

Western Australian Jewish Seniors
Oral History Project

Transcription of an interview with

Michael Walter Odes

ORAL HISTORY COLLECTION

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KNOW
YOUR

Temple David, 34 Clifton Crescent Mount Lawley. 30 May 2018.

Know Your Nation: So if we start off by you saying your full name and your date of birth?

Michael Odes: My full name is Michael Walter Odes O-D-E-S. My date of birth is the 8th of March 1940.

KYN: And where we're you born?

MO: I was born in Cape Town in South Africa, and I spent 46 years in Cape Town, before we immigrated to Perth.

KYN: Cool. So brothers and sisters?

MO: I had two brothers. I'm the oldest of the three. My second brother, he was three years younger than I am. He passed away unfortunately eight years ago. And I have the youngest brother, who is seven years younger than I am, who still lives in Cape Town. I have no sisters.

KYN: And what were their names?

MO: My deceased brother was Alan, and my youngest brother is Charles, and we see him quite often.

KYN: OK. And your parents' names?

MO: My father was Samuel Louis Odes, and my mother was Sarah Hannah. Schrock was her maiden name. She was a first cousin of a Rabbi Schrock, who was a very prominent rabbi in South Africa in the 60s.

KYN: And where were they from originally? Or I guess their family strain—

MO: Well, my father came as a young man at the age of 18 from Lithuania. He came from a Shtetl called Plunyan.

KYN: How do you spell that?

MO: It's actually P-L-U-N-Y-A-N, but it's also called Plunge P-L-U-N-G-E. It's a little Shtetl in the northwest of Lithuania. The nearest port was Memel, which has a new name, I forget what it is. (Kaunas?) He came because he wanted to avoid being conscripted into the Russian army. He came with a little wooden suitcase with his worldly possessions. Actually, he had written a letter to his uncle to pick him up at the harbour side at the docks. If you didn't have somebody to vouch for you there, you would be sent back. But that letter never reached his uncle. He was the last person on the boat, and he was standing at the side, when there was a Jewish man walking on the quay side who shouted up to him in Yiddish "Who are you?" My father told him what his name was. This man knew his uncle, and actually vouched for him and he was allowed to disembark.

KYN: So did your father, did he dress in a particularly religious way like did he have peiot and stuff?

MO: No, he came from an observant family. I think most Jews that came from the Shtetl, which was about 3,000 Jews strong. They were observant, but he certainly wasn't Hassid or Haredi or whatever. They were observant Jews.

KYN: So how did the man know that he called out in Yiddish to him?

MO: No, he took a chance. He said "Wie bist du?" and he gave his name. That man on the shore was a prominent caterer in Cape Town. For all our Simchas thereafter, we used him as our caterer.

KYN: Is Odes the original name or was it changed?

MO: It is the original name. I originally thought it came from Odessa, but it actually came from hadas which is the myrtle tree that's used on a lulav

My mother was born in South Africa. Her parents also came from Eastern Europe, but they spent quite a bit of time in England on the way through to South Africa. My mother's father had died when she was six years old. He died in the Spanish flu of 1918 and she was really brought up by my grandmother. She actually had to leave school early to help support the family.

KYN: Were she one of many siblings then?

MO: Yes, she had two sisters and two brothers. The sisters actually worked to support the family while the boys were educated, in order to enable the boys to be educated.

KYN: And what were their names the brothers and sisters?

MO: The eldest brother was Harry. My mother's twin brother was Hillel, and the sisters were Jenny and Sheba. They were all Schrocks of course.

KYN: That's an interesting mix of Anglicised and Yiddisher names.

MO: Yes, yes, yes. Well, I mean they had different shtetls, but they all came from Eastern Europe. I don't know exactly where, I do regret not having spoken to my grandparents. I never knew my father's parents. I'm named after my grandfather. My grandmother and some of my father's siblings were killed in the Holocaust. I had assumed that all of them were killed in Plunyan. I later discovered that one of my father's brothers was actually killed at Stalingrad. So he was obviously conscripted into the Russian army and he was killed in action in Stalingrad.

KYN: So you said your grandfather was killed in the Holocaust?

MO: No, my grandfather died before my grandmother was killed in the Holocaust together with another brother and a sister. My father managed to get a younger brother and a younger sister out before the war. He worked and sent money back, and brought the two of them out before the war broke out. My aunt, the youngest of the family, actually came on the last ship that was allowed into South Africa. There were very strict rules in South Africa against bringing Jews into South Africa.

KYN: So what year was your dad born?

MO: He was born in 1909, and he came in 1928.

KYN: OK. So were those who perished in the Holocaust, were they in camps?

MO: I don't know. We've tried, I've been to Yad Vashem, but I haven't been able to find that out. But I assumed that. I believe the whole Shtetl was in fact, killed by the locals before the Nazis arrived.

KYN: What makes you think that?

MO: Because historically the Nazis came to Lithuania or this part of Lithuania much later in the war, and these siblings died before they arrived. So I think that most of them in that village were actually killed by the Lithuanians themselves who sympathised with the Germans.

KYN: So did your parents ever talk - what was the Holocaust ever discussed in your family?

MO: No, not really because my father, when he left, he was an 18 year old, really. I regret not having discussed his family and his grandparents in any detail, and that's perhaps a fault of my youth. I think at the age when you're in your teens, you are really not interested in that sort of thing. But we did on occasion speak about his life in the Shtetl. His father ran a store, probably an all-purpose store. One of the things he boasted about was that his family owned the only brick house in the street and that was a, some sort of a status symbol. They used to export flax from Memel. I think it's called Kaunas now, K-A-U-N-A-S. His one sister, actually was way ahead of her time because she was the manager of the local bank, which for those times was probably very unusual. She and her family all perished in the Holocaust as well. And of course, the other two brothers.

KYN: Do you think it was unusual because of her gender or because of her background?

MO: Yeah, no, gender, purely gender. I think it was unusual for women in the late '30s to have occupied positions of that kind. It was a senior position.

