dora Bloomberg’s engagement was announced in the newspaper the *Sunday Times* on 3 February 1935. The couple were married on Wednesday 9 December 1936.<sup>85</sup> Their marriage ceremony, which took place in the Mayfair Synagogue in Johannesburg, was performed by Cantor Rudy.<sup>86</sup> Mendel Levin’s best man was Mr. Ivan Sacks and the groomsmen were Mr. Eli Margowsky and Mr. Maurice Horwitz.<sup>87</sup> The pole holders at the wedding were Mendel Levin’s in-laws, including Mr. Harry Bloomberg, Mr. Issy Lasarow, Mr. Sam Margowsky and Mr. Lionel Preddy.<sup>88</sup> This evidence suggests that, like many other Jewish families of the time, the Levins were close-knit, in both their immediate families as well as their extended ones. The wedding’s reception was a large event, which included about 400 guests,<sup>89</sup> reflecting on a lavish Jewish affair. Amongst other individuals, Mendel Levin’s eldest brother, Mr. Simon Levin, proposed a toast at the reception.<sup>90</sup> After the reception, Dora and Mendel Levin travelled to the Cape for their honeymoon.<sup>91</sup>

Aubrey Levin, the only child of Mendel and Dora Levin, was born on 18 December 1938.<sup>92</sup> His bris melah (circumcision)<sup>93</sup> took place seven days after his birth on 25 December 1938 at the “Levin Residence”. At this time, the Levins lived in 88 Queen Street in the “residential” suburb of Kensington, in Johannesburg.<sup>94</sup> Dora and Mendel Levin celebrated their silver (25<sup>th</sup>) wedding anniversary in 1961.<sup>95</sup> The couple remained married for almost forty-two years until Dora’s death on 2 June 1978 in Durban.<sup>96</sup>

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<sup>84</sup> C. Vermaak, ‘Suicides Anonymous founder helps police: ‘Angry man’ chief reservist’, *Rand Daily Mail*, 18 March 1964, p. 1.

<sup>85</sup> Anon., ‘People’s Column: Financials’, *Sunday Times*, 3 February 1965, p. 2; Anon., ‘People’s Column: Notice of Marriage’, *Sunday Times*, 6 December 1936, p. 2; Anon., ‘Evening Wedding Levin-Bloomberg’, *Rand Daily Mail*, 10 December 1936, p. 8.

<sup>86</sup> Anon., ‘Evening Wedding Levin-Bloomberg’, *Rand Daily Mail*, 10 December 1936, p. 8.

<sup>87</sup> Anon., ‘Evening Wedding Levin-Bloomberg’, *Rand Daily Mail*, 10 December 1936, p. 8.

<sup>88</sup> Anon., ‘Evening Wedding Levin-Bloomberg’, *Rand Daily Mail*, 10 December 1936, p. 8.

<sup>89</sup> Anon., ‘Evening Wedding Levin-Bloomberg’, *Rand Daily Mail*, 10 December 1936, p. 8.

<sup>90</sup> Anon., ‘Evening Wedding Levin-Bloomberg’, *Rand Daily Mail*, 10 December 1936, p. 8.

<sup>91</sup> Anon., ‘Evening Wedding Levin-Bloomberg’, *Rand Daily Mail*, 10 December 1936, p. 8.

<sup>92</sup> A. Levin, ‘An analysis of the drug use and certain sequelae thereof, with emphasis on cannabis satvia, in a sample of young men conscripted for military service’, Doctor of Medicine Thesis, University of Pretoria, Pretoria, 1974, p. 5.

<sup>93</sup> R. Mendelsohn & M. Shain, *The Jews in South Africa: An Illustrated History*, Jonathan Ball Publishers, Cape Town, 2008, p. 217.

<sup>94</sup> Anon., ‘People’s Column: Bris Melah’, *Sunday Times*, 25 December 1938, p. 2; S.P. Rule, ‘The Emergence of a Racially Mixed Residential Suburb in Johannesburg: Demise of the Apartheid City?’, *The Geographical Journal* 155(2), 1989, p. 199; Anon., ‘People’s Column: Bris Melah’, *Sunday Times*, 25 December 1938, p. 2.

<sup>95</sup> Anon., ‘Announcements: Silver Wedding’, *Sunday Times*, 3 December 1961, p. 26; Anon., ‘Silver Wedding’, *Sunday Times*, 10 December 1961, p. 25.

<sup>96</sup> Anon., ‘Classified: Deaths’, *Rand Daily Mail*, 22 June 1978, p. 15.

According to the newspaper clipping from *The Jewish Herald Times* published on 22 March 1991, Mendel Levin remarried after the death of his first wife.<sup>97</sup> Mendel Levin and Queenie were already together, and possibly married, when his sister, Freda Moss, died in 1984.<sup>98</sup> Freda Moss' death was announced under the Classified Advertisements in the *Sunday Times* newspaper published on 14 October 1984.<sup>99</sup> Under "Deaths", there is an announcement that reads:

MOSS. Freda. Dearly loved sister of Mendel and treasured friend of Queenie. A gracious lady gone to rest.<sup>100</sup>

This suggests that Mendel Levin was romantically involved, or possibly already married to, Queenie by 1984.

As for recreational activities, Mendel Levin enjoyed partaking in sports such as golf and tennis. He was the chairman of the Jewish Guild Tennis Section during the years of 1945 and 1948<sup>101</sup> and was the chairman of the Boxing and Physical Culture Section during the years 1946 to 1948.<sup>102</sup>

Mendel Levin was also an honorary legal advisor for the organisation, Suicides Anonymous,<sup>103</sup> which was founded in 1961.<sup>104</sup> The director and chairman of the organisation was Sam Bloomberg.<sup>105</sup> Bloomberg also held positions in other organisations that focused on similar psychological issues involving suicide and suicide prevention. He was appointed as the "first national representative in South Africa"<sup>106</sup> for the International Association for Suicide Prevention in 1966 at the age of 39.<sup>107</sup> Additionally, Bloomberg was also the chairman of the South African Suicide Prevention Centre in 1973.<sup>108</sup> Mendel Levin's membership suggests that both he and his son Aubrey Levin shared an interest in psychological matters, as Aubrey would eventually specialise in the similar field of psychiatry.

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<sup>97</sup> Anon., '80<sup>th</sup> Birthday', *The Jewish Herald Times*, 22 March 1991, p. 94.

<sup>98</sup> Anon., 'Classified Advertisements: Deaths, Moss', *Sunday Times*, 14 October 1984, p. 40.

<sup>99</sup> Anon., 'Classified Advertisements: Deaths, Moss', *Sunday Times*, 14 October 1984, p. 40.

<sup>100</sup> Anon., 'Classified Advertisements: Deaths, Moss', *Sunday Times*, 14 October 1984, p. 40.

<sup>101</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>102</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>103</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>104</sup> Anon., 'First head of suicide prevention', *Rand Daily Mail*, 11 February 1966, p. 13.

<sup>105</sup> Anon., 'Suicides man not standing', *Rand Daily Mail*, 14 October 1977, p. 6; H. Carruthers, 'Helping Rand lonely', *Rand Daily Mail*, 2 November 1964, p. 9.

<sup>106</sup> Anon., 'First head of suicide prevention', *Rand Daily Mail*, 11 February 1966, p. 13.

<sup>107</sup> Anon., 'First head of suicide prevention', *Rand Daily Mail*, 11 February 1966, p. 13.

<sup>108</sup> H. Bohler, 'Suicide by aged 'confuses young'', *Rand Daily Mail*, 13 June 1973, p. 2.



## Military Service and Health

Mendel Levin served in the Union Defence Force (UDF) during the Second World War.<sup>109</sup> Records of his military service were located in the Department of Defence (DoD) Archives in Pretoria. After volunteering, Mendel Levin enlisted for the UDF on 21 April 1941.<sup>110</sup> His Regiment number was 224343 and he was part of the General Service Corps (G.S.C.).<sup>111</sup> His Unit was recorded as “G.S.C. Attd. N.M.C. RIETFONTEIN 11”.<sup>112</sup> Interestingly, Mendel Levin’s military records also indicate that he was involved in the “N.M.C.”,<sup>113</sup> or the “Native Military Corps”.<sup>114</sup> By 14 October 1941, Mendel Levin held the rank of Staff Sergeant.<sup>115</sup> During his military service, it appears that he primarily served in a “legal” capacity.<sup>116</sup>

*The South African Jewry 1967-68* states that during World War II, Mendel Levin “served G.S.C.” from 1940 to 1944 and that he was also a “legal officer” for the “Wit. Command” from 1941 to 1944.<sup>117</sup> Evidence was found in Mendel Levin’s records that indicate that he was in the “G.S.C. Wit Command” unit sometime during his military service, most likely in 1943.<sup>118</sup> Furthermore, a newspaper clipping from *The Jewish Herald Times*, that was published on 22 March 1991, states that Mendel Levin was awarded the “Irgun Medal” for his “efforts on behalf of the Irgun Zvai Leumi”.<sup>119</sup> The Irgun Zvai Leumi was the primary “Jewish underground militant group during” the formation of Israel.<sup>120</sup> Also known as the “Etzel” (the Hebrew acronym for Irgun Tzvai Leumi),<sup>121</sup> the Irgun Zvai Leumi was a “terrorist group” that was established in 1931 and “revolted against British rule over

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<sup>109</sup> Department of Defence Archives, Pretoria (DoD), Campaign Medal Awards, 224343, ‘Levin, M.’, 28 January 1953, n.p.

<sup>110</sup> Union of South Africa, *Volunteer Units of the Union Defence Force: Attestation of Mendel Levin*, 21 April 1941, p. 2, found in DoD, Campaign Medal Awards, 224343, ‘Levin, M.’, 28 January 1953.

<sup>111</sup> Union of South Africa, *Volunteer Units of the Union Defence Force: Attestation of Mendel Levin*, 21 April 1941, p. 1, found in DoD, Campaign Medal Awards, 224343, ‘Levin, M.’, 28 January 1953.

<sup>112</sup> D.D. 25, Report for Re-Classification of Full-Time Volunteers, ‘LEVIN, M’, n.p., found in DoD, W.R. Department, 224343, ‘LEVIN, M. (Med)’, n.d.

<sup>113</sup> Union of South Africa, *Volunteer Units of the Union Defence Force: Attestation of Mendel Levin*, 21 April 1941, p. 1, found in DoD, Campaign Medal Awards, 224343, ‘Levin, M.’, 28 January 1953.

<sup>114</sup> J. Findlay, *South African Military Abbreviations and Acronyms*, South African Military Mail Study Group, Johannesburg, 2009, p. 17.

<sup>115</sup> Report, Military Section Johannesburg General Hospital, ‘LEVIN Mendel’, n.p., found in DoD, W.R. Department, 224343, ‘LEVIN, M.’, n.d.; J. Findlay, *South African Military Abbreviations and Acronyms*, p. 22.

<sup>116</sup> Progress Record, Form D.D. 110 (A), ‘LEVIN: MENDEL’, 26 August 1944, p. 1, found in DoD, W.R. Department, 224343, ‘LEVIN, M.’, n.d.

<sup>117</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>118</sup> Notification of Discharge from Out-Patient Department, ‘LEVIN, M’, 25 August 1943, n.p., found in DoD, W.R. Department, 224343, ‘LEVIN, M. (Med)’, n.d.

<sup>119</sup> Anon., ‘80<sup>th</sup> Birthday’, *The Jewish Herald Times*, 22 March 1991, p. 94.

<sup>120</sup> G. Martin, *The SAGE Encyclopedia of Terrorism*, Second Edition, SAGE Publications, Los Angeles, 2011, p. 302.

<sup>121</sup> A. Shilon, *Menachem Begin: A Life*, Yale University Press, New Haven, 2012, p. 8.



Palestine”.<sup>122</sup> No other evidence has been found to either corroborate or confirm that Mendel Levin was awarded this medal or to explain what this medal was awarded for.

Additionally, the DoD records confirmed information such as his date of birth, birthplace, spouse and nationality. His physical appearance was also recorded in these records: he had brown eyes, black hair and a dark complexion whilst having “no distinctive marks” and his height was recorded between “5ft 6ins” and 5’ 7” (without boots) while his weight was recorded as 208 pounds.<sup>123</sup> These records gave an account of Mendel Levin’s health between the years of 1941 to 1944,<sup>124</sup> when he had heart difficulties and a variety of other illnesses and ailments. Despite the fact that Mendel Levin drank “very occasional[ly]”, he was a heavy smoker and smoked “[a]bout 25” tobacco cigarettes per day.<sup>125</sup> These conditions persisted throughout his military service, resulting in him being given “clerical” duties to perform for a period of “1 month” as well as being transferred to the Johannesburg General Hospital.<sup>126</sup> By early 1944, he was described as having “become exceedingly nervous & jumpy” and was “subject to frequent frontal headaches” and his “[l]egal practice [was] deteriorating”.<sup>127</sup> Less than a month later, Mendel Levin was discharged from the UDF, and was “to return to civil occupation” with the reason being “services no longer required”.<sup>128</sup> By the end of his military service, Mendel Levin had reached the rank of Warrant Officer II (Company or Battery or Squadron Sergeant Major) and was entitled to an “Honourable Discharge” “with benefits”.<sup>129</sup> Despite these intermittent health issues, Mendel Levin lived to the age of 90, passing away in Saskatoon in Canada on 3 July 2001.<sup>130</sup>

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<sup>122</sup> B.M.J. Wasserstein, ‘J. Bowyer Bell. Terror out of Zion: Irgun Zvai Leumi, LEHI, and the Palestine Underground, 1929–1949’, *The American Historical Review* 83(1), 1978, p. 243; G. Martin, *The SAGE Encyclopedia of Terrorism*, p. 302.

<sup>123</sup> Union of South Africa, *Volunteer Units of the Union Defence Force: Attestation of Mendel Levin*, 21 April 1941, p. 1, found in DoD, Campaign Medal Awards, 224343, ‘Levin, M.’, 28 January 1953; Report, Union Defence Forces, ‘LEVIN, MENDEL’, 21 April 1941, n.p., found in DoD, W.R. Department, 224343, ‘LEVIN, M.’, n.d.

<sup>124</sup> Director-General of Demobilisation, Record of Volunteer’s Service, ‘Levin, Mendel’, 3 January 1946, p. 1, found in DoD, Campaign Medal Awards, 224343, ‘Levin, M.’, 28 January 1953.

<sup>125</sup> Progress Record, Form D.D. 110 (A), ‘LEVIN: MENDEL’, 26 August 1944, p. 2, found in DoD, W.R. Department, 224343, ‘LEVIN, M.’, n.d.

<sup>126</sup> Report, D.D. 42., ‘LEVIN Mendel.’, 14 October 1941, p. 3, found in DoD, W.R. Department, 224343, ‘LEVIN, M.’, n.d.; Report, D.D. 42., ‘LEVIN Mendel.’, 14 October 1941, p. 4, found in DoD, W.R. Department, 224343, ‘LEVIN, M.’, n.d.; Report, R26227, Form D.D. 122a, ‘LEVIN Mendel’, 23 September 1941, p. 1, found in DoD, W.R. Department, 224343, ‘LEVIN, M.’, n.d.

<sup>127</sup> Progress Record, Form D.D. 110 (A), ‘LEVIN: MENDEL’, 26 August 1944, p. 2, found in DoD, W.R. Department, 224343, ‘LEVIN, M.’, n.d.

<sup>128</sup> Progress Record, Form D.D. 110 (A), ‘LEVIN: MENDEL’, 26 August 1944, p. 2, found in DoD, W.R. Department, 224343, ‘LEVIN, M.’, n.d.; Director-General of Demobilisation, Record of Volunteer’s Service, ‘Levin, Mendel’, 3 January 1946, p. 1, found in DoD, Campaign Medal Awards, 224343, ‘Levin, M.’, 28 January 1953.

<sup>129</sup> Director-General of Demobilisation, Record of Volunteer’s Service, ‘Levin, Mendel’, 3 January 1946, p. 1, found in DoD, Campaign Medal Awards, 224343, ‘Levin, M.’, 28 January 1953; J. Findlay, *South African Military Abbreviations and Acronyms*, p. 24.

<sup>130</sup> Chevra Kadisha of Calgary, ‘Mr. Mendel Levin’, *Funeral Directors Statement of Death*, Calgary, Alberta, 5 July 2001.

## Mendel the Jew

### Religious Aspects

There has been much evidence found in newspaper clippings and classified advertisements which suggest that Mendel Levin practised the Jewish faith religiously. First, Mendel Levin celebrated Jewish holidays and followed the Jewish calendar. Before his wedding to Dora Bloomberg, Mendel Levin placed an announcement in the newspaper, *Sunday Times*, which was published on 20 September 1936 that stated that, “Mendel Levin and Fiancée” wished their relatives and friends a “Happy and Prosperous New Year and Well over the Fast”.<sup>131</sup> This announcement referred to *Rosh Hashanah*, which is the holiday of the Jewish New Year.<sup>132</sup> Additionally, when Dora Levin’s death was announced in the *Rand Daily Mail*, the announcement included the Hebrew date, which was, 15 Sivan 5738.<sup>133</sup> Additionally, in her early adulthood, Dora Levin followed in her father’s footsteps and became qualified as a Hebrew teacher.<sup>134</sup> This further suggests that Mendel Levin, as well as his wife, were practising religious Jews.

There is also evidence to suggest that Mendel Levin followed and practised Jewish customs. For example, Dora and Mendel Levin were married in the Mayfair Synagogue in Johannesburg.<sup>135</sup> As previously mentioned, Mendel Levin’s only child, Aubrey Levin, underwent a Bris Melah shortly after his birth.<sup>136</sup> Interestingly, the bar mitzvah of Dora Levin’s younger brother, Samuel Bloomberg (also known as “Sam”), was also held on the same day as Aubrey’s Bris Melah and at the same venue.<sup>137</sup> Furthermore, Aubrey, the “only son of Dora and Mendel Levin”<sup>138</sup> had his bar mitzvah where he conducted the “inaugural service” on the evening of 25 January 1952.<sup>139</sup> On the morning of Saturday, 26 January 1952, Aubrey read a “portion of the Law and Haftorah” at the Sydenham Highlands North Shul.<sup>140</sup> Additionally, during his childhood in Latvia, his mother, Hannah Levin, insisted that Mendel Levin and his siblings learnt the Yiddish language.<sup>141</sup> Finally, Mendel Levin’s

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<sup>131</sup> Anon., ‘Levin’, *Sunday Times*, 20 September 1936, p. 6.

<sup>132</sup> J. Romain & D. Mitchell, *Inclusive Judaism: The Changing Face of an Ancient Faith*, Jessica Kingsley Publishers, London, 2020, p. 240.

<sup>133</sup> Anon., ‘Classified: Deaths’, *Rand Daily Mail*, 22 June 1978, p. 15.

<sup>134</sup> A. Levin, ‘An analysis of the drug use and certain sequelae thereof, with emphasis on cannabis satvia, in a sample of young men conscripted for military service’, Doctor of Medicine Thesis, University of Pretoria, Pretoria, 1974, p. 5.

<sup>135</sup> Anon., ‘Evening Wedding Levin-Bloomberg’, *Rand Daily Mail*, 10 December 1936, p. 8.

<sup>136</sup> Anon., ‘People’s Column: Bris Melah’, *Sunday Times*, 25 December 1938, p. 2.

<sup>137</sup> According to R. Mendelsohn & M. Shain, *The Jews in South Africa*, p. 217: A bar mitzvah refers to the “traditional coming of age at 13 for the Jewish male”; Anon., ‘Actress was suicidal - evidence’, *Rand Daily Mail*, 14 October 1965, p. 2; Anon., ‘People’s Column: Bris Melah’, *Sunday Times*, 25 December 1938, p. 2.

<sup>138</sup> Anon., ‘Domestic Notices: Barmitzvah, Levin’, *Sunday Times*, 20 January 1952, p. 2.

<sup>139</sup> Anon., ‘Domestic Notices: Barmitzvah, Levin’, *Sunday Times*, 20 January 1952, p. 2.

<sup>140</sup> Anon., ‘Domestic Notices: Barmitzvah, Levin’, *Sunday Times*, 20 January 1952, p. 2.

<sup>141</sup> L. Neill, ‘Arnie may say thanks to a Yiddishe Mama’, *Sunday Express*, 27 May 1973.

death statement also included the Hebrew date of death - 12 Tammuz 5761.<sup>142</sup> This, along with the other mentioned evidence endorses the fact that Mendel Levin was a practising Jew.

According to the *South African Jewry 1967-68*, Mendel Levin was involved in a number of Jewish organisations in the Johannesburg area. He was very involved in the Sydenham Highlands North Hebrew Congregation and served in various positions on the Congregation's Executive Council.<sup>143</sup> Additionally, the *South African Jewry 1967-68* also states that Mendel Levin was an executive member of the South African Board of Jewish Education,<sup>144</sup> which suggests that he had an interest in policies regarding Jewish education in Johannesburg. However, no evidence was found to support this in the records of the JBD. These records did however confirm that he was a delegate to the JBD from 1958 to 1964 and was also an executive member of the United Zionist Revisionist Party from 1946 to 1949.<sup>145</sup> A brief announcement regarding Mendel Levin's 80<sup>th</sup> birthday was published in the newspaper, *The Jewish Herald Times*, on 22 March 1991<sup>146</sup> and confirmed that Mendel Levin did serve as the chairman of the Sydenham Highlands North Congregation as well as the chairman of the "its educational Committee".<sup>147</sup> Furthermore, the clipping states that he is "an Honorary Life Member" of this Congregation, and that he served "on its Council for almost 30 years".<sup>148</sup> This evidence not only suggests that Mendel Levin showed interest in aspects concerning the Jewish community of Johannesburg, but also indicates that he was a relatively prominent member of this religious community.

## Hebrew Congregations and Committees

As previously mentioned, Mendel Levin was very involved in the Sydenham-Highlands North Hebrew Congregation and served as its chairman from 1947 to 1949.<sup>149</sup> During his chairmanship, there was "an extraordinary increase in membership" from 396 in 1947 to 538 in 1949, an increase of 142 new members.<sup>150</sup> The increase in Jewish families in the area could also have contributed to this increase.<sup>151</sup> Although this appears as a "compliment" to both the Congregation and to Mendel

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<sup>142</sup> Chevra Kadisha of Calgary, 'Mr. Mendel Levin', *Funeral Directors Statement of Death*, Calgary, Alberta, 5 July 2001.

<sup>143</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>144</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>145</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>146</sup> Anon., '80<sup>th</sup> Birthday', *The Jewish Herald Times*, 22 March 1991, p. 94.

<sup>147</sup> Anon., '80<sup>th</sup> Birthday', *The Jewish Herald Times*, 22 March 1991, p. 94.

<sup>148</sup> Anon., '80<sup>th</sup> Birthday', *The Jewish Herald Times*, 22 March 1991, p. 94.

<sup>149</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>150</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>151</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

Levin, this increase in membership resulted in problems that called for “pre-vision and resourcefulness”.<sup>152</sup> In the Congregation’s Annual General Meeting in 1949, Mendel Levin stated that catering for the religious needs of the Congregation’s members “was a task that would be a test” for the Congregation itself.<sup>153</sup> He further asserted that “whatever the difficulties that lay ahead, it was their duty to recruit as many new members as possible”.<sup>154</sup> Mendel Levin also reported that “services were held regularly each day in the Shul Hall”, and the most popular services were the ones on Friday evenings and Saturday mornings.<sup>155</sup> Additionally, for the first time since the founding of the Congregation, “every single seat was sold for the High Festivals” and additional seating had to be arranged as “over 500 children attended the Simchat Torah night”.<sup>156</sup>

At the annual general meeting of 1950, Mendel Levin, who was the “outgoing Chairman”, stated “that he was pleased to record to date 45 stop orders totalling £5,400 had been collected”.<sup>157</sup> According to him, this was proof that “with the necessary effort”, advancements to the Congregation could be made, such as raising funds for “building the new Shul”.<sup>158</sup> Mendel Levin also acknowledged that there were “differences of opinion among congregants” regarding how the funds raised should be spent.<sup>159</sup> Some congregants felt that the money should be spent towards “a new Shul”, whereas others felt that it should be spent building “a new Kindergarten and the extension of the Talmud Torah”.<sup>160</sup> It was Mendel Levin’s view that “with the completion of the Shul, all facilities, both spiritual and also educational, would be provided”.<sup>161</sup> Furthermore, he felt that it would be “unwise to commence building operations” until the 45 stop orders had increased to 200.<sup>162</sup>

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<sup>152</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>153</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>154</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>155</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>156</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>157</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>158</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>159</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>160</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>161</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>162</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 43, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

Additionally, Mendel Levin was also the chairman of the Congregation's Education Department (also known as the Congregation's "education sub-committee")<sup>163</sup> from 1949 to 1964.<sup>164</sup> Although he claimed to have been the education sub-committee's chairman for 16 consecutive years from 1949 to 1964, there is evidence which indicates that he was not the sub-committee's chairman in 1955 and 1956.<sup>165</sup> In 1955, Mr. A. Peck was chairman of the Education Department and was "unanimously re-elected" in 1956.<sup>166</sup> However, there is also evidence to suggest that Mendel Levin was also "elected chairman of the educational department after a close vote" in 1956 and that he took over the position from Peck.<sup>167</sup> Additionally, during this time, Mendel Levin was a member on the Education committee and was also "responsible for the formation of the now firmly-established Youth Centre".<sup>168</sup> During his time as the chairman of the Congregation's Education Department, Mendel Levin was involved in a number of projects and held other positions in the Congregation as well as positions that were related to Hebrew education.

During the Congregation's annual meeting in 1951, Mendel Levin "commended" their success in its educational sphere, which he stated was a result of "the joint endeavours of the staff and the committee".<sup>169</sup> Furthermore, he asserted that "a worrying aspect was the growing breach between youth and the Synagogue", matters which he argued should be "taken in hand".<sup>170</sup> During this time, the Congregation catered for "261 children", which he stated could be "doubled if all the parents who wish to join the institution could be accommodated".<sup>171</sup> At the ninth annual meeting of the Congregation in the following year,<sup>172</sup> it was revealed that the Congregation would begin "building operations on its new synagogue" in the "very near future".<sup>173</sup> During this meeting, Mendel Levin presented a report on the activities of the Congregation's Talmud Torah (an afternoon Hebrew school)<sup>174</sup> as well as the Congregation's Nursery School.<sup>175</sup> He reported that the "Talmud Torah had

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<sup>163</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>164</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>165</sup> Anon., 'Exemplary Congregation Hold Annual Meeting', *Southern African Jewish Times*, 3 June 1955, n.p.

<sup>166</sup> Anon., 'Exemplary Congregation Hold Annual Meeting', *Southern African Jewish Times*, 3 June 1955, n.p.

<sup>167</sup> Anon., 'Sydenham-Highlands North Congregation was gripped by election fever', *Southern African Jewish Times*, 8 June 1956, n.p.

<sup>168</sup> Anon., 'Exemplary Congregation Hold Annual Meeting', *Southern African Jewish Times*, 3 June 1955, n.p.

<sup>169</sup> Anon., 'Negotiations For Sydenham/North Eastern Merger Fail: But Chairman urges Amalgamation in Educational Work', *Southern African Jewish Times*, 13 April 1951, n.p.

<sup>170</sup> Anon., 'Negotiations For Sydenham/North Eastern Merger Fail: But Chairman urges Amalgamation in Educational Work', *Southern African Jewish Times*, 13 April 1951, n.p.

<sup>171</sup> Anon., 'Negotiations For Sydenham/North Eastern Merger Fail: But Chairman urges Amalgamation in Educational Work', *Southern African Jewish Times*, 13 April 1951, n.p.

<sup>172</sup> Anon., 'New Synagogue to be Built for Sydenham-Highlands North', *The Zionist Record*, 16 May 1952, n.p.

<sup>173</sup> Anon., 'Building of New Shul for Sydenham-Highlands North To Begin Soon', *The Jewish Herald Times*, 16 May 1952, n.p.

<sup>174</sup> R. Mendelsohn & M. Shain, *The Jews in South Africa*, p. 218.

<sup>175</sup> Anon., 'New Synagogue to be Built for Sydenham-Highlands North', *The Zionist Record*, 16 May 1952, n.p.



worked on a deficit financially”,<sup>176</sup> as it had “recorded slight deficits”.<sup>177</sup> However, he asserted that there was “nothing alarming” in these deficits, which were being “met by the congregation”.<sup>178</sup> Mendel Levin argued that it “was the duty” of the Hebrew Congregations to provide Hebrew Education “at all costs”.<sup>179</sup> He also asserted that if “his committee received the co-operation of the parents, greater progress could have been recorded”.<sup>180</sup> In addition, he also reported that “his committee had worked harmoniously with the S.A. Board of Jewish Education”.<sup>181</sup> Mendel Levin ended his report with the suggestion that a principal for the Hebrew School should be appointed,<sup>182</sup> which he “further stressed the need” for.<sup>183</sup> Mendel Levin was also amongst those who were elected to the “Talmud Torah Committee”,<sup>184</sup> which was the Hebrew School Committee, with Peck as chairman.<sup>185</sup>

During the Congregation’s general meeting in 1953,<sup>186</sup> Mendel Levin was elected as an “office-bearer” and was appointed the position of a “trustee”.<sup>187</sup> He was later reappointed to the position of trustee in 1954.<sup>188</sup> Furthermore, he was reelected to serve on the Talmud Torah Committee, along with an individual named “D. Levin”.<sup>189</sup> It is highly probable that D. Levin was his first wife, Dora Levin.<sup>190</sup>

Five years after he stepped down as the Congregation’s Chairman, Mendel Levin was on the Executive and Council of the Sydenham Highlands North Hebrew Congregation in 1955.<sup>191</sup> A year later, in the annual general meeting held in 1956,<sup>192</sup> he was appointed the executive position of “hon.

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<sup>176</sup> Anon., ‘Building of New Shul for Sydenham-Highlands North To Begin Soon’, *The Jewish Herald Times*, 16 May 1952, n.p.

<sup>177</sup> Anon., ‘New Synagogue to be Built for Sydenham-Highlands North’, *The Zionist Record*, 16 May 1952, n.p.

<sup>178</sup> Anon., ‘New Synagogue to be Built for Sydenham-Highlands North’, *The Zionist Record*, 16 May 1952, n.p.

<sup>179</sup> Anon., ‘Building of New Shul for Sydenham-Highlands North To Begin Soon’, *The Jewish Herald Times*, 16 May 1952, n.p.

<sup>180</sup> Anon., ‘Building of New Shul for Sydenham-Highlands North To Begin Soon’, *The Jewish Herald Times*, 16 May 1952, n.p.

<sup>181</sup> Anon., ‘Building of New Shul for Sydenham-Highlands North To Begin Soon’, *The Jewish Herald Times*, 16 May 1952, n.p.

<sup>182</sup> Anon., ‘New Synagogue to be Built for Sydenham-Highlands North’, *The Zionist Record*, 16 May 1952, n.p.

<sup>183</sup> Anon., ‘Sydenham-Highlands North To Build New Synagogue’, *Southern African Jewish Times*, 9 May 1952, n.p.

<sup>184</sup> Anon., ‘Sydenham-Highlands North To Build New Synagogue’, *Southern African Jewish Times*, 9 May 1952, n.p.

<sup>185</sup> Anon., ‘New Synagogue to be Built for Sydenham-Highlands North’, *The Zionist Record*, 16 May 1952, n.p.

<sup>186</sup> Anon., ‘Sydenham-Highlands Congregation’, *The Zionist Record*, 29 May 1953, n.p.

<sup>187</sup> Anon., ‘£65,000 Synagogue For Sydenham-Highlands North Congregation’, *The Jewish Herald Times*, 8 May 1953, n.p.

<sup>188</sup> Anon., ‘Sydenham will have new Shul for High Festivals’, *Southern African Jewish Times*, 4 June 1954, n.p.

<sup>189</sup> Anon., ‘Sydenham-Highlands Congregation’, *The Zionist Record*, 29 May 1953, n.p.

<sup>190</sup> Anon., ‘Sydenham-Highlands North Meeting’, *Southern African Jewish Times*, 3 April 1962, n.p.

<sup>191</sup> B. Sachs (ed), *Silver Jubilee 1943 - 1968*, Sydenham-Highlands North Congregation, Johannesburg, 1968, p. 19, in JBD, Sydenham Highlands North Hebrew Congregation, Pamphlets, Volume No 803.44, n.d.

<sup>192</sup> Anon., ‘Proud education boast of Sydenham-Highlands North Congregation’, *The Zionist Record*, 1 June 1956, n.p.



Legal adviser” along with “I. Katz” for the Congregation.<sup>193</sup> During this meeting, Mendel Levin reported on the youth centre, and stated that “many sporting and social functions had been held and competitions had been arranged for the July holidays”.<sup>194</sup> In 1957, Mendel Levin presented the annual report of the Education Department of the Congregation<sup>195</sup> and claimed that amongst other things, “a course in Hebrew, Jewish history and customs, had been started for young women”.<sup>196</sup> These classes were held twice a week and had 20 regular attendees,<sup>197</sup> a situation that he described as “truly remarkable” as the education sub-committee had employed 18 teachers and had an income which exceeded £8 400 compared to the income of £6 600 from the previous year.<sup>198</sup>

During a “lively meeting” in March 1965, an “interesting development” occurred when Mendel Levin was rejected as the chairman of the education sub-committee, a position which he claimed to have held for 16 years.<sup>199</sup> He was “defeated in a three-cornered contest” and E. Opsekin was the “successful candidate”.<sup>200</sup> However, at the Congregation’s 22<sup>nd</sup> annual general meeting held a month later, it was reported that Mendel Levin was reelected as chairman of the Educational Committee.<sup>201</sup> His wife, Dora, was also elected to serve on the Education Committee in 1961, 1962 and 1965.<sup>202</sup> Additionally, his son, “Dr. A. Levin”, was elected for a position on the Congregation’s council.<sup>203</sup> This suggests that the other members of his immediate family were also involved in both the Sydenham-Highlands North Congregation, as well as the broader Jewish community in Johannesburg.

At the Congregation’s 15<sup>th</sup> annual general meeting in 1966, Mendel Levin, who had at that time “associated with the congregation for 23 years” and had been the chairman of its education sub-committee for “16 years”, delivered another Education report.<sup>204</sup> In this report, he stated that it was

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<sup>193</sup> Anon., ‘Sydenham-Highlands North Congregation was gripped by election fever’, *Southern African Jewish Times*, 8 June 1956, n.p.

