

Autobiography

When opportunity Knocks

BARRY KUPER SPITZ

“When Opportunity knocks, open the door post haste – unless your name is Barry Spitz, in which case, Opportunity knocks the door down.”

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Starting with little known events from the relationship between George Bush Father and George Bush Son, this true-life story contains some intimate glances at royal families in Europe and Africa and relates personal experiences of the American fight against drugs in the Caribbean, of taking refuge in Hindu temples in India, of the theft of an entire capital city, of the defeat of Sony in Tokyo at the hands of Pingu, a four-inch ninja Penguin, and then through violent riots in Paris to some insights into the biggest arms deal fraud in history.

CHAPTER ONE

WHAT IS POSSIBLE

“A miracle cannot prove that which is impossible; it is useful only as a confirmation of what is possible.”

Maimonides

George Bush Junior and George Bush Senior

My first American client turns up in the form of an athletic young man in jeans and running shoes. He shows me a business plan and asks me to debug it for him. Is it totally lawful? Is it totally workable? I call him the next week to assure him that his business plan is both totally lawful and totally workable.

Then a bit later, the young man in jeans and running shoes makes another appointment to see me. He asks me how much money he owes me, he pays, and he then informs me that he has decided not to proceed with his business plan.

“My father has told me that he will be running for office in the 1980 presidential. No matter how much money the project could make for me, I am scrapping it – just in case the business doesn’t work out. I would hate to do anything that could embarrass my father or hurt his campaign.”

Over the years, George Bush Junior has come to play a major role on the world stage. I still see him as the dutiful son who came into my office in Houston in 1978 in jeans and running shoes.

Good fortune has led me to Rice University in Houston Texas, where I take up an appointment as Adjunct Professor at the Graduate School of Administration. Rice University is a gem of the highest academic standards, set in a brilliantly beautiful campus. Rice calls itself “the Harvard of the South”, though I never hear anyone referring to Harvard as “the Rice of the North”. Rice University is a university endowed with oil royalties; students enter only on scholarships, making us suspect that many of the students are a lot smarter than many of the professors.

Teaching at Rice Business School is an almost automatic entrée to the Houston and Dallas Petroleum Clubs and, through them, to American big business.

George Bush Senior is a colleague, also an Adjunct Professor at Rice University; for a time, we have both been staying in apartments at *The Houstonian*, where he is the most serious track runner, making the rest of us – and even his bodyguards, panting to keep up with him – look like lame dogs. I tell him of the loyalty that his son had shown him at the time when he announced his presidential candidature.

Born Again

The sudden gush of Texas oil clients does give me a sort of feeling of being born again – but it's not the real thing. The first time was indeed the real thing.

I'm at King Edward VII Preparatory School, at the new hall, in my green blazer with a red velvet crown on the breast pocket, in my gray flannel short trousers, and with a blond curl in the middle of my forehead. Turning nine happens in the middle of the best year of my life: I come first in class, I score goals at football, I win a cup for athletics and a certificate for swimming. My teacher bullies me into doing better and better, and she marks my birthday by standing me on the hall stage, blushing and stammering, and making me read Rudyard Kipling's "If" ...

*"If you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated, don't give way to hating,
And yet don't look too good, nor talk too wise;*

...

*If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And – which is more – you'll be a Man, my son!"*

Embarrassed to the core of my being, and certain that everyone in the class will hate me forever, I run to the swimming pool to be alone. I slip into my school uniform swimsuit; I climb up three levels to the top diving board; and I make a double somersault into the school pool. I kick on the floor of the pool and rise out of the water, expecting to grab the near side of the pool, overshadowed by the dark red steps and the dark brick wall.

But I have taken either one too many or one too few aerial turns or twists, and, instead of the darkness, I am facing, across the full length of the pool, the shiny turquoise water below, the smudge of mauve jacaranda trees between, and the pale blue sky above.

For less than an instant, I experience the infinity of time and the infinity of space.

Grand Slam

Again and again in the course of my professional career, I take either one too many or one too few aerial turns or twists, because whatever I plan, something else happens.

Absolutely unplanned, and totally ill-equipped for it, I find myself playing on a number of the world's trillion-dollar gaming boards. Indeed, how I become the advisor to international organisations and ministries of finance in different parts of the globe could hardly have happened in a more unplanned way.

I kick off my career, for a very short period indeed, at the European Commission of Human Rights in Strasbourg. The first file to hit my desk is a complaint against the Belgian government from a dear little old lady, whose French name will forever remain confidential, and who alleges that the Flemish postman threw a pot of *piss* (her word in the court records) in her face. I need no more convincing that I am in the wrong place.

My little stint in Strasbourg is followed many years later by a very different bit part when I return to Strasbourg to find myself momentarily chairing the European Parliament. This time round I need no more convincing that I am in the right place.

More useful in leading me to my preferred path was a blessed meeting at the Peace Palace in The Hague, with Lord McNair, President of The Hague International Court. This gracious luminary becomes my mentor in a vast research project that takes about ten years to complete, by which time I have an entrée into the world of international organizations and foreign governments.

A consultancy to the International Bureau of Fiscal Documentation in Amsterdam opens the wide portal and leads to me being considered the right man to set up new financial and administrative centers that focus on the processing trillions of dollars of investment money. My training briefs start with Malta, Malaysia, Jamaica and most of the Southern African mini-states, before moving on to the major administrative centers.

Other foreign government projects follow. There is advising the US Congress and the IRS. Later there is the experience of working on the US shipping rights of six Arab countries including Iraq and Saudi Arabia, thanks to the United Arab Shipping Company.

But the best of everything is access to the Grand Slam center courts, thanks to the International Tennis Federation following on a modest bit of work with their legal advisor.

Al Capone's Legacy or "Don't call me Scar-Face"

The IRS in Houston briefs me to advise them on what could be done to stop money laundering in the Cayman Islands. The battle to halt organized crime is on its way to becoming as big a game as money laundering itself, already a trillion dollar game. This is exciting stuff.

So I guess I owe quite a lot to Al Capone, the most notorious gangster in the annals of organized crime, and known, not by any means affectionately, as "*Scar-Face*".

Unbelievably, Al Capone, the criminal who made more money out of crime than any criminal before or since, was nailed for what was certainly the least heinous of his crimes – tax evasion. At a time when the other law-enforcement agencies were losing the battle against the underworld, the only card that the US government was able to play effectively in its game to beat Al Capone, turned out to be his fiscal delinquency. When the Special Intelligence Unit of the Treasury had obtained enough evidence to prove that Al Capone was evading tax, they invited him in for some intense grilling. Remembering that his brother Ralph had been sentenced to

three years for tax evasion, Al Capone accepted the invitations and made several visits, suitably escorted by a Washington lawyer who answered all questions for him.

Al Capone said hardly anything to the Inspector. But as he left the interviews, he squinted through his scar-face and muttered:

“Now, just you take good care of yourself!”

Al Capone was understandably somewhat sensitive about the source of his income, and his lawyer explained to the Commissioner that he was a member of an organization that kept no books. Consequently, it was difficult for him to reach any accurate figure of his share of the profits. Finally, his lawyer did admit that Al Capone had some income, though never in excess of \$100,000 in any single year. The Commissioner asked for this in writing and Al Capone wrote confirming it, but drawing the Commissioner’s attention to the fact that he was the sole support of his widowed mother, that his house was mortgaged to the hilt, and that he had a sister and son to support. It was very touching. Nevertheless, it was the admission of undeclared income contained in this letter that helped to put Al Capone away for life.

By the late seventies, it had become apparent to the US government that they were losing the war against crime – not just organized crime, but disorganized crime. Petty gangsters and white collar criminals were experiencing relatively little difficulty in finding safe havens for their lucre. From the lowest level of *protection money*, extorted from widows out of their social security payments, to the most profitable levels of drug-dealing, government corruption, terrorism, and corporate fraud, the proceeds of crime were finding a welcome home in the ordinary banking system. First the money was inserted through deposits in accommodating or inattentive bank branches; then it was scrambled through various layers of seemingly innocent transactions, like futures trading or real estate; and finally the illegal funds were housed in investments or trusts, frequently offshore. The cover-up of much of the illegal transactions and earnings of the large corporations would have been impossible without the complicity of the major financial institutions and audit firms.

Tax fraud was becoming just as big a problem. The offshore tax havens were processing tax-free what was estimated by the FBI and Scotland Yard to account for 60 percent of all the money in the world.

The confrontation between the US and the Cayman Islands is where I receive my initiation into this struggle between Good and Evil. The economic stability of the strongest country on earth is being threatened by one of the smallest islands in the Caribbean. I learn that nearly every dollar bank note in circulation in the US for more than three months has traceable smudges of drug powder on it.