KYN: Growing up, how did your parents front as a nationality to you and to your brothers, were they South Africans or was your dad European and your mum a South African? And how did that filter down to you?

MO: We accepted that we were Jews living in South Africa it. It was never a question. We were a fairly traditional Jewish family. My father became the president of the local synagogue, and was that for 25 years. We went to a synagogue regularly on a Friday night and Saturday. I went to cheder six times a week. It was every day after school including Sunday mornings, but Shabbat was not. So we had a fairly strong Jewish education. I was perhaps an exception to the general rule because the general rule was that the Monday after you had your bar

mitzvah, you left cheder, but I stayed on another couple of years, and I was taught by the rabbi on a one-to-one basis. So I did learn a bit of Rashi as well, which is quite unusual.

KYN: Why did you stay on?

MO: I think he really encouraged me to stay on. This is the local reverend. He he spoke to my father and my father encouraged me to stay on. I didn't mind because I was learning Rashi, which is, I don't know if you know Rashi, but it's in a script different to the Hebrew script, and I quite enjoyed it.

KYN: Am I getting as an overall context to what you're saying that, it's not really a question of whether your parents were South African or Eastern European, it's just that you were Jewish first and foremost, and everything else was secondary?

MO: Yes, we were simply South African Jews. I think that was the general rule in the suburb in which I was brought up. I think most of the parents came from a similar background, and there was really nothing to question. My father became a cattle speculator, and later went into farming, and he ended up having the largest pedigree dairy farm in South Africa. He had, in fact, a couple of farms.

KYN: Did you as a family eventually need to leave the suburb that you were born in then?

MO: No.

KYN: So you could farm from Cape Town?

MO: Yes, he had one farm in the Cape, which is where we lived, and he had another farm in the Transvaal. He had a partner in the Transvaal, and they did business together. The farm in the Transvaal was not very far from Johannesburg. So there was no reason for either of them to leave the home, and work on the farms. These were cattle farms, and they had people running them.

KYN: OK, one more question, what language was spoken at home?

MO: It was English, My father came to South Africa without knowledge of language - of English. Yiddish was his language, He spoke Lithuanian as well, but he learned to speak good English later. He spoke very good Afrikaans in his dealings with other farmers. He spoke Yiddish on occasion to my mother, who was born in South Africa, My youngest brother went into business with him, and they conversed in Yiddish. I speak a bit of Yiddish, but my youngest brother is fluent in Yiddish.

KYN: But at home-?

MO: But at home it was English, yes.

KYN: Yeah, and was your mother similar level of observance as your dad?

MO: Yes, she also came from an observant background. I had mentioned to you earlier that her first cousin was a rabbi, but it was really dependent on the woman, who really determined how kosher the home was. My mother ensured that we had a strictly kosher home.

KYN: So talk me through the suburb that you grew up in. Was it a very Jewish suburb and was it a sense of like, kind of uniformity of tradition and level of observance or was it – was everyone a bit judging of each other in different-?

MO: No, the suburb was a middle-class suburb. The Jewish population was certainly in the minority, but it was a suburb in which the Jewish kids were expected to, and did go to cheder six days a week, and most of them went to shule on the Shabbat. We walked to shule, but a lot of them drove, and the level of observance within the wider Jewish community varied.

KYN: It seems that there may have been a level of segregation between the Jewish people and non-Jewish people in your suburb, is that true?

MO: Well, certainly, within the senior ranks, I'm talking my parents' contemporaries, they were basically confined to the other Jewish families in the suburb. But of course, we went to local schools, and we mixed obviously within the local school so we played sport with the locals. I don't think there was any sort of animosity. In fact, the principal of the primary school I went to was supportive of and respected our religion. In actual fact, while the non- Jewish kids had morning prayers, we used to go to shule, which was nearby, for a shortened form of Shacharit. We would then go back to school. Despite the overall political picture, within that picture, there was quite a degree of tolerance in our particular primary school. The principal of our school was a Scotsman. I doubt whether this practice prevailed elsewhere in Cape Town.

KYN: Did you ever experience anti-semitism during your childhood?

MO: Not really, not really. When I went to high school, there was a teacher who I thought was anti-semitic, but he never expressed it. It was implicit, I think.

KYN: Can you give me an example?

MO: Well, in the way in which he treated the Jewish fellows. It was always different to the way in which he treated the others. It wasn't overt, but it was covert and one was alive to that. The high school I went to was a school in the city. I had decided very early on in my primary school days that I was going to study law. For that purpose, I had to study Latin, and the local high school didn't offer Latin, so I had to travel to school on a train and a bus every day.

KYN: From the age of what?

MO: Well, I had my bar mitzvah in my first year at high school, so from the age of 12, I travelled by train and bus every day to school to learn Latin.

KYN: What made you chose law?

MO: I don't know, I really was interested in - one of my very good friend's father was a lawyer. We spent a lot of time together, and to a certain extent he might have influenced me. His son also, studied law. He came to the high school a year after I did, and followed me actually. We qualified together, and strangely enough, he has also ended up in Perth,

KYN: So you mentioned earlier on that it was very difficult for Jewish people to get into South Africa. Can you talk to me about that?

MO: Well, I think it wasn't only South Africa at the time. Even in America, there were restrictions. In South Africa, there were restrictions, there was a government that was, at that time, sympathetic towards the German cause. It became more pronounced after the war - with the Nationalist Party, but there were restrictions imposed. In actual fact, politically, there was a major issue between the opposing parties as to whether to support the allies in the war. There was a large number of people who opposed going to war alongside Britain, and who were sympathetic to the Germans. They actually passed laws in such a way that they would only allow immigrants, who spoke a European language to come to South Africa, and Yiddish was not one of those languages. Later, there were representations made by the Jewish Board of Deputies in South Africa to the government, to recognize Yiddish as a European language, and that finally won the day, Later there were other restrictions that were imposed clearly aimed at the Jews.

KYN: OK. So let's talk a little bit more about your Judaism as a family. Can you describe for me a typical Friday night?