<sup>194</sup> Anon., ‘Proud education boast of Sydenham-Highlands North Congregation’, *The Zionist Record*, 1 June 1956, n.p.

<sup>195</sup> Anon., ‘Unique Communal Occurrence: President of Sydenham-Highlands North Congregation Resigned to Become its Secretary’, *Southern African Jewish Times*, 10 August 1957, n.p.

<sup>196</sup> Anon., ‘Unique Communal Occurrence: President of Sydenham-Highlands North Congregation Resigned to Become its Secretary’, *Southern African Jewish Times*, 10 August 1957, n.p.

<sup>197</sup> Anon., ‘Unique Communal Occurrence: President of Sydenham-Highlands North Congregation Resigned to Become its Secretary’, *Southern African Jewish Times*, 10 August 1957, n.p.

<sup>198</sup> Anon., ‘Unique Communal Occurrence: President of Sydenham-Highlands North Congregation Resigned to Become its Secretary’, *Southern African Jewish Times*, 10 August 1957, n.p.

<sup>199</sup> Anon., ‘Debate on rabbi discouraged at lively meeting’, *Zionist Record & S.A. Jewish Chronicle*, 1 April 1965, n.p.

<sup>200</sup> Anon., ‘Debate on rabbi discouraged at lively meeting’, *Zionist Record & S.A. Jewish Chronicle*, 1 April 1965, n.p.

<sup>201</sup> Anon., ‘Great changes in Sydenham-Highlands North Congregation’, *Southern African Jewish Times*, 28 May 1965, p. 22.

<sup>202</sup> Anon., ‘Sydenham-Highlands North Office Bearers Inducted’, *The Jewish Herald Times*, 18 April 1961, n.p.; Anon., ‘Sydenham-Highlands North Meeting’, *Southern African Jewish Times*, 3 April 1962, n.p.; Anon., ‘Great changes in Sydenham-Highlands North Congregation’, *Southern African Jewish Times*, 28 May 1965, p. 22.

<sup>203</sup> Anon., ‘Great changes in Sydenham-Highlands North Congregation’, *Southern African Jewish Times*, 28 May 1965, p. 22.

<sup>204</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

easy to criticise the Congregation, but that, “the fact was that the congregation had the largest Talmud Torah in South Africa”.<sup>205</sup> Additionally, he asserted that the Talmud Torah had grown in size from 312 children the previous year to 327 children in 1966.<sup>206</sup> He also reported that the Nursery School had “extended to a full two units”.<sup>207</sup> As a result of this growth, there had been “staff problems”, as it “was difficult to get adequate trained personnel” and due to the increase in salaries, the Talmud Torah and Nursery School had to “raise their fees”.<sup>208</sup> In his report, Mendel Levin also “paid tribute to his Committee and the [Parent Teachers Association] for the wonderful work they had done”.<sup>209</sup> The Talmud Torah and Nursery School were “affiliated to the United Hebrew School” (U.H. School), and Mendel Levin said that he hoped U.H. Schools would “be tolerant of certain changes the Rabbi had introduced, until one could judge the results of the experiment”.<sup>210</sup> He raised another issue in his report, which was that “[m]uch more had to be done to get boys and girls over Bat and Barmitzvah age to continue their Jewish education”.<sup>211</sup> It is also interesting to note that Mendel Levin was in the running for position of “Treasurer” of the Congregation in 1966; however, he “withdrew from” this nomination.<sup>212</sup>

In 1981, Mendel Levin was one of “six leading members” of the Congregation who were made “honorary life members of the council of the congregation in recognition of their outstanding services”.<sup>213</sup> This corroborates some of the information that was published in the previously mentioned, *Jewish Times Herald* article in 1991. Three of these leading members, one of whom was Mendel Levin, were “former chairmen of the congregation” and had each “served on the Shul Council for more than 25 years”.<sup>214</sup> The six individuals were honoured at the “induction of the new council” at a “special Brocha”<sup>215</sup> and were each presented with a scroll “on which the honours were recorded”.<sup>216</sup>

It is also apparent that besides his leading positions in the Sydenham-Highlands North Hebrew Congregation, Mendel Levin was involved in a few “heated”<sup>217</sup> debates between other members of

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<sup>205</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>206</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>207</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>208</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>209</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>210</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>211</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>212</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>213</sup> Anon., ‘Six honoured at Sydenham’, *Southern African Jewish Times*, 4 November 1981, n.p.

<sup>214</sup> Anon., ‘Six honoured at Sydenham’, *Southern African Jewish Times*, 4 November 1981, n.p.

<sup>215</sup> Anon., ‘Six honoured at Sydenham’, *Southern African Jewish Times*, 4 November 1981, n.p.

<sup>216</sup> Anon., ‘Six honoured at Sydenham’, *Southern African Jewish Times*, 4 November 1981, n.p.

<sup>217</sup> Anon., ‘Heated Debate at Sydenham-Highlands North: Validity of new principal’s appointment questioned’, *Southern African Jewish Times*, 19 March 1961, n.p.

the Congregation's council and committee. At the Congregation's annual general meeting in 1961, "the validity of the appointment of a new principal" of the Talmud Torah came into question.<sup>218</sup> According to Peck, the president of the Congregation, the Shul's committee had not given the appointment its approval.<sup>219</sup> Peck stated that due to this, the appointment was "therefore unconstitutional".<sup>220</sup> The new principal was appointed by Mendel Levin, who was the chairman of the education sub-committee at the time.<sup>221</sup> Mendel Levin, "claimed his committee had the power to appoint a new principal, as they had a certain amount of autonomy".<sup>222</sup> He further stated that after the applicants for the position had been "whittled down" to two, the sub-committee had interviewed each applicant and come to a decision.<sup>223</sup> After a decision was made, the remaining applicant was subjected to a "further discussion" by a "specially constituted committee".<sup>224</sup> This specifically constituted committee "included executive members of the Shul committee", including Peck.<sup>225</sup> At this general meeting, Peck asserted that Mendel Levin did not ask "any member of the Shul committee for approval of the appointment" which he made.<sup>226</sup> This was followed by a "heated debate" with "members of the audience joining in" by shouting, interjecting and making accusations.<sup>227</sup> Peace was eventually restored when a former trustee of the executive council "proposed the closure of the debate".<sup>228</sup> This was not the only time that Mendel Levin was caught in the middle of a debate during an annual general meeting of the Sydenham-Highlands North Hebrew Congregation.

In December of the same year, the Congregation held a "second special general meeting" as it had "failed to get a necessary two-thirds majority" vote of the committee's proposal for the appointment

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<sup>218</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>219</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>220</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>221</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>222</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>223</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>224</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>225</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>226</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>227</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

<sup>228</sup> Anon., 'Heated Debate at Sydenham-Highlands North: Validity of new principal's appointment questioned', *Southern African Jewish Times*, 19 March 1961, n.p.

of the new “spiritual leader” of the Congregation.<sup>229</sup> The committee proposed “Rabbi Solomon Poupko, of U.S.A.” to replace the previous spiritual leader who had retired.<sup>230</sup> After the proposal failed for a second time, a “stormy meeting” with “serious repercussions” followed.<sup>231</sup> The Congregation’s president, Peck, along with four other committee members had “resigned in protest” while other resignations were “imminent”.<sup>232</sup> During this meeting, Mendel Levin, the Congregation’s legal advisor at the time, “had maintained that the meeting was perfectly constitutional”, after which, the chairman ruled that the meeting should continue.<sup>233</sup> Furthermore, Mendel Levin “criticised those members who argued that the proposal under discussion would harm” the former spiritual leader who had retired. Mendel Levin asserted that such a notion was “not true”.<sup>234</sup>

Another heated dispute that Mendel Levin was involved in occurred at the Congregation’s annual general meeting in March 1966, where “a tense atmosphere sparked off some heated exchanges”.<sup>235</sup> Except, this time, Mendel Levin’s son Aubrey Levin was also involved. Early on in the meeting, a “foundation member” by the name of J. Kaplan questioned why he did not have the right to vote despite being a foundation member of the Congregation.<sup>236</sup> The Congregation’s chairman replied by stating that a foundation member who “had not maintained current membership” was neither permitted to vote nor speak in meetings according to the Congregation’s constitution.<sup>237</sup> Mendel Levin, who stated that the meeting “could change the agenda”, argued:<sup>238</sup>

By adhering rigidly to the agenda, you are disenfranchising certain members.

They should be given the right to speak. I move that this issue be taken now.<sup>239</sup>

The chairman responded by stating that Mendel Levin was the “person on whose interpretation of the constitution” the chairman had based his ruling on in the previous year.<sup>240</sup> Mendel Levin allegedly “called back” by stating: “That was a different issue. Circumstances alter cases. I move you take the

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<sup>229</sup> Anon., ‘Stormy Meeting Again Turns Down Appointment of Rabbi Poupko’, *Southern African Jewish Times*, 15 December 1961, n.p.

<sup>230</sup> Anon., ‘Stormy Meeting Again Turns Down Appointment of Rabbi Poupko’, *Southern African Jewish Times*, 15 December 1961, n.p.

<sup>231</sup> Anon., ‘Stormy Meeting Again Turns Down Appointment of Rabbi Poupko’, *Southern African Jewish Times*, 15 December 1961, n.p.

<sup>232</sup> Anon., ‘Stormy Meeting Again Turns Down Appointment of Rabbi Poupko’, *Southern African Jewish Times*, 15 December 1961, n.p.

<sup>233</sup> Anon., ‘Stormy Meeting Again Turns Down Appointment of Rabbi Poupko’, *Southern African Jewish Times*, 15 December 1961, n.p.

<sup>234</sup> Anon., ‘Stormy Meeting Again Turns Down Appointment of Rabbi Poupko’, *Southern African Jewish Times*, 15 December 1961, n.p.

<sup>235</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>236</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>237</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>238</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>239</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>240</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

amendment now.”<sup>241</sup> The chairman refused Mendel Levin’s request and a “hubbub ensued”.<sup>242</sup> As a result of the chairman continuously refusing to change the ruling, “Dr. Aubrey Levin” got involved. Although Aubrey Levin stated that the foundation member’s question was procedural in nature and not constitutional, the uproar continued.<sup>243</sup> After another member shouted that the Congregation wanted to take the money of its members and then tell them to keep quiet, Mendel Levin stated:<sup>244</sup>

This is developing into an unnecessary [sic] Machloike. There’s a procedural motion before you. It concerns the right to speak, not to vote. Put it to the meeting and let them decide.<sup>245</sup>

Mendel Levin’s involvement in such debates suggest that he was neither afraid to speak his mind nor afraid to voice his own opinions. Furthermore, these detailed accounts also reinforce the notion that Mendel Levin was an important if not influential member of the Jewish community in Johannesburg, specifically in the Sydenham-Highlands region of the city and was also an active member in this community.

## Conclusion

Mendel Levin’s upbringing and Jewish faith are crucial to acknowledge as these two factors build the foundation on which this study explores the other dimensions of his personae. His Jewish status and stature in particular contradict other contrasting facets of his character, which will be explored in the following chapters. This chapter outlined important aspects of Mendel Levin’s personal life, such as his childhood, his family and his Jewishness. Furthermore, other aspects, such as his military service and his health have also been examined to provide a more holistic overview of him. The details included are testimony to his involvement as an active member in the broader Jewish community and illustrate that besides his private religious affinity, he was also a public figure in Jewish affairs.

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<sup>241</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>242</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>243</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>244</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

<sup>245</sup> Anon., ‘Singing restores order at heated congregation meeting’, *Southern African Jewish Times*, 1 April 1966, p. 12.

## Chapter 5: The Attorney and Politician?

### Introduction

Mendel Levin's career as an attorney as well as his career as a politician not only contradict one another, but also need to be examined alongside one another. This juxtapositioning of the man of law and the man of politics is not only a reflection on the contorted realities of Mendel as an individual, but also of the society in which he lived in the latter half of the twentieth century. It reveals the bizarre realities of the government of the day, the apartheid regime, in the incongruent space of the legal and political sphere.

### The Attorney

Mendel Levin's career as an attorney spans from 1936 until the late 1990s. During his career, Mendel Levin dealt with a variety of cases involving clients who were often charged with a range of crimes including, theft, "forgery" and "contravening the Insolvency Act (otherwise attempted extortion) and falsity".<sup>1</sup> Other cases that Mendel Levin worked on involved missing individuals, handling of the estates of the deceased, and registering companies.<sup>2</sup> Many of the cases that he worked on possessed an element of sensationalism and scandal, and many of his clients were accused of being involved in shady and illegal activities. Additionally, many of his clients' cases were so sensational that they received much media attention and appeared in articles and reports in a range of local newspapers. This is a common theme which emerges in many of the cases that Mendel Levin chose to pursue and some of the most prominent of these are examined in this chapter.

### Becoming legal

As previously mentioned, Mendel Levin neither completed his studies nor received a law degree from the University of the Witwatersrand as he only completed the first year of a Bachelor of Medicine in 1931 at that institution.<sup>3</sup> He was however able to practise as an attorney after completing a clerkship for "Messrs. Lewis Levy & Swirsky", which was an attorney firm practising in Johannesburg.<sup>4</sup>

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<sup>1</sup> Anon., '14 counts of theft', *Rand Daily Mail*, 22 November 1960, p. 11; Anon., 'W.D. McFarlane gives defence evidence: Alleged Forgery and Uttering', *Rand Daily Mail*, 30 April 1941, p. 13.

<sup>2</sup> Anon., 'Missing People', *Sunday Times*, 6 September 1936, p. 30; *Government Gazette*, Vol. 22, No. 1578, Republic of South Africa, Pretoria, 28 October 1966, p. 159; *Government Gazette Extraordinary*, Vol. 19, No. 1387, Republic of South Africa, Cape Town, 4 March 1966, p. 6.

<sup>3</sup> E-mail correspondence with Molatelo Pampa, Records Management Coordinator, Wits Archives, Johannesburg, South Africa, 9 March 2023.

<sup>4</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: 'Mendel Levin', 1936, p. 1.



Mendel Levin was employed there as a clerk for a period of three years. On 3 February 1933 he entered into “Articles of Clerkship” with Lewis Levy who was an attorney of the Transvaal Provisional Division of the Supreme Court of South Africa.<sup>5</sup> Mendel Levin’s “Articles of Clerkship were duly registered” with the Secretary of the Incorporated Law Society of the Transvaal on 11 February 1933 “under [Act] No. 5/33” and with the Registrar of the Supreme Court of South Africa on 13 February 1933.<sup>6</sup> Under this Act, “articles” or “articles of clerkship” refer to “a contract in writing whereby any person is duly bound to serve as an attorney for a specified period of time”.<sup>7</sup> In order to be admitted as an attorney one would have to have been “enrolled as a student reading for the degree of Bachelor of Laws at any university or university college in the Union”.<sup>8</sup> However, if one was not enrolled in a Bachelor of Laws degree, one could become admitted as an attorney by having “duly entered into articles of clerkship”<sup>9</sup> which is how Mendel Levin was able to be admitted as an attorney. Additionally, in order to be admitted as an attorney, Mendel Levin wrote the Law Certificate Examination in December 1934.<sup>10</sup> He passed the Examination and was granted a Certificate by the Joint Committee for Professional Examinations.<sup>11</sup> His clerkship came to an end when he submitted an ex parte application to the Supreme Court of South Africa for his admission as an attorney in March 1936.<sup>12</sup>

Mendel Levin’s ex parte application of 1936 states that he was therefore “qualified to be admitted to practice as an Attorney of the Supreme Court of South Africa, Transvaal Provisional Division”.<sup>13</sup> Furthermore, this ex parte application also states that Mendel Levin was “desirous of being examined in Notarial and Conveyancing practice” and if he was found to be proficient to do so, he aspired to be “admitted as a Notary Public and Conveyancer”.<sup>14</sup> Mendel Levin was admitted as an Attorney by the “Honourable Mr. Justice Greenberg” in Chambers in Pretoria on 17 March 1936.<sup>15</sup> Greenberg also ordered that Mendel Levin’s name be “enrolled as such by proper officer”.<sup>16</sup> Shortly after qualifying as an attorney, Mendel Levin was working from the 12 Alliance Buildings on Fox Street in

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<sup>5</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, p. 1.

<sup>6</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, p. 1; NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, p. 2.

<sup>7</sup> *Government Gazette Extraordinary*, Vol. XCVI, No. 2196, Union of South Africa, Cape Town, 19 May 1934, p. ii.

<sup>8</sup> *Government Gazette Extraordinary*, Vol. XCVI, No. 2196, Union of South Africa, Cape Town, 19 May 1934, p. xviii.

<sup>9</sup> *Government Gazette Extraordinary*, Vol. XCVI, No. 2196, Union of South Africa, Cape Town, 19 May 1934, p. xviii.

<sup>10</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, p. 2.

<sup>11</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, p. 2.

<sup>12</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, p. 1.

<sup>13</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, p. 3.

<sup>14</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, p. 3.

<sup>15</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, n.p.

<sup>16</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: ‘Mendel Levin’, 1936, n.p.

Johannesburg.<sup>17</sup> By October 1938, he was working for his own legal firm named Mendel Levin and Kagan.<sup>18</sup>

## Legal Aid?

In his inaugural lecture titled, “Whither Psychiatry in our changing society?” presented at Rhodes University in Grahamstown on 25 May 1994,<sup>19</sup> Mendel Levin’s son, Aubrey Levin, spoke about his father’s career as an attorney. In this lecture, Aubrey Levin stated that his father “helped to found Legal Aid in the thirties”.<sup>20</sup> The “first attempt” to form an organised legal aid in South Africa occurred in 1935, when the South African Institute of Race Relations consulted with the Department of Justice and the Incorporated Law Society of the Transvaal and “convened a conference”.<sup>21</sup> As a result, the “first legal aid bureau in Johannesburg” was established two years later, in 1937.<sup>22</sup> However, no evidence has been found to corroborate Aubrey Levin’s claim that his father helped to establish Legal Aid in South Africa and Mendel Levin’s name does not appear in any historical account of the establishment of South African Legal Aid that has been reviewed.

As already mentioned, shortly after qualifying as an attorney, Mendel Levin had established his own legal firm, titled Mendel Levin & Kagan.<sup>23</sup> The firm’s offices were located in 215-218 Lewis & Marks Buildings on President Street in Johannesburg.<sup>24</sup> He continued to work in this firm until sometime between 1951 and 1957.<sup>25</sup> The closure of this firm may be a result of a court case in which Mendel Levin was alleged to have committed fraud in 1955 and will be explored further in the following chapter. By the end of 1959, Mendel Levin had been working as an attorney for his own firm, simply titled, “Mendel Levin”.<sup>26</sup> This firm’s office was on the first floor of the Marlborough House building, situated on the corner of Eloff and Commissioner Streets in Johannesburg.<sup>27</sup>

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<sup>17</sup> Anon., ‘Missing People’, *Sunday Times*, 6 September 1936, p. 30.

<sup>18</sup> Anon., ‘Swart Sent to Pretoria for Observation’, *Rand Daily Mail*, 12 October 1938, p. 8.

<sup>19</sup> A. Levin, ‘Whither Psychiatry in our changing society?’, *Inaugural Lecture*, Rhodes University, Grahamstown, 25 May 1994.

<sup>20</sup> A. Levin, ‘Whither Psychiatry in our changing society?’, *Inaugural Lecture*, Rhodes University, Grahamstown, 25 May 1994.

<sup>21</sup> H. van As, ‘Legal Aid in South Africa: Making Justice Reality’, *Journal of African Law* 49(1), 2005, p. 55.

<sup>22</sup> H. van As, ‘Legal Aid in South Africa: Making Justice Reality’, *Journal of African Law* 49(1), 2005, p. 55.

<sup>23</sup> *Government Gazette*, Vol. CXV, No. 2598, Union of South Africa, Pretoria, 13 January 1939, p. xiv.

<sup>24</sup> *Government Gazette*, Vol. CXV, No. 2598, Union of South Africa, Pretoria, 13 January 1939, p. xiv.

<sup>25</sup> Anon., ‘Order against hoteliers’, *Sunday Times*, 14 October 1951, p. 15; Anon., “‘Protected” Youth Who Robbed Him, Court Told”, *Rand Daily Mail*, 12 June 1957, p. 8.

<sup>26</sup> *Government Gazette*, Vol. CXCVIII, No. 63287, Union of South Africa, Pretoria, 11 December 1959, p. 121; *Government Gazette*, Vol. 21, No. 1548, Republic of South Africa, Pretoria, 30 September 1966, p. 7.

<sup>27</sup> *Government Gazette*, Vol. 21, No. 1548, Republic of South Africa, Pretoria, 30 September 1966, p. 7.

From 1 October 1967, the offices of the firm were relocated to the fourth floor of 414-429 Corporation Building on the corner of Rissik and Commissioner Streets in Johannesburg.<sup>28</sup> From 1 August 1969, “Mr. K. Gordon had been admitted as a partner in the firm Mendel Levin”.<sup>29</sup> By this time, the firm was practising at “Corporation Building” on Eloff Street in Johannesburg.<sup>30</sup> In an advertisement which was published in a South Africa legal journal *De Rebus* in 1969, Mendel Levin announced Keith Gordon as a “partner” in his firm.<sup>31</sup> Additionally, in the announcement, Mendel Levin also stated that the name of the firm had been changed to “Mendel Levin & Partners”.<sup>32</sup> This was Mendel Levin’s legal firm that he practised from for the rest of his legal career. However, almost five years later, the partnership between Mendel Levin and Keith Gordon had been “dissolved with effect” from 31 December 1973.<sup>33</sup> From then on Mendel Levin continued practising “on his own account”.<sup>34</sup>

## Courting court

Less than two and a half years after qualifying as an attorney, towards the end of 1938, Mendel Levin practised as the legal representative of Martinus Erich Walter Swart.<sup>35</sup> Swart was a “44-year-old Malvern schoolmaster” who had been accused of shooting and killing his three children “on a dump near the George Goch Mine on August 28”.<sup>36</sup> Swart’s children that he was alleged to have killed were Anna aged 6, Helena aged 5 and Eugene his “three year old baby son”.<sup>37</sup> The case’s prosecutor, Claude H. Cloete, had been instructed by the Attorney-General to ask for “leave to reopen the preparatory examination”.<sup>38</sup> Cloete stated that there might have been a possibility that there may be some “doubt as to Swart’s sanity” and asked for an order for Swart to be detained at the Mental Hospital in Pretoria for a period of two weeks for “mental observation”.<sup>39</sup> Cloete had made the application in “terms of Sections 27 and 28 of the Mental Disorders Act”.<sup>40</sup> A. Eyles, the Magistrate’s judge, asked Mendel Levin if he had any observations to make regarding his client and the case to which Mendel Levin answered, “No observations and no objections”.<sup>41</sup> Eyles then “made the order sought” and the “entire

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<sup>28</sup> Anon., ‘Besigheidsaankondigings - Business Announcements’, *De Rebus* 13(2), 1967, p. 73.

<sup>29</sup> Anon., ‘Klein Advertensies - Small Advertisements’, *De Rebus* 1969(20), 1969, p. 343.

<sup>30</sup> Anon., ‘Klein Advertensies - Small Advertisements’, *De Rebus* 1969(20), 1969, p. 343.

<sup>31</sup> Anon., ‘Klein Advertensies - Small Advertisements’, *De Rebus* 1969(20), 1969, p. 344.

<sup>32</sup> Anon., ‘Klein Advertensies - Small Advertisements’, *De Rebus* 1969(20), 1969, p. 344.

<sup>33</sup> Anon., ‘Klein Advertensies - Small Advertisements’, *De Rebus* 1974(74), 1974, p. 95.

<sup>34</sup> Anon., ‘Klein Advertensies - Small Advertisements’, *De Rebus* 1974(74), 1974, p. 95.

<sup>35</sup> Anon., ‘Swart Sent to Pretoria for Observation’, *Rand Daily Mail*, 12 October 1938, p. 8.

<sup>36</sup> Anon., ‘Swart Sent to Pretoria for Observation’, *Rand Daily Mail*, 12 October 1938, p. 8.

<sup>37</sup> Anon., ‘Swart Sent to Pretoria for Observation’, *Rand Daily Mail*, 12 October 1938, p. 8.

<sup>38</sup> Anon., ‘Swart Sent to Pretoria for Observation’, *Rand Daily Mail*, 12 October 1938, p. 8.

<sup>39</sup> Anon., ‘Swart Sent to Pretoria for Observation’, *Rand Daily Mail*, 12 October 1938, p. 8.

<sup>40</sup> Anon., ‘Swart Sent to Pretoria for Observation’, *Rand Daily Mail*, 12 October 1938, p. 8.

<sup>41</sup> Anon., ‘Swart Sent to Pretoria for Observation’, *Rand Daily Mail*, 12 October 1938, p. 8.

proceedings lasted only a few minutes”.<sup>42</sup> Swart was found guilty by a jury at the Rand Criminal Sessions on 21 December 1938.<sup>43</sup> The majority of the jury, eight out of nine jurors, found Swart “guilty of murder with extenuating circumstances”.<sup>44</sup> Although Mendel Levin’s exact motivations for taking a case like this are uncertain, what becomes apparent is that the cases he defends were often of a rather dubious nature.

In 1945, Mendel Levin and his law firm represented Shanta Dayal and Chana Parbhoo, “aged 16 and 22 years respectively”.<sup>45</sup> The couple had requested an “order giving them leave to be married according to the law of the Union”.<sup>46</sup> Their application was “opposed by Shanta Dayal’s parents”.<sup>47</sup> When Dayal was 13 years old, she “was betrothed to Parbhoo in accordance with Hindu law”, however, their betrothal was cancelled six months prior to the case appearing in court as a result of disagreements that “arose between the two sets of parents”.<sup>48</sup> Whilst in court, the couple informed the judge that they were “very much in love” and “desired to marry immediately”.<sup>49</sup> As a result of the dispute, Dayal’s parents attempted to marry their daughter to Soma Patel, a man who was about 40 years of age.<sup>50</sup> Furthermore, because of Dayal’s refusal to marry Patel, it was alleged that her parents had locked her in a room, tied her to a bed with ropes and physically beaten her “daily for five days”.<sup>51</sup> It was also alleged that her father, “threatened “to brand her for life” with a red-hot iron if she persisted in her refusal”.<sup>52</sup> After five days, Dayal managed to escape and “entered into a form of marriage in the Hindu faith” with Parbhoo.<sup>53</sup> Dayal’s father denied the allegations and “contended that his daughter was abducted by Parbhoo”.<sup>54</sup> Mr. Justice Ramsbottom, the presiding judge, granted the couple “leave to enter into marriage in community of property according to European rites”.<sup>55</sup> This again was a rather unconventional case to defend.

In 1953, Mendel Levin and his law firm were involved in a relatively high-profile case, in which “an Indian and his wife, and a Native” were “charged with buying unwrought gold”, in a trap set by the

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<sup>42</sup> Anon., ‘Swart Sent to Pretoria for Observation’, *Rand Daily Mail*, 12 October 1938, p. 8.

<sup>43</sup> Anon., ‘Sentence will be passed to-day [sic]: Swart guilty of murder of children’, *Rand Daily Mail*, 22 December 1938, p. 19.

<sup>44</sup> Anon., ‘Sentence will be passed to-day [sic]: Swart guilty of murder of children’, *Rand Daily Mail*, 22 December 1938, p. 19.

<sup>45</sup> Anon., ‘Indian minor granted leave to marry’, *Rand Daily Mail*, 2 August 1945, p. 6.

<sup>46</sup> Anon., ‘Couple’s Plea for Leave to Wed Opposed’, *Rand Daily Mail*, 12 July 1945, p. 3.

<sup>47</sup> Anon., ‘Indian minor granted leave to marry’, *Rand Daily Mail*, 2 August 1945, p. 6.

<sup>48</sup> Anon., ‘Couple’s Plea for Leave to Wed Opposed’, *Rand Daily Mail*, 12 July 1945, p. 3.

<sup>49</sup> Anon., ‘Couple’s Plea for Leave to Wed Opposed’, *Rand Daily Mail*, 12 July 1945, p. 3.

<sup>50</sup> Anon., ‘Couple’s Plea for Leave to Wed Opposed’, *Rand Daily Mail*, 12 July 1945, p. 3.

<sup>51</sup> Anon., ‘Couple’s Plea for Leave to Wed Opposed’, *Rand Daily Mail*, 12 July 1945, p. 3.

<sup>52</sup> Anon., ‘Couple’s Plea for Leave to Wed Opposed’, *Rand Daily Mail*, 12 July 1945, p. 3.

<sup>53</sup> Anon., ‘Couple’s Plea for Leave to Wed Opposed’, *Rand Daily Mail*, 12 July 1945, p. 3.

<sup>54</sup> Anon., ‘Couple’s Plea for Leave to Wed Opposed’, *Rand Daily Mail*, 12 July 1945, p. 3.

<sup>55</sup> Anon., ‘Indian minor granted leave to marry’, *Rand Daily Mail*, 2 August 1945, p. 6.

police.<sup>56</sup> Mendel Levin and “Mr. V.C. Berrange”, appeared for Cassim Hoosen Maal and his wife, Asa.<sup>57</sup> During the court case, it was reported that “Words were exchanged between defence counsel and the prosecutor”.<sup>58</sup> The prosecutor had “made a remark to the effect that Mr. Eric Morris, the advocate in the case, was spying on one of the Crown witnesses and had been interfering with him”.<sup>59</sup> Berrange stated that he “could see no reason” for the prosecutor to make “such a remark”, that asserted that “If he [the prosecutor] has not the manners to apologise I shall know what to do when I cross-examine”.<sup>60</sup> The three individuals were discharged a few weeks later, after the magistrate “found them not guilty on three counts of buying unwrought gold from a police trap”.<sup>61</sup> Furthermore, the magistrate asserted that the trio was being discharged because of the “unreliability” of the evidence of the police.<sup>62</sup> Again the rather dubious nature of this case is also apparent.

In 1957, Mendel Levin and “Mr. A. Chaskelson”, represented Jan Venter, a fifty-five-year-old pensioner.<sup>63</sup> Venter was “charged with attempting to defeat the ends of justice” after he had allegedly “protected” a “youth who robbed him of his watch and hat”.<sup>64</sup> Venter allegedly gave “false evidence at the youth’s trial to gain an acquittal for him” and faced an “alternative charge of perjury”.<sup>65</sup> The day after the “youth was charged with robbery” in the Johannesburg juvenile court, Venter approached the detectives on the case and stated that he wished to withdraw the allegations and “that he intended telling the magistrate that he had given his watch to the youth”.<sup>66</sup> Whilst under oath in the juvenile court, Venter stated that he “had been extremely drunk at an [sic] hotel, and asked the youth to take him home”.<sup>67</sup> Since Venter had no money on him at the time, he told the youth that he could take his watch and would pay him when they arrived at Venter’s residence. However, another man appeared who Venter alleged had hit him, stole his hat and ran away.<sup>68</sup> Venter further asserted that he was very drunk, did not know what happened and could not remember what he had told the police.<sup>69</sup> Venter was convicted of attempting to defeat the ends of justice a few weeks later, and was sentenced to “three months’ imprisonment, suspended for three years on condition that he was not convicted of

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<sup>56</sup> Anon., ‘I.G.B. Case: Detective 3 day in Witness Box’, *Rand Daily Mail*, 30 October 1953, p. 13; Anon., ‘Gold vanished when ‘bought’, says police trap witness’, *Rand Daily Mail*, 17 October 1953, p. 4.

<sup>57</sup> Anon., ‘Gold vanished when ‘bought’, says police trap witness’, *Rand Daily Mail*, 17 October 1953, p. 4.

<sup>58</sup> Anon., ‘Counsel Denies Interfering With Witness’, *Rand Daily Mail*, 31 October 1953, p. 5.

<sup>59</sup> Anon., ‘Counsel Denies Interfering With Witness’, *Rand Daily Mail*, 31 October 1953, p. 5.

<sup>60</sup> Anon., ‘Counsel Denies Interfering With Witness’, *Rand Daily Mail*, 31 October 1953, p. 5.

<sup>61</sup> Anon., ‘3 acquitted on charge of gold-buying’, *Rand Daily Mail*, 12 November 1953, p. 9.

<sup>62</sup> Anon., ‘3 acquitted on charge of gold-buying’, *Rand Daily Mail*, 12 November 1953, p. 9.

<sup>63</sup> Anon., ‘Convicted for perjury’, *Rand Daily Mail*, 17 July 1957, p. 3; Anon., “‘Protected’ Youth Who Robbed Him, Court Told”, *Rand Daily Mail*, 12 June 1957, p. 8.

<sup>64</sup> Anon., “‘Protected’ Youth Who Robbed Him, Court Told”, *Rand Daily Mail*, 12 June 1957, p. 8.

<sup>65</sup> Anon., “‘Protected’ Youth Who Robbed Him, Court Told”, *Rand Daily Mail*, 12 June 1957, p. 8.

<sup>66</sup> Anon., “‘Protected’ Youth Who Robbed Him, Court Told”, *Rand Daily Mail*, 12 June 1957, p. 8.

<sup>67</sup> Anon., “‘Protected’ Youth Who Robbed Him, Court Told”, *Rand Daily Mail*, 12 June 1957, p. 8.

<sup>68</sup> Anon., “‘Protected’ Youth Who Robbed Him, Court Told”, *Rand Daily Mail*, 12 June 1957, p. 8.

<sup>69</sup> Anon., “‘Protected’ Youth Who Robbed Him, Court Told”, *Rand Daily Mail*, 12 June 1957, p. 8.



any offence involving dishonesty during that period”.<sup>70</sup> This case is also of a rather unconventional nature.

In 1966, Mendel Levin had some legal trouble involving a former client of his.<sup>71</sup> The former client was Mr. Ante Basic, a Yugoslav butcher who resided in Yeoville, Johannesburg.<sup>72</sup> Basic put in a claim of R3 098 against Mendel Levin on the grounds that he had not acted satisfactorily in Basic’s case.<sup>73</sup> In June 1961, Basic had “instituted an action for damages” against an individual by the name of “Dr. Martinowic” for alleged “defamatory statements made and published”.<sup>74</sup> Martinowic counter-claimed and alleged that Basic had also “made certain defamatory statements”.<sup>75</sup> As a result of this, Basic engaged Mendel Levin as his attorney “for bringing the action to trial and resisting the counter-claim”.<sup>76</sup> According to Basic, although he paid R2 600 in advance to Mendel Levin, he “had failed to exercise care, skill and diligence” and “had been negligent in failing to reply to a notice from Dr. Martinowic’s attorneys, for further particulars”.<sup>77</sup> Mendel Levin denied the allegations as well as Basic’s claim regarding the R2 600 as well as R498 for “alleged wasted costs”.<sup>78</sup> Furthermore, Basic alleged that Mendel Levin had “been engaged in a conspiracy to sabotage” Basic’s case, “by fraternising” with the opposition.<sup>79</sup> The allegations against Mendel Levin were dismissed towards the end of 1966 and the Judge “granted judgement in favour of Mr. Levin and ordered Mr. Basic to pay the costs”.<sup>80</sup> While legal defence work is by nature diverse and complex, the nature of the cases involving Mendel Levin do have a particular uncommon and sometimes dubious tinge.