Before flying over to Grand Cayman, I study everything I can about the place. The Cayman Islands is projecting its image euphemistically as an *“international offshore financial center”*. The term *“tax haven”* has vanished from its vocabulary, and no mention is made of fly-by-night racketeers or of bankers and their accountants burning documents at night in the parking lots behind the banks. Official publications assure visitors that the Cayman Islands is paradise on earth – but self-praise is no recommendation, and things are not always what they are claimed to be. It is a short while after race riots in the Bahamas and an assassination attempt on the Governor of Bermuda; so the Caymans are proud to boast that their little colony enjoys total racial harmony. The facts are rather different. Another Cayman boast is that they had eliminated mosquitoes. Perhaps true – but no mention is made of the sand-flies that tear your skin to pieces and that have taken over the island after a real estate

development scam had collapsed leaving moist trenches a few miles from the capital Georgetown.

It is no secret that this huge and expanding financial center is being built by drug dealers and tax dodgers.

A child could have written my opinion of advice to the IRS it was so obvious. Bring in the other big countries to force international collaboration, or nothing much will ever be able to be done to stop money laundering or prevent wealthy Americans from using the Cayman Islands to evade taxes on an industrial scale. The US could not possibly curb these legal operations without effective cooperation from other countries. These recommendations are followed.

By the end of the century, the US is well positioned to pressure the Cayman Islands and other tax havens into a measure of collaboration and force exchanges of information. Try this one for size: If you don't collaborate we won't allow any of your dollars back into the world banking system. Even a worm may turn, and the Cayman Islands government comes to realize that the better interest of the colony lies in cooperation with the US. Now the Cayman Islands is rated the most lawfully compliant of the Caribbean tax havens. Anyone visiting the islands today will indeed find a bona fide international offshore financial center, excellent race relations, and some serious attempts at controlling bloodsucking insects and bankers.

Uncle Sam in Distress

One doesn't easily perceive of Uncle Sam as a damsel in distress. Still, if you're the kind who likes playing Sir Galahad, one damsel in distress is as good as another.

Being a professor at a leading southern university is like putting up a billboard on a busy highway. Congress invites me to testify on what to do with its treaty-partners who are using the US tax treaties to spin off a sizable portion of the national wealth into incentive arrangements. A treaty is a deal between partners intended for the benefit of one another. But the way these disloyal treaty partners are operating is to permit the use of what should have been a fair deal between equals, as a conduit to third parties to deprive the US of trillions of dollars of taxable income.

The visit to Congress and the reception that the Ways and Means team gives me are a summit experience in my professional life. It was as if they opened Washington DC for me. I leave with etchings and paintings, books about the Constitution and Capital Hill, and big beautiful American flags to grace my home and office.

I explain, in a worse than tedious fashion, to the Committee, how "*treaty shopping*" works: how sharp attorneys and accountants employ a carefully chosen treaty link or series of links to create a plumbing conduit to suck profits out of the US through a country like the Netherlands and to dump them tax-free in the Bahamas. My recommendation comes straight to the point: Immediately cancel the treaties that are not useful to the US and inform all the disloyal treaty countries that they are to stop the abuse or face cancellation of their treaties by the US.

It's nice to see the advice that one gives turn into action – and, even more so, into successful action. Immediately, the treaties with the Netherlands Antilles and the British Virgin Islands are terminated, and the treaty with the Netherlands is redrafted.

US big business now has to use Wall Street instead of Curacao, Road Town, and Amsterdam.

From now on, the US whams down on treaty shopping, and this attack works even better as the US pulls in support from other high tax countries and from the OECD, in blacklisting abusive tax leak countries. Trillions of dollars are now being pulled back into the national coffers that would otherwise have been lost.

While I am pleased to receive an invitation from Harcourt's and then Aspen Publishers in New York to write a book on the tax havens of the world from the point of view of US law, I receive unpleasant comments from my colleagues who do not entirely approve of my report on how the Netherlands, the Netherlands Antilles, and the British Virgin Islands abuse their tax treaties with the US. They point out the career cost to them, as well as to myself, resulting from the technical testimony given to Congress. The worst comments come from the Beltway Bandits. These are the consultants whose offices are on the Beltway surrounding Washington DC. The revolving door is when you set up projects for yourself while in office and collect your favors later. No one entertains you better than former senators and congressmen when they think that you may be useful – and no one drops you harder when they see that you are not.

Both then and now in retrospect, I feel proud of opportunities to do anything useful for Uncle Sam – he's done a lot for all of us.

Shakespeare's Publishers and Mine

My Father tells me on my first day at school that "*if it isn't in Shakespeare and it isn't in the Bible, it's not worth much*". I move into life with the somewhat unwelcome ability to bore my friends and children with an inexhaustible supply of citations in 16th century English.

Publishers that have moved from being Shakespeare's publishers to becoming one of the largest publishing groups in the world may be safely assumed to have more to them than just the knowledge of their trade. Knowing how to work miracles also helps. Butterworths draws on its Shakespeare publishing experience and passes the benefits on to all of its lucky authors.

Using my research material from the Bureau in Amsterdam, I take a manuscript on *International Tax Planning* to Butterworths Publishers, the world's largest publishing group in the field. They run with it and make it a Financial Times *Book of the Month*. We follow with loose-leaf works that just fly.

In the hands of Butterworths, I become the sorcerer's apprentice. Strolling in a shaft of sunshine from the Arc de Triomphe, with my little boy on my shoulders, their senior editor outlines his strategy to create new Butterworths publications that would become the major work in the field forever. By the time we reach my office off the Avenue Foche, John Jeffrey-Cook has devised his best-seller blueprint for our new work.

With the jump-start of a prestigious launch at their headquarters on Kingsway, Butterworths and I spawn an profession of honesty in international tax planning that grows overnight into a trillion dollar industry principally in the hands of international

firms of attorneys and accountants. My Butterworths publications find their way onto the shelves of every bank and every large law and audit firm in the world and effectively eliminate all rival publications in the field. My works are referred to blasphemously as “*bibles*”, and I am being referred to by serious publications as “*the High Priest*”. Now, more than 30 years later, these works are still without any meaningful competition.

To my Butterworths publications, I owe a magical career. Thanks to Butterworths’ incomparable marketing of its works under the name of the author or editor, I have enjoyed a career with improbable clients, from George Bush Jr. and Europe’s royal families to Nestlé Inc, Scott Paper, Nike Shoes, and many other large multinationals on all continents. Without Butterworths’ marketing of publications under my name, there could not have been the smallest chance of my ever finding myself advising Congress in Washington, chairing the European Parliament, or guiding 15 different governments on their laws and structures.

My debt to the Butterworths magic is immeasurable. The promotional machine of Shakespeare’s publishers is a real bit of luck for any professional.

The Song of Canaries never Varies

Arms deals of the world are the biggest trillion dollar games of the lot, and certainly the most profitable for those involved.

Our little company has a claim for commissions against FirstRand Bank Limited, one of the largest financial institutions in South Africa. It seems inconceivable that such a small lawsuit could possibly end up with the media taking the initiative and uncovering so much.

Lying behind the interest of the press is the big story of the British Aerospace (BAe) arms deal, which nearly takes apart the Prime Ministers of the United Kingdom and South Africa, and creates a huge international crisis with investigations being conducted by the governments of Germany, Sweden, and Switzerland. In their hunting down the culprits in what becomes known as the biggest arms deal fraud in history, the prosecuting authorities in the investigative governments point fingers straight at the British, the Saudi Arabian and the South African governments – and eventually at the banker.

This is how Ansbacher, FNB and FirstRand come into the limelight, unwittingly enabling the investigating governments to loop the loop in their investigations: The *Guardian* in London reveals that payment of the arms deal proceeds went into a bank account at Ansbacher, a subsidiary of the FirstRand Group. The *Guardian* also turns up that the CEO of FNB is on the “consultancy” payroll of BAe at the same time as FNB is the 100% owner of Ansbacher, later in turn to become the 100% subsidiary of FirstRand. This same CEO, fresh from his years with FNB, is then appointed economic advisor to the South Africa President.

Another seemingly irrelevant scandal finds its way into the case of poor little David against big tough Goliath. It becomes known as the Discovery scandal. The word “*discovery*” mainly has the ordinary meaning of discovering something. Additionally, in the context of a lawsuit, *discovery* means the production of documents to enable

the opponents to prepare for trial. In the present context, *Discovery* with a capital “d” is also the single word used to refer to Discovery Health Limited.

Out of the blue, FirstRand spontaneously *discovers*, in the lawsuit, unconnected and unrelated documents that reveal a criminal tax scheme devised by itself principally for the directors of its subsidiary Discovery Health. The scandal breaks in the press, and FirstRand announces that it is handing these documents over to the South African Revenue, thereby incriminating not only the Discovery Health directors but also many of its other wealthier clients.