MO: Yes, Friday night was always a family night. We went to shule, and after shule we came home, and made Kiddush and sat together, We discussed matters of the week and the day, but basically, we had the good fortune of actually having most meals together. The modern scene here is that kids are running all over the place at the time they have meals, but we usually had our meals together, and Friday night was a special night. We went to shule, and on Saturday we went to shule as well.

KYN: Did you as a family refrain from using light switches and so forth?

MO: No, it didn't reach that level of observance, although, my son now, who is a rabbi, is an Orthodox rabbi in Israel. He obviously does completely conform when he visited us. We keep a strictly kosher home at home

now. But he does have time switches put in the house, and even to the extent of changing the light in the fridge.

KYN: So did your mum always - solely cook Yiddisher food during these times?

MO: Yes.

KYN: What about when it wasn't a Friday night or a festival did she also only cook Yiddisher food then or did she cook more broadly?

MO: Well, when you talk about Yiddisher food, certainly, she had all the Yiddish recipes and she cooked them. She was a wonderful cook (as is my wife) but we had all the Yiddish favourites including P'tcha, which you don't know anything about, I suppose. Kneidlach and all sorts of Litvak delicacies, chopped liver, chopped herring, Helzel and Kugel, the whole lot.

KYN: Can you pinpoint your favorite festival typically and why? Perhaps, the tradition—

MO: Well, I can only speak at the time as a child. I think, Simchat Torah was our favourite because all the kids were handed a big Cadbury slab of chocolate, and we were also handed out flags so we'd follow the Torah around the bimah with our flags. It was a very joyous time then. One of the things, we'd resort to was to try, and see whether we could get more than one slab at a time.

KYN: Was that a family ritual or a synagogue ritual?

MO: It was a synagogue ritual. One of the rituals of Simchat Torah was that all those young ladies who were engaged to get married in the ensuing year would be presented with a huge box of chocolates which was very nice,.

KYN: That's lovely. Was there a reform faith synagogue in your community also?

MO: Well, and not within our immediate community, but in Cape Town community, there was one, there was one in Green Point and I think there was another in Wynberg. It wasn't as strong. I think there were two synagogues, but in Cape Town at the time I grew up, there were about 35,000 Jews and there must have been about a dozen synagogues throughout the city. There was one, possibly two reform shules there.

KYN: So you did a lot of study and I suppose with your brothers also going to cheder there was a lot of study going on in your household and there was school as well. Was the outlook across your siblings one of being very studious or did you kind of take the flame of that?

MO: No, Alan, who is my second brother, became an accountant. For my parents, education was of prime importance. My father went to a school that was Jewish orientated, of course. And my mother, as I told you, had to leave school early to enable her brothers to be educated. So higher education was denied to them. Education of their children was of great importance to ensure that we had the opportunities they missed out on. My youngest brother went into business after he left school. I studied law but nearly did not. As I pointed out, I had to study Latin in the city in order to do law - I was almost refused permission getting into that school. My mother went to see the principal of that school and asked that I be admitted. He told her that the school was full and that there was no place for me. As she was leaving his office, she said "Well, don't you want to see his report before I go?" And he said "Well, I'll look at it," He read my report, then said that "We will make place for him." So but for that query by my mother I might've been doing something totally different.

KYN: Nice. So when you weren't studying cheder or at school, what was your favourite thing?

MO: A lot of sport. I was quite a good sportsman, in actual fact, at the university level, I got colours for soccer. I played soccer from an early stage. Apart from that, I was persuaded by the primary school principal to box for the school to the great consternation of my parents. In actual fact, I ended up as the Western Province Mosquito Weight Champion. It's the lightest weight going. My parents refused me to watch me box, but I didn't continue thereafter, because I had an eye operation, which prevented me from continuing. And probably, I wouldn't have continued anyhow. At high school, I played cricket and hockey as well. I actually played in the men's first division soccer competition while I was still at school. Those games were played on a Saturday afternoon. And on the Saturday morning before the afternoon game, I would be playing for the first team hockey side. So I was reasonably fit - as you look at me now, you would never believe it.

KYN: So how did that fit with going to synagogue?

MO: Well, it meant that I didn't follow that up.

KYN: How did your parents feel about that?

MO: Well, if they did feel bad about it, but they never expressed anything negative about it. I certainly continued going to shule on Friday nights. Once we got married and we had kids, we then went to the Garden Shule, which was the Mother Shule of South Africa, and the boys were in the choir. We then started going to shule on a Saturday morning as well, Friday nights and Saturday morning.

KYN: When you were playing sports on a Saturday, did your brothers and your parents continue to go on a Saturday?

MO: My father and my youngest brother did, but my younger brother didn't, as far as, I remember. But my father was the president of the shule for a long time. He was the vice president, and then became the president for some time. But he didn't mind coming to watch my soccer matches and he quite enjoyed it. My aunt, that is his sister, who was brought over from Lithuania by him also came and she was a big fan.

KYN: Did you ever spend time with your maternal grandparents?

MO: No, well I spent time with my grandmother, but she was elderly at the time. We used to have our Pesach seder at her home, which is another big event in our life because all the immediate families got together,

KYN: Were there any particular traditions peculiar to your family as opposed to traditions that, you know, Jews world over might be doing?

MO: Not really, not really. I mean, all the cousins got together, which was very nice. We'd probably have a seder setting of about 30 people together. As youngsters, we'd all sing the Ma Nishtana., but it was something that we looked forward to even as kids. We played nuts, that sort of kid's games, but it had significance.

KYN: What about finding the afikoman, did you ever find it?

MO: Oh, the afikoman, yes, that was a big thing. Finding it was a big thing and it's still a tradition, which we carry on today with my grandkids. We usually have - unfortunately none of my children are in Perth. They're all over the place. One is in Israel, one is in Sydney and the third one is now in Sydney, but used to be in Hong Kong for several years. That's my daughter's husband and her family. So we actually spend Pesach either in Israel or in Sydney for the simple reason that my wife does not have to kosher the whole house, which we do to the extent of covering surfaces with plastic and using totally different sets of cutlery and crockery. We actually had a seder of about 25 people. These were mostly, well exclusively, friends because we had no family when we came. In fact, I only knew two people when we came to Perth, and neither of them was Jewish.