## Courting detention

At the end of the 1960s, Winnie Mandela’s case in the Trial of the Twenty-Two took place. This was most likely the most high-profile case of Mendel Levin’s career as an attorney. This case had various undertones which will be focused on in the next chapter on corruption and conspiracy. Overall it involved the arrest of some twenty-two ANC members for offences that were apparently committed over the past three years, some of which were related to the possible planning of “acts of sabotage”

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<sup>70</sup> Anon., ‘Convicted for perjury’, *Rand Daily Mail*, 17 July 1957, p. 3.

<sup>71</sup> Anon., ‘Rand butcher sues attorney for R3,098’, *The Star*, 6 September 1966, n.p.

<sup>72</sup> Anon., ‘Rand butcher sues attorney for R3,098’, *The Star*, 6 September 1966, n.p.

<sup>73</sup> Anon., ‘Rand butcher sues attorney for R3,098’, *The Star*, 6 September 1966, n.p.

<sup>74</sup> Anon., ‘Rand butcher sues attorney for R3,098’, *The Star*, 6 September 1966, n.p.

<sup>75</sup> Anon., ‘Rand butcher sues attorney for R3,098’, *The Star*, 6 September 1966, n.p.

<sup>76</sup> Anon., ‘Rand butcher sues attorney for R3,098’, *The Star*, 6 September 1966, n.p.

<sup>77</sup> Anon., ‘Rand butcher sues attorney for R3,098’, *The Star*, 6 September 1966, n.p.

<sup>78</sup> Anon., ‘Rand butcher sues attorney for R3,098’, *The Star*, 6 September 1966, n.p.

<sup>79</sup> Anon., ‘Damages against attorney dismissed’, *Rand Daily Mail*, 1 December 1966, p. 10.

<sup>80</sup> Anon., ‘Damages against attorney dismissed’, *Rand Daily Mail*, 1 December 1966, p. 10; Anon., ‘Immigrant loses case’, *The Star*, 1 December 1966, n.p.



against the state.<sup>81</sup> The indictments against the defendants “were largely of a minor nature” as they were accused of “attempting to revive the ANC” by “distributing banned literature”, planning meetings, organising funeral rallies and recruiting members.<sup>82</sup>

Winnie Madikizela-Mandela was one of the twenty-two individuals who were arrested in May 1969.<sup>83</sup> She was detained under Section 6 of the Terrorism Act, which had been passed by parliament two years prior to her arrest, and she was “held in solitary confinement for seventeen months”.<sup>84</sup> Section 6 of the Terrorism Act “allowed for indefinite detention and solitary confinement without access to a lawyer”.<sup>85</sup> In Winnie Mandela’s case, her chief interrogator was the already-mentioned man by the name of Major Theunis Jacobus Swanepoel. Also known as “*Rooi Rus*” (which is the Afrikaans translation for “Red Russian”), Swanepoel was as indicated “notorious” as an interrogator for the security police.<sup>86</sup> A year prior to Winnie Mandela’s arrest and detention, Swanepoel and other South African policemen were enrolled in an “interrogation and counter-interrogation techniques” course which took place in France.<sup>87</sup> Along with this training, these policemen also had practical experience of using such techniques on “suspects in Rhodesia”.<sup>88</sup> By 1969, Swanepoel had become “a mythical figure in the ranks of the anti-apartheid movement”<sup>89</sup> and once stated, “I believe in negotiating with the enemy only over the barrel of a gun”.<sup>90</sup> In November 1971, two and a half years after Winnie Mandela’s interrogation, Swanepoel told the newspaper, the *Sydney Morning Herald*, that the South African Police did not torture detainees.<sup>91</sup> The newspaper quoted Swanepoel as saying:

When you torture a person, he will hate you, and will do anything in his power not to give information...When you know a person has information you want, you must gain his confidence. We want the co-operation of the detainee because then he tells us everything we want to know.<sup>92</sup>

In his book, *65 Years of Friendship: A memoir of my friendship with Nelson Mandela*, George Bizos asserts that Mendel Levin became involved in Winnie Mandela’s case after he was approached by her

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<sup>81</sup> Anon., ‘The 22 ANC Political Trialists of 1969’, *The Presidency Republic of South Africa*, n.d., <<https://www.thepresidency.gov.za/national-orders/recipient/22-anc-political-trialists-1969>>, Accessed: July 2023.

<sup>82</sup> M. Meredith, *Nelson Mandela*, p. 310.

<sup>83</sup> W. Mandela, *Part of My Soul*, Penguin Books, London, 1985, p. 97.

<sup>84</sup> J. Steinberg, *Winnie and Nelson*, p. 226; A. Boraine, *A Country Unmasked*, Oxford University Press, Oxford, 2000, p. 224.

<sup>85</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>86</sup> G. Bizos, *65 Years of Friendship*, p. 113; J. Carlson, *No Neutral Ground*, p. 168.

<sup>87</sup> I.A. Cajee, *The Murder of Ahmed Timol: My Search for the Truth*, Jacana Media, Auckland Park, 2020, p. 103.

<sup>88</sup> I.A. Cajee, *The Murder of Ahmed Timol*, p. 103.

<sup>89</sup> J. Steinberg, *Winnie and Nelson*, p. 230.

<sup>90</sup> Anon., ‘Election Fever, Quotable Quotes: Did you hear the one about?’, *Sunday Times*, 3 May 1987, p. 119.

<sup>91</sup> I.A. Cajee, *The Murder of Ahmed Timol*, p. 238; I.A. Cajee, *The Murder of Ahmed Timol*, p. 103.

<sup>92</sup> I.A. Cajee, *The Murder of Ahmed Timol*, p. 103.

“chief interrogator, the said Major Swanepoel”.<sup>93</sup> What is significant to note at this juncture is that Winnie Mandela had had another lawyer prior to this – Joel Carlson, the author of *No Neutral Ground*. He was born in Johannesburg, South Africa in 1926 and had graduated from the University of the Witwatersrand.<sup>94</sup> His entire legal career as an attorney was dedicated to the anti-apartheid struggle and he opened “his own civil rights practice” in 1955 which was devoted to uncovering the “atrocities and barbarity” of the apartheid state as well as defending those who were “victims of injustice and abuse”.<sup>95</sup> By the time of Winnie Mandela’s arrest in May 1969, Carlson had “acted for Nelson on several occasions and knew Winnie well”.<sup>96</sup> Winnie Mandela had also been briefly employed in Carlson’s practice and Carlson had previously represented Winnie Mandela in 1967 on two other state cases.<sup>97</sup> Towards the end of 1969, Carlson would again become involved with Winnie Mandela’s legal matters.

Winnie Mandela’s memory of Swanepoel had great significance in her “political career” which according to biographer J. Steinberg “cannot be overstated”.<sup>98</sup> Also, according to her own account, in her 2013 book titled, *491 Days: Prisoner number 1323/69*, Winnie Mandela’s interrogation, which began two weeks after her arrest on 26 May 1969, “went on continuously for five days”.<sup>99</sup> Rather unconventionally, after Winnie Mandela’s interrogation, Mendel Levin was permitted to see her.<sup>100</sup> Unlike Mendel Levin, Carlson’s later requests to see Winnie Mandela or any of his other clients were “conspicuously” denied.<sup>101</sup>

The conditions of the detention of those accused were unsanitary, inhumane and appalling. Many of the detainees, including Winnie Mandela, suffered from malnutrition due to the “unsanitary” food and lack of proper nutrition.<sup>102</sup> In one of the biographies on Winnie Mandela, she is quoted as saying that “No hygienic rules are observed in prison”, and that she was “revolted by the conditions”.<sup>103</sup> Hygiene was described as “minimal” and by the time that the accused first appeared in court on 28

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<sup>93</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>94</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

<sup>95</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

<sup>96</sup> J. Steinberg, *Winnie and Nelson*, p. 227.

<sup>97</sup> J. Steinberg, *Winnie and Nelson*, p. 227; NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 3.

<sup>98</sup> J. Steinberg, *Winnie and Nelson*, p. 230.

<sup>99</sup> W. Madikizela-Mandela, *491 Days: Prisoner number 1323/69*, Picador Africa, Johannesburg, 2013; J. Steinberg, *Winnie and Nelson*, p. 229.

<sup>100</sup> J. Steinberg, *Winnie and Nelson*, p. 233.

<sup>101</sup> J. Steinberg, *Winnie and Nelson*, p. 233.

<sup>102</sup> E. Gibley, *The Lady*, pp. 80-81.

<sup>103</sup> W. Madikizela-Mandela, *491 Days*, p. 15; A.M. du Preez Bezdrob, *Winnie Mandela*, p. 140.

October 1969, the female prisoners had neither been allowed to shower nor bath since their arrests, which occurred more than 160 days prior.<sup>104</sup> Of the original twenty-two individuals who had been arrested and detained, “one man died and three others went mad”.<sup>105</sup> It is highly unlikely that as Winnie Mandela’s attorney, Mendel Levin would have been unaware of the conditions of her imprisonment.

During the middle of June 1969, reports commenting on the state of Winnie Mandela’s health appeared in a selection of newspapers.<sup>106</sup> While acting as her attorney, Mendel Levin “had been allowed to provide a doctor” to see her.<sup>107</sup> In June 1969, reports appeared in newspapers such as the *Rand Daily Mail* that indicated that Winnie Mandela was in “a good state of health”.<sup>108</sup> Additionally, such reports acknowledged that Winnie Mandela suffered from a “cardiac condition”.<sup>109</sup> This suggests that the security police were aware of her heart condition whilst she was being detained. Furthermore, such reports announced that “a Johannesburg lawyer”, known as Mendel Levin, had “informed the Security Police of Mrs. Mandela’s condition”.<sup>110</sup> On 9 June 1969, it was reported that the security police had informed Mendel Levin that Winnie Mandela had been examined and was found to be in a healthy state.<sup>111</sup> Furthermore, it was reported that the security police had “given an assurance” that if Winnie Mandela’s health showed “any deterioration”, a specialist would be “called in for a consultation”.<sup>112</sup> However, in autobiographical and biographical accounts of Winnie Mandela’s detention and imprisonment, it is stated that “despite suffering from a heart condition, she was interrogated by the security police continuously without a break for days and nights”.<sup>113</sup> Additionally, when Winnie Mandela was arrested, she claimed that she had not been permitted to bring “her medication for an existing heart condition” with her.<sup>114</sup>

Mendel Levin also assisted Winnie Mandela with issues other than her health during his time as her attorney.<sup>115</sup> In August 1969, Mendel Levin contacted individuals such as Dr. Quentin White at the

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<sup>104</sup> E. Gibley, *The Lady*, p. 80.

<sup>105</sup> E. Gibley, *The Lady*, p. 80.

<sup>106</sup> Anon., ‘Winnie Mandela well, say police’, *Rand Daily Mail*, 17 June 1969, p. 3.

<sup>107</sup> J. Carlson, *No Neutral Ground*, p. 335.

<sup>108</sup> Anon., ‘Winnie Mandela well, say police’, *Rand Daily Mail*, 17 June 1969, p. 1.

<sup>109</sup> Anon., ‘Winnie Mandela well, say police’, *Rand Daily Mail*, 17 June 1969, p. 1.

<sup>110</sup> Anon., ‘Winnie Mandela well, say police’, *Rand Daily Mail*, 17 June 1969, p. 1.

<sup>111</sup> Anon., ‘Winnie Mandela well, say police’, *Rand Daily Mail*, 17 June 1969, p. 1.

<sup>112</sup> Anon., ‘Winnie Mandela well, say police’, *Rand Daily Mail*, 17 June 1969, p. 1.

<sup>113</sup> W. Madikizela-Mandela, *491 Days*, p. x.

<sup>114</sup> W. Madikizela-Mandela, *491 Days*, p. 5.

<sup>115</sup> The following information was found in: Item K4.1.4 - Correspondence with the lawyers of Winnie Mandela, Mendel Levin & partners, about the delivery of a book to her place of banishment in Brandfort, August 1969, p. , found in University of the Witwatersrand (Wits), Johannesburg, Historical Papers Research Archive, *Unrests, Banishments, Removals*, Reference No ZA HPRA AD1646, 1948-1969, pp. 1-11; These documents can also be accessed online:

Institute of Race Relations in Johannesburg, and Professor Gwendolen M. Carter at the Program of African Studies at Northwestern University in Evanston, Illinois about a book that was sent to Winnie Mandela.<sup>116</sup> The book was sent by Professor Carter from the United States to her; however, by August 1969, the book had not yet been delivered.<sup>117</sup> Carter had sent two copies of a book on the Transkei<sup>118</sup> to Winnie Mandela a year prior, in July 1968.<sup>119</sup> Carter sent the book to Dr. Quintin Whyte at the Institute of Race relations in Johannesburg, who she asked to send the book to “Mrs. W. Mendellsohn” in the Bryanston suburb of Johannesburg.<sup>120</sup> This example further suggests that Mendel Levin carried out tasks for Winnie Mandela whilst he was her legal representative in 1969.

It is also important to note that it is believed that Mendel Levin was the individual who informed Nelson Mandela of the death of his son, Thembekile Mandela.<sup>121</sup> Two months after Winnie Mandela was arrested, “the insidious” Mendel Levin informed Nelson Mandela via telegram in July 1969, that his son had died in a “motor accident in Cape Town on July 13”, 1969.<sup>122</sup> Mendel Levin’s telegram has been described by J. Steinberg as:

... such an unwelcome message from so unwelcome a man, so keen to wheedle himself into the Mandela’s lives.<sup>123</sup>

Furthermore, in a letter sent to his former wife, Evelyn Mandela, the mother of Thembekile Mandela, Nelson Mandela states that news of their son’s death was an “equally grievous” blow to him.<sup>124</sup> This

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<<http://researcharchives.wits.ac.za/correspondence-with-lawyers-of-winnie-mandela-mendel-levin-partners-about-delivery-of-book-to-her-place-of-banishment-in-brandfort>>, Accessed: August 2023.

<sup>116</sup> Item K4.1.4 - Correspondence with the lawyers of Winnie Mandela, Mendel Levin & partners, about the delivery of a book to her place of banishment in Brandfort, August 1969, pp. 1 & 7, found in University of the Witwatersrand (Wits), Johannesburg, Historical Papers Research Archive, *Unrests, Banishments, Removals*, Reference No ZA HPRA AD1646, 1948-1969.

<sup>117</sup> Item K4.1.4 - Correspondence with the lawyers of Winnie Mandela, Mendel Levin & partners, about the delivery of a book to her place of banishment in Brandfort, August 1969, p. 1, found in University of the Witwatersrand (Wits), Johannesburg, Historical Papers Research Archive, *Unrests, Banishments, Removals*, Reference No ZA HPRA AD1646, 1948-1969.

<sup>118</sup> Item K4.1.4 - Correspondence with the lawyers of Winnie Mandela, Mendel Levin & partners, about the delivery of a book to her place of banishment in Brandfort, August 1969, p. 10, found in University of the Witwatersrand (Wits), Johannesburg, Historical Papers Research Archive, *Unrests, Banishments, Removals*, Reference No ZA HPRA AD1646, 1948-1969.

<sup>119</sup> Item K4.1.4 - Correspondence with the lawyers of Winnie Mandela, Mendel Levin & partners, about the delivery of a book to her place of banishment in Brandfort, August 1969, p. 2, found in University of the Witwatersrand (Wits), Johannesburg, Historical Papers Research Archive, *Unrests, Banishments, Removals*, Reference No ZA HPRA AD1646, 1948-1969.

<sup>120</sup> Item K4.1.4 - Correspondence with the lawyers of Winnie Mandela, Mendel Levin & partners, about the delivery of a book to her place of banishment in Brandfort, August 1969, p. 4, found in University of the Witwatersrand (Wits), Johannesburg, Historical Papers Research Archive, *Unrests, Banishments, Removals*, Reference No ZA HPRA AD1646, 1948-1969.

<sup>121</sup> N. Mandela & S. Venter (eds), *The Prison Letters of Nelson Mandela*, Liveright Publishing, New York, 2018, p. 152; J. Carlson, *No Neutral Ground*, p. 295.

<sup>122</sup> J. Steinberg, *Winnie and Nelson*, p. 236; N. Mandela & S. Venter (eds), *The Prison Letters of Nelson Mandela*, pp. 158-159.

<sup>123</sup> J. Steinberg, *Winnie and Nelson*, p. 236.

<sup>124</sup> N. Mandela & S. Venter (eds), *The Prison Letters of Nelson Mandela*, p. 159.

instance further depicts how involved Mendel Levin had become in the lives of both Winnie and Nelson Mandela during the Trial of the Twenty-Two in 1969.

As mentioned, while Winnie Mandela was imprisoned, Mendel Levin was permitted to see her numerous times, often in the presence of Major Swanepoel.<sup>125</sup> Whilst being detained, Winnie Mandela had “been persuaded to sign her power of attorney over” to Mendel Levin, who was described as “a flawed figure with a background of fraud”.<sup>126</sup> Since Mendel Levin had been given access to Winnie Mandela, and had been given power of attorney, he became confident that he would “be accepted as the attorney for the whole group”.<sup>127</sup> Furthermore, Winnie Mandela had also been persuaded to write a letter to the International Defence and Aid Fund (IDAF) and others in London, stating that she accepted Mendel Levin as “the new attorney” for both her and the rest of the accused.<sup>128</sup> In this letter, Winnie Mandela also categorically stated that Joel Carlson was “not to be trusted”.<sup>129</sup> Ironically, Carlson was a well-known “civil rights” lawyer who was “highly respected by political activists”.<sup>130</sup> Through their relatives, Nelson Mandela attempted to send word to his wife “that no-one [sic] other than Carlson should act for” her.<sup>131</sup> Much later, Carlson asked Winnie Mandela why she gave Mendel Levin power of attorney, and her response was that she did so because Mendel Levin had “managed to obtain medical aid for her” and because “she was sure she could outwit her enemies”.<sup>132</sup> According to Carlson: “Winnie was always convinced that she would succeed in out-manoeuvring all who opposed her”.<sup>133</sup>

Winnie Mandela never revealed to her later attorney Carlson that “she had written a letter in support of Levin”.<sup>134</sup> Due to all the pressure she was under whilst in detention, Carlson believed she “wavered between sanity and insanity” and was never certain whether she would be able to survive her time in detention.<sup>135</sup> Additionally, four days before the accused were first brought to Court on the 28<sup>th</sup> of October 1969, Mendel Levin visited her again with Swanepoel present.<sup>136</sup> During this visit, Mendel

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<sup>125</sup> J. Carlson, *No Neutral Ground*, p. 295.

<sup>126</sup> E. Gibley, *The Lady*, p. 81; J. Carlson, *No Neutral Ground*, p. 294; S. Ellmann, *And Justice For All*, p. 72.

<sup>127</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>128</sup> J. Carlson, *No Neutral Ground*, p. 295.

<sup>129</sup> J. Carlson, *No Neutral Ground*, p. 295.

<sup>130</sup> M. Meredith, *Nelson Mandela*, p. 310.

<sup>131</sup> E. Gibley, *The Lady*, p. 81.

<sup>132</sup> J. Carlson, *No Neutral Ground*, p. 294.

<sup>133</sup> J. Carlson, *No Neutral Ground*, p. 294.

<sup>134</sup> J. Carlson, *No Neutral Ground*, p. 294.

<sup>135</sup> J. Carlson, *No Neutral Ground*, p. 295.

<sup>136</sup> J. Carlson, *No Neutral Ground*, p. 295.



Levin spoke about other ways to obtain funding for her defence, as he had failed “to obtain support in London”.<sup>137</sup>

During this time in 1969, Mendel Levin was also the legal representative of Peter Sexforth Magubane.<sup>138</sup> Magubane was a “37-year-old African photographer” for the *Rand Daily Mail* newspaper.<sup>139</sup> On 12 June 1969, Magubane was detained by the Security Police and was taken to Pretoria where he was held “under the 180-day detention clause of the Terrorism Act”.<sup>140</sup> In her biography titled, *The lady: the life and times of Winnie Mandela* (1994), Emma Gibley asserts that Mendel Levin had “claimed to have been given Peter Magubane’s power of attorney” before Magubane was actually arrested.<sup>141</sup> It was also reported that Magubane had been involved in representations concerning medical treatment for Winnie Mandela “through his legal representative, Mr. Mendel Levin”.<sup>142</sup>

On Wednesday, 18 June 1969, Nonyaniso Madikizela, the 18-year-old sister of Winnie Mandela, was arrested in Soweto, Johannesburg.<sup>143</sup> According to the police, she was one of over 40 individuals who were arrested in connection with “suspected activities” of the ANC, which was banned at the time.<sup>144</sup> The individuals who were arrested were “held under the Terrorism Act”.<sup>145</sup> Mendel Levin also acted as the attorney for a number of these detainees, and was specifically “instructed to act for Miss Madikizela” as well.<sup>146</sup>

The security police “took their time about charging any of the people” who were arrested in May 1969.<sup>147</sup> More than five months after their arrests in October 1969, the accused “came to court to be charged at a preliminary hearing”.<sup>148</sup> The trial opened in Pretoria on Tuesday 28 October 1969,<sup>149</sup> when the accused were first arraigned before a Pretoria magistrate.<sup>150</sup> At this preliminary hearing, there was “some confusion as to who”<sup>151</sup> the lawyer of those accused was. At the start of the case, a

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<sup>137</sup> J. Carlson, *No Neutral Ground*, p. 295; J. Carlson, *No Neutral Ground*, p. 294.

<sup>138</sup> Anon., ‘African Pressman held for 180-days’, *Rand Daily Mail*, 13 June 1969, p. 3.

<sup>139</sup> Anon., ‘African Pressman held for 180-days’, *Rand Daily Mail*, 13 June 1969, p. 3.

<sup>140</sup> Anon., ‘African Pressman held for 180-days’, *Rand Daily Mail*, 13 June 1969, p. 3.

<sup>141</sup> E. Gibley, *The Lady*, p. 81.

<sup>142</sup> Anon., ‘African Pressman held for 180-days’, *Rand Daily Mail*, 13 June 1969, p. 3.

<sup>143</sup> M. Smith, ‘Sister of Winnie Mandela held’, *Sunday Times*, 22 June 1969, p. 1.

<sup>144</sup> M. Smith, ‘Sister of Winnie Mandela held’, *Sunday Times*, 22 June 1969, p. 1.

<sup>145</sup> M. Smith, ‘Sister of Winnie Mandela held’, *Sunday Times*, 22 June 1969, p. 1.

<sup>146</sup> M. Smith, ‘Sister of Winnie Mandela held’, *Sunday Times*, 22 June 1969, p. 1.

<sup>147</sup> J. Carlson, *No Neutral Ground*, p. 273.

<sup>148</sup> A.M. du Preez Bezdrob, *Winnie Mandela*, p. 152; E. Gibley, *The Lady*, p. 81.

<sup>149</sup> M. Smith, ‘Opperman... the mystery man in Red Act trial’, *Sunday Times*, 2 November 1969, p. 15.

<sup>150</sup> Anon., ‘The Red Act Trial: They openly backed violence, State alleges’, *Rand Daily Mail*, 2 December 1969, p. 7.

<sup>151</sup> E. Gibley, *The Lady*, p. 81.



disturbance was caused in the court when both Mendel Levin and Joel Carlson appeared and claimed to be representing a number of the accused.<sup>152</sup> In the case of Winnie Mandela specifically, in addition to the presence of Joel Carlson, her trial was “complicated by the presence of a second lawyer”,<sup>153</sup> which of course was Mendel Levin. Apparently, the security police “plotted”<sup>154</sup> to replace Carlson with Mendel Levin, who was, “a lawyer of their choice”.<sup>155</sup> It was evident at this point that Mendel Levin was “determined to remain Winnie’s representative”.<sup>156</sup> However, this initial conundrum resulted in a special adjournment of court which aimed to settle the confusion, after which all twenty-two of the accused were asked individually who they wished to represent them.<sup>157</sup> All of the twenty-two stated that they wanted Joel Carlson to represent them, which resulted in Mendel Levin withdrawing from the case.<sup>158</sup>

After Mendel Levin had “asked for permission to withdraw” from the case,<sup>159</sup> Joel Carlson “was accepted as lawyer for the twenty-two defendants”.<sup>160</sup> Carlson states that this was a “resounding defeat for Swanepoel and his maneuvers with Levin”.<sup>161</sup> All twenty-two of the defendants were then “represented in court by a young but distinguished trio of barristers: David Soggot, George Bizos and Arthur Chaskalson”.<sup>162</sup> The case was then adjourned to 1 December 1969<sup>163</sup> and began in Pretoria’s Old Synagogue, which was used as an “extension of the Supreme Court”.<sup>164</sup> Judge Bekker presided over the Trial of the Twenty-Two<sup>165</sup> and this marked the end of Mendel Levin’s involvement in the trial and the short period in which he “acted” as Winnie Mandela’s attorney. According to Carlson, who was both surprised and jubilant at the “outcome of the morning’s hearings”, he was also relieved that the accused now “faced charges under the Communism Act” and not the Terrorism Act.<sup>166</sup> After 491 days in prison, Winnie Mandela was acquitted and released from prison in September 1970 and appears to have had no further dealings with Mendel Levin.<sup>167</sup>

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<sup>152</sup> M. Smith, ‘Opperman... the mystery man in Red Act trial’, *Sunday Times*, 2 November 1969, p. 15.

<sup>153</sup> E. Gibley, *The Lady*, p. 82; M. Smith, ‘Opperman... the mystery man in Red Act trial’, *Sunday Times*, 2 November 1969, p. 15.

<sup>154</sup> A.M. du Preez Bezdrob, *Winnie Mandela*, p. 152.

<sup>155</sup> A.M. du Preez Bezdrob, *Winnie Mandela*, p. 152.

<sup>156</sup> E. Gibley, *The Lady*, p. 81.

<sup>157</sup> M. Smith, ‘Opperman... the mystery man in Red Act trial’, *Sunday Times*, 2 November 1969, p. 15.

<sup>158</sup> M. Smith, ‘Opperman... the mystery man in Red Act trial’, *Sunday Times*, 2 November 1969, p. 15.

<sup>159</sup> E. Gibley, *The Lady*, p. 82.

<sup>160</sup> E. Gibley, *The Lady*, p. 82.

<sup>161</sup> J. Carlson, *No Neutral Ground*, p. 281.

<sup>162</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>163</sup> M. Smith, ‘Opperman... the mystery man in Red Act trial’, *Sunday Times*, 2 November 1969, p. 15.

<sup>164</sup> A.M. du Preez Bezdrob, *Winnie Mandela*, p. 153.

<sup>165</sup> G. Bizos, *65 Years of Friendship*, p. 160.

<sup>166</sup> J. Carlson, *No Neutral Ground*, p. 282.

<sup>167</sup> J. Steinberg, *Winnie and Nelson*, p. 241.

According to Anné Mariè du Preez Bezdob, in her biography titled *Winnie Mandela: A Life* (2004),<sup>168</sup> Major Swanepoel was confident that the detainees' case would be over soon if Mendel Levin had continued to represent Winnie Mandela and the others accused.<sup>169</sup> A number of the prisoners had testified that the "police had tried to coerce them into accepting Levine [sic] as their attorney after Swanepoel informed them that Carlson"<sup>170</sup> was unavailable to practise as their legal representative. Those among the detainees who testified this included Elliot Shabangu and Laurence and Rita Ndzanga.<sup>171</sup> Additionally, the detainees who had accepted Mendel Levin as their attorney testified that they had, "done so under duress".<sup>172</sup>

Carlson gives a detailed account of this specific day of the trial, 28 October 1969, in his autobiographical book, *No Neutral Ground*. Although the contents of this book are Carlson's own perspective of the events of his career as a human rights attorney, descriptions and information that this book provides regarding the Trial of the Twenty-Two and Mendel Levin are invaluable. Importantly, certain details that he provides have been corroborated by other documents such as newspaper articles. For example, Carlson explains how when the accused appeared in court for the first time on 28 October 1969, Winnie Mandela "waved frantically", smiled and blew kisses to her relatives who were present in court.<sup>173</sup> In an article that was published on 2 November 1969 in the *Sunday Times*, it states that when the accused appeared in court for the first time on 28 October 1969, the defendants "smiled and waved" to their relatives who were present, while the female prisoners "blew kisses" to their families.<sup>174</sup> Although there is evidence which corroborates Carlson's version of events, it is important to acknowledge that his account, however useful, is subjective in nature.

Carlson recalls that "Mendel Levin arrived with his son and partners and sat down at the court table next to" Carlson.<sup>175</sup> Furthermore, according to Carlson, Mendel Levin "picked his nails nervously and spoke to the prosecutors ingratiatingly in Afrikaans".<sup>176</sup> When Winnie Mandela entered the court, she "half-smiled and nodded" at Carlson.<sup>177</sup> Carlson states that "Mendel Levin rushed over to shake

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<sup>168</sup> A.M. du Preez Bezdob, *Winnie Mandela*, p. 152.

<sup>169</sup> A.M. du Preez Bezdob, *Winnie Mandela*, p. 152.

<sup>170</sup> A.M. du Preez Bezdob, *Winnie Mandela*, p. 152.

<sup>171</sup> A.M. du Preez Bezdob, *Winnie Mandela*, p. 152.

<sup>172</sup> A.M. du Preez Bezdob, *Winnie Mandela*, p. 152.

<sup>173</sup> J. Carlson, *No Neutral Ground*, p. 276.

<sup>174</sup> M. Smith, 'Opperman... the mystery man in Red Act trial', *Sunday Times*, 2 November 1969, p. 15.

<sup>175</sup> This section is very reliant on *No Neutral Ground* by J. Carlson as it is the only material which has been found that gives a detailed account of the events which took place in court on the 28<sup>th</sup> of October 1969; J. Carlson, *No Neutral Ground*, p. 275.

<sup>176</sup> J. Carlson, *No Neutral Ground*, p. 275.

<sup>177</sup> J. Carlson, *No Neutral Ground*, p. 275.

her hand and she seemed embarrassed by this gesture”.<sup>178</sup> Carlson then whispered to Winnie Mandela and informed her that her sisters were in court.<sup>179</sup> Winnie Mandela “swung around” to look for her relatives, and when she saw them, “her face lit up” and she “waved frantically to them, smiling and blowing kisses”.<sup>180</sup> After all of the twenty-two accused had entered the court, the police Captain, the interpreter and the court orderly “bustled about getting the defendants in the right order”.<sup>181</sup> Whilst this was occurring, “Mendel Levin again moved over to talk” to Winnie Mandela, which interrupted “her waving and smiling to her friends”.<sup>182</sup>

Shortly after the magistrate Judge G.J. Strijdom took the bench, Carlson addressed the court. Carlson explained that all the defendants had “been detained under Section 6 of the Terrorism Act” and that no “lawyer has had any access to them”.<sup>183</sup> When asked by the magistrate who Carlson represented, he explained that he “had been instructed by the relatives who were present in court” since the defendants had not had the opportunity to instruct him personally.<sup>184</sup> After Carlson had finished addressing the court, Mendel Levin stood up and gave “his particulars to Judge Strijdom”.<sup>185</sup> Mendel Levin then told the court: “I have been approached by relatives of the defendants and hold powers of attorney from them. I also hold the personal power of attorney of Mrs. Mandela and Mr. Magubane.”<sup>186</sup>

Judge Strijdom interrupted Mendel Levin and asked for the numbers of the defendants who he had claimed to hold powers of attorney from.<sup>187</sup> After Mendel Levin gave the Judge the numbers of the detainees, Strijdom realised the conflict between Mendel Levin and Carlson “with some enthusiasm”.<sup>188</sup> When being told about this clash by the Judge, Mendel Levin responded by stating:

I want to come to that in a moment, sir. The position is this, Your Worship. Mrs. Mandela, with whom I have been in correspondence over the months and for whom I have acted and whose written power of attorney I hold, confirmed to me in court a moment ago that I am acting for her. I take the strongest exception to Mr. Carlson stating that he is acting for her. Through her own authority, and the lady is in court,

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<sup>178</sup> J. Carlson, *No Neutral Ground*, p. 275.

<sup>179</sup> J. Carlson, *No Neutral Ground*, p. 275.

<sup>180</sup> J. Carlson, *No Neutral Ground*, p. 275; J. Carlson, *No Neutral Ground*, p. 276.

<sup>181</sup> J. Carlson, *No Neutral Ground*, p. 276.

<sup>182</sup> J. Carlson, *No Neutral Ground*, p. 276.

<sup>183</sup> J. Carlson, *No Neutral Ground*, p. 223; J. Carlson, *No Neutral Ground*, p. 276; J. Carlson, *No Neutral Ground*, p. 277.

<sup>184</sup> J. Carlson, *No Neutral Ground*, p. 277.

<sup>185</sup> J. Carlson, *No Neutral Ground*, p. 278.

<sup>186</sup> J. Carlson, *No Neutral Ground*, p. 278.

<sup>187</sup> J. Carlson, *No Neutral Ground*, p. 278.

<sup>188</sup> J. Carlson, *No Neutral Ground*, p. 278.