This jogs the research memory of the media who recall that some years back FirstRand had turned its own clients in to the Irish government for prosecution.

In that case, the FirstRand Ansbacher subsidiaries had been found guilty by the Irish Director for Corporate Enforcement, of running a criminal racket for a cabal of highly placed Irish cabinet ministers and high net wealth investors and executives. The Irish Government publishes the 10 000 page Report by the Irish Inspectors, extensively detailing Ansbacher’s web of money laundering, tax evasion, carrying on banking business without a banking licence, defrauding its own creditors, holding unlawful payments to politicians in offshore accounts of Ansbacher, laundering stolen and embezzled government funds, and laundering drug trafficking profits, all through the Ansbacher accounts, at the time when Ansbacher is a subsidiary of FNB.

The American word for an informant in criminal matters is a “*canary*”. This brings to mind a poem by Ogden Nash:

*“The song of canaries
Never varies
And when they’re molting
They’re pretty revolting.”*

No sooner has FirstRand turned over the Discovery Health directors for prosecution by the South African Revenue than it announces the decision of the FirstRand Board of Directors to dispose altogether of its Discovery Health subsidiary – virtually for free. FirstRand simply throws away a ten-year investment that is very profitable indeed – at least until someone decides to sink its directors.

In the long haul of a lawsuit by a small claimant against a financial giant, FirstRand omits to notice, but the press love the fact, that the bulk of the shareholders in our little Davidic Company, who are up against the Goliath Bank, are charitable trusts in favor of Old Age Homes, Orphanages, Hospice, the Cancer Foundation, the Deaf, the Blind, and Children with AIDS.

There is an ancient Chinese saying:

“Sit quietly by the bank of the river and watch. Sooner or later the body of your enemy will come floating by.”

FirstRand may have quite a few enemies sitting quietly by the river bank and watching. In less than six months after the *discovery* of the Discovery Health documents that let the whole world *discover* how FirstRand operates tax evasion schemes for its Discovery Health directors, the shares of FirstRand drop 25%,

thereby shedding over 10 billion Rands, and dragging down the whole banking sector with them.

CHAPTER TWO ALWAYS SOMETHING NEW OUT OF AFRICA

The Romans sure got it right: “*Always something new out of Africa*”.

Where else could a young lawyer, still fresh out of law school, be briefed by, and then defend, the most admired man in the world; rescue a man accused of stealing a city; fight for a territorial seabed with the richest diamond deposits in history; win a case to hold a territory as big as France and Germany combined; play a small part in defending and then a similarly small part in losing an entire state?!

Nelson Mandela – the Most Admired Man in the World

The very first firm of South African attorneys to brief me is Mandela & Tambo. Both Nelson Mandela and his partner Oliver Tambo are top lawyers and key members of the African National Congress, which is later to lead South Africa to its first multi-racial government. They run a good practice, and I am proud to be briefed by them.

Mandela & Tambo have retained me to defend Tsepo on a murder rap. It is a terrible ordeal to defend accused murderers in a country with the death sentence. A *pro deo* defense is provided and paid for by the state, where there is a capital penalty and the accused has no means.

We make frequent visits to the notorious Fort, a powerful old military fortification cut into a hillside of indigenous cacti and succulents. No one ever escapes from the Fort. We spend long hours in the interview room, behind double rows of bars, preparing Tsepo’s defense.

I will never forget the look on Tsepo’s face when I tell him, through a Zulu interpreter at the Fort, that three men had seen him strike the victim and crack his skull. He insists that he is innocent, though he can’t give me any useful information on which to build his defense. Fortunately for Tsepo, the forensic report gives me all that I need: there are two cracks in the dead man’s skull – but each of the witnesses says that he has seen Tsepo hit the dead man once only. Yes, they are framing Tsepo, who is a Zulu, while all of the witnesses come from a different tribe. Mining companies generally do not house men from different tribes in the same compound, but here they had slipped.

We prepare the case carefully, certain that we have a winner.

For every lawyer, the first day in court is a very exciting one. As an advocate, I am dressed in the robes of an English barrister. In theory the advocate has higher status than has the instructing attorney. The advocates or barristers are at the bar, while the attorneys or solicitors are at the side-bar. But, in the real world, no one has higher status than Nelson Mandela.

Nelson Mandela sweeps into court like the boxer that he is – big and tough and handsome. Just his powerful court demeanor shows the judges and court officials that he does not subscribe to the local myth of “White Man Boss”.

We win the case on the forensic explanations of the doctor who had performed the *post-mortem* examination. It becomes obvious that the state witnesses are all lying. This is a stark case of an innocent being framed – my biggest horror – an evil belonging deep in the seventh level of hell.

This was the first of a number of these *pro deo* defenses, and I am deeply grateful to the Divine that I manage to rescue all of my capital offence clients from the gallows. When there is no doubt about the guilt of your client, you have to dredge up every possible mitigating factor, and this is an art form quite different from the “*innocent or guilty*” part of the trial.

It is a privilege to be working with Mandela & Tambo. But our professional collaboration comes to an abrupt end when the CID swoops on the group of men and women who had met in the suburb of Rivonia to plan what the government was certain was a treason plot of terrorism and revolution. Nelson Mandela vanishes from sight. I learn later that one of the hiding places where he takes refuge during his flight is the Durban home of my uncle and aunt, Leo and Hilda Kuper.

The police finally catch up with Nelson Mandela after a high adventure chase across the country. A few months later, I find myself applying for bail for 157 accused in the Rivonia trial, one of the biggest treason trials that the world has seen since Spartacus. The list of accused reads like a roster of leading activists. Nelson Mandela and Oliver Tambo are the biggest names.

South Africa is a land of strange twists and turns: where one day Nelson Mandela is briefing me, and the next I am defending him; where one day my uncle and aunt are highly respected professors at the University of Natal, and the next day their children come home from school to find that both of their parents have been arrested for having dared to protest against *apartheid*. In those black days, they take the painful decision to emigrate from South Africa to the US where they take up appointments as professors at UCLA. With the change in government, South Africa now sends its diplomatic representatives to Los Angeles to receive a briefing from my aunt before they go on to take up their appointments in Washington.

The Divine has His own plans and His own agenda, none of which can be understood by any of us in this incarnation.

After spending 27 years in the Robben Island prison colony, and thereafter becoming the first President of the new regime in South Africa, Nelson Mandela is now the most admired man in the world.

Black Sophie – the Richest Diamond Deposit in History

In his paneled Chambers, the judge takes us into his confidence. “All judges and all lawyers are temperamental. Do you know what the word *temperamental* means?” I respond lamely with a dictionary meaning of the word. The judge thunders at me: “No! *Temperamental* is: 50 percent temper and 50 percent mental.”

A junior acting judge comes in. He has just found a man guilty of bribing a government official, and doesn’t know what would be an appropriate sentence. “What should I give for bribery?” he inquires politely. “I don’t know,” replies our judge, “How about flowers or chocolates?”

This last remark firms for me a view, which I am already forming, that law is the world's oddest profession.

I take the decision to move away from political cases to humanitarian cases. My doctoral thesis at the Paris University Law School is on human rights; this brings focus on racial discrimination in South Africa as a legal system, and at first I see this as a vocation. However, though I act for some soon-to-become-illustrious activists, it becomes apparent that these high profile cases are being handled by attorneys and advocates who know how to tap into big money funding from overseas resources.

Quite another issue is the suffering of the poor people facing trial without the funds to hire a lawyer to defend them. My saintly aunt Mary Kuper sets up, and later my cousin Pauline Spitz – “Woman of the Year” – runs, the Legal Aid Bureau. In a nationwide broadcast, Mary calls it “*the legal conscience of the country*”, where any poor person can come for help. The Legal Aid Bureau draws on the charitable efforts of young lawyers to defend criminals on an unpaid *pro deo* basis.

In one of these Legal Aid cases, I am defending, *pro deo*, an accused black miner. I leave the courthouse in the company of Dirk, the young attorney from the employer mining company. As we walk through the portals of the Court House, there is a guided tour bus and we hear the guide tell the throng of tourists: “*This building is where they dispense with justice.*” Dirk expresses the hope that the guide means to say “*where they dispense justice*”.

When Dirk learns that I had specialized in International Law in Paris and The Hague, he arranges for his mining company to brief me in a rescue operation for Black Sophie, an island or a rock that doesn't even merit a dot on any published map. The company flies me out for an *in loco* inspection to the mouth of the Orange River, an area that receives the richest wash of diamonds in the world. The pilot tells me that every spadeful of silt contains enough diamonds for a king's ransom. The land area is closed off with electrified razor wire and guarded like Fort Knox; the surrounding seaboard is covered by gunboats that really mean business.