KYN: OK, where were we up to. Did you ever get up to mischief when you were a boy or were you just studious?

MO: Not really. Perhaps I might have been described as studious. I don't know, I did very well at school. At primary school, I came top of the class every year, and I had some competition at high school, but I won several prizes, one of the top three.

KYN: Did you have to try hard to be as good or were you a bit lazy?

MO: No, I think I was quite studious, in actual fact, the only time I received a caning was because I was, perhaps, too studious. What happened was that we had a science teacher who was lazy. He came into the

class, in my year eight, and told us just to "Get on with your work," naturally everybody else was messing around. He looked up and saw me concentrating very hard, and said "What are you doing?" What I was doing was preparing for an Oneg Shabbat at the shule that Shabbat. I was asked to perform the role of the rabbi and chazzan, and I was studying the parsha at the time for laining purposes, and he saw me doing this. And he said "I told you to do science" and he caned me. So the only time I was really caned was for practising my parsha.

- KYN: Two questions. Firstly, is this the man that you think was anti-semitic?
- MO: No.
- KYN: OK. Secondly, do you think that his decision to cane you in that instance was right?
- MO: Well, strictly speaking I didn't obey his instruction, although the other chaps were messing around, but I don't think that it deserved a caning.
- KYN: OK, good to know.
- MO: I think it was unjust.
- KYN: Now, obviously, in South Africa during the time that you lived there, there was some infamous political circumstances and social situations. Did you have a maid growing up?
- MO: Yes.
- KYN: And how did the relationship between you as a family or you in particular and people who weren't white work?
- MO: Well, it worked fairly well, in actual fact, I was admonished on one occasion by my primary school teacher, I was particularly good in Afrikaans. He wanted to know where I had learned to speak Afrikaans so well. I told him that I had learnt by speaking to the maid in Afrikaans, and he thought that this was infra dig. That offended him and he said "You'll learn nothing from your maid", but that's where I in fact learned. We had a good relationship with people of colour. One of my good friends at the Bar was a non-white whom we entertained at our home which was against the law. At work we could not legally go to a restaurant so we often had lunch together in my Chambers. Our maid was part of the family, and although it was illegal to do so, we allowed her husband to live on the premises with her. In my practice, I often defended non-whites in trials which were unpopular with the government. There was a general perception that Jews were regarded as second class citizens. In fact, that applied even to Christian who were not members of the dominant Dutch Reform Church but to a far lesser extent.

KYN: Do you think that it's possible to generalise the overall, the political feeling amongst the Jewish community at least within your suburb or your shule?

MO: That what? That that was the perception there as well?

KYN: No, I mean sort of more left, more right, you wished for more inclusivity amongst people of colour?

MO: Well, I think basically, I don't know if you know the history of South Africa, but the people who really stood up for the blacks within the white society were basically Jewish. I had a couple of large trials in which I defended blacks for belonging to what was then a banned organization, which was the ANC. There were a number of the Jewish community, senior members, who actually thought I was crazy to do that because they told me I was jeopardising my career. It was very unpleasant appearing in these trials because one of the cases that I conducted, ran for three months. There were 44 blacks being charged. The atmosphere in the court was very hostile. During that trial, there were threats made to me by the investigating officer by approaching me and saying "We have a file on you this big" indicating a large pile of documents. I was a young barrister at the time. It was confronting and clearly intended to intimidate. Despite this, there were a lot of Jewish lawyers who actually defended these people under most unpleasant conditions.

KYN: Despite biases on the investigating officer's side and that whole thing, was it actually possible to win cases where you were defending them?

MO: Well, just to tell you that at the end of that trial, 21 of the accused were acquitted, and on appeal, the other 23 were acquitted as well. So they were all acquitted. I had another trial, where a black man was charged with breaching a banning order, some 7 pages long. He'd been sent to prison for some years on another offence during which time, he had no access to his banning order. When he came out of jail, some years later, his banning order had not been returned to him. Shortly after his release he was picked up by the police for looking for work in a factory, which was in contravention of his banning order. He was found guilty and sent back to prison. His case was taken all the way to the Appellate Division, the country's highest court, where we succeeded. Basically, there was quite a strong Bench, and, to answer your question, although there were a number of political appointees (as there are in most countries), there were many acquittals in politically charged trials.

KYN: Interesting. We'll go back to the chronology in a second, but I just want to ask, did you ever have a time during your career - have you ever had a time during your career, where you have had a client admitted to you that they did do the thing that they've been charged for, and as a result you've had to give up the case?

MO: No. Well firstly, there have been cases where the accused has admitted to doing the deed, but our function is to do the best for him on the basis of their plea, for example, finding mitigating circumstances and things like that. You don't have to give up the case, if you find out that the person is guilty, he still is in jeopardy of punishment, and your function there is to ensure that the punishment is as favorable as possible.

KYN: So in that instance, of course, you can continue to act because you're not misleading the court, you're just saying "OK, there's a guilty plea here, but for these reasons technically it's all ok."

MO: "His family has broken up. His mother was drunkard" that sort of thing. There is a rule though that if the accused has told you that he was innocent, and you appeared for him, and represented him on that basis, if during the course of the trial, he then tells you that he has in fact misled you and that he is guilty, then you have to withdraw (without disclosing the reason to the court), because, if you don't withdraw, you will then be a party to misleading the court. That hasn't happened to me, but that is the rule. However the point is that, if you know that he is guilty of an offence, your function is to do the best for him on that basis.

KYN: OK. Let's go back to you.

MO: Yes.

KYN: So were there anyone particularly inspirational or exciting to you during your school years, which you think changed the course for you or otherwise, have good stories, fond stories associated with them?