I wish to make it perfectly clear that I am acting for her and will continue acting for her.<sup>189</sup>

The Judge interrupted Mendel Levin again and stated that there was “conflict as far as Mrs. Mandela” was concerned, to which Mendel Levin replied: “No sir, there is no conflict: she is here and can confirm that I hold written power of attorney and have had her confirmation this morning.”<sup>190</sup> Carlson responded by stating that although he had not yet had an opportunity to see Winnie Mandela, her relatives had told him that Nelson Mandela, who was imprisoned on Robben Island at the time, wished for Carlson to act for his wife.<sup>191</sup> The Judge then ruled that the matter would be postponed “until after the tea break” and adjourned the court.<sup>192</sup>

The defendants were then “taken down to their cells” and Carlson “rounded up the relatives and showed them the way to the cells”.<sup>193</sup> When Carlson and the defendants’ relatives arrived at the cells, Mendel Levin, members of his staff and a woman known as “Mrs. Kay” were “already inside the cell block”.<sup>194</sup> According to Carlson, Mendel Levin was arguing with the police Captain and was demanding that he should be given the first opportunity to see the defendants.<sup>195</sup> Carlson was determined to ensure that the relatives of defendants were given time to see them and “that Levin did not stop them from doing so”.<sup>196</sup> Carlson was able to persuade the police to allow him to enter the cell block. Carlson recalled that:

At that point, Levin made the mistake of trying to demonstrate to the police [C]aptain what an important person he was. He had to see the defendants first, he said, because he was a busy man, had to catch a plane within the hour, and could not be delayed. He insisted that the [C]aptain allow him to see the defendants immediately.<sup>197</sup>

Carlson asserts that because the police Captain was “an ordinary uniformed policeman”, he was “no party to Levin’s private negotiations” with Swanepoel and the security police.<sup>198</sup> Due to Carlson’s presence in the cell block, Carlson asserts that “Levin dared not call on Swanepoel for aid”.<sup>199</sup> Carlson

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<sup>189</sup> J. Carlson, *No Neutral Ground*, p. 278.

<sup>190</sup> J. Carlson, *No Neutral Ground*, p. 278.

<sup>191</sup> J. Carlson, *No Neutral Ground*, p. 278.

<sup>192</sup> J. Carlson, *No Neutral Ground*, p. 278; J. Carlson, *No Neutral Ground*, p. 279.

<sup>193</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>194</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>195</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>196</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>197</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>198</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>199</sup> J. Carlson, *No Neutral Ground*, p. 279.

kept quiet and watched Mendel Levin “misplay his hand and antagonize the officer”.<sup>200</sup> Carlson waited for the “irritated” Captain to turn to him, before he asserted that he was sure the Captain would do what he thinks is necessary.<sup>201</sup> Additionally, Carlson told the Captain:

It does not matter who sees the defendants first as long as you tell me the relatives will be permitted to see them as the judge ordered. There is not much time and it shouldn't be wasted. I will accept whatever decision you make.<sup>202</sup>

After the Captain assured Carlson that the relatives would be given a chance to see the defendants, Carlson thanked him and asked his permission to leave the cell block. As Carlson was let out, he heard the Captain “order Levin to stand aside” and called for the relatives of the first defendant.<sup>203</sup> Carlson then “walked upstairs” and went “out to tea”.<sup>204</sup>

After his tea break, Carlson spoke to some of the relatives outside of the courtroom, whose “smiles confirmed that all was well”.<sup>205</sup> The family members of the detainees told Carlson “that Mendel Levin was still downstairs and they laughed at his discomfort”.<sup>206</sup> When the court's proceedings resumed shortly after, the Prosecutor “told the court that the consultations had been completed and a decision had been reached”.<sup>207</sup> Carlson objected and told Judge Strijdom that he had had “no consultations whatever” and had not seen the defendants at all.<sup>208</sup> After the Judge asked him if he had not been let into the cell block, Carlson explained that he was allowed in, but that it was his own choice not to consult with the defendants.<sup>209</sup> Carlson then stated that, “the defendants themselves must decide”.<sup>210</sup> In *No Neutral Ground*, Carlson states:

Levin then stood up. He was flushed and he moved both his hands while he talked: “Your Worship, at all relevant times I held the power of attorney held by Mrs. Mandela. This morning in court, she confirmed I was acting for her. She confirmed this in the cells, too. But a few moments ago when I saw her, she informed me she wished to make a statement to the court as to the question of her legal representative. I pressed her for an answer and she told me that I must withdraw. She said her husband, Nelson Mandela,

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<sup>200</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>201</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>202</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>203</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>204</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>205</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>206</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>207</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>208</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>209</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>210</sup> J. Carlson, *No Neutral Ground*, p. 280.

had sent word that no one other than Mr. Carlson should act and, therefore, I must withdraw.” He sat down and nervously began assembling his papers.<sup>211</sup>

Judge Strijdom asked Mendel Levin about the other people he claimed to be acting for.<sup>212</sup> Mendel Levin “rose a little more slowly” and replied that he did not have powers of attorney for any of the other defendants and asked again for permission to withdraw.<sup>213</sup> However, “before he could sit down”, Judge Strijdom asked Mendel Levin again, “In respect of all the accused?”<sup>214</sup> Mendel Levin’s response was “Yes, sir”<sup>215</sup> and according to Carlson, Mendel Levin responded in the following manner:

...while his fingers tried to straighten his papers on the desk in front of him. There was no further response from the judge. Levin collected his papers and left the court.<sup>216</sup>

After Mendel Levin’s departure, Carlson asked the Judge, regardless of “what Mr. Levin has said”, if the court may “hear from the defendants themselves what the true position is”.<sup>217</sup> Judge Strydom allowed this and all of the defendants stated that they wished for Joel Carlson to represent them.<sup>218</sup> This was game over and marked the end of Mendel Levin’s rather dubious involvement in the Trial of the Twenty-Two and with political detainees.

## **Courting the dubious and courting family**

Apart from the Trial of the Twenty-Two, there were other cases that Mendel Levin worked on as an attorney that made newspaper headlines. The most prominent of these occurred in 1974 and involved “pelvic massages”.<sup>219</sup> In this specific case, Mendel Levin’s client, Mr. Johannes Jacobus Hall, who was 28 years of age at the time, was charged alongside three other individuals (who were all women) with “keeping a brothel at Slimrub Executive, Essanby House, Jeppe Street”.<sup>220</sup> All the accused were Mendel Levin’s clients and pleaded not guilty.<sup>221</sup> Hall employed a number of women as masseuses at “Slimrub executive” who came forward as witnesses.<sup>222</sup> One witness, a German waitress by the name of Anne Eichhoren, told the Johannesburg Regional Court that she “found it impossible to give a

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<sup>211</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>212</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>213</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>214</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>215</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>216</sup> J. Carlson, *No Neutral Ground*, pp. 280-281.

<sup>217</sup> J. Carlson, *No Neutral Ground*, p. 281.

<sup>218</sup> M. Smith, ‘Opperman... the mystery man in Red Act trial’, *Sunday Times*, 2 November 1969, p. 15.

<sup>219</sup> Anon., ‘Nurse tells of ‘soft’ massages’, *Rand Daily Mail*, 14 May 1974, p. 2.

<sup>220</sup> Anon., ‘Nurse tells of ‘soft’ massages’, *Rand Daily Mail*, 14 May 1974, p. 2.

<sup>221</sup> Anon., ‘I enjoy pelvis, witness tells court’, *Rand Daily Mail*, 14 June 1974, p. 2.

<sup>222</sup> Anon., ‘Nurse tells of ‘soft’ massages’, *Rand Daily Mail*, 14 May 1974, p. 2.



particular client a pelvic massage”.<sup>223</sup> Whilst in court, Eichhoren stated, “When the man was naked I felt revolted if he was fat and ugly”.<sup>224</sup> Hall later fired Eichhoren because if a man revolted her, Hall would have to call “another girl” to “finish the job”.<sup>225</sup> Mendel Levin’s choice of which cases to work on is of interest as it may perhaps shed a light on him as an individual as well as an attorney. As indicated earlier, many of the clients that Mendel Levin chose to represent were involved in highly sensationalised or scandalous cases.

Another case that Mendel Levin worked on that was publicised was between two businesses, a chainstore called “Clicks” and a group of furniture stores called “Glicks”.<sup>226</sup> Clicks, which is still a highly profitable chain of retail stores in present-day South Africa, filed for an application which asked that the furniture store business, Glicks, cease trading under this name.<sup>227</sup> Mendel Levin’s client in this case was Glicks, which was the “trade name used by the company Miriam Glick Trading Pty”.<sup>228</sup> In this application, Clicks accused Glicks of using this trade name for “three furniture stores in Bree Street, Johannesburg” to create “confusion in the minds of the public”.<sup>229</sup> Furthermore, Clicks claimed that the slogans that Glicks used, such as “You Pay Less at Glicks” and “Click with Glicks”, was too similar to Clicks’ slogans, “You Pay Less at Clicks” and “Click with Clicks”.<sup>230</sup> Clicks claimed that Glicks had done this to “deceive the public or cause confusion”.<sup>231</sup> The case ended with the judge ordering Miriam Glick Trading Pty to pay for the costs of the application and to “not use the name of Glicks and to drop certain advertising slogans which are causing confusion in the minds of the public”.<sup>232</sup>

Throughout his legal career, Mendel Levin also worked as the legal representative for a number of members of his extended family. His brother Dave Levin often used Mendel Levin or employees from his law firm as his legal representatives. In August 1960, Dave Levin encountered legal issues involving his divorce from Pamela Ann Levin (nee Kinsella).<sup>233</sup> Mr. E. Morris (instructed by Mr. Mendel Levin) appeared for Dave Levin as his legal representative.<sup>234</sup> In March 1970, Dave Levin

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<sup>223</sup> C. Steyn, ‘Masseuse ‘revolted’ by fat and ugly’, *Rand Daily Mail*, 15 May 1974, p. 2.

<sup>224</sup> C. Steyn, ‘Masseuse ‘revolted’ by fat and ugly’, *Rand Daily Mail*, 15 May 1974, p. 2.

<sup>225</sup> C. Steyn, ‘Masseuse ‘revolted’ by fat and ugly’, *Rand Daily Mail*, 15 May 1974, p. 2.

<sup>226</sup> Anon., ‘Judgement later for Clicks and the Glicks’, *Rand Daily Mail*, 29 April 1977, p. 3.

<sup>227</sup> Anon., ‘Judgement later for Clicks and the Glicks’, *Rand Daily Mail*, 29 April 1977, p. 3.

<sup>228</sup> Anon., ‘Judgement later for Clicks and the Glicks’, *Rand Daily Mail*, 29 April 1977, p. 3.

<sup>229</sup> Anon., ‘Judgement later for Clicks and the Glicks’, *Rand Daily Mail*, 29 April 1977, p. 3.

<sup>230</sup> Anon., ‘Judgement later for Clicks and the Glicks’, *Rand Daily Mail*, 29 April 1977, p. 3.

<sup>231</sup> Anon., ‘Judgement later for Clicks and the Glicks’, *Rand Daily Mail*, 29 April 1977, p. 3.

<sup>232</sup> Anon., ‘Glicks doesn’t click, Supreme Court rules’, *Rand Daily Mail*, 2 June 1977, p. 5.

<sup>233</sup> Anon., ‘Wife to keep engagement ring’, *Rand Daily Mail*, 30 August 1960, p. 5.

<sup>234</sup> Anon., ‘Wife to keep engagement ring’, *Rand Daily Mail*, 30 August 1960, p. 5.

was involved in a R10 000 defamation lawsuit.<sup>235</sup> In this case, it was alleged that “certain remarks” that “were attributed” to Dave Levin had been made by his rival promoter, Danie van Zyl, in an article that was published in *Die Vaderland*.<sup>236</sup> Dave Levin “claimed he had been defamed in the article”, and said that he had been:

...made out to be “a person who acted unlawfully and dishonestly by promoting a professional boxing tournament involving a title contest between two professional boxers without having the necessary license [sic] to do so”.<sup>237</sup>

Although Van Zyl admitted to being interviewed by *Die Vaderland*, he denied that “what was published, accurately reflected his remarks”.<sup>238</sup> In this case, Dave Levin’s legal representative was “Mr. S.A. Rosenzweig”, who was employed and was instructed by Mendel Levin’s legal firm, Mendel Levin and Partners. It was reported by Rosenzweig that the parties had settled their differences and the suit was withdrawn by Dave Levin.<sup>239</sup> Although Mendel Levin did not legally defend his brother himself, he was still involved in these cases as his brother’s lawyers were either employees who worked at his firm or were appointed by him. Additionally, in 1967, employees from Mendel Levin’s firm worked as the legal representative for Sonia Mayofis, Joseph Mayofis’ wife and Mendel Levin’s aunt. Sonia Mayofis, who had filed an application “against the Johannesburg City Council, aimed at upsetting its re-zoning schemes”.<sup>240</sup> The application was “dismissed with costs” in the Rand Supreme Court.<sup>241</sup>

Evidence has been found that suggests that Mendel Levin was still practising as an attorney up until the second half of the 1990s. In the previously mentioned inaugural lecture presented by Aubrey Levin in 1994, he stated “to my father, who at 83, runs a busy legal practice in the heart of Johannesburg”.<sup>242</sup> This indicates that not only was Mendel Levin still practising as an attorney by 1994, but that his legal practice was active. Additionally, Mendel Levin’s name appears in *Government Gazettes* that were published in the 1990s. An individual by the name of Mendel Levin practised as an attorney and was involved in other legal matters throughout the 1990s. It is most probable that this individual was the same Mendel Levin. For example, on 19 November 1996, Case Number 23103/96 came before the Honourable Judge Daniels in court in Johannesburg and an

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<sup>235</sup> Anon., ‘Promoter settles action by rival’, *Rand Daily Mail*, 18 March 1970, p. 5.

<sup>236</sup> Anon., ‘Promoter settles action by rival’, *Rand Daily Mail*, 18 March 1970, p. 5.

<sup>237</sup> Anon., ‘Promoter settles action by rival’, *Rand Daily Mail*, 18 March 1970, p. 5.

<sup>238</sup> Anon., ‘Promoter settles action by rival’, *Rand Daily Mail*, 18 March 1970, p. 5.

<sup>239</sup> Anon., ‘Promoter settles action by rival’, *Rand Daily Mail*, 18 March 1970, p. 5.

<sup>240</sup> Anon., ‘Re-zoning pleas are rejected’, *Rand Daily Mail*, 16 June 1967, p. 3.

<sup>241</sup> Anon., ‘Re-zoning pleas are rejected’, *Rand Daily Mail*, 16 June 1967, p. 3.

<sup>242</sup> A. Levin, ‘Whither Psychiatry in our changing society?’, *Inaugural Lecture*, Rhodes University, Grahamstown, 25 May 1994, p. 2.

individual by the name of Mendel Levin was the First Plaintiff in this case.<sup>243</sup> Additionally, Case No. 132294/96 in which “Mendel Levin” was the Plaintiff was brought to court on 17 July 1998 at 10:00am.<sup>244</sup>

Furthermore, an article titled, “*Testament onthul toe dokter se minnaresse*” (Evidence then reveals doctor’s mistresses), was published in the *Rapport* newspaper on 10 August 1997 that mentions a “Mnr. Mendel Levin”.<sup>245</sup> The article states that this Mendel Levin was a “*prokureur*” (attorney) from Johannesburg.<sup>246</sup> Although other individuals with the name Mendel Levin did live in the Johannesburg area during the twentieth century, there is only evidence that one was an attorney. Additionally, the article does not state that this Mendel Levin was a former lawyer, which indicates that this individual was still practising as an attorney at the time of the article’s publication. Therefore, it is highly probable that the Mendel Levin who is mentioned in this newspaper article is the same Mendel Levin. This corroborates the claim that he was still practising as an attorney at the age of 86 in August 1997.

## The Politician

The political dimension of Mendel Levin, which includes his career as a staunch supporter and active member of the NP, is at variance with his commitment to Judaism and the Jewish community in Johannesburg. As was made clear in Chapter 3, the NP’s history is one which is steeped in both Afrikaner nationalism and anti-semitism.<sup>247</sup> In the mid-twentieth century, when the NP allowed Jewish people to become members, he was one of the first of the Jewish community to join. His membership entails a number of organisational positions at local level, and he is also visible around a number of NP-related issues. These include issues such as the referendum, an issue of a nationalist flag, liberal activism by students and the selling of missiles. The contradiction between these two pivotal parts of Mendel Levin’s character are not only complex, but also depict an interesting juxtaposition in both his character and disposition. When examining his political career, Mendel Levin’s own perspective and views on issues that involve both Nationalists as well as the Jewish community in South Africa are also considered.

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<sup>243</sup> *Government Gazette*, Vol. 377, No. 17628, Republic of South Africa, Pretoria, 29 November 1996, p. 35.

<sup>244</sup> *Government Gazette*, Vol. 397, No. 19005, Republic of South Africa, Pretoria, 3 July 1998, p. 133.

<sup>245</sup> P. Swart, ‘Testament onthul toe dokter se minnaresse’, *Rapport*, 10 August 1997, p. 7.

<sup>246</sup> P. Swart, ‘Testament onthul toe dokter se minnaresse’, *Rapport*, 10 August 1997, p. 7.

<sup>247</sup> E.A. Tiryakian, ‘Apartheid and Politics in South Africa’, *The Journal of Politics* 22(4), 1960, p. 693; L. Rubin, ‘Afrikaner Nationalism and the Jews’, *Africa South* 1(3), 1956, p. 31.

## Becoming political

As previously mentioned, the ban on Jewish membership of the Transvaal branch of the NP lasted from October of 1937,<sup>248</sup> until it was lifted almost fourteen years later, on 26 September 1951.<sup>249</sup> In the same year that the ban on Jewish membership was lifted in the Transvaal branch of the NP, Mendel Levin's political career and allegiance to the NP began. As mentioned, he officially joined the NP as soon as the ban was lifted in 1951.<sup>250</sup>

During his membership of the NP, Mendel Levin held a number of positions in the local branches of the Party and became a prominent member of the NP in Johannesburg, specifically during the 1960s.<sup>251</sup> Additionally, Mendel Levin was the chairman of the Houghton-Killarney branch of the NP from 1960.<sup>252</sup> He was also the chairman of the NP Houghton divisional committee and held the position of chairman of the Killarney branch of the NP from 1962 to 1964.<sup>253</sup> According to the *South African Jewry 1967-68*, Mendel Levin was as indicated the "only South African Jew appointed by Government as a Republican Agent in the Referendum of 1961".<sup>254</sup> Furthermore, according to Joel Carlson's own notes, Mendel Levin was the chairman of the Orange Grove Branch of the NP in 1969.<sup>255</sup>

An important element of Mendel Levin's political career was his own reputation. By the time Winnie Mandela had been arrested in May 1969, Mendel Levin's reputation as a Nationalist was already well-known by individuals such as George Bizos,<sup>256</sup> Nelson Mandela<sup>257</sup> and Joel Carlson.<sup>258</sup> When Bizos learned that Mendel Levin was acting as Winnie's legal representative, he "already knew Levin by reputation"<sup>259</sup> and stated that Mendel Levin had "publicly announced his membership of the National Party as proof that it was not anti-Semitic".<sup>260</sup> In addition, Nelson Mandela was also aware of Mendel Levin's reputation, as Mandela "knew Mendel Levin as a card-carrying member of the ruling National

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<sup>248</sup> G. Shimoni, *Community and Conscience*, p. 14.

<sup>249</sup> Jewish Telegraphic Agency (JTA), 'Welcome Nationalist Lifting of Ban on Jewish Members', *Daily News Bulletin*, Volume No XVIII, No 189, 27 September 1951, p. 3.

<sup>250</sup> Anon., 'He wants a new broom', *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>251</sup> M. Adelberg, 'The Future of the Jewish Community in South Africa', *South African International* 13(3), 31 January 1982, p. 454.

<sup>252</sup> Anon., 'He wants a new broom', *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>253</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>254</sup> L. Feldberg (ed.), *South African Jewry 1967-8*, p. 329.

<sup>255</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

<sup>256</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>257</sup> J. Steinberg, *Winnie and Nelson*, p. 228.

<sup>258</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>259</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>260</sup> G. Bizos, *65 Years of Friendship*, p. 158.

Party, and as a disreputable man to boot”.<sup>261</sup> Furthermore, “Levin was downright notorious”,<sup>262</sup> among Mandela’s Jewish companions, as he was the first Jewish individual to stand as a National Party candidate in an election.<sup>263</sup> In *No Neutral Ground*, Carlson states that Mendel Levin was “known for his dedication”<sup>264</sup> to the NP and according to Carlson, Mendel Levin “had never shown any concern for the ANC”.<sup>265</sup> Furthermore, Mendel Levin also claimed to be “well acquainted with members of the Cabinet”.<sup>266</sup> Such quotes indicate that Mendel Levin’s reputation as a Nationalist and supporter of the NP was established not only in the Jewish community, but among those involved in the anti-apartheid struggle as well.

There is evidence that suggests that Mendel Levin was aware of the negative implications that his reputation as a Nationalist would have on his career as an attorney. In Joel Carlson’s legal notes (1958-1990),<sup>267</sup> Carlson indicates that Mendel Levin consulted an individual by the name of Fred Zwarenstein in June 1969,<sup>268</sup> who was an attorney at the time of the Trial of the Twenty-Two,<sup>269</sup> and would later become known as an “anti-apartheid advocate”.<sup>270</sup> During this consultation, Mendel Levin was said to have asked Zwarenstein if he thought he “would suffer if he acted for detainees”.<sup>271</sup> According to the notes, Mendel Levin wanted to understand whether or not his image with those in the NP and his practice would be affected.<sup>272</sup> Zwarenstein responded by saying that “they would be”.<sup>273</sup> This interaction further suggests that although Mendel Levin was aware that his reputation as a member of the NP would affect his legal practice, he continued to support the NP.

Mendel Levin’s reputation did not only reach local newspapers, but news abroad as well. He was quoted in a newspaper article titled “South African Jews Yielding to Apartheid” that was published

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<sup>261</sup> J. Steinberg, *Winnie and Nelson*, p. 228.

<sup>262</sup> J. Steinberg, *Winnie and Nelson*, p. 228.

<sup>263</sup> J. Steinberg, *Winnie and Nelson*, p. 228.

<sup>264</sup> J. Carlson, *No Neutral Ground*, p. 268.

<sup>265</sup> J. Carlson, *No Neutral Ground*, p. 268.

<sup>266</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

<sup>267</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990.

<sup>268</sup> G. Bizos, *Odyssey to Freedom*, p. 351; NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

<sup>269</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

<sup>270</sup> S. Ellmann, *And Justice For All*, p. 71.

<sup>271</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

<sup>272</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

<sup>273</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

in *The Canadian Jewish News* on 10 December 1965.<sup>274</sup> In the article, he was asked “how a Jew could believe in preservation of racial ghettos”,<sup>275</sup> to which he responded, “It’s a question first and foremost and above all of security”.<sup>276</sup> Furthermore, the article also states that “the Nationalist Jew now is becoming quite ordinary”,<sup>277</sup> although “it is clear that strong [sic] majority continues to vote against”<sup>278</sup> the apartheid government. This further reinforces the notion that Mendel Levin’s NP reputation was not only well-known nationally but was also known abroad.

### **Mendel: position, referendum, flag, students and missiles**

As previously explored in Chapter 3, the broader Jewish community in South African generally opposed the NP and what the apartheid state stood for. Although the South African Jewish community “had a few active political advocates for apartheid”, including Mendel Levin, such individuals “were only of marginal significance”.<sup>279</sup> Mendel Levin and his support of the NP makes him an anomaly in the South African Jewish community in the twentieth century, as his political stance typically goes against the grain of that of the broader South African Jewry. The political opinions of Mendel Levin did not reflect the opinions of the broader South African Jewish community, but rather represented Mendel Levin’s “own opinions and those of a handful of Jewish Nationalist supporters”.<sup>280</sup>

During his political career, Mendel Levin featured and was quoted in various newspaper articles as a member of the NP. These issues that Mendel Levin spoke out on and voiced his opinions on would have contributed to his reputation as a staunch supporter and member of the NP. Many of these articles focused on Jewish political issues as well as anti-semitism within the NP, Jewish support of the NP and Jewish involvement in the anti-apartheid struggle. It is also interesting to note that when voicing his opinions regarding such concerns, Mendel Levin’s perspectives typically go against the grain of the broader Jewish community.

Despite the “avowed anti-Semitism”<sup>281</sup> of the NP and its history, Mendel Levin spent much of his political career adamantly attempting to prove the antithesis. A cartoon titled “Up from the sewer” by Bob Connolly was published in the *Rand Daily Mail* on 19 June 1959.<sup>282</sup> The cartoon depicts a man

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<sup>274</sup> Anon., ‘South African Jews Yielding to Apartheid’, *The Canadian Jewish News*, 10 December 1965, n.p.

<sup>275</sup> Anon., ‘South African Jews Yielding to Apartheid’, *The Canadian Jewish News*, 10 December 1965, n.p.

<sup>276</sup> Anon., ‘South African Jews Yielding to Apartheid’, *The Canadian Jewish News*, 10 December 1965, n.p.

<sup>277</sup> Anon., ‘South African Jews Yielding to Apartheid’, *The Canadian Jewish News*, 10 December 1965, n.p.

<sup>278</sup> Anon., ‘South African Jews Yielding to Apartheid’, *The Canadian Jewish News*, 10 December 1965, n.p.

<sup>279</sup> G. Shimoni, *Community and Conscience*, p. 270

<sup>280</sup> M. Adelberg, ‘The Future of the Jewish Community in South Africa’, *South African International* 13(3), 31 January 1982, p. 454.

<sup>281</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>282</sup> B. Connolly, ‘Up from the sewer’, *Rand Daily Mail*, 19 June 1959, p. 8.



emerging from a storm drain. The man, who appears agitated and wet from the storm drain and is wearing a shirt that reads, “Nat Party’s Anti-Semitism”.<sup>283</sup> It can be asserted that the man in the cartoon bears resemblance to Hendrik Verwoerd. The man’s haircut has been drawn to look as though it has slicked back. When viewing photographs of Verwoerd from this time, his hair is styled in a similar manner.

**Figure 2.**<sup>284</sup>



This cartoon was published the day after an incident in Parliament which involved anti-semitic remarks. On 18 June 1959, the House of Assembly held a debate on the Bantu Administration Vote.<sup>285</sup> Mrs. Helen Suzman, a member of the UP, “waged bitter war on the farm labour scheme”.<sup>286</sup> Alongside Suzman, who was the UP member for the Houghton constituency in Johannesburg,<sup>287</sup> Dr. Boris Wilson, the UP member for the constituency of Hospital,<sup>288</sup> also voiced his concerns on the “subject of farm labour abuses” to the Deputy Minister.<sup>289</sup> In response to Suzman and Wilson, both of whom were Jewish,<sup>290</sup> “certain Nationalist Members started laying a smoke-screen of anti-Semitism”.<sup>291</sup> J.F. Schoonbee, NP member of the Pretoria District, turned to Suzman and Wilson and stated, “If I were of Jewish descent I would be the last person to raise this issue”.<sup>292</sup> This statement refers to “the number

<sup>283</sup> B. Connolly, ‘Up from the sewer’, *Rand Daily Mail*, 19 June 1959, p. 8.

<sup>284</sup> For a larger visual of this cartoon and the accompanying response, see List of Figures, Figures 2 and 3.

<sup>285</sup> Anon., ‘Poison’, *Rand Daily Mail*, 19 June 1959, p. 8.

<sup>286</sup> Anon., ‘Mrs. Suzman condemns farm labour scheme’, *Rand Daily Mail*, 18 June 1959, p. 2.

<sup>287</sup> Anon., ‘Nat. attack on Wilson and Mrs. Suzman’, *Rand Daily Mail*, 18 June 1959, p. 1.

<sup>288</sup> Anon., ‘“Anti-Semite” cry’, *Rand Daily Mail*, 18 June 1959, p. 2.

<sup>289</sup> Anon., ‘Poison’, *Rand Daily Mail*, 19 June 1959, p. 8.

<sup>290</sup> G. Shimoni, *Community and Conscience*, p. 63.

<sup>291</sup> Anon., ‘Poison’, *Rand Daily Mail*, 19 June 1959, p. 8.

<sup>292</sup> Anon., ‘“Anti-Semite” cry’, *Rand Daily Mail*, 18 June 1959, p. 2.

of Jewish farmers who had appeared in court on ill-treatment charges” of their employees<sup>293</sup> and as Jewish individuals, Suzman and Wilson “should be the last people to criticize farmers for ill-treating their African workers”.<sup>294</sup> Schoonbee proceeded to read out the names of four Jewish farmers, whose names had appeared in court “in connection with abuses under the scheme”.<sup>295</sup> Furthermore, Schoonbee claimed these farmers were “charged with the evils of forced labour”,<sup>296</sup> before shouting, “Go and preach in the synagogue”.<sup>297</sup> Suzman was met with interjections including, “You should be saying that in a Johannesburg synagogue, not in this House” and “We don’t like your screeching, Jewish voice”.<sup>298</sup> This outburst of anti-semitism “disgraced the House of Assembly” and came, “as a shock to the general public”.<sup>299</sup> In a response to this incident, the *Rand Daily Mail* published the cartoon, “Up From the Sewer”, and stated:

Over the past few years South Africans have had some reason to hope that this poisonous weed of Jew-baiting was dying out. It is all the more sickening to find that, when tempers are roused, some Nationalist Members can revert so quickly to the old, bad habits of their party.<sup>300</sup>

Many individuals sent letters to the editor of the *Rand Daily Mail* in response to the publication of this cartoon as well as the anti-semitic incident which took place in Parliament. A response by Mendel Levin was published in the same newspaper on 25 June 1959.<sup>301</sup> Unlike other responses to Connolly’s cartoon, his response, titled, “Cartoon shocked a Jew”,<sup>302</sup> he took “the strongest exception” to the cartoon and its “obvious import”.<sup>303</sup> According to Mendel Levin, the cartoon’s import was that the NP is “dripping with sewer filth” and reveals the ugliness of anti-semitism within the NP.<sup>304</sup> Furthermore, he stated that he as well as other Jewish individuals that he had “spoken to” found it “regrettable”, that the *Rand Daily Mail* “saw fit to publish a cartoon of this nature”, to put it “mildly”.<sup>305</sup> Mendel Levin also stated, “I believe that no greater injustice could have been done, both to the National Party and to the Jews”.<sup>306</sup>

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<sup>293</sup> Anon., ‘Nat. attack on Wilson and Mrs. Suzman’, *Rand Daily Mail*, 18 June 1959, p. 1.

<sup>294</sup> Anon., ‘Nat. attack on Wilson and Mrs. Suzman’, *Rand Daily Mail*, 18 June 1959, p. 1.

<sup>295</sup> Anon., ‘Nat. attack on Wilson and Mrs. Suzman’, *Rand Daily Mail*, 18 June 1959, p. 1; Anon., ‘“Anti-Semite’ cry’, *Rand Daily Mail*, 18 June 1959, p. 2.

<sup>296</sup> Anon., ‘Nat. attack on Wilson and Mrs. Suzman’, *Rand Daily Mail*, 18 June 1959, p. 1.

<sup>297</sup> Anon., ‘Poison’, *Rand Daily Mail*, 19 June 1959, p. 8.

<sup>298</sup> Anon., ‘Nat. attack on Wilson and Mrs. Suzman’, *Rand Daily Mail*, 18 June 1959, p. 1.

<sup>299</sup> Anon., ‘Poison’, *Rand Daily Mail*, 19 June 1959, p. 8.

<sup>300</sup> Anon., ‘Poison’, *Rand Daily Mail*, 19 June 1959, p. 8.

<sup>301</sup> M. Levin, ‘Letters to the editor: Cartoon shocked a Jew’, *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>302</sup> M. Levin, ‘Letters to the editor: Cartoon shocked a Jew’, *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>303</sup> M. Levin, ‘Letters to the editor: Cartoon shocked a Jew’, *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>304</sup> M. Levin, ‘Letters to the editor: Cartoon shocked a Jew’, *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>305</sup> M. Levin, ‘Letters to the editor: Cartoon shocked a Jew’, *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>306</sup> M. Levin, ‘Letters to the editor: Cartoon shocked a Jew’, *Rand Daily Mail*, 25 June 1959, p. 4.

In the second part of Mendel Levin's response which falls under the heading, "Master Plan",<sup>307</sup> he stated that "there is no truth nor substance in any allegation or suggestion" that the NP is anti-semitic or that it is prejudiced against Jewish people.<sup>308</sup> He then stated that "On the contrary", if he was given space by the *Rand Daily Mail* and its readers, he "could record how over the past 11 years, the National Party has extended a hand of friendship to the Jews".<sup>309</sup> Finally, in the last part of his response, Mendel Levin stated:

I submit that this cruel, unwarranted and obviously inspired cartoon should never have seen the light of day, unless the object in so publishing it is portion of a master plan to create panic in the heart of the Jew in South Africa.<sup>310</sup>

What is most striking about Mendel Levin's response, is that he avoids the anti-semitic incident in Parliament which preceded and induced the cartoon completely. He neither confirms nor denies the event, but rather focuses on his belief that there is no anti-semitism within the NP. Additionally, in his response, Mendel Levin not only refers to his own views but claims to be referring to the "views of many Jews" as well.<sup>311</sup> This is a theme that continuously appears throughout Mendel Levin's arguments and opinions.

The other responses that appear on the same page as Mendel Levin's fiercely oppose his point of view. In a response titled, "This was HATRED", a reader argues that "the attack by Nationalist Members on Mrs. Suzman and Dr. Wilson in the House of Assembly was most vicious" and that it "reeks of racial hatred and anti-Semitism".<sup>312</sup> Another response titled "Their true colours" by a reader who refers to their self as "ONCE BITTEN" shares a similar point of view. The reader states that, "After reading about the outburst of anti-semitism in Parliament, I am pleased that finally members of our Government have shown their true colours".<sup>313</sup> The end of this response stated:

As far back as 1934/35 when I did a fair amount of country-travelling, some of the Afrikaner shopkeepers gave me their views and opinion about Jews, as, according to "Machadodorp-standards" I didn't look Jewish.<sup>314</sup>

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<sup>307</sup> M. Levin, 'Letters to the editor: Cartoon shocked a Jew', *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>308</sup> M. Levin, 'Letters to the editor: Cartoon shocked a Jew', *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>309</sup> M. Levin, 'Letters to the editor: Cartoon shocked a Jew', *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>310</sup> M. Levin, 'Letters to the editor: Cartoon shocked a Jew', *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>311</sup> M. Levin, 'Letters to the editor: Cartoon shocked a Jew', *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>312</sup> R.L. Knight, 'Letters to the Editor: This was HATRED', *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>313</sup> Anon., 'Letters to the Editor: Their true colours', *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>314</sup> Anon., 'Letters to the Editor: Their true colours', *Rand Daily Mail*, 25 June 1959, p. 4.