I advise the mining company that all their rights hang on the question as to whether Black Sophie is a rock or an island. Under international law, if Black Sophie is a rock, she has no territorial sea, and the billions of diamonds encrusting her would belong to a rival mining company under an historical German colonial concession; but if Black Sophie is an island, she has a territorial sea of three nautical miles, and incalculable wealth would belong to my client under an equally antiquated British colonial concession.

The company houses me in the mining compound, and over dinner I receive a less than useful training on smuggling out stolen diamonds. Swallowing the raw diamonds or easing them painfully into the private parts won't work because they x-ray you every day as you leave the compound. Workers driving metal monsters armed with heist shovels are warned that if they touch a diamond they'll get their hands cut off – so the workers don't take the chance. The one man who succeeds in getting out quite a lot of diamonds is a guard who adjusts his gun so that he can shoot the diamonds into a nearby tree and later pick them out of the bark of the tree. He's still serving time, but at least he can afford the top bunk in the penitentiary.

At dawn they put me in a little boat and sail me out to visit Black Sophie. There are great views of the Kalahari and the Skeleton Coast, but not much view of Black Sophie herself. This worries me, because my client's whole claim to Black Sophie's territorial sea turns on whether even an inch of Black Sophie remains above sea level at high tide.

We are sailing in the mouth of the river, playing with theodolites and rare nautical equipment, when the news is flashed through that the mining companies have come to a settlement and we are to head straight back to port.

Easier said than done. The sky turns blacker than Sophie, and we are caught in a fierce forked lightning hailstorm that speedily acquires gale force. Even a gunboat bounces around like a cork in those kinds of storms. At first we are worried that we are going to die, and then, when the vomiting starts, we are rather more worried that we aren't going to die.

When we eventually get back, frozen and green, I straightaway ask the director about the settlement, only to learn that the terms are never to be revealed – to me, at least.

It may never be known whether Black Sophie is a rock or an island, and now no one on earth really cares – except me.

The Man who Stole a City

After leaving Black Sophie, another case takes me to the other side of the biggest desert in the world and leads me to the strangest brief of any lawyer's life: to defend a man who had stolen an entire capital city.

It has been so easy for Jacob. The British in their wisdom have decided to relocate the capital of the Protectorate of Bechuanaland – now Botswana – from Francistown, to a brand new capital at Gaborone, which they are constructing on the skirt of the Kalahari Desert. They ship in from England, and then truck by road from Cape Town, much of the building materials for the construction – from electric cables to windows and toilet seats. The rest of the material comes by road from different parts of South Africa.

As and when the building materials arrive, so my client and his merry men reload the materials onto their own fleet of trucks and redistribute them throughout Sub-Saharan Africa.

This has been a very good business for Jacob, but he explains to me that it is stressful and has given him bad asthma – and so he can't go to jail because of his breathing problems. My defense may be thin, but my plea in mitigation of sentence is truly brilliant, at least in my ears. Anyway, even if it isn't brilliant, at least it works. Jacob is given a suspended sentence.

In deep gratitude Jacob gives me a lavish gift of a many colored hyena skin coat with a meercat collar. I think to myself wryly that, after receiving a many colored hyena and meercat coat from Jacob, I should change my name to Joseph. I thank him deeply, accept his invitation to dine on masonja worms, creep into the bush to puke, and then start the drive back to Johannesburg.

On the way back along the dust road to the South African frontier, there is a terrible smell. Neither my wife nor I can fathom what in the wide expanse of bush could possibly smell that way. Finally my wife insists that it is the hyena and meercat coat, claiming that it had not been cured. I am deeply impressed with her knowledge, but devastated when she informs me that I am to get rid of my coat: she can't take the smell another minute. Naturally I refuse. I am so proud to be the only lawyer in the world owning a hyena skin coat with a meercat collar, given to him by a grateful client.

It is then that my wife confronts me with the choice between her and the coat. I hesitate. This is a really unfair choice. Anyway, I am never put to the test. She grabs the coat and gives it to the first beggar that we meet along the road, cruelly leaving him to choose between his wife and the coat.

Win a Country, Lose a Country

This is how my father and I enable South Africa to win the South-West Africa case before the International Court in The Hague, the key issue in the case being whether the Mandate over South-West Africa (now Namibia), granted to South Africa by the League of Nations after the First World War, survived the replacement of the League of Nations by the United Nations in 1945.

While I am studying International Law in Paris, Professor Verloren van Thémaat of the South African Department of Foreign Affairs invites me to research key issues in the South-West Africa case before the International Court of Justice. I discuss the case with my Father, Maurice Spitz, who is probably the most talented lawyer in South Africa, and he points out that the issue is simple: Liberia and Ethiopia, the countries bringing the action against South Africa, do not have the legal status (*locus standi*) to bring the action. We give the winning point to the South African legal team and the case is won. That South Africa benefits naught from its continued administration of South-West Africa, a territory nearly as large as South Africa itself, and which leads it into decades of fighting a hopeless civil war, is today more than obvious.

Soon I find myself doing quite a bit of African government work. Both Botswana and Bophuthatswana, a South African parastatal territory, brief me to draft new legislation for them. I am delighted to go back to Botswana and to see what they have done about recovering the stolen city. The city of Gaborone is there alright, and the journey is now a lot easier, the old potholed sand road having been replaced by a motorway as straight as a Roman road.

Immediately after the visit to Gaborone, I drive back along the motorway to Sun City to meet with the advisors to the government of Bophuthatswana that has briefed me to draw up new legislation and a business plan. My role is to ensure the survival of Bophuthatswana as a sort of parastatal entity after South Africa's first free elections due in 1994 and its inevitable reintegration into South Africa.

The cornerstone of 1948 *apartheid* blueprint is the thesis that there will be true geographical segregation (separate but equal) and that the blacks will be given separate but autonomous states. One of these is Bophuthatswana, a sprawling series of enclaves between Johannesburg and Gaborone, which is to be the homeland of the Tswana people.

What has not been anticipated is that Bophuthatswana will lie astride the richest platinum and granite deposits in the world, and that the only logical route for the road to Gaborone, the neighboring capital of Botswana, will have to go across "foreign" territory. But this matters little, since the South African government has never really been in good faith about going through with the apartheid promise of splitting off the autonomous black states. Even giving thirteen percent of the country to the blacks, who number closer to eighty percent of the population, seems unnecessarily wasteful to the South African government of the time.

Bophuthatswana has turned out to be an extraordinarily successful parastatal for one simple reason: *gambling*. South Africa considers gambling to be immoral and therefore bans casinos. Bophuthatswana on the other hand considers gambling a highly moral source of revenue and allows the Southern Sun group to set up one of the largest and most successful casinos ever. Wealthy South Africans pour into Sun City to play in what is possibly the most attractive resort in the world.

No words can describe Sun City. A meteorite had smashed into the earth billions of years ago to make a crater for a sheltered valley where the climate is always perfect and everything grows in profusion. The beauty of the natural site boggles the mind. Sol Kerzner, the head of the Southern Sun group, gives himself the assignment to create a resort, which surpasses anything else on the planet. To start with he puts an artificial lake in the center of the crater, surrounds it with imported giant palm trees, and builds around the casino hotels, which make an understatement of the word *luxury*.

Sol caps it all with the Lost City – resembling as closely as possible a Ritz that had just been uncovered by archeologists in the Cambodian Jungle. I spend a bit of time with Sol's team and the members of the Bophuthatswana tourist promotion board. We go walking through the tropical undergrowth surrounded by lagoons and waterfalls, while they share with me their ideas of a Gary Player designed golf course, of a cabaret with the most exciting shows and the absolutely most beautiful cabaret girls and boys, of a crocodile breeding farm, of a vast cage where you can walk among endless species of exotic birds, of a game reserve in the neighboring Pilansberg. Sol is splendid and has splendid ideas. As a kid he'd been a boxer and bouncer in his father's kosher hotel-bar in Durban and had identified before anyone else that South Africa is the right place to set up the most luxurious resorts in the world. He certainly backs a winning horse. It is apparent to him that gambling is what makes the big bucks and he is assisting the Bophuthatswana government in its projects for survival after the fall of the South African *apartheid* government and its replacement by the African National Congress.

The Bophuthatswana government wants me to help them set up a financial center for Bophuthatswana that would operate for South Africa much as Monaco does for France.

It is great fun living and working in the Lost City. But we are onto a lost cause in the Lost City. However well we design the hypothetically ideal financial center tax haven, the agenda of the new South African government is to integrate all of the parastatals into one unified South Africa.

Though our project cannot survive the new realities, Sun City continues to thrive as the premium resort of the world. And the new wave of Tarzan movies is shot in the Lost City.

Families Royal and not so Royal

I am just a little boy when a dozen wives of the Swazi King, Sobhuza II, come to visit the family home in Johannesburg. They sit cross-legged on the floor with cool courtesies and warm smiles. They have come to pay homage to my Grandmother in the way that black royal families show homage to the elderly. My Aunt Hilda Kuper is the only white person ever to have attended Swazi royal funerals and weddings. Her doctoral thesis and books on the Swazi royal family are leading anthropological works. But more than that, she becomes the confidante and advisor to King Sobhuza.