MO: Not really, not really. I certainly after I qualified, I went to the Bar, there were certain people who were inspirational. I learned a lot from them, but at that time, at primary school, and even at high school level, there was nobody that really inspired me. It was just the schooling was just a process you had to go through, and see to the end, and enable you to study what you wanted to study.

KYN: What were the key traditions from high school?

MO: In what sense?

KYN: Anything that you and your peers always used to do or anything that sticks out or something the school would always encourage you to do.

MO: Well, it was basically sport. It was sport in a big way. Even on weekends, even though I didn't live in the area of the school, where most of my schoolmates were, we sometimes did get together, and a couple of my very close friends were extremely competent sportsmen in various fields. One was the South African Table Tennis Champion. Another was the South African Schoolboys Chess Champion. He and I,

and a third person were the competitors for the top of the class. We became very close friends, in actual fact, last year, we had our 60th year of our matric reunion, and I got together with one of them, who is now a Doctor of Science living in Montreal. The other one, I haven't seen for a long time.

KYN: Wonderful. Well, we can stop there because we have run out of time.

MO: Oh, OK.

END INTERVIEW ONE

Temple David, 34 Clifton Crescent Mount Lawley. 13 June 2018.

Know Your Nation: OK. So let's start by saying your full name and your date of birth again?

Michael Odes: Michael Walter Odes. Date of birth: 8th of March 1940.

KYN: OK. And so, I know that you had to go to a specific school in order to study Latin, and that you were a bit of a geek, that was your words, not mine, or maybe you said, nerd.

MO: I think I might have said something like that, am I allowed to retract?

KYN: Yes, you can. I will not remove it from the last tape, but you can change your mind, if you like. OK, so tell me about finishing school and starting university. What happened there?

MO: Well, I've finished with first class honours, and I won a scholarship to the University of Cape Town, where I studied law and I did a BA LLB, which is a five year course in which I ended up as the top student in my final year.

KYN: Did you live at home when you were-?

MO: Yes, I did. I lived at home. It was certainly the most convenient at the time. I finished school, I had just turned 17. I really enjoyed my years at the university. I played soccer at a high level. I played for the university first team, which won the premier league for which I received my colours. In the course of playing soccer, I broke a leg, and I broke an arm at school, actually, while playing soccer. I also participated in the affairs of the university. I was the financial manager of the Freshers' Handbook, (that's a handbook distributed to all students to advise them at the time of what societies were available to them). I managed to run the show at a profit for the first time.

KYN: So was university political. as a whole? Were there lots of political groups and stuff?

MO: At the time, there were. I think the ability of non-whites to attend had just trickled in. I think of the universities in South Africa, Cape Town was in the forefront of allowing non-whites to attend. One of my classmates was a black student from one of the African areas, who made tremendous sacrifices to be at university, and to qualify, which really made him a man that I really admired. This student came to Cape Town, and had to stay in one of the townships in bachelor quarters, which housed 40 Africans in the same hall. There was no electricity. He studied by oil lamp at night with 40 other people. And to enable him to pay his way, he delivered milk in the early mornings. So I admired him greatly, and I had some contact with him after he qualified. He went to practice in an area called Transkei. He occasionally phoned me for advice and, after we left South Africa, he became a judge in the Transkei. But it showed that the sacrifice and the perseverance of a person, who was really disadvantaged, and I admired him greatly, tremendous guy. But the point I'm making is that, this was at a time when the university was in the forefront of actually allowing blacks to come to. The other university was on the Witwatersrand which was located in Johannesburg, but the other universities did not allow it.

KYN: Were there other Jewish students in your faculty?

MO: Oh yes, at that stage, I think most of the Jewish people, who qualified from the high school went to university, and that was the university they went to. In my class, they must have been, in my final year of about 35 of us, there would've been, I would think six or seven Jewish people, which was proportionately very high. One of them incidentally, actually came to settle in Perth as well, one of my classmates.

KYN: What was the area that immediately gripped you the most?

MO: About law? Generally, it was just the intellectual part of it that really appealed to me. It was one of the professions in which there was nothing really routine about it. I had toyed with the idea of possibly studying medicine, but I didn't want to specialize, simply because practicing in a particular area of super specialization meant that your work really could become routine. In the practice of law, there's no case that is identical to any other, and each has its own challenges. That is what attracted me.

Immediately after I qualified, I went to the Bar. I had no real contact with any solicitors. I don't know if you are aware, but if you go to the Bar, you depend for your work on being briefed by solicitors. You are not allowed to take work directly from the public. So that put me at a bit of a disadvantage, but during my university holidays, on two occasions, we had a three month holiday at the end of year. I managed to get some part-time work at a law firm for the three months, I must have impressed the senior partners of the firm because the senior

partner of the firm offered me a position at the firm. I decided not to take it, but to go to the Bar because that's what I always wanted to do. The result was the firm actually briefed me. In fact, the very first brief that I received was as a junior brief to a QC. Normally, when you went to the Bar, as an inexperienced barrister, you would wait for the bread and butter work like unopposed divorces and things like that. But this was a brief to a senior barrister, which gave me quite an entrée to the profession. In addition to that, in those times, there was a tremendous amount of crime in Cape Town as there still is, it's even worse now, but the death penalty was still a possible penalty then. And for impecunious, mostly African accused persons, who faced the prospect of a possible death sentence, the junior barristers did pro deo work. They defended these people for a small amount of money paid for by the State. It was really like pro bono work that they do here, which gave me quite a lot of experience. In the time I was at the Bar as a junior in Cape Town, I would have done something like 40 murder trials. That gave junior barristers' exposure to the Bench and to the solicitors, and slowly I built up a practice. Most of those trials were drunken brawls ending with a fatal stabbing and ending in a conviction for culpable homicide.

KYN: First, I got one question about university. Did you seek to maintain your Jewish practice?

MO: Oh yes.

KYN: And how did that look? Were you able to observe Shabbat, especially coming in early on a Friday and winter?