The reader's pen name refers to the idiom "once bitten, twice shy", which suggests that since the reader was already discriminated against or "bitten"<sup>315</sup> by the NP once, he was reluctant to believe that the NP is not anti-semitic in nature. Furthermore, this reader argues that their only hope is that "many of the misled Jews, who have and still are supporting the National Party, will now come to their senses".<sup>316</sup> In this regard, Mendel Levin is one of the "many" misled Jewish individuals who still supported the NP during this time.

As a result of Mendel Levin's response, the *Rand Daily Mail* published further opinions from other readers in the days following 18 June 1959. The vast majority of these responses to Mendel Levin firmly oppose his argument. In the response titled, "Approval", R.F. MacDonald stated:

I should like to reply to Mendel Levin on the subject of the cartoon of June 19.  
The cartoon was excellent, and if it offends Mendel Levin I hardly believe that most Jews agree with him.<sup>317</sup>

Whereas another response by reader B. Hirschland stated:

I would suggest that you give Mr Mendel Levin the space he asks for to record the goodwill the Nationalists have shown towards Jews. He should pay special attention to the periods before 1948 and the events of the last few weeks.<sup>318</sup>

The first response directly reinforces the notion that Mendel Levin was an anomaly in the South African Jewish community due to his political stance and his views on political issues. The second also opposes Mendel Levin's opinion, but additionally refers to the anti-semitic history of the NP in the period prior to their electoral victory in 1948 and events such as this specific anti-semitic incident in Parliament.

A common theme that continuously appears in Mendel Levin's arguments is that many Jewish individuals supported the NP. According to Shimoni, Mendel Levin and his son Aubrey Levin had made claims that "hundreds of well-known Jewish businessmen, industrialists and professional men" had joined the NP by the 1970s.<sup>319</sup> As previously explored in this chapter as well as in Chapter 3, this was not the case. Although there were some Jewish individuals who supported the NP and the

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<sup>315</sup> Anon., 'Letters to the Editor: Their true colours', *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>316</sup> Anon., 'Letters to the Editor: Their true colours', *Rand Daily Mail*, 25 June 1959, p. 4.

<sup>317</sup> R.F. MacDonald, 'Approval', *Rand Daily Mail*, 14 July 1959, p. 4.

<sup>318</sup> B. Hirschland, 'Letters to the Editor: A word in your ear', *Rand Daily Mail*, 30 June 1959, p. 4.

<sup>319</sup> G. Shimoni, *Community and Conscience*, p. 125.

apartheid state,<sup>320</sup> many more supported the anti-apartheid struggle.<sup>321</sup> Shimoni further asserts that by the beginning of 1970 both Mendel Levin and his son had “already hardened against the scorn they had to face within in the Jewish community”<sup>322</sup> due to their ongoing support of the NP. Mendel Levin also voiced his opinions on the “referendum issue” of 1960 related to the possibility of the pending republic.<sup>323</sup> In the months leading up to 5 October 1960, also known as “referendum day”,<sup>324</sup> Verwoerd had been writing a letter that the NP intended to send to “every voter in the country on September 21”, 1960.<sup>325</sup> This letter became known as Verwoerd’s, “Dear Friends” letter,<sup>326</sup> in which Verwoerd argued that “a republic is a “must” to establish racial unity, a safe and prosperous future and justice to the non-Whites, coupled with universal prosperity”.<sup>327</sup>

In a September 1960 letter to the editor of the *Rand Daily Mail* titled “Mr. Louw and the Jews: Leopard can’t change its spots”, the writer, A. Cross, raises the “Jewish issue”.<sup>328</sup> He argues that Mr. Eric Louw, a Cabinet Minister at the time who was appointed in 1948, stated that:

The authority will be in the hands only of those who demonstrated by word and deed that they have undivided faith in South Africa and in the republic. That immediately excludes all Jews, for the Jew is faithful only to his own race and not to the land he inhabits.<sup>329</sup>

Cross further asserts that if South Africa becomes a republic, the Nationalist Government “will carry out their threats, not only to the Jew, but also to the English and “loyal Dutch,” as they are called by these extremists”.<sup>330</sup> Cross’s letter to the editor was met with much support and some opposition. One individual who opposed Cross’s view was Mendel Levin. Two days after Cross’s letter to the editor was published, he wrote a response titled, “Jewish support for Nats” in the *Rand Daily Mail*.<sup>331</sup> Mendel Levin, who asserts that he read Cross’s letter with “dismay”, claims that he knew “the ugly

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<sup>320</sup> G. Shimoni, ‘South African Jews and the Apartheid Crisis’, *The American Jewish Year Book* 88(1988), 1988, p. 18.

<sup>321</sup> S. Gilbert & D. Posel, ‘The Holocaust, Apartheid, and Contemporary South African Jewish Perspectives on Victimhood’, *Journal of Jewish Identities* 14(2), 2021, p. 157.

<sup>322</sup> G. Shimoni, *Community and Conscience*, p. 125.

<sup>323</sup> H.G.V. Kustner, ‘Letters to the Editor: Basis for unity’, *Rand Daily Mail*, 13 October 1960, p. 4.

<sup>324</sup> Anon., ‘Verwoerd has ‘secret’ letter for all voters’, *Rand Daily Mail*, 9 September 1960, p. 1.

<sup>325</sup> Anon., ‘Verwoerd has ‘secret’ letter for all voters’, *Rand Daily Mail*, 9 September 1960, p. 1.

<sup>326</sup> Anon., ‘“Dear Friends’ reply to P.M. - with feeling’, *Rand Daily Mail*, 26 September 1960, p. 3.

<sup>327</sup> R.T. McLeod, ‘Twelve years in office, but - Have done nothing to bring about unity’, *Rand Daily Mail*, 5 October 1960, p. 10.

<sup>328</sup> A. Cross. ‘Mr. Louw and the Jews: Leopard can’t change its spots’, *Rand Daily Mail*, 22 September 1960, p. 4.

<sup>329</sup> A. Cross. ‘Mr. Louw and the Jews: Leopard can’t change its spots’, *Rand Daily Mail*, 22 September 1960, p. 4.

<sup>330</sup> A. Cross. ‘Mr. Louw and the Jews: Leopard can’t change its spots’, *Rand Daily Mail*, 22 September 1960, p. 4.

<sup>331</sup> M. Levin, ‘Jewish support for Nats.’, *Rand Daily Mail*, 24 September 1960, p. 8.

head of anti-Semitism” would be raised during the course of the referendum campaign.<sup>332</sup> However, he argues that such anti-semitism would “certainly not”<sup>333</sup> come from:

...Nationalist quarters, but by those who regard it as more important to obtain a few votes from the Jews for monarchist causes than to worry about the consequences of their actions.<sup>334</sup>

Mendel Levin’s response was met with responses from other readers who strongly opposed his views. It was alleged that Mendel Levin hoped “to adopt the same flag”<sup>335</sup> that Verwoerd referred to in his “Dear Friends” letter. In a response to Mendel Levin, Christina van Heyningen from Pietermaritzburg in Natal (present-day Kwa-Zulu Natal [KZN]), sent in a “Letters to the Editor” submission to the *Rand Daily Mail*<sup>336</sup> stating that:

To Mr. Mendel Levin, who apparently hopes to adopt the same flag, may I say that any Jew rooting for the people who supported the Nazis when they were systematically trying to exterminate all Jews, and who have shown no real change of heart since, deserves our profoundest contempt.<sup>337</sup>

Furthermore, van Heyningen suggests that the flag for Verwoerd’s “proposed republic” should depict him “standing on his head, blue in the face” and should include the motto, “Black is White”.<sup>338</sup>

In a response titled, “Basis for unity” by reader, H.G.V. Kustner, he appears to come to Mendel Levin’s aid.<sup>339</sup> Kustner states that in van Heyningen’s letter, “she expresses her contempt for Mr. M. Levin and the many who may think like he does” and further argues that attitudes such as van Heyningen’s are “What is really hindering our progress towards national unity”.<sup>340</sup> Kustner states that Mendel Levin’s opinion on the referendum issue is based on “his personal experience with the Nationalists and his daily dealings with them”.<sup>341</sup> The foundation of Kustner’s argument is that if Mendel Levin:

...experienced the alleged wickedness of the Nationalists himself, if he found reason to distrust them or considered them to incompetent, unjust and unfit to rule, then, by all means, he should oppose them. That would not only be his

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<sup>332</sup> M. Levin, ‘Jewish support for Nats.’, *Rand Daily Mail*, 24 September 1960, p. 8.

<sup>333</sup> M. Levin, ‘Jewish support for Nats.’, *Rand Daily Mail*, 24 September 1960, p. 8.

<sup>334</sup> M. Levin, ‘Jewish support for Nats.’, *Rand Daily Mail*, 24 September 1960, p. 8.

<sup>335</sup> C. van Heyningen, ‘Letters to the Editor: Republican Flag’, *Rand Daily Mail*, 5 October 1960, p. 10.

<sup>336</sup> C. van Heyningen, ‘Letters to the Editor: Republican Flag’, *Rand Daily Mail*, 5 October 1960, p. 10.

<sup>337</sup> C. van Heyningen, ‘Letters to the Editor: Republican Flag’, *Rand Daily Mail*, 5 October 1960, p. 10.

<sup>338</sup> C. van Heyningen, ‘Letters to the Editor: Republican Flag’, *Rand Daily Mail*, 5 October 1960, p. 10.

<sup>339</sup> H.G.V. Kustner, ‘Letters to the Editor: Basis for unity’, *Rand Daily Mail*, 13 October 1960, p. 4.

<sup>340</sup> H.G.V. Kustner, ‘Letters to the Editor: Basis for unity’, *Rand Daily Mail*, 13 October 1960, p. 4.

<sup>341</sup> H.G.V. Kustner, ‘Letters to the Editor: Basis for unity’, *Rand Daily Mail*, 13 October 1960, p. 4.



right, it would be his duty.<sup>342</sup>

As previously mentioned, Mendel Levin's argument that the NP had many Jewish supporters is a common theme which emerges in his letters to the editor of the *Rand Daily Mail*. In response to A. Cross's letter to the editor, Mendel Levin argues that "thousands of Jews have become pro-Government" since the NP came to power in 1948.<sup>343</sup> Furthermore, Mendel Levin stated that Mr. Cross was not:

... the first person in recent months to have dragged in anti-Semitism which does not exist, save in the minds of certain misguided or mischievous Jews and in certain sporting clubs closed to Jewish membership.<sup>344</sup>

This quote from Mendel Levin's response highlights another reoccurring theme that emerges in his arguments, which is that anti-semitism did not exist within the NP, along with his assertion that the NP had thousands of Jewish supporters. Additionally, in 1961, Mendel Levin was one of "two Jewish Nationalists of Johannesburg" (the other being, "Mr. Charles Zef"), who argued against the election results of 1961 which indicated that "it was clear that the Jewish community had swung to the Progressives and had not supported the National Party".<sup>345</sup> Furthermore, Mendel Levin and Zef "carried a denial" of this and argued that "it was not true that the Jews had swung to the Progressives" and further asserted that "never before had there been such a swing to the Nationalists among Jews".<sup>346</sup> Three years prior to this, in 1958, Zef and Mendel Levin had "circulated appeals to Jewish voters to vote" for the NP, "on the grounds that the government headed by Prime Minister Strijdom" had "treated Jews with consistent fairness".<sup>347</sup>

On 24 November 1967,<sup>348</sup> an incident occurred during a right-wing Nationalist symposium<sup>349</sup> that took place in Pretoria and was organised by the "verkrampste" (conservative) Jopie Fourie *Jeugbond* (Youth League) branch.<sup>350</sup> This incident involved a South African flag being "doctored" by "blinking out the Union Jack on it with a piece of paper".<sup>351</sup> As a result, many "English-speaking Nationalists,

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<sup>342</sup> H.G.V. Kustner, 'Letters to the Editor: Basis for unity', *Rand Daily Mail*, 13 October 1960, p. 4.

<sup>343</sup> M. Levin, 'Jewish support for Nats.', *Rand Daily Mail*, 24 September 1960, p. 8.

<sup>344</sup> M. Levin, 'Jewish support for Nats.', *Rand Daily Mail*, 24 September 1960, p. 8.

<sup>345</sup> Anon., 'The Catholics come under fire', *Rand Daily Mail*, 21 November 1961, p. 18.

<sup>346</sup> Anon., 'The Catholics come under fire', *Rand Daily Mail*, 21 November 1961, p. 18.

<sup>347</sup> JTA, 'Ten Jews Named as Candidates for Parliament in So. African Elections', *Daily News Bulletin*, Volume No XXV, No 69, 9 April 1958, p. 3.

<sup>348</sup> J.H.P. Serfontein, 'Extremists defy Vorster leadership: Hertzog Group leaders hit at verligte policies', *Sunday Times*, 26 November 1967, p. 3.

<sup>349</sup> J.H.P. Serfontein, 'Nationalists' flag insult condemned', *Sunday Times*, 3 December 1967, p. 13.

<sup>350</sup> J.H.P. Serfontein, 'Nationalists' flag insult condemned', *Sunday Times*, 3 December 1967, p. 13.

<sup>351</sup> J.H.P. Serfontein, 'Nationalists' flag insult condemned', *Sunday Times*, 3 December 1967, p. 13.

United Party members” and a “political scientist” strongly condemned what transpired.<sup>352</sup> According to the *Sunday Times* those who condemned the incident “criticised the organisers and participants” for “the insult to the South African flag and to the English-speaking South Africans”.<sup>353</sup> Additionally, they described the incident as dangerous, childish, irresponsible, stupid and discourteous.<sup>354</sup> There were three “Nationalist M.P.s” who either organised or participated in the incident.<sup>355</sup> Mendel Levin, who was the chairman of the NP’s Houghton branch at the time, was one of the Nationalists who spoke out regarding this incident.<sup>356</sup> When asked about his views on the incident, he described what transpired as, “...unbelievable, dangerous and mischievous. It has no sensible object in mind and reveals a childish hatred.”<sup>357</sup> He also asked, “Do they not realise that practically 40 per cent [sic] of the White people in South Africa are English-speaking?”<sup>358</sup> Furthermore, the *Sunday Times* quoted Mendel Levin as saying:

When those members of the Jeugbond give up their ideas and realise that these dreams of ultra-nationalism are nothing but a pipedream, they will find out that what is important for this wonderful land of ours is that we should live together with tolerance and so build up a strong South Africa.<sup>359</sup>

In this response, Mendel Levin speaks about South Africans living “together with tolerance”.<sup>360</sup> In this regard, he refers only to the white population of South Africa at the time and excludes the majority of the population which is comprised of other races. By disregarding this portion of the population which is made up of people of colour, Mendel Levin’s own stance on the policies of apartheid is apparent. His response suggests that he may have only been concerned with uniting white South Africans, rather than South Africans from all races.

In August 1968, an incident occurred whereby the Minister of Police and of the Interior at the time, S.L. Muller, made remarks about the Jewish community during a speech he delivered whilst visiting Potchefstroom.<sup>361</sup> Muller’s remarks were regarding the “part played by Jewish students in university protests”.<sup>362</sup> When questioned on Muller’s remarks, the Prime Minister at the time, Vorster, “was not

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<sup>352</sup> J.H.P. Serfontein, ‘Nationalists’ flag insult condemned’, *Sunday Times*, 3 December 1967, p. 13.

<sup>353</sup> J.H.P. Serfontein, ‘Nationalists’ flag insult condemned’, *Sunday Times*, 3 December 1967, p. 13.

<sup>354</sup> J.H.P. Serfontein, ‘Nationalists’ flag insult condemned’, *Sunday Times*, 3 December 1967, p. 13.

<sup>355</sup> J.H.P. Serfontein, ‘Nationalists’ flag insult condemned’, *Sunday Times*, 3 December 1967, p. 13.

<sup>356</sup> J.H.P. Serfontein, ‘Nationalists’ flag insult condemned’, *Sunday Times*, 3 December 1967, p. 13.

<sup>357</sup> J.H.P. Serfontein, ‘Nationalists’ flag insult condemned’, *Sunday Times*, 3 December 1967, p. 13.

<sup>358</sup> J.H.P. Serfontein, ‘Nationalists’ flag insult condemned’, *Sunday Times*, 3 December 1967, p. 13.

<sup>359</sup> J.H.P. Serfontein, ‘Nationalists’ flag insult condemned’, *Sunday Times*, 3 December 1967, p. 13.

<sup>360</sup> J.H.P. Serfontein, ‘Nationalists’ flag insult condemned’, *Sunday Times*, 3 December 1967, p. 13.

<sup>361</sup> M.M. Levin, ‘Jewish Nats. to see Muller’, *Sunday Times*, 1 September 1968, p. 1.

<sup>362</sup> Anon., ‘Vorster silent on Muller’, *Sunday Times*, 1 September 1968, p. 1.

prepared to comment on the reported statement”.<sup>363</sup> In response to this uproar, Muller claimed that his speech had been “quoted inaccurately and out of context”, and argued that he did “not warn or threaten the Jewish community”.<sup>364</sup> Muller further stated, “I appealed for their assistance because I knew that they would be prepared to help me”.<sup>365</sup> This incident occurred shortly after Vorster had delivered a “lengthy speech at Heilbron on national unity”.<sup>366</sup> According to “Sir De Villiers Graaff, leader of the Opposition”, the Prime Minister had “made it clear, the statement said, that White South African’s who did not support the Nationalist Party could not strive for or co-operate in the attainment of national unity”.<sup>367</sup> Furthermore, De Villiers stated, “That White racialism should continue to play such a dividing role in our country is one of its greatest tragedies”.<sup>368</sup>

In an article published in the *Sunday Times* written by M.M. Levin (of no known relation to Mendel Levin), which refers to “Mr. Mendel Levin, a Jewish Nationalist”,<sup>369</sup> the writer states that Mendel Levin told him, “...that while he deplored the behaviour of the students he was against blaming the whole Jewish community for the actions of a few”.<sup>370</sup> Compared to many of his other responses, this response of Mendel Levin’s differs, as he appears to be supporting his Jewish community rather than his political party. However, it is of interest to note that he does not mention Muller by name, which indicates that like his response, he does not blame the entirety of the NP for Muller’s remarks.

In September 1969, Mendel Levin featured in another NP debate. The South African Defence Department had reportedly sold “its Cactus missile system” to the country of Lebanon,<sup>371</sup> the “northern neighbour of Israel”.<sup>372</sup> According to reports from Paris, the missile system was an “anti-aircraft defence system”.<sup>373</sup> In 1968, the Minister of Defence, P.W. Botha, had watched the “low-level defence missile” in operation in France<sup>374</sup> where the missile system was developed.<sup>375</sup> It was during this visit to France that Botha stated that South Africa “was willing to sell the weapon”, which he

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<sup>363</sup> Anon., ‘Vorster silent on Muller’, *Sunday Times*, 1 September 1968, p. 1.

<sup>364</sup> Anon., ‘Muller says he didn’t warn or threaten Jews’, *Sunday Times*, 1 September 1968, p. 1.

<sup>365</sup> Anon., ‘Muller says he didn’t warn or threaten Jews’, *Sunday Times*, 1 September 1968, p. 1.

<sup>366</sup> A.J. Wannenburg, ‘Jews: Graaff challenges Vorster, Calls on Premier to clarify Nat attitude on Muller’s warning’, *Sunday Times*, 1 September 1968, p. 1.

<sup>367</sup> A.J. Wannenburg, ‘Jews: Graaff challenges Vorster, Calls on Premier to clarify Nat attitude on Muller’s warning’, *Sunday Times*, 1 September 1968, p. 1.

<sup>368</sup> A.J. Wannenburg, ‘Jews: Graaff challenges Vorster, Calls on Premier to clarify Nat attitude on Muller’s warning’, *Sunday Times*, 1 September 1968, p. 1.

<sup>369</sup> M.M. Levin, ‘Jewish Nats. to see Muller’, *Sunday Times*, 1 September 1968, p. 1.

<sup>370</sup> M.M. Levin, ‘Jewish Nats. to see Muller’, *Sunday Times*, 1 September 1968, p. 1.

<sup>371</sup> Anon., ‘Alarm over S. African missile mystery’, *Sunday Times*, 7 September 1969, p. 1.

<sup>372</sup> Anon., ‘S.A. sells missiles’, *Rand Daily Mail*, 6 September 1969, p. 1.

<sup>373</sup> Anon., ‘S.A. sells missiles’, *Rand Daily Mail*, 6 September 1969, p. 1.

<sup>374</sup> Anon., ‘S.A. sells missiles’, *Rand Daily Mail*, 6 September 1969, p. 1.

<sup>375</sup> Anon., ‘Alarm over S. African missile mystery’, *Sunday Times*, 7 September 1969, p. 30.

claimed “was the best of its kind in all kinds of weather”.<sup>376</sup> The South African reaction to this sale was “one of alarm and anger” and amongst those who “strongly condemned” the sale, was “a well-known member of the Nationalist Party”, Mendel Levin.<sup>377</sup> On 7 September 1969 the *Sunday Times* reported that he had just returned to South Africa from a trip to Israel and stated “that the news was received by the Israelis with shock and apprehension”.<sup>378</sup> Mendel Levin asserted that the citizens of Israel could not believe that South Africa allowed the missile “to fall into the hands of hostile forces”.<sup>379</sup> He argued that the sale “was likely to have serious repercussions”<sup>380</sup> and the *Sunday Times* quoted Mendel Levin as saying:

These very weapons could eventually find their way from Lebanon to the borders of South Africa. There is no guarantee that the Arabs would not sell those weapons to states hostile to South Africa.<sup>381</sup>

Mendel Levin further argued that such repercussions were “bound to have a reaction among the Jewish community in South Africa and among Afrikaners particularly, who are friendly towards Israel”.<sup>382</sup> Furthermore, Mendel Levin said that he found, “the whole affair” to be “very confusing”, and that he was certain Botha would “make a statement on this sad affair”<sup>383</sup> soon. There is thus an apparent variation in some of Mendel Levin’s stance on the politics of the day while still remaining an ardent Nationalist.

One of the focal points of Mendel Levin’s political career occurred in 1967 when he first joined municipal politics. He ran as the NP candidate for Ward 23 in the municipal elections held on 1 March 1967<sup>384</sup> and appears as an ardent supporter of the party. Ward 23 consisted of the suburban area known as Berea in Johannesburg,<sup>385</sup> which was a “constituency which has a considerable Jewish population”.<sup>386</sup> During his campaign, Mendel Levin stated: “It could only do Johannesburg good if the National Party took over control of the city”.<sup>387</sup> Although he was a “newcomer to municipal politics” at the time, Mendel Levin asserted that he had found the time necessary to devote to his

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<sup>376</sup> Anon., ‘S.A. sells missiles’, *Rand Daily Mail*, 6 September 1969, p. 1.

<sup>377</sup> Anon., ‘Alarm over S. African missile mystery’, *Sunday Times*, 7 September 1969, p. 1.

<sup>378</sup> Anon., ‘Alarm over S. African missile mystery’, *Sunday Times*, 7 September 1969, p. 1.

<sup>379</sup> Anon., ‘Alarm over S. African missile mystery’, *Sunday Times*, 7 September 1969, p. 30.

<sup>380</sup> Anon., ‘Alarm over S. African missile mystery’, *Sunday Times*, 7 September 1969, p. 30.

<sup>381</sup> Anon., ‘Alarm over S. African missile mystery’, *Sunday Times*, 7 September 1969, p. 30.

<sup>382</sup> Anon., ‘Alarm over S. African missile mystery’, *Sunday Times*, 7 September 1969, p. 30.

<sup>383</sup> Anon., ‘Alarm over S. African missile mystery’, *Sunday Times*, 7 September 1969, p. 30.

<sup>384</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>385</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>386</sup> G. Shimoni, *Jews and Zionism*, p. 303.

<sup>387</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

campaign as well as to the people of Ward 23.<sup>388</sup> Furthermore, according to the *Rand Daily Mail*, Mendel Levin “was not unknown in civic circles”.<sup>389</sup>

During his campaign as the NP candidate for Ward 23, Mendel Levin had “caused furious controversy” in the area of Houghton in Johannesburg.<sup>390</sup> In February 1967, he had requested “business rights for his residential property in the suburb” which had been declined by the city council who described his request as “bad town planning”.<sup>391</sup> Due to this rejection, Mendel Levin took the objections to the Townships Board.<sup>392</sup> Although he was “born abroad”, Mendel Levin argued that he had resided in Johannesburg for forty-two years and had “made a special study of civic administration, especially town planning”.<sup>393</sup> Furthermore, his study also included the Berea area of the city, which he pointed out, “falls into my ward”.<sup>394</sup> Additionally, he asserted that there was a number of things in the ward that “needed attention”, including public transport, which he described as “chaotic” including congestion of traffic, housing conditions and parking problems.<sup>395</sup> Amongst these issues, Mendel Levin also argued that the ward needed a park and recreation centre “urgently”.<sup>396</sup> This suggests that Mendel Levin was concerned for those in his community and the problems which they faced on a daily basis.

In the Municipal election of 1967 Mendel Levin opposed Mr. Alfred B. Widman, the UP candidate in the ward of Berea in Johannesburg.<sup>397</sup> Mendel Levin only polled 267 votes,<sup>398</sup> whereas Widman polled 1874 votes.<sup>399</sup> Widman won the election for Ward 23 by polling the majority of votes, which was 1607 more than Mendel Levin polled.<sup>400</sup> Mendel Levin, along with Mr. Brian Macartney who was another candidate for the NP, were the “first Nationalist candidates” to lose their deposits in the city of Johannesburg since the NP came into power in 1948.<sup>401</sup> Due to this monumental defeat, more than two years later, it was still believed to be “unlikely that the National Party will venture into the ward again with such slim prospects of success”.<sup>402</sup> It is most probable that Mendel Levin’s

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<sup>388</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>389</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>390</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>391</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>392</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>393</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>394</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>395</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>396</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>397</sup> Anon., ‘He wants a new broom’, *Rand Daily Mail*, 23 February 1967, p. 9.

<sup>398</sup> G. Shimoni, *Jews and Zionism*, p. 303.

<sup>399</sup> Anon., ‘Results of elections: Johannesburg’, *Rand Daily Mail*, 3 March 1967, p. 5.

<sup>400</sup> Anon., ‘Results of elections: Johannesburg’, *Rand Daily Mail*, 3 March 1967, p. 5.

<sup>401</sup> J.C. Viviers, ‘U.P. says swing to right is checked’, *Rand Daily Mail*, 3 March 1967, p. 5.

<sup>402</sup> Anon., ‘Progs may name candidate for Ward 8 Today: First’, *Rand Daily Mail*, 20 July 1969, p. 4.

resounding defeat in this municipal election was a source of humiliation and embarrassment for him, as well as for the NP.

Furthermore, it is interesting to note that in 1967, when Mendel Levin stood as a NP candidate for the municipal council of Berea, the leader of the NP was Vorster.<sup>403</sup> As previously noted, Vorster was a former General for the *Ossewa Brandwag*<sup>404</sup> and was known for his “pro-Nazi sympathies” during the Second World War.<sup>405</sup> Additionally, during the Second World War Vorster had been “interned for his membership in a pro-Nazi paramilitary”<sup>406</sup> organisation. By running as a candidate for a political party which was led by a man such as Vorster at the time, Mendel Levin’s own character and disposition becomes much more complex. Once again, he went against the grain of what was typical for the broader Jewish community at the time.

Furthermore, the number of newspaper articles which feature Mendel Levin’s political opinions appear to decrease drastically in the late 1960s. This could be a result of two factors: the first being his failure in the 1967 municipal elections, and the second being the cessation of his involvement in the Trial of the Twenty-Two as the legal representative for Winnie Mandela and Peter Magubane. This decrease in publicly expressing his views may also be a result of Mendel Levin feeling embarrassed after being defeated or unsuccessful in both his legal and political careers within a short period of time.

## Conclusion

Despite the general political standpoint of the broader Jewish community in South Africa, Mendel Levin was not the only member of his immediate, as well as extended, family who was a member and supporter of the NP. Like Mendel Levin, his only child and son, Aubrey Levin, was “an active member of the National Party”.<sup>407</sup> Aubrey Levin was said to have served as the “vice-chairman of the Houghton divisional committee of the National Party of the Transvaal” and also served as “a former chairman of the Point Branch of the National Party”.<sup>408</sup> Additionally, while Aubrey Levin was a student at the University of Pretoria, he attempted to “start the South African Students’ Association” which was a “movement of students loyal to the NP”.<sup>409</sup> There was also speculation that Aubrey Levin

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<sup>403</sup> J. Steinberg, *Winnie and Nelson*, p. 228.

<sup>404</sup> D. O’Meara, *Forty Lost Years*, p. xxxviii.

<sup>405</sup> R.B. Beck, *History of South Africa*, p. 145.

<sup>406</sup> J. Steinberg, *Winnie and Nelson*, p. 228.

<sup>407</sup> G. Shimoni, *Jews and Zionism*, p. 296.

<sup>408</sup> P. Kirk, ‘Tukkies was warned of Levin’s experiments’, *Mail & Guardian*, 10 August 2000, p. 10.

<sup>409</sup> P. Kirk, ‘Tukkies was warned of Levin’s experiments’, *Mail & Guardian*, 10 August 2000, p. 10.



was given the rank of Colonel in the SADF just after he completed medical school because of “his close links with the NP”.<sup>410</sup> It is probable that Aubrey Levin’s support for the NP may have been influenced by his father who had been a staunch supporter and member of the NP since 1951. Aubrey Levin was not the only member of Mendel Levin’s family who publicly supported the NP and who was involved in politics. Additionally, like Mendel Levin, his brother-in-law, Samuel Bloomberg,<sup>411</sup> was also an avid supporter of the National Party. It was all in the family.

The two dimensions of Mendel Levin’s character which were explored in this chapter are of great significance. By analysing his legal career as an attorney and his political career as a staunch supporter and member of the NP, his profile becomes more complex. This chapter has also laid the foundation for the final two dimensions - his rather dubious dealings as both conspirator and criminal?

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<sup>410</sup> P. Kirk, ‘Tukkies was warned of Levin’s experiments’, *Mail & Guardian*, 10 August 2000, p. 10.

<sup>411</sup> Anon., ‘People’s Column: Barmitzvah’, *Sunday Times*, 25 December 1938, p. 2.

## Chapter 6: The Criminal and Conspirator?

### Introduction

This penultimate chapter will focus on two other perplexing dimensions of Mendel Levin's life and will relate to the man as both as a presumed and possible criminal and a conspirator. As was revealed in the previous chapter, professionally Mendel was a man of the law, but simultaneously he was a supporter and member of a political party that undermined the basic tenets of human rights. However, this chapter is a kind of counterpoise as Mendel Levin is portrayed as being on the other side of the law as a criminal and on the counter side of politics as a conspirator in his dealings with a range of key individuals across the continuum of South African society.

### The Criminal in Court?

There were numerous times in which Mendel Levin had encounters with the law during the course of his life. He managed to escape conviction and avoid imprisonment for each allegation by turning on his co-accused or becoming a witness for the state. Additionally, he also avoided imprisonment by appealing his convictions.

Mendel Levin's criminal career officially began towards the end of 1938,<sup>1</sup> just over two and a half years after he became registered as an attorney in March 1936.<sup>2</sup> In the case referred to as the "Miss X Case" by the *Rand Daily Mail*,<sup>3</sup> Mendel Levin, who was 27 years old at the time, appeared in court "on a charge of attempting to defeat the ends of justice".<sup>4</sup> The trial began on 24 November 1938 in the "B" Court of the Johannesburg Magistrate's Court.<sup>5</sup> The newspaper reported that, "Every seat was occupied and many people were standing"<sup>6</sup> as Mendel Levin, "appeared before Mr. S.H. Elliot".<sup>7</sup> He was "alleged to have attempted to interfere with one of the Crown witnesses who was required to give evidence in a criminal case".<sup>8</sup> It was purported that Mendel Levin knew that the Crown witness referred to as "Miss X", was a "necessary and material witness"<sup>9</sup> to the prosecution's case against an

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<sup>1</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

<sup>2</sup> NA, TPD, Volume No 8/821, Reference No 210/1936, Ex Parte Application: 'Mendel Levin', 1936, p. 1.

<sup>3</sup> Anon., 'Miss X Case: Attorney Under Examination', *Rand Daily Mail*, 25 November, p. 16.

<sup>4</sup> Anon., 'Miss X Case: Attorney Under Examination', *Rand Daily Mail*, 25 November, p. 16.

<sup>5</sup> Anon., 'Miss X Case: Attorney Under Examination', *Rand Daily Mail*, 25 November, p. 16.

<sup>6</sup> Anon., 'Miss X Case: Attorney Under Examination', *Rand Daily Mail*, 25 November, p. 16.

<sup>7</sup> Anon., 'Miss X Case: Attorney Under Examination', *Rand Daily Mail*, 25 November, p. 16.

<sup>8</sup> Anon., 'Alleged attempt to influence witness: Miss "X" gives evidence', *Rand Daily Mail*, 24 November 1938, p. 17.

<sup>9</sup> Anon., 'Story of Miss "X" in Trial of Attorney', *Rand Daily Mail*, 26 November 1938, p. 17.

Indian individual by the name of K. Naransamy.<sup>10</sup> Naransamy, who was Mendel Levin's client, was on a "charge of crimen injuria",<sup>11</sup> which in South African law refers to an action that injures the dignity of another person, especially the use of racially offensive language.<sup>12</sup> Mendel Levin had attempted to persuade Miss X's father to "use his influence to prevent her from giving evidence in the case".<sup>13</sup> Additionally, Mendel Levin had also tried to persuade her father to "use his influence with the police to discontinue the proceedings against"<sup>14</sup> his client, Naransamy.

On 2 December 1938, Mendel Levin was fined £50 or "two months imprisonment with hard labour"<sup>15</sup> for attempting to defeat the ends of justice. When giving judgement, Mr. S. H. Elliot stated that this offence was "particularly serious" as Mendel Levin was an attorney of the Supreme Court.<sup>16</sup> Although Elliot acknowledged that these were "aggravating circumstances", he gave Mendel Levin the option of a fine as there may have been "further punishment awaiting" Mendel Levin, "in view of the consequences of this conviction".<sup>17</sup> Furthermore, Mr. Elliot reportedly told him:

As an attorney of this Court you seem to be completely devoid of professional or social etiquette. You should be taught what etiquette means, and to consider the feelings of other people.<sup>18</sup>

As a result of Elliot's judgement, a notice of appeal was given by Mendel Levin and "Messrs. H.H. Morris and A. Shacksnovis"<sup>19</sup> who appeared for him.