As teenage boy scouts a few of us are hiking through the Swaziland highlands. Hiking makes you miss a bed. I have a smart idea, we will invest our few pence and buy treacle and salt as gifts for the royal wives; this should guarantee us a welcome into the royal palace. We don't get past the guard at the gate, and have to spend the night huddled in freezing tents by the hot springs which aren't very hot.

Later I am the advisor to the Swaziland government. This time I visit the royal palace in style, to take instructions from Sobhuza's grandson, King Mswati III. For security reasons we are not told until the last minute which of the many royal palaces will be used for the audience. The King is young, handsome, and very well educated; he has great plans for his country's future as an offshore financial center. I am to draft their new laws. The following year, just as the new legislation is ready for promulgation, the King is accused – absolutely improbably – of abducting a minor to become his tenth wife. The mother objects and takes the matter to court; the court comes down on the side of the mother; the King rejects the court's judgment; and this provokes a constitutional crisis, with all the trappings of a palace plot. The legislation is left on ice.

Lesotho also has a King. After a period of chaos, which practically topples not only the monarchy but the country itself, I am invited to assist in enabling the country to retain its privileged tariff status in the US. This could work.

Then I receive as a client a pretender to the throne of Madagascar. She gives me a convoluted lesson in Malgache customary law on which her claim is based. I have the good sense to refer her to an anthropologist to prepare her claim, and I never hear from her again.

Of the five cards in the African royal flush, two kingdoms remained outside of my client catalogue: Morocco, whose king is for real, and the ephemeral Central African Empire whose emperor is most definitely not for real.

I never actually meet Emperor Bokassa of the Central African Republic; but I do know family members of the wife of French President Giscard d'Estaing of France, and I do know how Giscard loses a second term of office. Until a few months before the French presidential, all of the polls show Giscard beating the socialist Mitterrand at a stroll through the park. Then the scandal breaks. Giscard, who is a passionate big game hunter, enjoys hunting in the Central African Republic beyond all else, and has assisted Bokassa in setting up a coronation, with all the trappings replicating as closely as possible those of Napoleon's coronation. Giscard's friendship with Bokassa is hardly an election issue until two news items break simultaneously just before the elections. First, there is a palace revolution in the Central African Republic, and journalists report that the limbs of human children have been found in Emperor Bokassa's deep freeze. Secondly, Giscard is nailed on undeclared gifts of diamonds from Bokassa. For months, all of France has been covered with posters of a handsome young Giscard smiling at the nation. Overnight, every poster in France, carrying a picture of Giscard, is decorated by huge collages of emerald-cut diamonds pasted over his eyes. Giscard loses the election to Mitterrand.

I drive the same car as Bokassa – a great big red Thunderbird coupe. Bokassa's car is impounded and photos of it are in every paper and on every newscast in France. My car gets a lot of attention after that.

Strong Fountain at Sterkfontein

One of the strangest briefs of my professional career leads me to visit a mental home and at the same time the cradle of humankind at the Sterkfontein (*Strong Fountain*) Caves, some thirty miles from Johannesburg.

I am to act as *amicus curiae* (friend of the court), and be divorced by a woman that I have never met in my life. The court has retained me to stand in the shoes of a man who has lost his mind and is in the mental home at Sterkfontein. His wife wants a divorce so that she can remarry. It is my role to obtain affidavits from the hospital staff and to make an affidavit of my own to the effect that the husband is incurably insane, and then to stand in his shoes in court for the purposes of the divorce case.

The visit to the mental home is even stranger than my reason for going there. The staff at the reception can hardly greet me because of a sudden crisis resulting from the fact that all of the patients are hearing voices. Though patients in a mental home do sometimes hear voices, it never happens to everyone at the same time. The nurses are nearly frantic and full of weird explanations, until a young engineer points out that the intercom had been left on for the whole night on a low register. Yes, the patients have been hearing voices. Anyone would hear those voices. The voices they are hearing are those of the tea ladies in the galley being captured and broadcast via the intercom system through speakers behind the patients' beds.

One patient is screaming hysterically over and over again: "*Man the fort! Man the fort!*" The Matron tells him firmly not to be sexist. He apologizes to her humbly and then starts screaming over and over again the modified refrain: "*Man the fortress! Man the fortress!*"

When calm is restored, I see the patient whom I am to represent; I interview the doctors; and I take the necessary supporting affidavits so that I can certify on oath that the husband is incurably insane.

As I am leaving the hospital, I see a red double-decker municipal bus on the lawn. I am told that one of the inmates who had previously been a bus driver, had slipped out of the grounds, had commandeered the bus, and had driven back to the mental home, picking up and depositing passengers on the way.

One of the doctors says to me: "*You wanna know why they are all here? ... It's because they aren't all there.*"

I am now fully equipped to go to court in the shoes of the poor man who has lost his mind and duly be divorced by his wife.

I decide that, on the way back to Johannesburg, I will visit the Sterkfontein Caves. I ask the Matron where I will find the Cradle of Mankind. She snaps at me: "*You mean the Cradle of Womankind!*" She is right – the oldest skeleton is of a woman known as "*Mrs. Ples*".

Just a few miles from one of the largest cities in the Southern Hemisphere, you find the first known home of the human species. It is awesome to visit any caves, but the Sterkfontein Caves are different – you stand in reverential silence in the resting-place of your early ancestors.

CHAPTER THREE EUROPE'S MOVEABLE FEASTS

"If you are lucky enough to have lived in Paris as a young man, then wherever you go for the rest of your life it stays with you, for Paris is a moveable feast."

Ernest Hemingway

I'd go a little further: If you are lucky enough to have lived in Europe as a young man, then wherever you go for the rest of your life it stays with you, for Europe is a cornucopia of moveable feasts.

Paris Every Moment of the Year

Cole Porter's hit song accompanies my first semester:

*"I love Paris in the springtime,
I love Paris in the fall,
I love Paris in the winter, when it drizzles,
I love Paris in the summer, when it sizzles,
I love Paris ev'ry moment,
Ev'ry moment of the year."*

Majoring in parties, concerts, art exhibitions, tennis, and movies is to lead to a doctorate in International Law at the Paris Law School. Our professors at the Faculty at the *Place du Panthéon* assure us that the Koran's promises of a Paradise of wine, multiple wives, and embraces lasting 600 years, fall far short of the reality of Paris at 22 years of youth. I am convinced that everything is, and will always be, utterly perfect. Some of it is – but not all.

I am lodged in the student's residential quarter, at the Cité Universitaire, in the Swedish house with light timber floors and wide windows. The Swedish girls are blond and beautiful; the Swedish boys, friendly and well-mannered – at least until they get drunk. For Saint Lucie's night, the Swedish mid-winter festival, the girls wear white and carry lit candles in tiaras on their heads. They bring you breakfast in bed. Life feels very good.

I begin to think that the Cité Universitaire really is Paradise. There are 6000 students, 4000 of them men and 2000 women. There is a chateau donated by the Rockefeller Foundation, heated pools, tennis courts, football fields, concert halls and galleries. It's like a non-stop party.

The student years also produce a lot of other things that matter in a young life: things like a bit of money, a red convertible car, a bride, and a honeymoon in Majorca and then another honeymoon in Majorca because the first one was so nice, studying comparative law in Luxembourg, and some more international law in The Hague. To round off my studies, there is the research retainer from the President of the International Court and the Ambassador to London of the European Community, and finally the pupilage at the Commission of Human Rights of the Council of Europe in Strasbourg.

Reading in Chambers at the Inns of Court in London shows me that becoming a barrister consists of little more than eating dinners in the great hall, wearing a melon hat and striped pants, and hanging around Wimbledon, the Windsor Horse Show, and the Edinburgh Festival. Soon, I am enjoying my movable feasts all over Europe, from London to Malta, finally opting for the big banquet in Monte-Carlo.

The student years teach my spirit, mind, and body what man is on earth for: man is born to be happy, and if he can find some time also to make others happy. Fate also has a few very different plans for me; the real world can be a difficult and a dangerous place.

In a Paris Revolution, Remember not to get too Big for your Boots

Paris may seem to be every young man's movable feast, but I am soon reminded that it is not altogether heaven on earth.

I am elected Vice-President of the Cité Universitaire Students Association. The Cité Universitaire is treated as international territory. It is my responsibility to investigate any criminal incidents in the Cité, and I am entrusted with the duty to take decisions as to whether or not to call in the police. I call them in a lot. Like when the Cuban students bomb the American House; like when the Congolese students set fire to the Belgian House; and like when French and Swiss students from a village in the Jura Mountains, which is divided by the frontier, start stabbing one another in the park of the Cité Universitaire.