MO: Well, I usually went to the synagogue every Friday evening and once I got involved in sport, my Saturday visits to the synagogue tapered off. I think I might have told you on the last occasion that my Jewish studies were unusual in a sense that I continued those lessons after my bar mitzvah for a period of two years, which was, I still think, unprecedented. Nobody who is not at a Jewish Day School does it today and it was possibly then that I might have been described as a nerd, but the Rabbi asked me to stay on at Cheder. So I came from a fairly traditional Jewish family. I think I told you about my father being the president of the local shule for 25 years. So Jewishly, I was still involved. I belonged to the Jewish organisation at the university, which met from time to time. But apart from that, not really, I think most of my friends, and my girlfriends were Jewish. And even in the soccer teams, there were quite a few Jewish players. It was actually a very Jewish university in the sense that there were lots of Jewish people doing law, accounting and medicine. The university was peppered with Jewish students.

KYN: And why did you go straight to the Bar instead choose to be a solicitor?

MO: That was the usual way in which it was done in South Africa. One of the reasons for me going directly to the Bar was that the entire Bar was housed in a single building, and it was acutely short of space, I

thought that if I did not go to the Bar immediately, I would not get into the building. One can't really practise on one's own. Fortunately, I managed to sublet a set of chambers, which was occupied by a barrister, who was appointed to the Bench as an acting judge at the time. So I started off at the Bar in his chambers which happened to have the largest library. He and I became very good friends, and he eventually became the Chief Justice of South Africa, The subletting arrangement suited me financially because at that time, I was dating Julia. We actually were engaged for about three years, simply because I didn't know whether I would make it at the Bar, and I didn't know whether I could afford to get married, but after three years, I thought I had made sufficient progress and we decided to get married. So those basically were the initial years. Later I was fortunate enough to be briefed in some very big trials, one of which was the Cohen murder trial. That was a murder trial of a Jewish millionaire who was alleged to have killed his wife. It had national prominence, and I was the junior to two of the most prominent QCs in South Africa. The trial ran for a couple of weeks.

KYN: How many of the people on that case were Jewish?

MO: Well, my two seniors were Jewish. One was Issy Maisels, who was arguably the most prominent QC in South Africa. The other was Harry Snitcher, who was the most prominent QC in Cape Town. So it was a very publicised trial which had prominence throughout the whole of South Africa. So that gave me some sort of exposure, which did help.

KYN: How did you feel when you first stood before a judge like before a Bench?

MO: Well, I was quite confident. As I said, the first appearances were for undefended divorces, so there really wasn't much contest, and it was a question of just going through a virtual ritual, but my appearances in the pro Deo cases gave me a lot of confidence. It's sad to think that the way in which you actually acquire your skills at the Bar would be at, really at the expense of people being trialed for their lives, but it nevertheless honed my skills. And I think that I gained a lot of confidence as I progressed.

KYN: And what about work-life balance during this time, when you were a young, a new husband and obviously working really hard?

MO: Well, I always worked hard. After I'd been at the Bar for about five years, and still a relatively junior barrister, I was approached by a silk in Cape Town and a silk in Johannesburg. They wanted me to write their second edition of a book on compulsory motor vehicle insurance, and I decided that I would. They did it on the basis that they would play a minor part in it. They would just look at my work and make corrections, and a result of that, I not only worked at building up my practice, but often worked through the night on this book, which eventually was published. I was pleased that it was as it was quite a big millstone around my neck. It became the standard book on that branch of

insurance. The contributions of the 2 silks were mainly arguing with each other about punctuation and grammar.

KYN: And how did you feel about that?

MO: I wasn't very impressed. I mean, each of them would accuse the other in each other's absence that "he is an old woman and a pedant" and I think they were both right. They would argue over full stops and commas rather than the content of my work.

KYN: How much time did you actually get to spend with your family?

MO: Sundays I took off, but on Saturdays, I sometimes I had to work. We still went to shule on Friday nights. When the kids came and they grew up a bit, my two boys belonged to the choir at the Garden Shule. We then attended shule more regularly on Saturdays as well. I occasionally was asked to read the haftorah. I actually read the haftorah on Yom Kippur on a few occasions, which was a big honour. This was the mother shule of South Africa. We still ran a completely kosher home. Well, that's really attributed to Julia. So basically, I suppose whenever we had the opportunity, we took the family walking on the mountains, which was one of our favourite activities. I don't know if you've been to Cape Town, you have? It's a beautiful city. And so we walked on the mountains and the kids loved it. And whenever I had the time, we spent with the kids. I actually, there is one incident, well, I don't know whether I should say that, but it was just an incident which rather emphasised how early in life, kids formed their personalities. My daughter, at this stage was six and a half. My son, one son was four and a half and the youngest one was three and I gave them each a lolly and I said to them I would love a lolly, but there are only three. My daughter, the eldest said "Dad, you can have half of mine." The elder boy said "Dad, you can have mine" and the third one shoved it in his mouth so quickly. And the interesting thing about it is that the daughter, who offered me half, is a feminist, not a radical one, but a feminist. The one who offered me his whole lolly is a rabbi, and the third one, who shoved in his mouth is in finance. And I think it's a bit unfair on the youngest one, who was then three, I suppose, today he'd probably put it out to tender. But it did show how, at that early age that had formed their personalities. Very, very interesting exercise.

KYN: So did you stay in the same chambers building through your whole career in South Africa?

MO: The Bar Chambers outgrew its numbers, and we then moved into another set of chambers which was far bigger. And by that time, I was well on the way, I was involved in a number of large cases. I took silk at the age of 39. Within a year, I was offered a position on the bench as an acting judge, which I took, and I then sat on the bench on and off as an acting judge from then until the time we left in '87. I was also appointed a Judge of Appeal in the Appeal Court of Lesotho, which sat for a week or 10 days, twice a year to hear appeals from the Supreme

Court of Lesotho. I also was asked and I spent a month in Windhoek in Namibia on the Supreme Court there.

KYN: Talk me though the process of taking silk?