On the afternoon of Wednesday, 22 February 1939, Mendel Levin's appeal was upheld by Mr. Justice Barry and Mr. Justice Malan in the Supreme Court in Pretoria.<sup>20</sup> According to Carlson, Mendel Levin "was acquitted on a law point".<sup>21</sup> Barry stated that there was "a certain amount of heat"<sup>22</sup> during the interview between Mendel Levin and Miss X's father in which Mendel Levin was accused of

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<sup>10</sup> Anon., 'Story of Miss "X" in Trial of Attorney', *Rand Daily Mail*, 26 November 1938, p. 17.

<sup>11</sup> Anon., 'Attorney Wins Court Appeal', *Rand Daily Mail*, 23 February 1939, p. 8; Anon., 'Alleged attempt to influence witness: Miss "X" gives evidence', *Rand Daily Mail*, 24 November 1938, p. 17; Anon., 'Story of Miss "X" in Trial of Attorney', *Rand Daily Mail*, 26 November 1938, p. 17.

<sup>12</sup> *Collins Dictionary*, n.d., <<https://www.collinsdictionary.com/dictionary/english/crimen-injuria>>, Accessed: August 2023.

<sup>13</sup> Anon., 'Judgement Reserved in Miss X Case', *Rand Daily Mail*, 30 November 1938, p. 16.

<sup>14</sup> Anon., 'Judgement Reserved in Miss X Case', *Rand Daily Mail*, 30 November 1938, p. 16.

<sup>15</sup> Anon., 'Attorney Fined £50 in Miss X Case', *Rand Daily Mail*, 3 December 1938, p. 15.

<sup>16</sup> Anon., 'Attorney Fined £50 in Miss X Case', *Rand Daily Mail*, 3 December 1938, p. 15.

<sup>17</sup> Anon., 'Attorney Fined £50 in Miss X Case', *Rand Daily Mail*, 3 December 1938, p. 15; Anon., 'Attorney Fined £50 in Miss X Case', *Rand Daily Mail*, 3 December 1938, p. 15; Anon., 'Attorney Fined £50 in Miss X Case', *Rand Daily Mail*, 3 December 1938, p. 15.

<sup>18</sup> Anon., 'Attorney Fined £50 in Miss X Case', *Rand Daily Mail*, 3 December 1938, p. 15.

<sup>19</sup> Anon., 'Attorney Fined £50 in Miss X Case', *Rand Daily Mail*, 3 December 1938, p. 15.

<sup>20</sup> Anon., 'The News of the Week in Brief: Thursday, February 23, AFRICA', *Sunday Times*, 26 February 1939, p. 13A.

<sup>21</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

<sup>22</sup> Anon., 'Attorney Wins Court Appeal', *Rand Daily Mail*, 23 February 1939, p. 8.

attempting to defeat the ends of justice. Barry argued that in a situation such as this one, it is usually difficult to remember what had been said at any particular time and what its significance was, at a later stage.<sup>23</sup> Furthermore, Barry asserted that since Miss X was unwell at the time of this interview, there was a possibility that Mendel Levin may have stated that Miss X should not give evidence in her best interests.<sup>24</sup> Barry stated that, “If this was so then the inducement was not corrupt”.<sup>25</sup> Both the conviction and sentence were set aside.<sup>26</sup> Thus here we see how Mendel Levin escaped any sentence or reprimand as well as the possibility of harming his legal position as an attorney on a rather dubious counter-argument.

Mendel Levin was charged with the crime of attempting to commit extortion in contravention of the Insolvency Act 24 of 1936<sup>27</sup> in Criminal Case No. 417 of 1940.<sup>28</sup> The trial took place in the Bethal Circuit Local Division of the Supreme Court of South Africa, in Johannesburg.<sup>29</sup> He was the first accused<sup>30</sup> and Habib Motan, a resident of Johannesburg<sup>31</sup> was the second accused.<sup>32</sup> It was alleged that Mendel Levin and Habib Motan, “accepted a consideration of £90 for refraining from investigating whether Malek Karim, an insolvent, had contravened the insolvency laws”.<sup>33</sup> The £90 that was used as exhibit at the trial’s preparatory examination was ordered to be divided between the insolvent<sup>34</sup> and Mr W.D. MacFarlane, who was the manager of the Merchants Trust.<sup>35</sup> Of the £90, £25 was ordered to be returned to the insolvent and £65 was to be returned to MacFarlane.<sup>36</sup> The case’s verdict was that both of the accused were found not guilty and were discharged.<sup>37</sup> Furthermore, according to Bizos, Mendel Levin’s “sharp practice in insolvency matters had earned him judicial

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<sup>23</sup> Anon., ‘Attorney Wins Court Appeal’, *Rand Daily Mail*, 23 February 1939, p. 8.

<sup>24</sup> Anon., ‘Attorney Wins Court Appeal’, *Rand Daily Mail*, 23 February 1939, p. 8.

<sup>25</sup> Anon., ‘Attorney Wins Court Appeal’, *Rand Daily Mail*, 23 February 1939, p. 8.

<sup>26</sup> Anon., ‘The News of the Week in Brief: Thursday, February 23, AFRICA’, *Sunday Times*, 26 February 1939, p. 13A.

<sup>27</sup> *Government Gazette Extraordinary*, Vol. CIV, No. 2365, Union of South Africa, Cape Town, 24 June 1936, p. vi.

<sup>28</sup> NA, Registrar of the Supreme Court of South Africa, Transvaal Provincial Division (1877 – 1955) (TPD), Volume No 416-428, Reference No 417/1940, Criminal Case: ‘The State versus Mendel Levin and Habib Motan’, 1940, n.p..

<sup>29</sup> NA, TPD, Volume No 416-428, Reference No 417/1940, Criminal Case: ‘The State versus Mendel Levin and Habib Motan’, 1940, n.p.

<sup>30</sup> NA, TPD, Volume No 416-428, Reference No 417/1940, Criminal Case: ‘The State versus Mendel Levin and Habib Motan’, 1940, n.p.

<sup>31</sup> Anon., ‘Attorney charged with attempted extortion’, *Rand Daily Mail*, 14 September 1940, p. 10.

<sup>32</sup> NA, TPD, Volume No 416-428, Reference No 417/1940, Criminal Case: ‘The State versus Mendel Levin and Habib Motan’, 1940, n.p.

<sup>33</sup> Anon., ‘Attorney charged with attempted extortion’, *Rand Daily Mail*, 14 September 1940, p. 10.

<sup>34</sup> NA, TPD, Volume No 416-428, Reference No 417/1940, Criminal Case: ‘The State versus Mendel Levin and Habib Motan’, 1940, n.p.

<sup>35</sup> Anon., ‘Attorney charged with attempted extortion’, *Rand Daily Mail*, 14 September 1940, p. 10.

<sup>36</sup> NA, TPD, Volume No 416-428, Reference No 417/1940, Criminal Case: ‘The State versus Mendel Levin and Habib Motan’, 1940, n.p.

<sup>37</sup> NA, TPD, Volume No 416-428, Reference No 417/1940, Criminal Case: ‘The State versus Mendel Levin and Habib Motan’, 1940, n.p.

criticism”.<sup>38</sup> This suggests that this criminal case from 1940 was not the only time that Mendel Levin was involved in matters that were concerned with insolvency.

Another crime that Mendel Levin had been prosecuted for before the Trial of the Twenty-Two began in 1969 purportedly “involved fraud and theft of a million dollars”.<sup>39</sup> In December 1954<sup>40</sup> five company directors from Johannesburg “appeared at an inquiry into an allegation of theft involving nearly” £500 000.<sup>41</sup> These five company directors were Joel Daniel Herholdt, Carl Wilhem Bieber, Edward Sachs, Jovan Tesanovic and Mendel Levin.<sup>42</sup> At this inquiry, bail of £1 000 was allowed for each of the directors, “on condition that all their passports were surrendered”.<sup>43</sup> The prosecutor at this inquiry was Mr. J.S.P. Kuhn, who stated that “investigations had revealed that almost” half a million pounds was believed to have been stolen.<sup>44</sup> At this inquiry, the five men appeared before “Mr. O.G. Gush”.<sup>45</sup> An hour later, all five men were arrested and “remanded until January 4 for the opening of a preparatory examination”.<sup>46</sup> During this inquiry, Mendel Levin stated that he “owned a farm in Swaziland and had the permission of the Swaziland Government to cross the border of Lourenco Marques whenever he liked”.<sup>47</sup> Additionally, Mendel Levin claimed that he had “made arrangements to spend four days with his family there during the holidays” and that he undertook “not to go farther than Lourenco Marques”.<sup>48</sup>

In March 1955, the same five company directors appeared before “Mr. R.M. Hemming on allegations of fraud, theft and contravention of the Companies Act”.<sup>49</sup> On 7 March 1955 the company’s secretary

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<sup>38</sup> G. Bizos, *Odyssey to Freedom*, p. 350.

<sup>39</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>40</sup> Newspaper clippings regarding this inquiry were found in the collection, Biographies, *Levin G-Z*, Volume No 199, n.d., at the Jewish Board of Deputies, Johannesburg (JBD). However, on the newspaper clippings found at the JBD about this inquiry, there is handwriting that states that the clippings were published in December 1957. However, according to Anon., ‘5 Directors at £500,000 Theft Inquiry’, *Rand Daily Mail*, 22 December 1954, p. 8., it is most probable that these news clippings at the JBD were incorrectly dated and were actually published in 1954. Therefore, when referencing these clippings, the year of publication for the clippings about this inquiry will be 1954.

<sup>41</sup> Anon., ‘5 Directors at £500,000 Theft Inquiry’, *Rand Daily Mail*, 22 December 1954, p. 8.

<sup>42</sup> Anon., ‘Five Directors on Fraud Allegation’, *Rand Daily Mail*, 11 March 1955, p. 12.

<sup>43</sup> Anon., ‘5 Directors at £500,000 Theft Inquiry’, *Rand Daily Mail*, 22 December 1954, p. 8.

<sup>44</sup> Anon., ‘5 Directors at £500,000 Theft Inquiry’, *Rand Daily Mail*, 22 December 1954, p. 8.

<sup>45</sup> Anon., ‘Five city men on £500,000 theft allegation’, *The Star*, 21 December 1954, n.p., found in the Jewish Board of Deputies, Johannesburg (JBD), Biographies, *Levin G-Z*, Volume No 199, n.d.

<sup>46</sup> Anon., ‘Five city men on £500,000 theft allegation’, *The Star*, 21 December 1954, n.p., found in the JBD, Biographies, *Levin G-Z*, Volume No 199, n.d.

<sup>47</sup> Anon., ‘Five city men on £500,000 theft allegation’, *The Star*, 21 December 1954, n.p., found in the Jewish Board of Deputies, Johannesburg (JBD), Biographies, *Levin G-Z*, Volume No 199, n.d.

<sup>48</sup> Anon., ‘Five city men on £500,000 theft allegation’, *The Star*, 21 December 1954, n.p., found in the Jewish Board of Deputies, Johannesburg (JBD), Biographies, *Levin G-Z*, Volume No 199, n.d.

<sup>49</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2; Anon., ‘Five Directors on Fraud Allegation’, *Rand Daily Mail*, 11 March 1955, p. 12.

Gert Johannes du Plessis gave evidence into the allegations at a preparatory examination.<sup>50</sup> Du Plessis was appointed as the company's secretary "when its name was changed to the Hendon Finance Corporation".<sup>51</sup> He stated that after the company's chairman, Mr. John Britstone, resigned in November 1952, four of the defendants become directors of the company,<sup>52</sup> which were Herholdt, Bieber, Sachs and Tesanovic.<sup>53</sup> After this, du Plessis was instructed to "transfer 200,000 ordinary shares and 30,000 preference shares in the Hendon company to Tesanovic as nominee for a syndicate composed of the four men".<sup>54</sup> A banking account at the Bank of Athens was opened and Sachs told du Plessis that the money "was not to be shown in the monthly accounts, but to be kept as a reserve".<sup>55</sup> During this preparatory examination, the prosecutor of the case, Mr. E.O.K Harwood, told the court that the "amount involved in the fraud allegation was £160,000 and in the theft allegations about £200,000".<sup>56</sup>

The case's preparatory examination continued on 10 March 1955 at the Johannesburg Magistrate's Court,<sup>57</sup> during which an individual by the name of Mr. Sam Hesselson gave evidence.<sup>58</sup> Hesselson stated that in 1952, he "started proceedings to have the company liquidated" and by that time, he had held shares in the company for five years "without seeing any dividend".<sup>59</sup> Hesselson voiced his concerns to Britstone who gave his usual response that "the company was just coming round the corner".<sup>60</sup> Later, Hesselson came to an agreement with Britstone and sold Britstone his shares.<sup>61</sup> Furthermore, the liquidator of the company, Mr. J.M. Power stated that "after the application for an inquiry had been granted Sachs said that he was prepared to give explanations".<sup>62</sup> Sachs, who was "distressed and excitable",<sup>63</sup> contacted Power a month later and stated that he was "prepared to tell the truth".<sup>64</sup> Power and Sachs then "drew up a reconstruction of the affairs of the Jec-Syndicate except for amounts of £1,100, £1,050, £400, £350, £280 and £150".<sup>65</sup> When Power asked Sachs about these amounts Sachs stated that he did not want to "stab a friend in the back".<sup>66</sup> However, a name was

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<sup>50</sup> Anon., 'Secretary gives evidence at alleged fraud inquiry', *Rand Daily Mail*, 8 March 1955, p. 12.

<sup>51</sup> Anon., 'Secretary gives evidence at alleged fraud inquiry', *Rand Daily Mail*, 8 March 1955, p. 12.

<sup>52</sup> Anon., 'Secretary gives evidence at alleged fraud inquiry', *Rand Daily Mail*, 8 March 1955, p. 12.

<sup>53</sup> Anon., 'Secretary gives evidence at alleged fraud inquiry', *Rand Daily Mail*, 8 March 1955, p. 12.

<sup>54</sup> Anon., 'Secretary gives evidence at alleged fraud inquiry', *Rand Daily Mail*, 8 March 1955, p. 12.

<sup>55</sup> Anon., 'Secretary gives evidence at alleged fraud inquiry', *Rand Daily Mail*, 8 March 1955, p. 12.

<sup>56</sup> Anon., 'Secretary gives evidence at alleged fraud inquiry', *Rand Daily Mail*, 8 March 1955, p. 12.

<sup>57</sup> Anon., 'Five Directors on Fraud Allegation', *Rand Daily Mail*, 11 March 1955, p. 12.

<sup>58</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.

<sup>59</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12; Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.

<sup>60</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.

<sup>61</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.

<sup>62</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.

<sup>63</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.

<sup>64</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.

<sup>65</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.

<sup>66</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.



mentioned as the individual to whom these amounts had been paid, which was said to be Mendel Levin.<sup>67</sup>

At the time of this case, Mendel Levin was already residing in Kinfauns Road, in the Sydenham area.<sup>68</sup> Unlike the other four directors who were convicted,<sup>69</sup> the proceedings against Mendel Levin, who, as a lawyer, handled the company's legal affairs,<sup>70</sup> were withdrawn after "representations had been made on his behalf".<sup>71</sup> The allegations against Mendel Levin were withdrawn by Harwood, the case's prosecutor, on 20 April 1955<sup>72</sup> and he was discharged by the magistrate Mr. R.M. Henning.<sup>73</sup> The remaining four company directors remained on trial. In this case, according to Bizos and Carlson, Mendel Levin had "avoided a long prison term for fraud by giving evidence against his co-accused"<sup>74</sup> and by "turning state's evidence".<sup>75</sup>

It is also of interest to note that as the case proceeded, an article published in the *Rand Daily Mail* newspaper in 1955<sup>76</sup> makes a point of indicating what Mendel Levin's profession was. The article first states that out of the "five company directors, one of whom is an attorney", before stating that Mendel Levin was the company director who practised as an attorney.<sup>77</sup> This endorses the point made by Mr Elliot in the previous court case that Mendel Levin's criminal activity was regarded as being more scandalous due to his career as an attorney.

According to Carlson, during July 1969, Mendel Levin was also "alleged to have arranged an illegal abortion in an abortion case pending before the Regional Court in Johannesburg".<sup>78</sup> However, no court or newspaper evidence of this has been found. In addition to Mendel Levin's own illegal dealings, shady exchanges were also conducted by those who were employed at his law firm. An individual by the name of David Mathibe claimed to work for Mr. Keith Gordon, who was a member

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<sup>67</sup> Anon., 'Mismanagement said to be 100P.C. in finance company', *Rand Daily Mail*, 10 March 1955, p. 12.

<sup>68</sup> Anon., 'Five Directors on Fraud Allegation', *Rand Daily Mail*, 11 March 1955, p. 12.

<sup>69</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

<sup>70</sup> Anon., '£360,000 Glo Betrokke', *Die Vaderland*, 7 March 1955, n.p., found in the JBD, Biographies, *Levin G-Z*, Volume No 199, n.d.

<sup>71</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

<sup>72</sup> Anon., 'Acquitted on Fraud Allegations', *Rand Daily Mail*, 21 April 1955, p. 9.

<sup>73</sup> Anon., 'Acquitted on Fraud Allegations', *Rand Daily Mail*, 21 April 1955, p. 9.

<sup>74</sup> G. Bizos, *Odyssey to Freedom*, p. 350.

<sup>75</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>76</sup> Anon., 'Secretary gives evidence at alleged fraud inquiry', *Rand Daily Mail*, 8 March 1955, p. 12.

<sup>77</sup> Anon., 'Secretary gives evidence at alleged fraud inquiry' *Rand Daily Mail*, 8 March 1955, p. 12.

<sup>78</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

of the firm, Mendel Levin and Partners.<sup>79</sup> In January 1976 Mathibe, who was a “self-confessed tout”, was convicted of stealing bail money and was later imprisoned for eighteen months.<sup>80</sup> “Touting” is defined as the when you “solicit custom persistently; pester customers (touting for business)” or “solicit the custom of a person or for a thing”.<sup>81</sup> In a more legal sense, “touting” is a term used to define “canvassing for work” and “the acceptance of fees below the fixed tariffs or the offer to work for such fees or advertising in any manner”.<sup>82</sup> Touting has been a “taboo” in the legal profession since its inception<sup>83</sup> and as prospective attorneys, law students are “forewarned of the ultimate consequence of touting”, which is “being struck off the attorneys’ roll”.<sup>84</sup>

According to a woman by the name of Anna Monyani, she was in the Johannesburg Magistrate’s Court on 21 August 1975, where her partner, Solomon Gadebe, appeared in Court on a “dagga charge”.<sup>85</sup> The case was postponed and a R100 bail was fixed.<sup>86</sup> Afterwards, Monyani was approached by Mathibe who offered to help and suggested that they “go to Mr. Gadebe’s employer”.<sup>87</sup> On the way, the two went to Keith Gordon’s office, where Gordon “suggested that they get the bail money from Mr. Gadebe’s employer”.<sup>88</sup> According to Monyani, the employer gave her R40 “after Mathibe pleaded with him”, which she gave to Mathibe.<sup>89</sup> However, the bail remained unpaid.<sup>90</sup> Gadebe was kept in custody and was later sentenced to five years in prison.<sup>91</sup> Mathibe denied approaching Monyani stating that she had approached him<sup>92</sup> and also denied that “she had given him the R40”.<sup>93</sup> Mathibe was called a “wolf in sheep’s clothing” by Mr. F. Z. Krynauw, the magistrate,<sup>94</sup> who further stated:

Touts lived off innocent and ignorant people who found themselves in unhappy

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<sup>79</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>80</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>81</sup> L. Langner, ‘Unspoken tricks of the trade: When does advertising become touting?’, *De Rebus* 2014(541), May 2014, p. 30.

<sup>82</sup> Anon., ‘Statutory Misconduct’, *De Rebus* 2(7), March 1957, p. 9; Anon., ‘Statutory Misconduct’, *De Rebus* 2(7), March 1957, p. 10; Anon., ‘Statutory Misconduct’, *De Rebus* 2(7), March 1957, p. 10.

<sup>83</sup> L. Langner, ‘Unspoken tricks of the trade: When does advertising become touting?’, *De Rebus* 2014(541), May 2014, p. 30.

<sup>84</sup> L. Langner, ‘Unspoken tricks of the trade: When does advertising become touting?’, *De Rebus* 2014(541), May 2014, p. 30; L. Langner, ‘Unspoken tricks of the trade: When does advertising become touting?’, *De Rebus* 2014(541), May 2014, p. 30.

<sup>85</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>86</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>87</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>88</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>89</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>90</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>91</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>92</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>93</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>94</sup> Anon., ‘Court tout jailed for R40 bail theft’, *Rand Daily Mail*, 22 January 1976, p. 3.

circumstances. The practice must be eradicated.<sup>95</sup>

It is interesting to note that Mathibe, who admitted to being convicted four times previously, twice for theft and twice for escaping<sup>96</sup> was on the payroll of Mendel Levin's firm. Given Mendel Levin's own criminal history, the notion that he as well as those who were employed at his firm were involved in illegal and criminal activities is further incriminating evidence of problematic, if not shady, dealings.

## Family Affairs

It is necessary to note that Mendel Levin was not the only individual in his family who was involved in illegal and shady dealings. Other members of his extended family also had encounters with the law and were prosecuted for committing crimes.

Mendel Levin's maternal uncle, Joseph Heyman Mayofis,<sup>97</sup> had many encounters with the law and was involved in multiple conspiracies to defraud. In April 1933, Mayofis (who also went by the name, "Hyman Mayofis")<sup>98</sup> was found guilty of "aiding and abetting" an insolvent.<sup>99</sup> The other crimes that Mayofis was convicted of include: "receiving stolen property"<sup>100</sup> (a crime which he was charged and convicted of multiple times);<sup>101</sup> fraud;<sup>102</sup> falsity; and theft.<sup>103</sup> Additionally, in 1936 Mayofis was sentenced to four months' hard labour on a charge of "falsity".<sup>104</sup> Similar to Mendel Levin's role in the "Miss X Case", Mayofis lodged an appeal.<sup>105</sup> It is interesting to note that when Mayofis was on trial in 1938 for purchasing goods with "no intention to pay anyone"<sup>106</sup> "Mr. Edward Sachs instructed by Messrs. Mendel Levin and Kagan, appeared for" the accused.<sup>107</sup> It is highly likely that this is the same individual named Edward Sachs that appeared on trial with Mendel Levin for fraud in 1955.

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<sup>95</sup> Anon., 'Court tout jailed for R40 bail theft', *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>96</sup> Anon., 'Court tout jailed for R40 bail theft', *Rand Daily Mail*, 22 January 1976, p. 3.

<sup>97</sup> Anon., 'Insolvency Act Convictions: Two Europeans go to Gaol', *Rand Daily Mail*, 11 April 1933, p. 3.

<sup>98</sup> *Government Gazette*, Vol. CXXXII, No. 3182, Union of South African, Pretoria, 22 April 1942, p. xxvii.

<sup>99</sup> Anon., 'Insolvency Act Convictions: Two Europeans go to Gaol', *Rand Daily Mail*, 11 April 1933, p. 3.s

<sup>100</sup> Anon., 'Receiving Alleged: Cameras Stolen From Shop, Three Men in Court', *Rand Daily Mail*, 26 July 1935, p. 8.

<sup>101</sup> Anon., 'Spurious Purchase of £3,700 of Goods Alleged: Two in Court for Falsity Inquiry', *Rand Daily Mail*, 30 March 1938, p. 17.

<sup>102</sup> Anon., '£2,094 Credit Fraud Alleged: Many firms said to have been swindled', *Rand Daily Mail*, 15 September 1936, p. 5.

<sup>103</sup> Anon., 'Fraud Conspiracy Allegation Against Four Men', *Rand Daily Mail*, 22 September 1938, p. 14.

<sup>104</sup> Anon., '£2,094 Credit Fraud Alleged: Many firms said to have been swindled', *Rand Daily Mail*, 15 September 1936, p. 5.

<sup>105</sup> Anon., '£2,094 Credit Fraud Alleged: Many firms said to have been swindled', *Rand Daily Mail*, 15 September 1936, p. 5.

<sup>106</sup> Anon., 'Spurious Purchase of £3,700 of Goods Alleged: Two in Court for Falsity Inquiry', *Rand Daily Mail*, 30 March 1938, p. 17.

<sup>107</sup> Anon., 'Spurious Purchase of £3,700 of Goods Alleged: Two in Court for Falsity Inquiry', *Rand Daily Mail*, 30 March 1938, p. 17.

Furthermore, Mendel Levin also handled the legal aspects of his uncle's estate when Mayofis died in 1976.<sup>108</sup> This reinforces the notion that Mendel Levin's extended family were close-knit.

Like Joseph Mayofis, Dave Levin, one of Mendel Levin's older brothers, also had numerous encounters with the law. In 1976, an "urgent application" was brought into the Rand Supreme Court that stated that Dave Levin was either insolvent or had committed fraud against the court.<sup>109</sup> This application was lodged by Prudential SA Shipping (SA) Ltd and, was a result of a judgement made on 3 March 1976 by Mr. Justice McEwan.<sup>110</sup> In this judgement, McEwan placed two of Dave Levin's companies in liquidation and he refused to sequestrate Dave Levin's personal estate as "figures before him showed that Mr Levin was not insolvent".<sup>111</sup> As stated previously, matters involving insolvency as well as fraud appear to be a recurring theme in the criminal career of Mendel Levin, as well as members of his extended family.

Mendel Levin's illegal dealings and criminal activities reflect poorly on his morals and his own understanding of what is wrong and right, both as an attorney and as an individual. Although having family members, such as his uncle and brother, who were involved in illegal activities and were convicted of crimes may have been a contributing factor to his own criminal tendencies, it does not absolve his criminal behaviour. This criminal dimension also lays the foundation for the credibility of his role in a number of conspiracies to be explored in the second part of this chapter.

## **The Conspirator?**

During Winnie Mandela's trial in 1969, Mendel Levin was involved and implicated in a conspiracy involving several other individuals. These were Moosa Ahmed Dinath, Maud Katzenellenbogen and the previously mentioned Major Theunis J. Swanepoel. This conspiracy involved Katzenellenbogen procuring political detainees, such as Winnie Mandela, as clients for Mendel Levin. This also comprised of arrangements that Mendel Levin had made with Major Swanepoel and the security police regarding the political detainees that he was acting as an attorney for. Although Winnie and Nelson Mandela both were uninvolved and unaware of what was unfolding around them at the time, both lay at the heart of this conspiracy. In his 2007 memoir Bizos states:

Unbeknown to us, the police were concocting an elaborate act of chicanery involving an attorney, Mendel Levin, a Mrs Kay and Moosa Dinnath.<sup>112</sup>

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<sup>108</sup> *Government Gazette*, Vol. 139, No. 5386, Republic of South Africa, Pretoria, 28 January 1977, p. 110.

<sup>109</sup> D. Blow, 'Levin is broke, or its fraud - claim to court', *Sunday Times*, 28 March 1976, p. 23.

<sup>110</sup> D. Blow, 'Levin is broke, or its fraud - claim to court', *Sunday Times*, 28 March 1976, p. 23.

<sup>111</sup> D. Blow, 'Levin is broke, or its fraud - claim to court', *Sunday Times*, 28 March 1976, p. 23.

<sup>112</sup> G. Bizos, *Odyssey to Freedom*, p. 350.

This conspiracy involves an intricate network of individuals, arrangements and schemes. The conspiracy included many different individuals who were involved and who each performed their own tasks and had their own roles. In order to further explore the conspiracy itself, each of the suspicious individuals who were involved need to be examined.

## Shady Characters

Moosa Ahmed Dinath was an Indian man who was involved in this conspiracy alongside Mendel Levin.<sup>113</sup> He was a “corrupt” individual, who had been convicted of many crimes, the most prominent and reoccurring of which was fraud.<sup>114</sup> During the Trial of the Twenty-Two, Carlson “took time off to do some research”<sup>115</sup> on Mendel Levin, Moosa Dinath and Maud Katzenellenbogen. During his research, Carlson discovered and established that Dinath “had over two hundred and fifty convictions for crimes of fraud and theft alone”.<sup>116</sup>

Like Mendel Levin, Moosa Dinath had an interesting and complicated relationship with the NP. During the 1948 General Election, Dinath supplied a “fleet of cars for National Party canvassing”.<sup>117</sup> According to Dinath, he “made the cars available and also donated a certain amount of money to party funds”.<sup>118</sup> In order to do so, he approached Mr. Herbert Knight in Pretoria, who he asked to supply the fleet of cars.<sup>119</sup> Additionally, according to Carlson:

Despite the fact that he had been sentenced to many years’ imprisonment, after serving one month, Minister of Justice Vorster had personally intervened on his behalf and Dinath was released from prison.<sup>120</sup>

Furthermore, Carlson asserts that Dinath, who had changed his allegiance from the Indian Congress to the NP after their electoral victory in 1948, had asked his own community for financial support and funding for the NP.<sup>121</sup> This further reinforces Dinath’s “dubious connections with”<sup>122</sup> the apartheid

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<sup>113</sup> NA, Registrar of the Supreme Court of South Africa, Witwatersrand Local Division. Applications (1902 – 1976) (WLD), Volume No 942-953, Reference No 942/1969, Opposed Application: ‘Maud Marjory Katzenellenbogen, B Fuller and Moosa Ahmed Dinath versus Maurice Schwartz; The Master of the Supreme Court; Mr. Swanepoel, Magistrate, Johannesburg’, 1969, p. 1; Anon., ‘Indian aided in Nats’ 1948 campaign - evidence’, *Rand Daily Mail*, 28 June 1963, p. 13.

<sup>114</sup> M. Meredith, *Nelson Mandela*, p. 290.

<sup>115</sup> J. Carlson, *No Neutral Ground*, p. 266.

<sup>116</sup> J. Carlson, *No Neutral Ground*, p. 266.

<sup>117</sup> Anon., ‘Indian aided in Nats’ 1948 campaign - evidence’, *Rand Daily Mail*, 28 June 1963, p. 13.

<sup>118</sup> Anon., ‘Indian aided in Nats’ 1948 campaign - evidence’, *Rand Daily Mail*, 28 June 1963, p. 13.

<sup>119</sup> Anon., ‘Indian aided in Nats’ 1948 campaign - evidence’, *Rand Daily Mail*, 28 June 1963, p. 13.

<sup>120</sup> J. Carlson, *No Neutral Ground*, pp. 266-267.

<sup>121</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>122</sup> M. Meredith, *Nelson Mandela*, p. 290.

government. Just prior to this conspiracy, as previously mentioned, Dinath was released from prison.<sup>123</sup>

There was another incident that Moosa Dinath was involved in that further reinforces the notion that he had strong ties to the NP. This incident involved an individual by the name of Willem Bartolomeus Snyman (also known as “Ben”), who was a “station foreman of Newcastle” in the province of Natal (now Kwa-Zulu Natal, KZN).<sup>124</sup> Additionally, Snyman was the “secretary of the Nationalist Party” for the district of Matiwane in Natal.<sup>125</sup> In April 1963, Dinath had disappeared from the Johannesburg Regional Court “during his trial on charges of forgery and fraud”.<sup>126</sup> It was later discovered that Snyman had been hiding Dinath in his house after he had “estreated his bail”.<sup>127</sup> Dinath was later found and arrested in Snyman’s residence.<sup>128</sup> On 11 February 1964,<sup>129</sup> Snyman was found guilty of “attempting to defeat the ends of justice and perjury”<sup>130</sup> and was fined R200 and sentenced to 200 days which was “suspended for three years”.<sup>131</sup> This incident involving Snyman and Dinath further complicates Dinath’s relationship with the NP and possibly further suggests his unusual relationship with and ties to the Party.

Whilst Dinath was hiding in Snyman’s home, he took on the identity of Herbert Knight, a “white man”<sup>132</sup> who was 93 years old at the time.<sup>133</sup> Knight was the individual who Dinath had approached previously in 1948 about supplying the NP with a fleet of cars during the General Election. Dinath had fraudulently obtained a passport in Knight’s name.<sup>134</sup> He also used various other aliases and took on different identities other than Herbert Knight. Whilst hiding in Snyman’s house, Dinath also used the alias “Mr. De la Rose” in addition to Knight’s identity.<sup>135</sup> Furthermore, Snyman had introduced Dinath to the chairman of the NP in the district of Matiwane, Natal as Mr. De la Rose, who he asserted was “a dark-skinned Frenchman”.<sup>136</sup> On 6 December 1963, Dinath was found guilty on “seven counts of fraud relating to information supplied by him to the Master of the Supreme Court, a judge and a

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<sup>123</sup> G. Bizos, *65 Years of Friendship*, p. 106.

<sup>124</sup> Anon., ‘Hid accused: fined R200’, *Rand Daily Mail*, 12 February 1964, p. 6; Anon., ‘Passport Case: Man Arrested’, *Rand Daily Mail*, 27 June 1963, p. 15; Anon., ‘Forman is released’, *Rand Daily Mail*, 16 July 1963, p. 3.

<sup>125</sup> Anon., ‘Passport Case: Man Arrested’, *Rand Daily Mail*, 27 June 1963, p. 15; Anon., ‘Hid accused: fined R200’, *Rand Daily Mail*, 12 February 1964, p. 6.

<sup>126</sup> Anon., ‘Hid accused: fined R200’, *Rand Daily Mail*, 12 February 1964, p. 6.

<sup>127</sup> Anon., ‘Forman is released’, *Rand Daily Mail*, 16 July 1963, p. 3.

<sup>128</sup> Anon., ‘Hid accused: fined R200’, *Rand Daily Mail*, 12 February 1964, p. 6.

<sup>129</sup> Anon., ‘Hid accused: fined R200’, *Rand Daily Mail*, 12 February 1964, p. 6.

<sup>130</sup> Anon., ‘Hid accused: fined R200’, *Rand Daily Mail*, 12 February 1964, p. 6.

<sup>131</sup> Anon., ‘Hid accused: fined R200’, *Rand Daily Mail*, 12 February 1964, p. 6.

<sup>132</sup> Anon., ‘Passport Case: Man Arrested’, *Rand Daily Mail*, 27 June 1963, p. 15.

<sup>133</sup> Anon., ‘Passport Case: Man Arrested’, *Rand Daily Mail*, 27 June 1963, p. 15.

<sup>134</sup> Anon., ‘Passport Case: Man Arrested’, *Rand Daily Mail*, 27 June 1963, p. 15.

<sup>135</sup> D. Blow, ‘A rose by any other name: NAT Secretary has Indian as Guest’, *Sunday Times*, 31 March 1963, p. 12.