It gets worse and worse as the Algerian insurrection escalates. The slogan "*L'Algérie c'est la France*" (Algeria is part of France) is written on walls all over France – and these are graffiti that mean something.

It is becoming more and more apparent that General de Gaulle has decided that the French will be leaving Algeria. General Salan stages a short-lived coup in Algeria. He is arrested and imprisoned. He escapes in the trunk of a car. The English call the trunk of a car "*the boot*", and the next day, the London Times carries a warning to all politicians "*not to get too big for their boots*".

There is trouble at the Cité Universitaire. I must report it to the Police. I park my car next to the Musée Cluny in the Latin Quarter and walk towards the Police Station at the Place du Panthéon, opposite the Law School where I am studying. As I approach, a gendarme orders me not to move. I carry on walking, telling him that I just need to report an incident at the Cité Universitaire. He points a submachine gun at my stomach and orders me clearly: "*If you take one more step, I'll shoot.*" I look at him carefully this time. He is one of the CSIR riot police, and he really means it. I turn away at once.

There is shouting, and the streets are filling up with gesticulating crowds. There is a stampede. I can't get near my car, so I decide to take the metro. But you can't get near the metro. The crowds are being pushed back by the CSIR. There is screaming as the CSIR close the metro gates. The next morning there is no report of the incident in the rightwing *Le Figaro*. But in the leftwing *Le Monde*, I read that 157 Arab bodies are found floating down the Seine.

Blue Blood – and Blood not so Blue

Royalty and the hoopla attaching to it are curious phenomena. I am never much of a snob where royal courts are concerned. I know that the word “snob” is an abbreviation of “*sine nobilitate*”, a term used in the old days at Oxford for those who were “*without nobility*”. But royalty from many countries somehow weave into my life, without my either seeking or welcoming it.

Royalty isn't only for Africans – Europeans love it. Shakespeare's plays contain the best case studies of the concept of kingship. It is clear that Shakespeare understands what makes a king, much better than do the real Henrys or the real Richards.

And Shakespeare certainly understands a lot better than I do, how their majesty's subjects should behave in the presence of royalty. In fact my first contact with the real thing remains a source of great embarrassment to me.

As a young student, I am privileged to be invited to a royal reception at the 1956 Edinburgh Festival. Walking up Edinburgh's Royal Mile leading to the Castle, I roll my trouser turn-ups onto my calves so that they won't slush in the thick Scottish mud oozing out of the paving stones. The reception is dazzling. My friends seem to know everyone who matters – musicians, prima ballerinas, directors, and of course royalty. The Queen and Princess Margaret are so beautiful and so gracious. A lot of the guests are staring at me, instead of at them – I have forgotten to roll down the trouser turn-ups, and they are flying half-mast on my calves. I still blush and fail to see the humorous side of this *faux pas*.

As my career becomes more established, and I become better known, I am privileged to receive quite a few prestigious clients beating the imaginary red carpet to my door.

The royal families that brief me stand out in my memory for their unexpected hospitality, their modesty, and their impeccably correct behavior in every way – they even pay fees on the nail. Members of two of the principal royal houses of Europe invite me to visit whenever I wish; however, though I accept with joy the actual invitations for precise occasions and precise dates, I never take up their open invitations.

The blood of the younger sons of royal and noble families should be just as blue, and they have grown up in the same homes and lifestyles as their elder brothers. However, the rules of primogeniture mostly leave them without title or wealth. Often they feel that it is honor enough for me to be briefed by them, but that it would be an impertinence to expect to be paid fees as well.

The royal that I like best is Prince Albert, son of Prince Rainier and Grace Kelly. At first I know him only to nod to. He and his older sister, Princess Caroline, are in the same swim team as my daughter Perri and my son Roy. Later, Prince Albert decides to bring Monaco into the Olympic games with a bobsleigh team, of which he is the key participant. He tells me that you win or lose on the portion of the race from the starting block until you leap onto the sleigh, and start your slide down the track; after that it is close to impossible to pick up much time. Hence his decision to engage top trainers for his Olympic team.

Miracle in Monte-Carlo

Monte-Carlo is many things to many people, but it is certainly not the sort of place where you would expect to find the path to Shangri-La – and even less so, in a status gym wedged between the Monte-Carlo Casino above and the Loews Casino below. When the American hotel chain is granted rights to build a new hotel and rival casino on the promontory below the Monte-Carlo Casino, they bring to the old world games of roulette and vingt-et-un, some new world games too. Those who feel more at home in a craps game are able to find Las Vegas in Monte-Carlo – a sort of home from home, with the usual range of gastronomic restaurants and relatively inexpensive cafes. There is also a cabaret and an American style health spa with gym and heated swimming pool. The casino strategy is simple: the guests must never be tempted to leave the premises – or they might not come back to the casino later to carry on with their gambling.

It is at Loews Hotel, in the magnificently fitted gym with one of the most beautiful views in the world extending over the Mediterranean to the promontories of the French and Italian Rivas, that I am initiated, together with the Monaco Olympic team, into the techniques of High Energy.

Prince Albert sees to it that our gym acquires a top team of trainers. I can hardly believe my good fortune that I am allowed to join in some of the training programs. Prince Albert is a delightful presence in the gym and a lovely man to talk to. It is thanks to his endeavors for his own team, that I find myself quite fortuitously being coached by four leading Olympic trainers. I am deeply indebted to him for this opportunity.

Thanks to the Prince, there I am working out with the Olympic team, under four world-class trainers taking us through a daily routine of weights, aerobics, karate, running, rowing, swimming. The compulsory sessions of 600 sit-ups make my abdominals so hard you can jump on my stomach. The aerobics classes are strewn with ballerinas from the Ballet de Monte-Carlo and chorus girls from the Cabaret. Four hours of training each day, followed by power breathing at home between midnight and 2 am, make me ten foot tall. I think of William Blake's "*Energy is eternal delight*". Inevitably I become addicted to endorphin highs.

Working out with the Olympic trainers bends my life. I seem to fly straight from middle age to pre-adolescence – which, having tried both, is very much nicer.

Frank Gutstein is the boxing and swimming instructor. He is passionate about energy and he explains that, all other things being equal, it is the player with the higher energy level who wins. Energy is the path to winning. But, much more than that, it is the path to happiness, power, success, creativity, freedom, youthfulness, attractiveness. Energy is life's precious gift: we welcome its divine touch; we deeply lament its loss. How wonderful is it then that, with correct personal energy management skills, it should be possible to access energy at will. And how much more wonderful is it still that these invaluable skills should be so easy to master. An inexhaustible supply of energy is our birthright. It is always there just waiting for us to tap it. Frank likes to remind us that energy is "*joie de vivre à la carte*."

Frank explains to us that there is a direct mathematical ratio between the amount of your oxygen retention and your ability to recuperate during effort. He teaches us the

so-called “active rest” techniques whereby you can actually use the activity itself to trigger the recuperation process. The key always lies in increasing the amount of oxygen intake and retention. The greater the amount of oxygen in your lungs and body, the slower you will be to fatigue and the quicker you will be to recover from fatigue.

When friends and clients visit me in Monte-Carlo, I show them the gym and they gasp with excitement and envy. Then I take them to the Salle Privé across the gardens at the Casino. In the Salle Privé everyone whispers and they cover a table with a black shroud when the table loses out. Americans say it’s like being in church.

Not everything in Monte-Carlo turns out magical. The fame brought by my publications carries a sting in the tail insofar as I fall for the delusion that I could handle a multi-volume loose-leaf work like any large publishing house. When my partner, Lloyds Merchant Bank, fails, so does the project, and I am left carrying all liabilities. I would even have gone insolvent on my guarantee if it had not been for the fact that there is no such thing as insolvency in Monaco law. It is an embarrassing and humbling experience, and I am deeply grateful to Providence that this incident provokes no negative change in my health or in my work productivity. I am relieved to miss out on the black shroud of the Salle Privé.

International Tennis Federation

There is one brief that I want above all others. I never get it – but not for lack of trying.

One day, the International Tennis Federation contacts me about a technical problem in the structure of the Federation, which is now little more than a partnership of partnerships. I point out to them that their structure is rather better suited to matters of strawberries and clotted cream in 1910 than to the modern litigious world of shared partnership liabilities. For a while it seems as if I am going to be retained by the Federation. I start levitating with excitement. I do everything possible to nail the brief to handle the restructuring, but their existing counsel has other ideas, and sees to it that I am suitably sidelined. At least, the Federation’s thanks for my efforts turn into an offer of free center court seats at Wimbledon, Flushing Meadows, and Roland Garros.

