

## Edwin Cameron: From an orphanage in Queenstown to Constitution Hill

By Narnia Bohler-Muller, Gary Pienaar and Michael Cosser **DM** 22 August 2019

Retired Justice Edwin Cameron. (Picture: James Oatway)

17 Reactions

Throughout his career, Edwin Cameron has been recognised for his brilliance, commitment to human rights and social justice, and his HIV-Aids activism.

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*As a youngster in the little orphanage home in New Orleans, I was the bugler of the institution. When I got to be around 13 or 14 years old, they took me off the bugle and put me in the little brass band.*

—[Louis Armstrong](#)

Justice Edwin Cameron retired from the Constitutional Court on 20 August 2019, after a distinguished legal career and more than 10 years on the bench of our apex court.

He was born in Pretoria on 15 February 1953. When he was very young, his father was imprisoned for car theft and his mother did not have the means to support him and his two sisters, Laura and Jeanie. He, therefore, spent much of his childhood in an orphanage in Queenstown.

His sister Laura was killed in an accident when he was just nine years old. He recalls his father attending Laura's funeral and not understanding why he had been imprisoned. Cameron has described this as his first encounter with the law:

“Was it only an instrument of rebuke and correction and subjection? Or could it be more? I did not know it then, but this vivid encounter imprinted and impelled my future life and career.”

Despite living in poverty as a child, he completed his schooling at Pretoria Boys' High School with financial assistance and attended Stellenbosch University on the Anglo-American Open Scholarship, where he obtained a BA Law and an honours degree in Latin, both *cum laude*. He lectured in Latin and Classical Studies before studying on a Rhodes scholarship at Oxford University, where he obtained a BA in Jurisprudence and a Bachelor of Civil Law degree. Cameron graduated with an LLB degree from the University of South Africa (Unisa) in 1978.

Cameron practised at the Johannesburg Bar from 1983 to 1994. From 1986 he was a human rights lawyer based at the University of the Witwatersrand's Centre for Applied Legal Studies (Cals), where he was awarded a professorship in law. His practice included labour and employment law; defence of members of the ANC charged with treason; conscientious and religious objectors; land tenure and forced removals; gay and lesbian equality.

From 1988 he advised the National Union of Mineworkers on HIV-Aids and helped draft and negotiate the industry's first comprehensive Aids agreement with the Chamber of Mines. While at Cals, he drafted the Charter of Rights on Aids and HIV, co-founded the Aids Consortium (a national affiliation of non-government organisations working in the field of Aids), which he chaired for its first

three years, and founded and was the first director of the Aids Law Project. He also oversaw the gay and lesbian movement's submissions to the Kempton Park constitution-negotiating process.

Cameron was asked by the late chief justice Arthur Chaskalson to act in the Constitutional Court from 1999 to 2000. He was subsequently appointed to the Supreme Court of Appeal in 2001. On 31 December 2008 President [Kgalema Motlanthe](#) appointed Cameron to the Constitutional Court, with effect from 1 January 2009. He was considered a crucial member of the court's progressive wing and has been described by UCT Professor Richard Calland as a "jurist of the highest order".

Throughout his career Cameron has been recognised for his brilliance, commitment to human rights and social justice and his HIV-Aids activism, receiving numerous honours from around the world for his contribution to international jurisprudence and the protection of human rights.

He made headlines in 1999 when he announced he had been living with HIV for 12 years as one of the first high-profile people to publicly disclose his status.

As an HIV-Aids and gay rights activist Cameron was an outspoken critic of then-President Thabo Mbeki's Aids-denialist policies, and in 2005 wrote a prize-winning memoir, *Witness to Aids*, about his own experience of living with Aids that was co-winner of the prestigious *Sunday Times* Alan Paton Award in 2006. In the foreword to this book, South Africa's first democratic President, Nelson Mandela, referred to Cameron as "a true hero of the country".

In his keynote address at the 2000 International Aids Conference in Durban, South Africa, Justice Cameron made a powerful call for justice:

"Amidst the poverty of Africa, I stand before you because I am able to purchase health and vigour. I am here because I can pay for life itself. To me, this seems a shocking and monstrous iniquity of very considerable proportions that, simply because of relative affluence, I should be living when others have died; that I should remain fit and healthy when illness and death beset millions of others."

It was within this political context that the Treatment Action Campaign (TAC) approached the courts for relief (*Minister of Health and Others v Treatment Action Campaign and Others (No.2)* 2002 (5) SA 721 (CC)). The challenge, in this case, was that government was limiting the supply of Nevirapine to two "pilot sites" per province, regardless of the capacity of the facility, the willingness of doctors to dispense, the availability of the medication and the urgent need for it. The essence of the court's ruling against the government was that its plan was unreasonable and inflexible, and that Nevirapine should be available to all who needed it. The judgment, in this case, is estimated to have saved tens of thousands of lives.

Cameron's compelling autobiography, *Justice — A Personal Account* (2014), won the 2015 South African Literary Award (SALA) for creative non-fiction. Justice Dennis Davis had this to say about the book:

"A judge should possess a clear vision of the role the Constitution must play in the reconfiguration of a legal system which suffered terrible damage under apartheid... In addition, a judge should hold an emphatic regard for the other; an understanding of the diversity of South Africa and a consequent realisation that his or her world vision cannot necessarily lay claim to an unqualified, universal acceptance..."

In chapter six of his book *Poverty, Social Justice and the Constitution* Cameron describes the difficult circumstances of his childhood and engages with the topic of charity and its role in relation to political — and legal — action. He emphasises that charity is not a substitute for political action and

if there was perfect social justice there would be little or no need for charity. But we do not live in that society and charity provides immediate relief.

In *Justice* he relates a story of a “random act of kindness” that clearly touched his life and influenced his thinking as he journeyed from an orphanage to the highest court in the land. The mysterious act of kindness occurred on his sister Jeanie’s birthday. A smartly dressed woman knocked on their door and handed the young Cameron an envelope. After she had left they opened the envelope to discover R10 and no note. This allowed them to buy a R2 ice-cream cake for Jeanie.

In this chapter, Cameron reveals the powerful impact of this act of compassion on his life and his jurisprudence:

“... What remains most deeply imprinted on my mind are not [the] later hand-outs, whose beneficence touched us through the anonymous mechanism of a fund. What lingers most vividly is the unnamed woman’s mysterious act of personal generosity. It left me deeply under the impression of how important acts of interventive kindness are.

“... We all need the caring and generosity of others. We all need gestures of the exhilaratingly practical and redemptive kind the nameless woman intruded onto my mother’s and Jeanie’s and my straitened lives in Bloemfontein in January 1963. More importantly, we need a government that, on behalf of all of us, expresses that loving care and concern toward our fellows. More specifically, we need a government that is constitutionally obliged to do so. This is precisely what the Constitution gives us in South Africa.”<sup>2</sup>

The contributions of Justice Cameron to our understanding of both justice and compassion are of enormous import, and we hope that he will continue to contribute towards a renewed constitutional dialogue. **DM**

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- [Edwin Cameron](#)
- [Kgalema Motlanthe](#)
- [Oxford](#)
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