<sup>136</sup> D. Blow, ‘A rose by any other name: NAT Secretary has Indian as Guest’, *Sunday Times*, 31 March 1963, p. 12.



magistrate regarding his insolvent estate”.<sup>137</sup> He was sentenced to five years in prison, which was meant to run concurrently with a prison sentence that Dinath was already serving at the time.<sup>138</sup> During this incarceration, Dinath met Nelson Mandela.

In Nelson Mandela’s 1994 autobiography, *Long Walk to Freedom*, he outlines this personal experience of and relationship with Moosa Dinath whilst imprisoned at Robben Island. Nelson Mandela recalls that he was “approached by a tall, handsome Indian fellow”,<sup>139</sup> Moosa Dinath, who was “serving a two-year sentence for fraud”.<sup>140</sup> By the time that Dinath initially approached him, Nelson Mandela already knew of Dinath as a “prosperous, even flamboyant, businessman”.<sup>141</sup> According to Nelson Mandela, if the two had met outside of prison, they would have remained acquaintances, but the two became friends as in Nelson Mandela’s words, “prison is an incubator of friendship”.<sup>142</sup> Dinath accompanied Nelson Mandela on his jogs around the prison courtyard<sup>143</sup> and after their initial encounter, Dinath asked Nelson Mandela if he had any objection if he “obtained permission from the commanding officer to be near” Nelson Mandela in the prison hospital.<sup>144</sup> Although Nelson Mandela believed that the prison authorities would “never permit it”, he told Dinath that he would welcome it.<sup>145</sup> Much to Nelson Mandela’s surprise, Dinath was soon moved closer to him in the prison hospital.<sup>146</sup> Furthermore, Nelson Mandela found it

... exceedingly odd that a convicted prisoner like Dinath was permitted to stay together with a political prisoner awaiting trial.<sup>147</sup>

However, Nelson Mandela welcomed Dinath’s company and said nothing more about it. He also stated that Dinath “was wealthy and had a private payroll for the prison authorities”.<sup>148</sup> In return for the money that Dinath paid the prison authorities, he was able to obtain many privileges whilst incarcerated including being permitted to wear clothes that were kept for white prisoners, eating food that was made for white prisoners and being able to avoid all jail work.<sup>149</sup> Furthermore, in *Long Walk to Freedom*, Nelson Mandela recollects a night where the head of the prison, Colonel Minnaar (who

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<sup>137</sup> Anon., ‘Dinath jailed for 5 years’, *Rand Daily Mail*, 7 December 1963, p. 11.

<sup>138</sup> Anon., ‘Dinath jailed for 5 years’, *Rand Daily Mail*, 7 December 1963, p. 11.

<sup>139</sup> N. Mandela, *Long Walk to Freedom*, p. 381.

<sup>140</sup> N. Mandela, *Long Walk to Freedom*, p. 381.

<sup>141</sup> N. Mandela, *Long Walk to Freedom*, p. 381.

<sup>142</sup> N. Mandela, *Long Walk to Freedom*, p. 381.

<sup>143</sup> N. Mandela, *Long Walk to Freedom*, p. 381.

<sup>144</sup> N. Mandela, *Long Walk to Freedom*, p. 381.

<sup>145</sup> N. Mandela, *Long Walk to Freedom*, p. 382; N. Mandela, *Long Walk to Freedom*, p. 381.

<sup>146</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

<sup>147</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

<sup>148</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

<sup>149</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

was also “a well-known Afrikaner advocate”<sup>150</sup> came to fetch Dinath from his cell. Dinath left with Minnaar and did not return until the following morning. Nelson Mandela said of this incident, “If I had not seen it with my own eyes I would not have believed it”.<sup>151</sup> Dinath’s situation whilst incarcerated on Robben Island further suggests how he was able to utilise his close ties to those in authority, as well as his wealth, as leverage whilst in prison. Dinath was released from prison soon after and, according to Nelson Mandela, “pulled enough strings to speed up his release and left after serving only four months of his two-year sentence”.<sup>152</sup>

When Moosa Dinath approached Herbert Knight before the General Election in 1948 about the offer of the fleet of cars, he also met one of Knight’s daughters,<sup>153</sup> Maud Marjory Katzenellenbogen (also spelt “Maude”), also known as Mrs Katzenellenbogen.<sup>154</sup> After their initial encounter, Dinath later employed Katzenellenbogen as “his private secretary and public relations officer”.<sup>155</sup> Additionally, she accompanied Dinath on a tour of Europe “in the same capacity”.<sup>156</sup> During his trial in 1963, Dinath, who defended himself,<sup>157</sup> stated that he was “on very friendly terms with” Katzenellenbogen. The pair eventually became romantically involved and Katzenellenbogen later became “the mother of his children”.<sup>158</sup> Katzenellenbogen and Dinath were married in Lourenço Marques (the present-day Maputo capital of Mozambique).<sup>159</sup> By 1969, the pair had been living together in the “European suburbs” of Johannesburg for fifteen years or more.<sup>160</sup> Furthermore, Dinath also took on the surname of Maud Katzenellenbogen’s first husband as another one of his aliases. In April 1968, an image was published in the *Rand Daily Mail* that depicts Katzenellenbogen, Dinath and their children.<sup>161</sup> The caption of the photograph stated that Maud Katzenellenbogen’s husband was “Mr. M.A. Katzenellenbogen”.<sup>162</sup> Since Maud Katzenellenbogen’s first husband was “Charles

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<sup>150</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

<sup>151</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

<sup>152</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

<sup>153</sup> Anon., ‘Indian aided in Nats’ 1948 campaign - evidence’, *Rand Daily Mail*, 28 June 1963, p. 13.

<sup>154</sup> NA, WLD, Volume No 942-953, Reference No 942/1969, Opposed Application: ‘Maud Marjory Katzenellenbogen, B Fuller and Moosa Ahmed Dinath versus Maurice Schwartz; The Master of the Supreme Court; Mr. Swanepoel, Magistrate, Johannesburg’, 1969, p. 1; J. Steinberg, *Winnie and Nelson*, p. 218; J. Carlson, *No Neutral Ground*, p. 265.

<sup>155</sup> Anon., ‘Indian aided in Nats’ 1948 campaign - evidence’, *Rand Daily Mail*, 28 June 1963, p. 13.

<sup>156</sup> Anon., ‘Indian aided in Nats’ 1948 campaign - evidence’, *Rand Daily Mail*, 28 June 1963, p. 13.

<sup>157</sup> Anon., ‘Indian aided in Nats’ 1948 campaign - evidence’, *Rand Daily Mail*, 28 June 1963, p. 13.

<sup>158</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

<sup>159</sup> A.M. du Preez Bezdrob, *Winnie Mandela*, p. 107.

<sup>160</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

<sup>161</sup> Anon., ‘Bryanston family hold wake for servant’, *Rand Daily Mail*, 23 April 1968, p. 3.

<sup>162</sup> Anon., ‘Bryanston family hold wake for servant’, *Rand Daily Mail*, 23 April 1968, p. 3.

Katzenellenbogen”,<sup>163</sup> and Dinath’s initials are “M.A. Dinath”,<sup>164</sup> it can be deduced that the “Mr. M.A. Katzenellenbogen”<sup>165</sup> in this photograph is in fact, Moosa Ahmed Dinath.

Katzenellenbogen’s sister (and Herbert Knight’s other daughter) was Phyllis Peake<sup>166</sup> who was known as a “convicted brothelkeeper and perjurer”.<sup>167</sup> According to Carlson, the two sisters “had run some shady organizations that they claimed” had the support of the police.<sup>168</sup> The sisters also ran “a bail fund at the Magistrate’s Court” in Johannesburg at the time of conspiracy.<sup>169</sup>

In his 1997 biography Meredith also explores the friendship between Maud Katzenellenbogen and Winnie Mandela. He states that Winnie Mandela “had a propensity for becoming involved with shady characters”,<sup>170</sup> one of which was Maud Katzenellenbogen. Although Winnie Mandela “maintained a long friendship”<sup>171</sup> with Katzenellenbogen, she was unaware that Dinath and Katzenellenbogen “had criminal convictions and were paid police informers”.<sup>172</sup> Furthermore, Winnie Mandela thought that her friendship with Katzenellenbogen was genuine.<sup>173</sup> Unfortunately, Maud Katzenellenbogen, also known as “Mrs. Kay”<sup>174</sup> (the name that she referred to herself by when visiting the families of political detainees during the late 1960s),<sup>175</sup> had more sinister motivations behind her friendship with Winnie Mandela. Both Katzenellenbogen and Dinath “pretended to be supporters of the freedom struggle”,<sup>176</sup> and at first, persuaded Winnie Mandela’s family that they could “arrange prison visits and would raise funds for her defence”.<sup>177</sup> However, according to Bizos, they “engaged a man called Mendel Levin as her attorney”. Maud Katzenellenbogen’s true nature and motivations would only be revealed to Winnie Mandela at a later stage under what biographer A.M du Preez Bedzrob refers to as “truly horrific circumstances”.<sup>178</sup>

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<sup>163</sup> Anon., ‘Judgement delivered in case “without any precedent”’, *Rand Daily Mail*, 19 March 1947, p. 10.

<sup>164</sup> NA, WLD, Volume No 942-953, Reference No 942/1969, Opposed Application: ‘Maud Marjory Katzenellenbogen, B Fuller and Moosa Ahmed Dinath versus Maurice Schwartz; The Master of the Supreme Court; Mr. Swanepoel, Magistrate, Johannesburg’, 1969, p. 1

<sup>165</sup> Anon., ‘Bryanston family hold wake for servant’, *Rand Daily Mail*, 23 April 1968, p. 3.

<sup>166</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

<sup>167</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

<sup>168</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>169</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

<sup>170</sup> M. Meredith, *Nelson Mandela*, p. 290.

<sup>171</sup> M. Meredith, *Nelson Mandela*, p. 290.

<sup>172</sup> G. Bizos, *Odyssey to Freedom*, p. 350.

<sup>173</sup> G. Bizos, *Odyssey to Freedom*, p. 350.

<sup>174</sup> J. Carlson, *No Neutral Ground*, p. 265.

<sup>175</sup> J. Carlson, *No Neutral Ground*, p. 265.

<sup>176</sup> G. Bizos, *Odyssey to Freedom*, p. 350.

<sup>177</sup> G. Bizos, *Odyssey to Freedom*, p. 350.

<sup>178</sup> A.M. du Preez Bedzrob, *Winnie Mandela*, p. 137.

The previously mentioned Major Theunis Jacobus Swanepoel, who was Winnie Mandela's chief interrogator during the Trial of the Twenty-Two, was also involved in this conspiracy. Swanepoel, whose name appears consistently "in affidavits about the sadistic methods of the police"<sup>179</sup> would later become synonymous with the "brutal interrogation by that archetype of apartheid sadism and torture".<sup>180</sup> During the time that this conspiracy took place, Swanepoel was notoriously known as "the leading torturer and murderer of political prisoners".<sup>181</sup>

Swanepoel had been involved in other cases that Carlson had previously worked on before the Trial of the Twenty-Two. In one case, known as the Lenkoe Case, where a prisoner had died, Swanepoel was involved in making a deal with the lawyer to "avoid criticism of his men's treatment" of the defendant who died.<sup>182</sup> This type of deal was not unlike the later conspiracy involving Mendel Levin.<sup>183</sup>

## Shady deals

Apart from the individuals who were centrally involved, there are other individuals who feature in this conspiracy but were neither involved in nor aware of it at the time. These individuals include the already mentioned Nelson and Winnie Mandela, Carlson, Bizo as well as Mary Benson, another anti-apartheid activist.<sup>184</sup> The memoirs and perspectives of these individuals have played a crucial role in piecing together both the events of this conspiracy as well as the roles of the individuals who were involved in it. Carlson discusses this conspiracy in depth in his 1973 book, *No Neutral Ground*, as well as in his own notes that are located in the collection in The New York Public Library titled, *Joel Carlson Legal Files 1958 – 1990*.<sup>185</sup> According to his notes, Carlson had

... no doubt that the Special Branch would want Levin to act and the past histories of Dinath, Maude Katzenellenbogen, Peake and Levin and their influence with the Justice Ministers and Security Branch policemen would allow for a happy

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<sup>179</sup> Anon., United Nations Centre Against Apartheid, 'Notes and Documents - United Nations Centre Against Apartheid, No. 19/70', *JSTOR Primary Sources*, 06-01-1970, p. 3.

<sup>180</sup> M.S. Prabhakara, 'Memoirs of a 'White Who Crossed the Line': Reviewed work(s): The Final Prize: My Life in the Anti-apartheid Struggle by Norman Levy', *Economic and Political Weekly* 47(13), 2012, p. 35.

<sup>181</sup> L.O. Harriman & United Nations Centre against Apartheid, 'Police Brutality and Torture of Political Prisoners in South Africa: A call for urgent international action', *JSTOR Primary Sources*, 03-01-1977, <[https://www.jstor.org/stable/al.sff.document.nuun1977\\_11](https://www.jstor.org/stable/al.sff.document.nuun1977_11)>, Accessed: June 2023, p. 4.

<sup>182</sup> J. Carlson, *No Neutral Ground*, p. 217.

<sup>183</sup> For further details of this case, known by Carlson as the Lenkoe Case, see: J. Carlson, *No Neutral Ground*, pp. 217-261.

<sup>184</sup> J. Carlson, *No Neutral Ground*, p. 211.

<sup>185</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990.

association between these corrupt parties.<sup>186</sup>

At the heart of this conspiracy was a “bizarre plot hatched between Levin” and Major Swanepoel, who had been recently promoted at the time of the Trial of the Twenty-Two.<sup>187</sup> Additionally, this conspiracy also involved Swanepoel and the security police who “had been engaging in an elaborate ploy to ensure that Winnie was not represented by Carlson”<sup>188</sup> for several months in 1969. To quote biographer Ellmann, while Winnie Mandela was in detention, something “that was quite extraordinary happened”, which was that the state had developed “a scheme to separate her from Joel Carlson”.<sup>189</sup> Furthermore, this conspiracy not only indicates what kind of dubious characters were involved, but also reveals the ties between such people and the authorities at the time, including the NP, the apartheid state and the security police. Therefore, this conspiracy casts a light on underhand and deceitful dealings of the apartheid government and illuminates these from a new perspective.

Although the exact date that this conspiracy began is not certain, it may be best to begin examining it from the date of Mary Benson’s incarceration in August 1968. Although she had no direct role in the conspiracy and was unaware of its unfolding events at the time, her situation is of relevance. Benson had left South Africa in 1966 “in the wake of her banning order”<sup>190</sup> but was granted leave to see her dying father in Pretoria in August 1968.<sup>191</sup> During this time, Benson received a telephone call from Peter Magubane<sup>192</sup> the photojournalist who as indicated earlier would later sign over his power of attorney to Mendel Levin. After Magubane gave Benson his condolences on the passing of her father, he “announced that a ‘great friend’ would be visiting from Johannesburg”.<sup>193</sup> Benson assumed that this visitor would be a close friend of Magubane, who she assumed was Winnie Mandela.<sup>194</sup> However, Benson explained that due to her banning order, seeing Winnie Mandela (who was also banned at the time) would “violate the restrictions placed upon” Benson by the apartheid state, and Magubane reassured her that the visitor was not Winnie Mandela.<sup>195</sup> This visitor turned out to be Maud Katzenellenbogen.

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<sup>186</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 3.

<sup>187</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>188</sup> M. Meredith, *Nelson Mandela*, p. 310.

<sup>189</sup> S. Ellmann, *And Justice For All*, p. 72.

<sup>190</sup> This section is very reliant on *Winnie and Nelson* by J. Steinberg as this is the only material which has been found that mentions this initial meeting between Winnie Mandela, Maud Katzenellenbogen and Mary Benson; J. Steinberg, *Winnie and Nelson*, p. 211.

<sup>191</sup> J. Steinberg, *Winnie and Nelson*, p. 211.

<sup>192</sup> J. Steinberg, *Winnie and Nelson*, p. 211.

<sup>193</sup> J. Steinberg, *Winnie and Nelson*, p. 211.

<sup>194</sup> J. Steinberg, *Winnie and Nelson*, p. 211.

<sup>195</sup> J. Steinberg, *Winnie and Nelson*, p. 211.

Katzenellenbogen, who wore a “black beaded net” as a veil, ushered Benson into a car parked outside on the street.<sup>196</sup> Winnie Mandela was seated inside the car<sup>197</sup> and told Benson that “Maud will explain everything”.<sup>198</sup> During this meeting, Katzenellenbogen, who Winnie Mandela had told of “Benson’s generosity”,<sup>199</sup> showed Benson “press cuttings” that reported on the “charitable work she did for black people”.<sup>200</sup> Winnie Mandela, who was employed by Katzenellenbogen at the time, worked with her to assist the “families of political prisoners”.<sup>201</sup> Additionally, by this time Katzenellenbogen had convinced Winnie Mandela to keep “a duplicating machine” at Katzenellenbogen’s residence, where she said it would be “safe from police raids”.<sup>202</sup> This machine was used by Winnie Mandela to print and copy pamphlets and newsletters for the ANC to send out locally as well as abroad.<sup>203</sup> Winnie Mandela, who was “not suspecting [of] Katzenellenbogen’s motives”, agreed and additionally used Katzenellenbogen’s address “as a mail drop for letters from abroad sent to cover names”.<sup>204</sup> This indicates that Maud Katzenellenbogen as well as the conspiracy as a whole was already underway before this meeting with Mary Benson.

The reason behind this meeting was to inform Benson that Katzenellenbogen was planning a trip to England and wanted to be put in touch with those at the International Defence and Aid Fund (IDAF).<sup>205</sup> Benson, who had previously acted as the secretary for the Treason Trial Fund,<sup>206</sup> was “intimately involved” with the IDAF and left the meeting feeling “suspicious, confused and uncertain what to do”.<sup>207</sup> Although the conspiracy must have been well underway before this meeting, it is most likely that this is when the events of the intrigue were put into motion.

Maud Katzenellenbogen played a central role in this conspiracy. Her primary function involved befriending Winnie Mandela in order to gather information from political prisoners and their families for both Mendel Levin as well as the security police. After establishing initial contact with the families of such detainees, Katzenellenbogen “continued to keep in contact”<sup>208</sup> with such relatives. For her

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<sup>196</sup> J. Steinberg, *Winnie and Nelson*, p. 211.

<sup>197</sup> J. Steinberg, *Winnie and Nelson*, p. 211.

<sup>198</sup> J. Steinberg, *Winnie and Nelson*, p. 212.

<sup>199</sup> A.M. du Preez Bezdrob, *Winnie Mandela*, p. 110.

<sup>200</sup> J. Steinberg, *Winnie and Nelson*, p. 212.

<sup>201</sup> J. Steinberg, *Winnie and Nelson*, p. 212.

<sup>202</sup> M. Meredith, *Nelson Mandela*, p. 308.

<sup>203</sup> M. Meredith, *Nelson Mandela*, p. 308.

<sup>204</sup> M. Meredith, *Nelson Mandela*, p. 308.

<sup>205</sup> J. Steinberg, *Winnie and Nelson*, p. 212.

<sup>206</sup> A.M. du Preez Bezdrob, *Winnie Mandela*, p. 110.

<sup>207</sup> J. Steinberg, *Winnie and Nelson*, p. 212.

<sup>208</sup> J. Carlson, *No Neutral Ground*, p. 266.



secondary task, Katzenellenbogen was required to aid Mendel Levin by procuring political detainees as clients for him. She would then attempt to persuade the families of such prisoners to accompany her to Mendel Levin's office, where "some were induced to sign powers of attorney".<sup>209</sup> Additionally, Katzenellenbogen also performed a tertiary role in this conspiracy, which consisted of spreading rumours about Carlson in an attempt to discredit him as an alternative lawyer for the detainees.<sup>210</sup> Katzenellenbogen's other role in this conspiracy was a task that she shared with her partner, Moosa Dinath. This was an arrangement the pair made with the security police and involved them attempting to gather information about the IDAF in order to infiltrate the organisation. Importantly, it was Katzenellenbogen who "shaped"<sup>211</sup> Mendel Levin's role in the conspiracy. Katzenellenbogen had "helpfully imparted" the knowledge that she had gathered during the course of her friendship with Winnie Mandela to Mendel Levin.<sup>212</sup> Without access to and knowledge of such information, Mendel Levin would have been unable to perform his part.

During the course of this conspiracy, Katzenellenbogen and Dinath had their own distinctive arrangement with the security police, who had "long wanted to use Moosa and Maud to get to the IDAF".<sup>213</sup> If this arrangement were to be successful, the "reward would have been sweet"<sup>214</sup> for both the couple as well as for the security police. If the pair were to infiltrate the IDAF and transfer the funds into their own names, the funds from the ANC's greatest donor would have been deposited into Katzenellenbogen and Dinath's account, who were both "enemy agents" to the ANC's anti-apartheid movement.<sup>215</sup> Additionally, since it was a crime to deal with the IDAF in South Africa at the time, by having control of these funds, biographer Johnny Steinberg states that it "might have brought a raft of internal activists down".<sup>216</sup> Furthermore, Steinberg asserts that, "In this regard, Swanepoel's victory over Winnie was always going to be Pyrrhic".<sup>217</sup> Furthermore, according to Steinberg, in memos and notes of the security police from this time, there are several references to an informant to the police who is described as "a white friend of Winnie's".<sup>218</sup> Although the identity of this informant has not been confirmed, it is most likely Maud Katzenellenbogen. Interestingly, none of the informants' "full reports seem to have survived", instead the existing documentation includes "brief

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<sup>209</sup> J. Carlson, *No Neutral Ground*, p. 266.

<sup>210</sup> M. Meredith, *Nelson Mandela*, p. 310.

<sup>211</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>212</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>213</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>214</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>215</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>216</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>217</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>218</sup> J. Steinberg, *Winnie and Nelson*, p. 220.

distillations of what interested her handlers the most”.<sup>219</sup> Although the reliability of such documents may be somewhat questionable, as the informer may have been “embellishing to please her handlers”, what remains certain is that the information that was gathered would have been used in the “cruellest ways” against Winnie Mandela.<sup>220</sup> Additionally, Winnie Mandela would only later discover that the security police obtained “detailed information about the pamphlets and cover names” that were printed and copied on the duplicating machine that was stored at Katzenellenbogen’s residence.<sup>221</sup>

## The Kay-Levin plan

The role that Mendel Levin played in this conspiracy can be divided into two parts which work together. The first involves his “arrangement” with Maud Katzenellenbogen. As previously mentioned, she was tasked with aiding Mendel Levin by procuring political prisoners and their families as clients for him. This arrangement between Mendel Levin and Maud Katzenellenbogen, which is referred to by Carlson as “the Kay-Levin plan”,<sup>222</sup> involved Katzenellenbogen offering Mendel Levin as a lawyer to “Winnie’s co-defendants”.<sup>223</sup> Furthermore, in an attempt to win over the defendants as clients for Mendel Levin, Katzenellenbogen spoke of her “deep friendship” with Winnie Mandela<sup>224</sup> and of her relationship with Dinath, which she called “a defiant act of interracial love”.<sup>225</sup> If Carlson had not taken over the prisoners’ cases, Katzenellenbogen and Mendel Levin would have remained the legal representatives for the detainees and the arrangement that the two had made with the security police would have remained intact. According to Joel Carlson, this would have resulted in the prisoners and their families being “severely prejudiced”<sup>226</sup> as the arrangement was only “beneficial to the security police”.<sup>227</sup>

The scheme behind the partnership between Mendel Levin and the security police was as follows. The security police were anxious that the Trial of the Twenty-Two would reveal that the activities of its defendants were not a threat to state security.<sup>228</sup> In order to avoid this, the security police had “planned with the assistance of a cooperative lawyer, to sensationalize these “Communitistic activities””<sup>229</sup> of the defendants. The “cooperative lawyer” who the security police chose was Mendel

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<sup>219</sup> J. Steinberg, *Winnie and Nelson*, p. 220.

<sup>220</sup> J. Steinberg, *Winnie and Nelson*, p. 220.

<sup>221</sup> M. Meredith, *Nelson Mandela*, p. 308.

<sup>222</sup> J. Carlson, *No Neutral Ground*, p. 268.

<sup>223</sup> J. Steinberg, *Winnie and Nelson*, p. 233.

<sup>224</sup> J. Steinberg, *Winnie and Nelson*, p. 227.

<sup>225</sup> J. Steinberg, *Winnie and Nelson*, p. 227.

<sup>226</sup> J. Carlson, *No Neutral Ground*, p. 268.

<sup>227</sup> J. Carlson, *No Neutral Ground*, p. 268.

<sup>228</sup> J. Carlson, *No Neutral Ground*, p. 298.

<sup>229</sup> J. Carlson, *No Neutral Ground*, p. 298.

Levin. In return, the security police would offer the “defense attorney a deal whereby a number of defendants would be acquitted and all those convicted would be given only light sentences”.<sup>230</sup> So far, this plan echoes the original deal offered to Carlson by Swanepoel one year prior during the aforementioned Lenkoe Case.<sup>231</sup> According to Bizos, the arrangement between Swanepoel and Mendel Levin was a result of Swanepoel’s discontent with the “unfair advantage afforded to the panoptic security legislation”.<sup>232</sup> Due to this Swanepoel “devised a plan to subvert the trial”<sup>233</sup> and approached Mendel Levin who he “offered to give... access to the accused in exchange for certain promises”.<sup>234</sup> Furthermore, Bizos argues that Winnie Mandela agreed to appoint Mendel Levin as her lawyer due to “sleep deprivation and disorientation”<sup>235</sup> which was caused by her solitary confinement and the poor facilities during her detention. Like Bizos, Ellmann asserts that:

The effort by the... prosecution to trick Winnie Mandela into accepting representation by someone who amounted to an impostor, Mendel Levin, was of course a clear breach of the rules of legal practice.<sup>236</sup>

If the plan’s action were to be successful, it would “underscore the efficiency of the security police and the independence of the judiciary, who would show leniency”.<sup>237</sup> In addition to this advantage for the security police and the apartheid state, if the arrangement were to be successful, Mendel Levin would also be rewarded. According to Carlson:

Mendel Levin would be established as a successful political attorney for opponents of the regime and could be of inestimable value for the security police in future trials.<sup>238</sup>

This not only outlines the basic scheme of the security police and Mendel Levin, but additionally depicts how the arrangement would be beneficial to both parties. Additionally, a crucial element of the arrangement between Mendel Levin and the security police, and in particular, Swanepoel, was that Mendel Levin was able to obtain and receive documents that he required from Winnie Mandela whilst she was being detained through this arrangement with Swanepoel.<sup>239</sup> According to Bizos,

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<sup>230</sup> J. Carlson, *No Neutral Ground*, p. 298.

<sup>231</sup> For further details of the Lenkoe Case, see: J. Carlson, *No Neutral Ground*, pp. 217-261.

<sup>232</sup> G. Bizos, *Odyssey to Freedom*, p. 158.

<sup>233</sup> G. Bizos, *Odyssey to Freedom*, p. 158.

<sup>234</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>235</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>236</sup> S. Ellmann, *And Justice For All*, p. 73.

<sup>237</sup> J. Carlson, *No Neutral Ground*, p. 298.

<sup>238</sup> J. Carlson, *No Neutral Ground*, p. 298.

<sup>239</sup> J. Carlson, *No Neutral Ground*, p. 294.

although this arrangement between Mendel Levin and Swanepoel fell apart when Carlson was appointed, it still “cast a shadow over the trial” until its end.<sup>240</sup>

In this conspiracy, Moosa Dinath performed two tasks. The first of which he shared with his partner, Maud Katzenellenbogen, and involved an arrangement between the couple and the security police. This involved the above-mentioned pair attempting to infiltrate the IDAF. The second task which Dinath was supposed to perform, involved befriending and gathering information from Nelson Mandela. As seen above, Dinath did try to befriend Nelson Mandela in an attempt to convince him to allow Mendel Levin to act as his wife’s attorney. During July 1969,<sup>241</sup> a few months after the arrests of the Twenty-Two, the security police arranged that Dinath visit Nelson Mandela on Robben Island.<sup>242</sup> During this visit, Dinath attempted to persuade Nelson Mandela to allow Mendel Levin to represent his wife instead of Carlson. This attempt was unsuccessful, and Mandela, “turned down this suggestion”.<sup>243</sup> Furthermore, after Carlson took over as Winnie Mandela’s attorney, Nelson Mandela was “relieved that she had withstood the pressures of detention, and grateful that Levin had been replaced”<sup>244</sup> by Carlson. This indicates that Nelson Mandela may have been aware of the suspicious activities of those involved in this conspiracy at the time, and despite Dinath’s unsuccessful attempts to persuade him, Nelson Mandela was already aware that Mendel Levin was involved in an insidious plot by the authorities and the apartheid state.

Additionally, it is most probable that Moosa Dinath worked as an informant whilst in prison and was tasked with establishing a friendship with Nelson Mandela in order to gather information from him about the resistance movement. In his autobiography, Nelson Mandela recalls that Dinath entertained him with “tales of financial shenanigans and corruption amongst cabinet ministers”, which he found fascinating.<sup>245</sup> Furthermore, Nelson Mandela recalls that he:

...scrupulously avoided discussing with him any matters of a political or sensitive nature on the grounds that he might also have been an informer.<sup>246</sup>

Nelson Mandela also recalls that Dinath did ask him to tell him about a trip Mandela went on through Africa, but Mandela “simply glossed over it”.<sup>247</sup> It is highly likely that in exchange for information

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<sup>240</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>241</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>242</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>243</sup> M. Meredith, *Nelson Mandela*, p. 310.

<sup>244</sup> G. Bizos, *Odyssey to Freedom*, p. 352.

<sup>245</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

<sup>246</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

<sup>247</sup> N. Mandela, *Long Walk to Freedom*, p. 382.

gathered on Nelson Mandela, Moosa Dinath was able to shorten his detention in prison on Robben Island. Furthermore, Carlson asserts that Dinath had been used by the security police to spend time with the Indian prisoners whilst incarcerated, “in an effort to induce them to give evidence for the state”.<sup>248</sup> It is most plausible that Dinath worked as an informant for the security police whilst at Robben Island, and was instrumental in the conspiracy which involved Mendel Levin.

### **Conspiratorial verdict**

Carlson was the individual that brought the conspiracy and those involved to a screeching halt. Carlson became suspicious of Mendel Levin, Dinath and Katzenellenbogen and felt that it was “imperative”<sup>249</sup> that the detainees and their relatives, “learn the truth about these people and their links with the security police”.<sup>250</sup> He began to collect “documentary proof in support of” the facts, which included statements from numerous people who had been visited by Katzenellenbogen and Mendel Levin.<sup>251</sup> Carlson then sent all the documentation that he had been gathering to an individual in London who he trusted and asked the individual “to acquaint those involved with the facts”.<sup>252</sup>

After a few weeks, Carlson received a letter from the organisation, Amnesty International (AI), which he called, “a group dedicated to obtaining the release of all political prisoners everywhere”.<sup>253</sup> This letter formally advised Carlson about the ploys made by Katzenellenbogen and Mendel Levin and the “derogatory remarks” that the two had made about Carlson.<sup>254</sup> Furthermore, this letter established to Carlson that his efforts had been successful as the letter stated that AI “did not support Mendel Levin or Mrs. Kay in any way” and stated that they hoped Carlson would be able to represent the detainees.<sup>255</sup> Carlson was sure that the security police would have been aware of this news, as “the letter arrived via the regular mail”.<sup>256</sup> In *No Neutral Ground*, Carlson states this is when “the Kay-Levin plan had failed insofar as London was concerned”.<sup>257</sup> Despite this, both Katzenellenbogen and Mendel Levin were still given access to the detainees and continued to visit the families of the political prisoners.<sup>258</sup>

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<sup>248</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>249</sup> J. Carlson, *No Neutral Ground*, p. 266.

<sup>250</sup> J. Carlson, *No Neutral Ground*, p. 266.

<sup>251</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>252</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>253</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>254</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>255</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>256</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>257</sup> J. Carlson, *No Neutral Ground*, p. 267.

<sup>258</sup> J. Carlson, *No Neutral Ground*, p. 267.

Carlson also reflects on the conspiracy and how it affected him and his family and also the detainees and their families. According to his book, “The Mendel Levin incident was only a part of the harassment and intimidation my family and I were subjected to during that period”.<sup>259</sup> He would only discover the “lengths to which Levin and the police had gone to discredit” him many years later.<sup>260</sup> He also wondered how successful Mendel Levin had been in convincing all of the prisoners that Carlson was untrustworthy.<sup>261</sup> Carlson accredits the “strength” of his position against the conspiracy to the families of the prisoners.<sup>262</sup> At the time which this conspiracy was underway, Carlson decided not to “enter into any kind of competition with Mendel Levin” and instead waited to see how the events of the case unfolded.<sup>263</sup> This probably explains why Carlson did not outrightly oppose Mendel Levin before the trial came to court. Instead, Carlson sent evidence to those who he trusted to distribute to those involved and, as mentioned in Chapter 5, waited until the day of the trial before making his move.

At face value, the primary purpose of Maud Katzenellenbogen’s trip to London was to “obtain financial support for Mendel Levin’s acting for relatives of detainees”.<sup>264</sup> She left for London on 28 May 1969 and returned to South Africa on 2 June 1969.<sup>265</sup> It has now been revealed that the true purpose of her visit to London was to obtain funds from the IDAF in order to infiltrate the organisation. Whilst in London, Katzenellenbogen visited the Defence and Aid office where she “advised people that she and Mendel Levin represented Mrs. Mandela and the other prisoners”.<sup>266</sup> Whilst there, she also dismissed Carlson by saying that he was “untrustworthy and they [the prisoners] preferred Levin”.<sup>267</sup> Furthermore, during this trip, Katzenellenbogen was able to obtain a letter from another organisation<sup>268</sup> based in London that supported both her and Mendel Levin.<sup>269</sup>

As mentioned in Chapter 5, four days before the Twenty-Two were brought to court for the first time Mendel Levin was permitted to speak to Winnie Mandela, although ostensibly in the “presence” of

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<sup>259</sup> J. Carlson, *No Neutral Ground*, p. 268.

<sup>260</sup> J. Carlson, *No Neutral Ground*, p. 274.

<sup>261</sup> J. Carlson, *No Neutral Ground*, p. 274.

<sup>262</sup> J. Carlson, *No Neutral Ground*, p. 274.

<sup>263</sup> J. Carlson, *No Neutral Ground*, p. 274.

<sup>264</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 2.