If truth be told, watching the Finals is very much less satisfying than would be actually playing in the Finals. No rabbit in the world has ever worked as hard as I have to play Center Court Wimbledon. My advising the International Tennis Federation may have given me access to center court, but only as a spectator – which is not what I am aiming at. Working out in gym with the likes of Ivan Lendl and Kent Carlson does nothing for my Center Court aspirations. I never get anywhere near, and my friends and family tell me, in their especially unkind turn of phrase, that I never ever stood a *snowball’s chance in hell*.

Rich enough to Die – but not Wanting to

My Monte-Carlo office, which is now housed in a penthouse on the Monte Carlo sea front with views of Cap Martin and Bordighiera, receives numbers of large multinational clients, many of them from big German companies. Wealthy Germans

hesitate to see their advisers in Germany, owing to the fact that there is no professional privilege. The German Tax Administration can simply subpoena any documents and confiscate them from the German lawyers holding them. The clients don't seem to mind that I can't speak German. In any case, their English is mostly better than mine. I am being passed from one German multinational to another. A lot of the work is technology based.

All technology is passionately interesting to me. But a new case is my absolute best. My client is a multinational heavyweight in genetic engineering. The holding company is in Munich and the rights to the technology are all registered in Germany. Like many large German companies, ownership and control have resided tightly within the family for over a century. The family members are successful, rich, and beautiful. They have only one problem. They can't afford to die. The combination of German estate taxes, income taxes, wealth taxes, and church taxes would oblige them to sell stock to outsiders – and this is absolutely unthinkable to them.

The family invites all of their advisors to the Oktoberfest in Munich, and most gracious hosts they prove to be. Oh, how the beer drinkers enjoy the evening! But to a non-beer drinker, the evening has some pretty revolting lavatorial touches.

I am seated next to two German ladies from Danzig, who are not pleased with the postwar frontiers. One is complaining about the cost to her company of social security taxes; the other agrees with her in principle. She admits that it can be a problem, but she sees the good side of it:

“My father wasn't really sick, but we arranged for Social Security to send him for treatment to Badgastein in Austria, where he spent a month taking the waters entirely for free – they even let his best friend accompany him for half-price. It may seem like taking advantage of the Social Security system, but my father has been through two world wars, and he deserves everything he can get.”

I tell her with slow and heavy words:

“I hope your father gets everything that he deserves.”

This is the double message *par excellence* of my life. She sure misses one of the meanings, because she thanks me for my kind wishes.

The autumn morning is crisp as we drive into the mountains up to the factory. Before we can get into the factory proper, the guards put surgeons' masks on our faces and white sacks around our shoes. Then come six hours of instruction on genetic engineering. We visit laboratory after laboratory and hall after hall. One of the halls, as large as a squash court, is full of horseradishes; the scientists then show us a small flask of crimson powder that has been produced by that enormous quantity of product. This is followed by another hall full of pigs' livers, followed once more with a sample of the product in the form of another small flask of bright turquoise crystals. They explain to us in great detail how the products are used for genetic engineering. The technicians refuse to give me any samples – they behave as if they had caught me reading *The Story of Dorian Gray*.

Munich, the Beer Fest, and the visit to the factory are exceedingly interesting and enjoyable, and I thank my hosts most sincerely for their wonderful hospitality. The

flight to Nice takes us over the most beautiful range of snow-clad Alps that the mind can conceive of.

Back in my office in Monaco, I need barely a day's work to structure the family's emigration engineering – one branch to Switzerland, one branch to England, and the third branch to Belgium. After that, there is no problem with any of the family members dying. Though they can now afford to die, it seems that they still don't want to.

A few years later, the lady whose father deserves everything that he gets, comes to consult me in Monte Carlo. In reality, her problem is more one for a social worker or a family psychologist than for an international lawyer. Hers was a very large pharmaceutical company, again with all the shares owned by close family members. Their accountant had dreamed up a devious tax plan, and had re-arranged the shareholding so that her entire portion had been transferred to her children who had duly immigrated to Switzerland and then stopped visiting or telephoning her. She hadn't seen her eldest son even once since the day when she signed over the share transfer certificates.

There is only one thing to do. I invite her and her children to visit Monte Carlo, and we spend the weekend in my villa on the hillside, overlooking the palace and the port. On Saturday night we have a video evening, and I show them a movie of Shakespeare's King Lear with German language sub-titles. Then I give each of the children a copy of a German translation of King Lear. We discuss at length the ingratitude of children to parents who had gifted everything to them. We speak at all times as if the subject were as unconnected to our reason for being together as *The Sound of Music* or *The Little Mermaid*. Slowly it becomes clear that Shakespeare's message has been well understood by the children. They are shamed into seeing their mother regularly.

When they ask their mother about her health there is no hidden agenda in the question. Whether their mother is alive or dead, the children already have everything anyway.

The World's Biggest Scam

One trust officer says to the other, "*When I realized that the offshore trust business is a crooked game, I decided to get out of it.*" The other trust officer asks, "*How much?*"

If the FBI and Scotland Yard are correct in coming up with the figure of 60% for amount of the world's money that is offshore, and the professions are correct in estimating that of this huge pool of offshore money, approximately 40% is in offshore trusts, this would mean that about one-quarter of all the money in the world is held under offshore trusts.

That the offshore trust is far and away the world's biggest scam is well-known. By its very nature, the trust is devious, since the trust splits legal ownership from beneficial ownership. Add to this the secrecy and the litigation hurdles in the offshore tax havens, and you can scarcely have a better deceptive and protective device than the offshore trust.

This used to tip the scales heavily against the creditor, the wife, the Revenue, and the Justice Department.

But now the offshore trust, which was everyone's favorite battleship, is being blown straight out of the water. The courts are holding that where the founder of the trust calls the shots, through telling the "discretionary" trustee what to do, the trust is invalid. Why? The simple answer is that you can't both give and not give. If you have set up a valid trust you should be out of the picture, because you should have given the trust fund to the trustees. But if you are not out of the picture, and you carry on behaving as if you have rights and interests in the trust, then it's not a valid trust at all. Leading experts on trusts hold the view that at least 90% of the offshore world's trusts are defective for this reason alone.

This evolution makes for a lot of interesting work in my specialist field of trust practice and procedure. It's a great opportunity to points of law to break down phony scams and let the truth prevail. Think of the joy of a creditor who finds that the assets of the defendant, which he feared had been stashed away in an offshore trust, are not out of reach after all. Or the delight of an aggrieved wife to discover that her husband's offshore trust can be cracked and she is actually entitled to fifty percent of a *lot of money*, instead of fifty percent of a *little money*. In cases where I am retained by the law enforcement agencies, it is becoming as easy as pie to crack a case under the new "all-crimes" laws. If the authorities correctly follow the exchanges of information rules, they can get copies of trust deeds and file notes from their opposite numbers in most countries in the world, sometimes within 48 hours. After that, secrets open up like a sick oyster.

Intra-family litigation is becoming common in cases where one heir would be entitled to the assets if the trust is valid, while the other heir would be entitled to the assets if the trust is not. This makes a field day for lawyers, whose huge fees in such trials have triggered their new catch-phrase "It's a real pity to fritter away the assets on the heirs."

My King Lear clients from Germany refer to me a distraught cousin who thinks that she is due to inherit big time from her old father whom she is convinced loves her more than her brother. But no! She must have said or done something that he really didn't like, and he cuts her off without a Euro. German law doesn't allow a citizen to favor one child over the other, so he sets up an offshore trust, places all his very considerable wealth in that trust, and makes the son the sole beneficiary.

My guiding principle in every case is the certainty that the other side always makes a mistake. And this time the father had made two mistakes. His first mistake was that he kept giving instructions to the trustee, which the trustee foolishly followed. Because the father had been calling the shots in a discretionary trust where the trustee should have been exercising an unfettered discretion, this made the trust technically invalid. The second mistake was that the trust funds were kept in Switzerland, which has the same principle of law as Germany, obliging equal treatment to be given to all of one's children.

I inform the attorney acting for the son that we are acting on the basis that the trust is a non-event and that the normal German inheritance law should apply. I then immediately commence legal proceedings to have all of the assets in the Swiss bank frozen until the matter is determined by the Geneva *tribunal*. There are times in a lawsuit that the only language understood by the other side is a bicycle chain. The

attorney comes back quickly with a proposal, then another, and then another. We reject them all until they agree to the sister getting an equal share to the brother.

After some eight centuries of history, the trust has seen everything. Under the name of “use”, the trust was at first the instrument of the knights who went off to the Crusades, placing their lands in the hands of the Lord of the Manor. Then it was adopted by the Church for the holding of church lands. Did Henry VIII brave excommunication, and take a chance on burning in hell for all eternity, just to lie in the arms of the pretty Ann Boleyn? Or was it more likely in order to confiscate the church lands by abolishing all trusts?

Obviously King Henry’s tutor forgot to tell him what we all now learn from our scout masters: *“to have a little trust”*.