MO: Basically, in Cape Town you applied for silk, to the Judge President (chief justice).. If he thought that you have handled many large trials to justify the award of silk, he would grant approval and refer his recommendation to the Cabinet, where it had to be approved. The approval of the Cabinet was usually a formality. If the Judge President did not think your practice warranted the award of silk, he would turn it down. It's similar to the position here, except that I didn't know how many people applied for silk in Cape Town at the time, but here, there are many people who apply for silk, and only one or two and sometimes none are appointed each year. I successfully applied for silk at the age of 39 and at the age of 40, I was asked to take an acting appointment on the Bench. In Perth, I successfully applied for silk after I had been at the Bar for 3 years.

KYN: If your application for silk is turned down, can you reapply?

MO: Yes, you can.

KYN: Would people reapply?

MO: Oh yes. There are people here for example, who are almost perennials. They apply many times and they are turned down. Sometimes, it's turned down, not because you're not able, but because you're not sufficiently experienced. But by the time I applied I, as a junior, was appearing with juniors in big cases. So I was actually doing the work of a silk before I applied. When I did apply, the Judge President asked "What took you so long?"

KYN: What's the downside to applying?

MO: The downside was that at the time I practiced, once you took silk, you had to appear with the junior. The downside was that, if you did not carry sufficiently big work, you would not be briefed with a junior and you would be left without a practice. Briefing a silk and a junior would increase the cost for the client so that your practice had to attract only the very large cases. If you had a practice of many cases which were not large ones, you, that did not warrant the award of silk because such a practice could not carry 2 counsel.

That position has now been relaxed and silks can now appear without a junior. The result is that a number of people, who would not have taken silk in my day, are now appointed silk, but it's not automatic. You've still got to establish your credentials.

KYN: Were there any particular factors into your decision whether or not to step in as an acting judge on the Bench or was it a no brainer?

MO: No, I wanted to test the water. At the time, there was no position on the Bench. The reason I was appointed as an acting judge was to replace judges going on leave. So I actually sat from one to three months at a time. It was disruptive to my practice. Some solicitors told me that one of the reasons they were reluctant to brief me was that they didn't know whether I'd be there to finish off the case. If they briefed me, they wanted me to be there when the case started and not to have to find somebody else to do it. So that was a disadvantage, but I quite enjoyed the work. It was very, very stressful. Particularly, if you were saddled with a trial that had a potential death penalty. I found that the prospect of having to impose the death penalty was something that was very stressful. In fact, I had one case that came very near to it and Julia says I was impossible to live with. One had to do mental gymnastics to avoid imposing the death penalty. I sentenced the accused to 25 years. It was quite hard work because, in South Africa, we did not sit with juries. As a judge here, in criminal matters, you sit with a jury, and therefore, the jury makes the decision of guilt or otherwise, a judge here does not have to write reasons. There, the judge has to give reasons for his findings of guilt or innocence. Instead of a jury, one sat with two assessors usually, the assessors being either senior members of the Bar or professors of law or if there was a complex commercial case, it would be with a senior accountant. So we didn't have juries there. Here, I sat on the Bench after taking silk, and they assigned me to the commercial side. I didn't sit in criminal matters. So I had to write judgments in all my cases which was quite heavy going.

KYN: So talk me through the decision to leave South Africa?

MO: I was getting very concerned about the political situation in South Africa. I knew that the government was prepared to make cosmetic changes, but I didn't believe that they would hand over power. In retrospect, it was an amazing change in the political scene. I think that if at the time, I had expressed the view that the government would hand over power voluntarily, they would have called the men in the white coats. It just wasn't foreseeable. Moreover, my boys were reaching the stage where they would have to serve in the army. My one son was in year 11. He would be going into year 12 and the other one was in year 10 going into 11.

Completely fortuitously, it happened at that time that I was headhunted. I was approached by a solicitor who used to brief me in Cape Town, who had settled to Perth, and who had become a partner in the largest firm there. He came on a visit to Cape Town, and he invited me for lunch. Over lunch he made an offer to me that if I agreed to come to the firm, they'd make me a partner immediately. They didn't have a divided profession which they had in South Africa. I would be able to do all the firm's senior litigation work without going to the Bar. That offer came at a most opportune time. I discussed the offer with my family. My daughter was starting university at the time. She was studying architecture. We all agreed that was the right move to take. I thought that the idea of immigration might be met with resistance, but it was unanimous, which made the decision to leave much easier. As a

matter of interest, every Saturday afternoon, my brothers and I with our families would visit my parents. On that Saturday afternoon, I thought that my father would be very upset about our intention to emigrate. I finally had to tell him that we were thinking about going. His reaction was most supportive. He, to our great relief, said that that was the right thing to do. We were then able to leave with his blessing.

We did not know a single Jewish family when we arrived in Perth. There were only two people that I knew in Perth, both were former colleagues at the Bar. I knew nobody else. The way in which I would establish myself there was appearing for the firm in all its senior litigation so that I would be exposed to other solicitors, if I went to the Bar had made it a condition of my accepting the firm's offer was that I would stay only for five years, and go to the Bar thereafter. So that's the way it worked out. I was exempted because of my background from writing four of the five exams to practice. I had to study constitutional law, and surprisingly enough, in all my practice here, I've never had one case involving constitutional law, I did the course in three months. I was admitted as a legal practitioner, and I was immediately made a partner.

KYN: What firm?

MO: It was a firm called Parker and Parker. It's now been taken over by Freehills, but it had 34 partners. I'd never been in a solicitor's firm before. I was the senior litigation partner. I had two juniors with me, who both later, became judges. I did most of the senior litigation work, and in so doing, I was exposed to opposing solicitors, and to other solicitors, and I then left the firm to go to the Bar. Because I had done litigation work, senior litigation work before the Supreme Court, where judges actually saw me in action, I was able to apply for silk within three years, which was very quick. I became a QC here, and I built up a sizeable practice. I was then asked to take an acting appointment on the Supreme Court which I did on several occasions, I was asked to go onto the Bench permanently here, but I refused because of my kids had all left Perth. Going onto the bench, your time was no longer yours. You were really an employee. Without going to the Bench, I could go wherever and whenever I liked. We usually go each year for Yom Tovim to spend time with our children and grandchildren. At one time, we initially had two children in Israel and one in Melbourne. My daughter (in Israel) and her family moved to Hong Kong. So we had one child in Israel, one in Hong Kong and one in Melbourne. The Melbourne one was transferred to Sydney. The Hong Kong one's husband was headhunted by Reuters where he became the chief investigative editor in Asia. He made it a condition of his employment with Reuters that he could operate from Sydney. So we've got two kids in Sydney, and one in Israel, the Rabbi is in Israel, and that's where my family have settled, I don't know when last we had a Yom Tov in Perth. We've just had Pesach in Israel, which was wonderful. All this travel would not have been possible had I accepted a permanent position on the Bench.