<sup>265</sup> Affidavit of Paula Cousins, Johannesburg, July 1969, p. 2, found in NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990.

<sup>266</sup> J. Carlson, *No Neutral Ground*, p. 266.

<sup>267</sup> J. Carlson, *No Neutral Ground*, p. 266.

<sup>268</sup> It is not known which organisation is referred to.

<sup>269</sup> J. Carlson, *No Neutral Ground*, p. 266.



Swanepoel.<sup>270</sup> During this meeting, Mendel Levin had stated that, although, “Carlson has succeeded in pulling down a steel door on all funds from England”,<sup>271</sup> he promised that he would remain Winnie Mandela’s attorney and “she should not worry about the source of the funds”.<sup>272</sup> Maud Katzenellenbogen and Moosa Dinath’s attempts to infiltrate the IDAF by using their “friendship” with Winnie Mandela had also been unsuccessful.<sup>273</sup> After Winnie Mandela pressed him on how they would receive funding, Mendel Levin stated that, “he would arrange for the state to pay for their defense”.<sup>274</sup> Not only is this bizarre, as the apartheid state would have neither reason nor motivation to pay for the legal representation of a political detainee and well-known anti-apartheid activist, it further suggests the state’s desire for Mendel Levin to act as Winnie Mandela’s attorney. After stating that he would arrange for funding from the state, Mendel Levin then asked Winnie Mandela “to persuade the other defendants to agree to his representing all of them”.<sup>275</sup> This evidently indicates that becoming Winnie Mandela’s attorney was the crucial first step in keeping the arrangement between him and the security police intact, as it was through Winnie Mandela (and additionally the support from Maud Katzenellenbogen) that Mendel Levin would have an opportunity to obtain power of attorney for the rest of the Twenty-Two defendants. If he succeeded in this endeavour, Mendel Levin would then have been able to honour his end of the arrangement and ensure that the Trial played out in a certain manner by inducing the defendants to “accept convictions in return for lighter sentences”.<sup>276</sup>

In a desperate attempt to obtain funding, Mendel Levin “made the fatal mistake” of appealing to Professor Gwendolyn Carter in the United States of America.<sup>277</sup> Carter, who was a friend of Bizos, was “perturbed” by Mendel Levin’s “request” for funding.<sup>278</sup> According to Mendel Levin’s communication, he had been appointed as Winnie Mandela’s lawyer and “retained Vernon Berrangé, Fred Zwarenstein” and Bizos as counsel.<sup>279</sup> Furthermore, Mendel Levin asked Carter for “a substantial sum of money as a first installment” on their fees.<sup>280</sup> Carter then contacted Bizos who was already aware of Levin “by reputation”<sup>281</sup> and he informed her that Mendel Levin was

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<sup>270</sup> J. Carlson, *No Neutral Ground*, p. 295.

<sup>271</sup> J. Carlson, *No Neutral Ground*, p. 295.

<sup>272</sup> J. Carlson, *No Neutral Ground*, p. 295.

<sup>273</sup> J. Steinberg, *Winnie and Nelson*, p. 285.

<sup>274</sup> J. Carlson, *No Neutral Ground*, p. 295.

<sup>275</sup> J. Carlson, *No Neutral Ground*, p. 295.

<sup>276</sup> S. Ellmann, *And Justice For All*, p. 72.

<sup>277</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>278</sup> G. Bizos, *Odyssey to Freedom*, p. 350.

<sup>279</sup> G. Bizos, *Odyssey to Freedom*, pp. 350-351.

<sup>280</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>281</sup> G. Bizos, *65 Years of Friendship*, p. 158.

“untrustworthy”.<sup>282</sup> In his memoir, *Odyssey to Freedom*, Bizos stated: “I lost no time in telling Gwendolyn that Levin was not to be trusted”.<sup>283</sup>

After learning of this, Bizos immediately “visited Nelson to tell him” and voice his own concerns.<sup>284</sup> Since Nelson Mandela was not allowed to communicate with or contact his wife, he asked Bizos to approach Carlson on behalf of him and Bizos to represent Winnie Mandela.<sup>285</sup> However, by then Mendel Levin had already: “... secured a brief from all the detainees and advised them to plead guilty in exchange for a lesser sentence”.<sup>286</sup> However, as previously explained, when the defendants appeared in court, all twenty-two of the accused confirmed Carlson as their attorney and “changed their pleas to not guilty”.<sup>287</sup> As a result, Mendel Levin withdrew from the case.

Mendel Levin’s relationship with the security police can be further explained with the example of the 1969 imprisonment of Nonyaniso Madikizela, Winnie Mandela’s younger sister. in 1969. As previously mentioned, Mendel Levin acted as Madikizela’s attorney for a time during the Trial of the Twenty-Two. One incident that took place during Madikizela’s interrogation whilst being detained indicates the severity of Mendel Levin’s undertaking with the security police. Madikizela told Carlson that during an interrogation, Sergeant Petrus Albertus Ferreira of the security police had “threatened her with prison for the rest of her life if she refused to give a statement”.<sup>288</sup> Mendel Levin was present during this interrogation.<sup>289</sup> According to Madikizela, Mendel Levin “persuaded her that Winnie had agreed that she should make a statement to security police and give testimony in any trial”.<sup>290</sup>

Furthermore, apart from this conspiracy, Moosa Dinath was also involved in another scheme that involved Nelson Mandela specifically. Meredith refers to a “reckless scheme”<sup>291</sup> devised by Moosa Dinath which involved a plot to break Nelson Mandela out of Fort prison in Johannesburg.<sup>292</sup> According to Meredith, although Dinath had “once tried to inveigle”<sup>293</sup> Winnie Mandela into this

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<sup>282</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>283</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>284</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>285</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>286</sup> G. Bizos, *65 Years of Friendship*, p. 158.

<sup>287</sup> G. Bizos, *65 Years of Friendship*, p. 159.

<sup>288</sup> J. Carlson, *No Neutral Ground*, p. 138; J. Carlson, *No Neutral Ground*, p. 313.

<sup>289</sup> J. Carlson, *No Neutral Ground*, p. 313.

<sup>290</sup> J. Carlson, *No Neutral Ground*, p. 313.

<sup>291</sup> M. Meredith, *Nelson Mandela*, p. 290.

<sup>292</sup> M. Meredith, *Nelson Mandela*, p. 310.

<sup>293</sup> M. Meredith, *Nelson Mandela*, p. 290.

scheme, she was aware of Dinath's own "dubious connections with the government"<sup>294</sup> and the apartheid state.

By November 1969, Winnie Mandela had begun to realise what was going on, just before the Trial of the Twenty-Two "finally came to trial".<sup>295</sup> Winnie Mandela wrote Mendel Levin "an enigmatic letter" which suggested that the "wool had been pulled from her eyes".<sup>296</sup> In this letter, she wrote: "You will agree with me as a legal man... that it is extremely difficult for a person behind bars in solitary confinement to understand people's motives."<sup>297</sup> Furthermore, Winnie Mandela agreed when Mendel Levin "asked her to persuade other defendants to have him represent them".<sup>298</sup> However, she had agreed to see each defendant individually, or "one at a time", while Mendel Levin was present.<sup>299</sup> In Mendel Levin's presence, Winnie Mandela spoke to the defendants in English and "told them to accept Levin" as their legal representative.<sup>300</sup> However, Winnie Mandela was certain to "throw in a word of Xhosa beseeching them not to go near him".<sup>301</sup> Mendel Levin was none the wiser. Although Mendel Levin had already been given power of attorney by Winnie Mandela and Peter Magubane,<sup>302</sup> Winnie Mandela did what she could to ensure that none of the other defendants fell into this trap.

In court, Winnie Mandela confirmed that she had given power of attorney to Mendel Levin originally.<sup>303</sup> However, according to Bizos, "The inevitable happened".<sup>304</sup> Unbeknown to Mendel Levin, Carlson had succeeded in obtaining power of attorney from the relatives of the accused and had "outwitted Levin by asking for a short adjournment so that the relatives could speak to the accused".<sup>305</sup> Furthermore, Winnie Mandela asserted that she had now been instructed by Nelson Mandela to "entrust her case to Carlson".<sup>306</sup> The rest of the detainees "followed suit".<sup>307</sup> As soon as Winnie Mandela switched from Mendel Levin as her attorney to Joel Carlson on the first day of the trial, Katzenellenbogen "disappeared from Winnie's life as abruptly as she had arrived".<sup>308</sup> With that,

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<sup>294</sup> M. Meredith, *Nelson Mandela*, p. 290.

<sup>295</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>296</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>297</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>298</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>299</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>300</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>301</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>302</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

<sup>303</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>304</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>305</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>306</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>307</sup> G. Bizos, *Odyssey to Freedom*, p. 351.

<sup>308</sup> J. Steinberg, *Winnie and Nelson*, p. 234.

the plans of the conspiracy had failed, the arrangements made had fallen apart and the conspiracy itself had come to an end.

An interesting incident occurred on 28 October 1969, the day that the Trial of the Twenty-Two began in court. Like many other events of the case, this incident has been described by Carlson in *No Neutral Ground*. As previously mentioned, an event took place in which Mendel Levin was arguing with a police Captain about having “the first opportunity of seeing the defendants”<sup>309</sup> after the court was adjourned for tea. After this incident had occurred, Carlson met some relatives of the detainees outside the courtroom, who told Carlson that “Mendel Levin was still downstairs”<sup>310</sup> arguing with the police Captain. Whilst talking to these relatives, Carlson was approached by Major Swanepoel who asked Carlson about what had taken place in the cells.<sup>311</sup> Carlson told Swanepoel that he “had no idea”, and that he thought Swanepoel “would know more about it than” he did.<sup>312</sup> As soon as Swanepoel responded by saying he had not heard what had happened, “Mendel Levin appeared and stood next to” Carlson and Swanepoel.<sup>313</sup> Carlson saw this as an opportunity to formally introduce Swanepoel and Levin to each other.<sup>314</sup> As already explained in this chapter, Swanepoel and Levin had been conspiring together regarding the Trial of the Twenty-Two. Therefore, the two had obviously met before and would have known each other rather well. Although Carlson was aware of their collaboration, Swanepoel and Levin’s collusion was meant to be confidential, and it would have been most probable that the two were oblivious to Carlson’s knowledge of the conspiracy. Carlson confirms that Swanepoel and Levin were oblivious to Carlson’s knowledge, as he states that, “Levin flushed at the introduction”.<sup>315</sup> Although this introduction had startled Mendel Levin, he “completed the formalities of strangers being introduced and shook hands”.<sup>316</sup> Carlson was rather “pleased with”<sup>317</sup> himself after this incident, as he had outwitted the colluding duo and had got the better of them. This incident corroborates that Mendel Levin and Swanepoel were both involved in the conspiracy, and that they believed that their collusion was strictly confidential.

As an aside, it is interesting to note what Mendel Levin’s son, Aubrey Levin, was up to during the Trial of the Twenty-Two and whilst his father was involved in this conspiracy. As previously

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<sup>309</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>310</sup> J. Carlson, *No Neutral Ground*, p. 279.

<sup>311</sup> J. Carlson, *No Neutral Ground*, pp. 279-280.

<sup>312</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>313</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>314</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>315</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>316</sup> J. Carlson, *No Neutral Ground*, p. 280.

<sup>317</sup> J. Carlson, *No Neutral Ground*, p. 280.

mentioned, when Mendel Levin arrived at the court on 28 October 1969,<sup>318</sup> his son, Aubrey Levin was with him.<sup>319</sup> Although it is not certain that Aubrey Levin himself was aware of this conspiracy, it is probable that he knew the details of the trial that his father was working on. By the time that the conspiracy was taking place, Aubrey Levin's own career in psychiatry and in the SADF was already well underway.<sup>320</sup> This connection between Mendel Levin, his son and the darker side of the SADF and the NP warrants further investigation.

## Conclusion

The involvement of Mendel Levin in these dubious activities against key political detainees at the height of the apartheid regime casts a dark shadow on his person, his career and his ethics. It however also sheds another brighter spotlight on the devious and untenable antics of the apartheid system.

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<sup>318</sup> Anon., '22 sent for trial under 'red' act', *Rand Daily Mail*, 29 October 1969, p. 3.

<sup>319</sup> J. Carlson, *No Neutral Ground*, p. 275.

<sup>320</sup> See also: R.M. Kaplan, 'The Bizarre career of Aubrey Levin: from abuser of homosexual conscripts to molester of male prisoners', *Forensic Research & Criminology International Journal* 2(15), 2016, pp. 182-184; R.M. Kaplan, 'The Aversion Project: psychiatrist abuses in the South African Defence Force during the apartheid era', *South African Medical Journal (SAMJ)* 91(3), 2001, pp. 216-217.

## Chapter 7: Reflections

### Introduction

This dissertation has presented an analysis of “Meddling Mendel”, Jewish immigrant, NP member and contorted, fragmented and contradictory individual, which provides an alternative lens through which to observe the political, social and historical landscapes of twentieth-century South Africa. This final and concluding Chapter reflects on key elements of this study as a whole including: the biography genre (as well as the subgenre of “the person behind the person”); the process of constructing Mendel Levin’s biography and its challenges; the emergence of another key literary theme in South African Jewish historiography; an overview of each of the dimensions that compose the character of Mendel Levin and a few final remarks and thoughts regarding this study.

When dealing with the life history of a controversial subject such as Mendel Levin, an uncomfortable element of awkwardness emerges. As mentioned by Koorts, when the subject of a biography critically reflects on a complicated and uncomfortable history such as the history of the apartheid regime, it becomes crucial to carefully depict the subject in their complexity.<sup>1</sup> The historian, or biographer, must approach their subject with sensitivity and empathy, rather than retrospective discrimination and judgement,<sup>2</sup> despite the destructive, unfavourable and controversial legacy left by the subject. Furthermore, academics such as Woolf, Jacobs and Bank, all assert that the biographer must “embrace both the awkward storylines and messy relationships between historians and their subjects and sources”.<sup>3</sup> This has become apparent in this dissertation.

Mendel Levin was an individual who comprised many different facets and dimensions, which often contradicted one another. Like the category of critical studies biographies of the “individual-as-fragmented-subject”<sup>4</sup> that Jacobs and Banks have in their seminal article, this biography of Mendel Levin critically examines the contradictory dimensions of his life and has pieced together the fragments that formed the individual. The “critical studies biographies of the individual-as-fragmented-subject” involves the process of studying the chosen subject’s life by not only

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<sup>1</sup> L. Koorts as quoted in: J. Dlamini, ‘Review: Life Choices and South African Biography’, *Kronos* (41), Special Issue: The Micro-Politics of Knowledge Production in South Africa, 2015, p. 345.

<sup>2</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’, *African Studies* 78(2), 2019, p. 171.

<sup>3</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’. *African Studies* 78(2), 2019, p. 179.

<sup>4</sup> N.J. Jacobs & A. Bank, ‘Biography in post-apartheid South Africa: A call for awkwardness’. *African Studies* 78(2), 2019, p. 176.



constructing the subject's self, but by examining how these constructions of self are "contested and historically contingent".<sup>5</sup> The literature review also identified primary strengths of the biography genre, one of the most significant being, the sensitivity and awareness of the biographer towards the social, political and historical contexts in which the biography's subject existed. Additionally, the subgenre of "the person behind the person" in the context of Aubrey Levin, makes the importance of constructing the biography of Mendel Levin apparent. To quote Elaine Dundy, "it is only through this kind of historical approach – with its emphasis on the interweaving of families, generations and cultures – that the true meaning of..." a subject's life unfolds.<sup>6</sup> However, it is apparent that Mendel Levin is not only of significance within this context, but also as an individual in his own right as his life sheds an extraordinary light on the apartheid state as well as upending certain preconceptions about twentieth-century politics. In a sense, this dissertation has pulled Mendel Levin out of Aubrey Levin's shadow and has portrayed him as an individual in his own right.

## **An Outsider?**

A common theme which emerges in the historiography of the South African Jewish community, as well as in South African Jewish literature, is the depiction of the Jewish individual "as an outsider".<sup>7</sup> Mendel Levin's biography is no exception to the emergence of this literary theme, as Mendel Levin was what one could term a double outsider in many, if not all, of his communities. In many instances his life took accepted notions and stereotypes and turned them on their heads as well as going against the stream of such preconceptions and upending many.

As a Jewish attorney, Mendel Levin falls on the least expected side of history. Unlike many prominent Jewish lawyers who became part of the struggle against the apartheid regime during the course of their careers, through his involvement with the security police and his political career Mendel Levin goes against the grain of what was perhaps more common. Specifically, his support of the NP makes him a deviation in the South African Jewish community during the twentieth century, as his political views and behaviour generally fly in the face of that of broader South African Jewry. In *Long Walk to Freedom*, Nelson Mandela reflects on the firm of Lazar Sidelsky, in which he worked as a clerk

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<sup>5</sup> N.J. Jacobs & A. Bank, 'Biography in post-apartheid South Africa: A call for awkwardness'. *African Studies* 78(2), 2019, p. 178.

<sup>6</sup> E. Dundy, *Elvis and Gladys*, p. xii.

<sup>7</sup> M. Leveson, 'Insiders on Outsiders: Some South African Jewish Writers', in M. Shain & R. Mendelsohn (eds), *Memories, Realities and Dreams: Aspects of the South African Jewish Experience*, Jonathan Ball Publishers, Johannesburg, 2002, p. 61.

during his studies for his BA degree.<sup>8</sup> Here he outlines the association with liberalism and Jewish lawyers:

Even so, the law firm was far more liberal than most. It was a Jewish firm, and in my experience I have found Jews to be more broad-minded than most whites on the issues of race and politics, perhaps because they themselves have historically been victims of prejudice.<sup>9</sup>

The traces of Mendel Levin that were found further reinforce the notion of Mendel Levin as an anomaly, and therefore, an outsider, in both religious and political domains.

As shown, Mendel Levin possesses striking similarities with Dr Percy Yutar, the Jewish lawyer who led the prosecution for the state in the infamous Rivonia Trial having made a “fundamental compromise with the security state”.<sup>10</sup> Like Yutar, Mendel Levin is also in collusion with the security police and perhaps similar to Yutar, who also desired to “show that a Jew could be as loyal to the system of apartheid”<sup>11</sup> as anyone else.

Additionally, what has also emerged in this study is the sensationalised and scandalous nature of the cases Mendel Levin was involved in. Although Mendel Levin’s motivations for taking cases like these are unknown, what is evident is that the cases are often rather sinister. Moreover, Mendel Levin’s career as a politician for and supporter of the NP is also in direct conflict with his Jewish disposition. As a staunch supporter, and one could argue apologist, of the NP policy, this complicates his biography further. As was made evident, anti-semitism and the perception of Jewish individuals as aliens or outsiders served as an integral component of the early history of the NP.<sup>12</sup> On many occasions Mendel Levin’s perspectives typically went against the grain of his broader Jewish community. When analysing Mendel Levin’s political opinions, various themes emerge, including his denial of the existence of anti-semitism within the NP and the argument that the NP had more Jewish support than it was believed to have had. Once again, Mendel Levin goes against the grain of what was typical for his broader Jewish community.

As revealed in this dissertation, professionally Mendel Levin was a man of the law, but simultaneously he was a supporter and member of a political party that undermined the basic tenets of human rights. This juxtaposition of Mendel Levin as a man of law and a man of politics is both a

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<sup>8</sup> N. Mandela, *Long Walk to Freedom*, p. 81.

<sup>9</sup> N. Mandela, *Long Walk to Freedom*, p. 82.

<sup>10</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>11</sup> S. Ellmann, *And Justice For All*, p. 46.

<sup>12</sup> M. Shain, *Antisemitism*, p. 81.

reflection on the contorted realities of him as an individual, as well as of the society in which he lived during the second half of the twentieth century. Such juxtapositioning uncovers the bizarre realities of the government of the time, the apartheid regime, in the contradictory space of both legal and political landscapes.

The other two intriguing facets of the biography of Mendel Levin, include his criminal career and his deceitful involvement in the conspiracy. Due to his criminal career and illegal antics another aspect of Mendel Levin's life depicts him as an outsider. Once again, his life flies in the face of the accepted and general notions of what criminals were at the time, as his criminal activity was regarded as being more scandalous due to his career as an attorney. Furthermore, Mendel Levin's ability to escape sentence, conviction or reprimand for these actions reinforces the idea of his insidious nature, as he was able to protect his legal position as an attorney from facing any harm caused by his criminal career.

What remains as one of the most insidious cases of Mendel Levin's career was the bizarre plot with the security police in the Trial of the Twenty-Two. Mendel Levin was the "cooperative lawyer" with whom the security police had colluded to sensationalise the activities of the trial's defendants and portray such actions as "Communist activities".<sup>13</sup> If the conspiracy had been successful, to quote Carlson, "Mendel Levin would be established as a successful political attorney for opponents of the regime and could be of inestimable value for the security police in future trials".<sup>14</sup> The importance of this conspiracy is not only that it indicates what kind of insidious characters Mendel Levin was involved with, but the importance is also reflected in how it reveals the ties between such dubious characters and the NP, the apartheid state, the security police and the authorities as a whole during this time in the South African past. Not only does Mendel Levin's colluding activities and manoeuvres once again make him an outsider in his legal community, but it further throws a new light onto the untenable antics and the deceitful, underhand dealings of the apartheid state.

## **Post-script**

Uncovering information about Mendel Levin's later life was as perplexing and challenging as that of his past. The last court case that Mendel Levin was involved in, Case No. 132294/96, in which he was the Plaintiff, where he was to appear in in the Magistrates Court for the District of Johannesburg, on 17 July 1998 at 10:00am.<sup>15</sup> No other cases were found that Mendel Levin was involved in after

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<sup>13</sup> J. Carlson, *No Neutral Ground*, p. 298.

<sup>14</sup> J. Carlson, *No Neutral Ground*, p. 298.

<sup>15</sup> *Government Gazette*, Vol. 397, No. 19005, Legal Notices B, Republic of South Africa, Pretoria, 3 July 1998, p. 133.

this date. The last traceable record of Mendel Levin in South Africa appeared in a number of *Government Gazettes*.<sup>16</sup> In the 8 October 1999 edition of the *Government Gazette*, a notice appeared stating that a company named “S.A Quilt Manufacturers”, was in liquidation.<sup>17</sup> This notice, No. T1221/94, stated that there was an “amount due to No. 12 - Mendel Levin: R2 206,94”.<sup>18</sup> This suggests that Mendel Levin was most likely a shareholder in S.A. Quilt Manufacturers and was owed the amount of R2 206,94 due to the company’s liquidation.<sup>19</sup> Nothing about this notice appears to be extraordinary, but in October 2000 and October 2001 the same notice, No. T1221/94, appeared, confirming that the amount owed to Mendel Levin had not yet been claimed.<sup>20</sup> After this, Mendel Levin disappears from the South African record without a trace and the trail goes cold.

Like his son, it appears that Mendel Levin left South Africa, the country which he called home for almost 80 years. It is most probable that he immigrated sometime between his last court case in 1998 and when the notice of unclaimed funds was first published in October 1999. He passed away at the age of 90, on 3 July 2001 in Saskatoon, Saskatchewan, Canada.<sup>21</sup> His funeral was held two days after his death, on 5 July 2001<sup>22</sup> and his “next of kin or executor” was his only son, Aubrey Levin.<sup>23</sup> Mendel Levin was buried in the city of Calgary in Canada, which is where his son has been residing for the past almost thirty years.<sup>24</sup> Mendel Levin’s grave was found in Erlton Street Cemetery in Calgary, and the location of his grave is in the “new” section of the cemetery, row S-R23, plot P23.<sup>25</sup>

It is also of interest to note that throughout the construction of this biography, Mendel Levin’s date of birth, 9 March 1911, was incorrectly recorded in various documents: The Wits Archive, 21 April

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<sup>16</sup> *Government Gazette*, Vol. 412, No. 20474, Republic of South Africa, Pretoria, 8 October 1999, p. 46.

<sup>17</sup> *Government Gazette*, Vol. 412, No. 20474, Republic of South Africa, Pretoria, 8 October 1999, p. 46.

<sup>18</sup> *Government Gazette*, Vol. 412, No. 20474, Republic of South Africa, Pretoria, 8 October 1999, p. 46.

<sup>19</sup> *Government Gazette*, Vol. 412, No. 20474, Republic of South Africa, Pretoria, 8 October 1999, p. 46.

<sup>20</sup> *Government Gazette*, Vol. 424, No. 21621, Republic of South Africa, Pretoria, 27 October 2000, p. 48; *Government Gazette*, Vol. 436, No. 22729, Part 1, Republic of South Africa, Pretoria, 17 October 2001, p. 102.

<sup>21</sup> The *Funeral Directors Statement of Death* for Mendel Levin was sent by e-mail correspondence with Teresa Sofocleous, Office Administrator. Chevra of Calgary. Calgary, Canada. 24 August 2023; Chevra Kadisha of Calgary, ‘Mr. Mendel Levin’, *Funeral Directors Statement of Death*, Calgary, Alberta, 5 July 2001.

<sup>22</sup> Chevra Kadisha of Calgary, ‘Mr. Mendel Levin’, *Funeral Directors Statement of Death*, Calgary, Alberta, 5 July 2001.

<sup>23</sup> It is interesting to note that on the Funeral Directors Statement of Death, Aubrey Levin’s name is spelt incorrectly, and he is referred to as, “Mr. Aubry Levin”.

<sup>24</sup> Chevra Kadisha of Calgary, ‘Mr. Mendel Levin’, *Funeral Directors Statement of Death*, Calgary, Alberta, 5 July 2001.

<sup>25</sup> Chevra Kadisha of Calgary, ‘Mr. Mendel Levin’, *Funeral Directors Statement of Death*, Calgary, Alberta, 5 July 2001; Chevra of Calgary, *Erlton Street Cemetery Grave Locator G - L*, Available: <<http://chevraofcalgary.org/erlton-locator-g-l/>>, Accessed: August 2023, p. 13.

1911;<sup>26</sup> the DoD Archive, 9 March 1910.<sup>27</sup> It is interesting to note that the Funeral Directors Statement of Death of Mendel Levin does not contain his date of birth, instead, only his age at his time of death, which was 90 years of age, is recorded.<sup>28</sup>

## Meddling Mendel

Finally, it is important to reflect on the significance of the title of this dissertation, *Meddling Mendel*, which depicts a crucial element of this biography and of Mendel Levin's life story. To quote Steinberg, Mendel Levin was an invasive individual in many aspects, one of which was depicted in this study, was his eagerness to "wheedle himself into the Mandela's lives".<sup>29</sup> Furthermore, what became even increasingly striking during the process of constructing Mendel Levin's biography, was his ability to intrusively insert himself into circles of individuals who were prominent in both the apartheid regime as well as the anti-apartheid struggle.

What is also intriguing is the connections between Mendel Levin and other attorneys who were prominent individuals in the anti-apartheid struggle. Both Arthur Chaskalson and Vernon Berrangé were instructed by Mendel Levin.<sup>30</sup> Chaskalson was a lawyer whose career embodied "the story of law in the struggle against apartheid", and Berrangé is one of the "great human rights lawyers of the apartheid era".<sup>31</sup> Chaskalson would later become the Chief Justice of the Constitutional Court of South Africa after the country's transition to a democratic state, while Berrangé was known as the "defender of the people"<sup>32</sup> and was widely "regarded as the best cross-examiner at the bar" in South Africa during the twentieth century. He later became a mentor to Bizos.<sup>33</sup> Their early association with Mendel Levin is rather ironic.

Additionally, a link is made between Mendel Levin and Fred Zwarenstein, who Mendel Levin consulted in June 1969.<sup>34</sup> Over a decade earlier, Zwarenstein was one of the advocates involved in

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<sup>26</sup> E-mail correspondence with Molatelo Pampa, Records Management Coordinator, Wits Archives, Johannesburg, South Africa, 9 March 2023.

<sup>27</sup> Union of South Africa, *Volunteer Units of the Union Defence Force: Attestation of Mendel Levin*, 21 April 1941, p. 1, found in DoD, Campaign Medal Awards, 224343, 'Levin, M.', 28 January 1953.

<sup>28</sup> Chevra Kadisha of Calgary, 'Mr. Mendel Levin', *Funeral Directors Statement of Death*, Calgary, Alberta, 5 July 2001.

<sup>29</sup> J. Steinberg, *Winnie and Nelson*, p. 236.

<sup>30</sup> Anon., 'Convicted for perjury', *Rand Daily Mail*, 17 July 1957, p. 3; Anon., 'Gold vanished when 'bought', says police trap witness', *Rand Daily Mail*, 17 October 1953, p. 4.

<sup>31</sup> S. Ellmann, *And Justice For All*, p. 9; G. Shaw, 'Portraits of two heroic patriots', *Cape Times*, 28 September 2007, p. 14.

<sup>32</sup> A. Chatterjee, 'Farewell, Uncle Kathy!', *Economic and Political Weekly* 52(20), 2017, p. 23; E. Naki & B. Wicks, 'Legal eagles who fought the brave fight', *Citizen Saturday*, 25 July 2020, p. 7.

<sup>33</sup> G. Shaw, 'Portraits of two heroic patriots', *Cape Times*, 28 September 2007, p. 14.

<sup>34</sup> NYPL, Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, *Joel Carlson South African Legal Files*, Volume No Sc MG 646, 1958-1990, p. 1.

the Treason Trial's defence team, alongside Berrangé.<sup>35</sup> Like Berrangé and Chaskalson, Zwarenstein had been instructed by Mendel Levin in a case in 1940.<sup>36</sup> This case took place in December 1940, and involved “alleged defects in goods purchased from a firm in Japan”.<sup>37</sup> What makes this even more interesting, and complex, is that in 1969, Mendel Levin appealed to Gwendolyn Carter in the United States for funding towards Winnie Mandela's legal fees. He requested the “funding for him to brief Vernon Berrangé, Fred Zwarenstein” and George Bizos as counsel in the Trial of the Twenty-Two.<sup>38</sup> This occurrence further reiterates Mendel Levin's intrusive and unwarranted interference as evident during his time as Winnie Mandela's attorney in 1969.

These connections between Mendel Levin and such prominent anti-apartheid advocates and lawyers are not only bizarre, but further indicate the range of circles of important individuals that Mendel Levin inserted himself into. He was not only meddling in nature, as connections such as these further indicate how prominent figures in the anti-apartheid struggle, as well as in the apartheid regime, become unnervingly woven into his web. If one considers the history of the South African Jewry and how this community has been represented in historical literature the life story and character of Mendel Levin becomes an anomaly. Throughout this study, Mendel Levin has consistently illustrated how the exception is not necessarily the rule. This biography of Mendel Levin does not fit into any one of the specific four narratives of South African Jewish history which were outlined by Shula Marks or the additional one by Milton Shain. Rather, Mendel Levin's life story should fall under an entirely unique narrative, a sixth narrative, one which constructs the individual as a fragmented subject with many divergent and dubious dimensions. This dissertation has analysed the contradictory life and career of Mendel Levin, by unpacking the extraordinary role that this Jewish immigrant, NP member and defence attorney played in a pivotal era of twentieth-century South African history. In every single aspect of his life, Mendel Levin uprooted preconceptions and upended stereotypes - Mendel meddled!

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<sup>35</sup> Anon., ‘Treason Case: Impressive Array of Lawyers For the Defence’, *Sunday Times*, 16 December 1956, p. 17.

<sup>36</sup> Anon., ‘Alleged Defects in Japanese Goods’, *Rand Daily Mail*, 21 December 1940, p. 14.

<sup>37</sup> Anon., ‘Alleged Defects in Japanese Goods’, *Rand Daily Mail*, 21 December 1940, p. 14.

<sup>38</sup> G. Bizos, *65 Years of Friendship*, p. 158.



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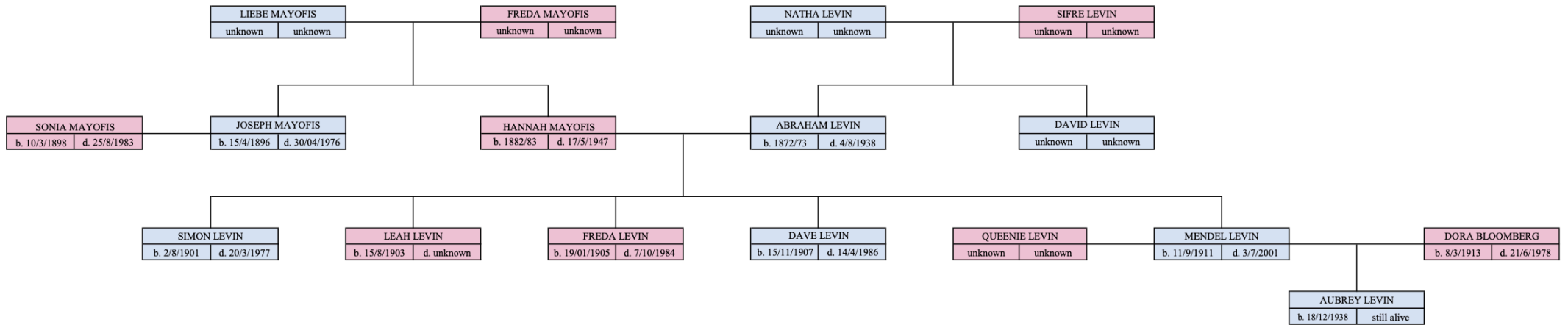
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Figure 1: The Levin Family Tree





**Figure 2:** B. Connolly, 'Up from the sewer', *Rand Daily Mail*, 19 June 1959, p. 8.



**Figure 3:** M. Levin, 'Letters to the editor: Cartoon shocked a Jew', *Rand Daily Mail*, 25 June 1959, p. 4.

## CARTOON SHOCKED A JEW

AS a Jew, I take the strongest exception to your cartoon of June 19, from which the obvious import is that the National Party dripping with sewer filth raises the ugly head of anti-Semitism.

It is regrettable, to put my views and the views of many Jews whom I have spoken to to-day mildly, that the "Mail" saw fit to publish a cartoon of this nature. I believe that no greater injustice could have been done, both to the National Party and to the Jews.

### MASTER PLAN

There is no truth nor substance in any allegation or suggestion that the National Party is anti-Semitic.

On the contrary, if I were given space by you, I could record how over the past 11 years, the National Party has extended a hand of friendship to the Jews.

I submit that this cruel, unwarranted and obviously inspired cartoon should never have seen the light of day, unless the object in so publishing it is portion of a master plan to create panic in the heart of the Jew in South Africa.—MENDEL LEVIN.