KYN: So how did you feel when you first got here?

MO: Well, it was very strange. We were welcomed with open arms, I think because they needed a person in my position here. So the partners were very good to me. What I didn't like about the practice at the side bar was the need to fill in timesheets. I'd never filled in timesheets in my life and that was one of the big inducing factors to go to the Bar, where you don't have to fill them in. But I enjoyed it very much, and I owe them a great deal because they supported me when I went to the Bar.

KYN: What about the Jewish community here?

MO: Well, I became very involved in the Jewish community. I was asked to join the Noranda shule, which was almost exclusively South African. But we decided that that was not the way to go, and we were one of the first South Africans who joined PHC. We thought that was the best way to integrate. I was then persuaded by Rabbi Freilich to join the board, and I eventually became President. I did two stints as President. Thereafter I've been appointed a trustee of the shule, and also a trustee of the Seeligson Trust. I don't know if you know about the Seeligson Trust, but it's a trust created by a bachelor in the 30s who bequeathed property in the city for the support of indigent Jewish families in W.A. When I was approached to become a trustee, I thought we'd meet every six months, have a cup of tea and go home. But I didn't realize what lay beneath the surface here, because we now meet about every 2 months, and we have many applications for help. So there are a number of Jewish families, many of them on the periphery of the community, who are seeking help. I've also been involved in the school, I was on the school board for a while and I've delivered a number of fundraising addresses for the school.

My two boys came at an awkward time. One son came into year 12, the rabbi, and the other one came into year 11. He integrated faster than any of us because by the end of year 11, he was nominated to become the head boy, that resulted in a meeting of the school board being called to consider whether that nomination should be approved seeing that he had only been at the school for about 9 months. The board decided that as that was the choice which the teachers and the students had made, the nomination was approved.

KYN: Was that Carmel School?

MO: Yes, so he became the head boy after less than a year at the school, and he is now the chief operating officer of a publicly listed company. My daughter actually had completed her first architectural degree in UCT in Cape Town. She actually emigrated with us, but she had to go back to complete her third year. She then came here to go into her fourth year. There was a resistance from the dean, who said that the standard at UCT wasn't high enough, and that she would have to go back to the third year. I raised an objection to this approach with the dean, and we compromised on the basis that she would go into the

fourth year, and if she wasn't able to cope, she would put back into the third year class. The result of this exchange was that she won the class medal at the end of that year!1 The rabbi matriculated, even though he only had one year of the matric two year period, but did very well. Immediately after school, he spent a year at Alon Shvut, a *yeshiva* in Israel. He came back and entered law school at UWA. He really wasn't interested and decided to go back to Israel, where he became a rabbi. He and his family live in Israel. He and his wife have four kids, including a set of twins, four boys. My other son has three kids, including a set of twins, a boy and a girl. So we've got two sets of twins. My daughter has two daughters, one of whom is strangely enough in Perth at the moment, studying at WAAPA.

KYN: So where did the twins coming?

MO: From all sides actually. My mother was a twin, my wife had twins in her family further down the line, but my son married an English girl whose mother was a twin and my other son married a girl from Perth, who herself was a twin. So we've had twins all over the place. I doubt whether there's an insurance company in the world that would have insured us against twins. We are blessed with nine grandchildren in all. As a result of where our children now live, we do quite a lot of travelling. I've retired now for the last 10, 11 years.

During my time at the Bar, I was Chairman of the Ethics Committee of the Bar for 10 years, and I was Chairman of the Professional Affairs Committee of the Legal Practice Board also for that time, I was a member of the Advisory Board to the Law Faculty at Notre Dame University for 20 years. My appointment to the Advisory Board was quite interesting. As you know, Notre Dame University is a Catholic university. One of the Supreme Court judges who was Chairman of the Advisory Board, phoned me and said he would like me to join the board. I told him that I would gladly join the board, but I think he should know that I was Jewish. He said, "We know you are Jewish". So I became the only Jew on a Catholic Advisory Board to the Law Faculty. I was actually involved in the setting up of the Law Faculty. I did some groundwork on courses to be taught in the Law Faculty. personal point of view, my biggest achievement I think is my family. We are very, very close and we regularly communicate on Skype. The only disadvantages is you can't hug

When I left the bar, I was made an Honorary Member of the bar, which I regarded very highly, simply because it's my peers who made that decision.

We've been very happy here. I think if I have any regrets it is that we didn't come earlier. From anybody on Skype but that's it. From a professional point of view, I think my greatest achievement is that I am the only South African lawyer, anywhere who has sat on a Supreme Court Bench on two continents, which is something I didn't know about until a professor of law at UCT pointed that out to me.

KYN: Thank you. Is there anything else, like any message or anything you wanted to add from the tape?

MO: Message to whom?

KYN: Anyone who might be listening, family?

MO: Well, I don't know. My family knows how much I love them, but I think if the message goes to members of the community, I'd like more of them to become involved. My experience here has been as it is anywhere else, that there are far too many people sitting in the stands, and not enough on the playing fields. And it's always the same people who are doing the play, unfortunately that is the problem all over. My message would be: Get involved in communal organisations; Pick one whose activities might appeal to you, join it and take an active role even it is a minor one to begin with.

I enjoyed talking to you.

END OF INTERVIEW