Loving where there is Money

In 1994 I am presiding over negotiations between East and West at the European Parliament. I am glad to find myself back in Strasbourg where, as part of my doctoral studies, I had done a pupilage in International Law at the European Commission of Human Rights. As I once more walk past the canals, the mediaeval houses, and the incomplete cathedral, the delicious pleasures of my youth flash upon the inward eye.

It is in Strasbourg as a young student that I learn everything that anyone needs to know about investment advisors. It is springtime and a pretty little gypsy girl knocks at my door. She tells me that all of the gypsies in Europe make a pilgrimage to the mouth of the River Rhone every May. They gather there for the Festival of the *Saintes-Maries-de-la-Mer* (the Holy Maries of the Sea) to commemorate the three Maries who had left the Holy Land after the crucifixion in a little boat and came ashore at the Camargue in the Rhone delta. Unexpectedly, she takes my hand and tells me that she can read the winning number of the *Loterie Nationale* in the lines on the palm. I come close to giving her every cent I need to complete my pupilage (after all, life gets a lot easier if you win the lottery), when I have a flash of insight and I say:

“Hey Gypsy, if you can read the winning number what do you need me for?”

I use this question for every banker and financial planner who ever offers to handle investments for me or my clients:

“Hey Banker, if you know what is going to happen on any of the markets for even a minute, what do you need my client’s money for?”

The European Parliament is housed in a new building that is a great improvement on the prefab that had housed the European Community headquarters in its early days, and where I had enjoyed my first experiences as an international lawyer thirty years before.

The great hall holds two groups, on the one side consisting of a large delegation of scientists from Russia, Belarus and Ukraine, including an impressive number of Nobel prizewinners, and on the other side an equally large delegation of representatives of the largest Western companies. The purpose of the session is to

persuade western companies to invest in Russian, Belarus and Ukrainian enterprises and to pay royalties for the use of their technology.

Imagery by the eastern delegates is of marriages. The westerners are rich; the easterners beautiful – the perfect basis for matchmaking. But there is one huge snag: much of the technology that had been developed in the Soviet Union had been protected by the KGB and not by way of patents. It becomes more and more apparent that the easterners do not have any registered rights to sell. Their wonderful technology has no licensed copyright or trademark protection.

The easterners turn to their marriage partner analogies more and more persistently. I quote my Father's humorous paraphrase of Tennyson, which brings down in laughter the eastern half of the Parliament, but does not seem to contribute constructively to the enthusiasm of the westerners about buying unlicensed technology.

"You must marry for love, my son, not for money. But you must love where there is money."

How to Make a Maltese Cross

The children's riddle runs like this: *"How do you make a Maltese cross with a match?"* Answer: *"Stick it in his eye"*.

Perhaps not all that funny! But anyway, I have learned hands-on that there is another way to make a Maltese cross. It goes like this:

You tell the Director of the government department, which is in charge of developing Malta into an international offshore financial center, that the already published project won't fly. You tell him that he can't blow both hot and cold at the same time – that a country can't go tax-free for offshore companies and also benefit the same companies with the Maltese tax treaties. I know for sure that this won't work because I have already advised the US Congress on the question of the Maltese Treaty, and the reason why it was not scrapped was because I had assured Congress that Malta was not a tax haven. And that was true at the time.

Before opening my big mouth to the Maltese on this issue, I am eating lotus: guest of the President and the Palace, professor at the University Law School, honorary advisor to the government, and five star treatment in the very best accommodation on one of the most beautiful and interesting islands in the world.

I make a Maltese cross without even a match – and that is the end of the golden boy treatment. No sooner do I knock the Director's project than the Maltese authorities just let me drop into the Mediterranean. OK – Ulysses also didn't have it so good on Malta.

Freedom from the Tormentor

One of my dearest friends and a very big client invites me to his birthday party in Oslo. After the party I am to stay on for a while in Norway with Osvald for us to work through a huge legal and business problem that he is confronted with.

The birthday part is wonderful beyond words. In the hills above the fjord thirty of us are imprisoned in a wooden chalet singing Norwegian songs, eating smorgasbord and getting drunk as only the Scandinavians can manage it. The wind is blowing the snow horizontally. The terrace which is perched ledge-like over the sheer drop to the fjord is lit by open flames. The snow blows through the flames in a totally surrealistic snowscape.

These hulking blond men in their black evening suits and tails are modern Vikings; the beautiful blond women in their white evening gowns are straight out of a Wagner Opera.

There is one man I dislike instantly. He is loud and bullies my friend about everything. Osvald introduces him as Thor (pronounced *Tor*) and proclaims to me that Thor is his mentor.

There are strict rules of “*skol*”. You exchange an eye glance with a lady at the table and then you toast one another privately. And again and again until you have toasted every lady at the table. Then you start on the men. But you don’t *skol* the hostess if there are more than eight people at the table, or she will soon be under the table. We dance and sing and drink all night. I don’t know whether anyone goes to bed.

At dawn we all jump straight out of black tie into padded Norwegian ski anoraks. A ski race is the cherry on the top of the birthday celebrations. Of course, our knows in advance that he is going to win the race, not just by courtesy of his guests, but because he is the best athlete of us all. I wish he’d stick to soccer – I hate the race, but the Norwegians seem to enjoy it thoroughly.

After breakfast, when the last of the guests has left, Osvald tells me about his troubles. They are big. His business is seriously threatened with collapse; and if goes down, so will his wife’s political career, the support of his parents on a north coast fishing island, and his old soccer team that he is carrying.

I deal with this problem by forcing him to work through the company books with his auditor, a part-time priest. That does it. He bites the bullet, faces the truth about his mentor, fires his partner, and undertakes to stop discussing business matters with Thor. Today Osvald has one of the most original and successful consultancy businesses in Scandinavia.

Osvald doesn’t laugh when I tell him his Thor Mentor is his *tormentor*. So I laugh for both of us.

CHAPTER FOUR

WHERE THE WEST BEGINS

Texas is where the West begins. When they tell you *“it’s not over ‘til the fat lady sings”*, the fat lady is Texas.

Every Hand’s a Winner and Every Hand’s a Loser

Though I stick around the Magic Castle off Hollywood Boulevard, I don’t really get the hang of becoming a show magician. But at least it prepares me to learn how to become a Mississippi Gambler.

Bart is the scion of a wealthy Houston family that had been using consummate skills in playing the silver market, while other Texas families were making fools of themselves through overreaching themselves in their attempt to force up the silver price by buying up the world’s supplies. Silver futures were skyrocketing and the price of silver raced up from five dollars to nearly fifty dollars. Sooner rather than later, the silver market had to crumble, and in barely one week the price of silver fell back to seven dollars. But this didn’t hurt my clients. On the contrary, they had timed their big coup perfectly and had shorted the market.

Bart is a professional Mississippi gambler. He’s always singing Don Schlitz’s song, *“The Gambler”*.

*“You got to know when to hold ‘em, know when to fold ‘em
Know when to walk away and know when to run
You never count your money, when you’re sittin’ at the table
There’ll be time enough for countin’, when the dealin’s done
Every gambler knows that the secret to survive is
Knowing what to throw away and knowing what to keep
‘Cos every hand’s a winner and every hand’s a loser.”*

Bart had brought me his father as client in the very good days. We had done phenomenally well, and now Bart and his father bring me in once more, this time to their celebrations.

We celebrate as true Southerners on a Mississippi paddle steamer all the way from Norlins (New Orleans) to St Louis. Statistically, New Orleans is the place where the crime rate drops when the police go on strike; its is also said that California is the place where the death rate drops when the operating theaters go on strike.

At sunset, the big paddle wheel starts churning up the silty brown water at the river mouth. The weeklong party opens with multicolored Louisiana oysters of improbable dimensions and hues and a terrible taste, and follows through with a magic show by a real Mississippi gambler. Bart earns his living by plying the paddleboats dressed in a red satin weskit (waistcoat) and taking on all comers. On the larger steamers, they set him up in a gamblers’ court. I learn a lot about bluff, sleight of hand, and fantasy from Bart. He is the real thing – a gambling king on a Mississippi paddle boat – and you don’t get much more authentic than that!

At breakfast Bart takes three cups, turns away, and tells me to put a peanut under one of them. Whatever I do, and however carefully I disguise my moves, he guesses right every time. Every one of his shows defies the imagination. Bart tells me that the lyrics of *"The Gambler"* ought to be compulsory study for all lawyers:

*"Son, I've made a life out of reading people's faces
And knowing what the cards were, by the way they held their eyes."*

I spend the week by his side, learning how he turns perception into reality. Obviously Bart does not treat me as serious competition, and he kindly takes the trouble to teach me the combinations of sleight of hand, trickery, glib patter, and fantasy of a professional gambler. And they really work well.

It gives me a special pleasure to watch advocates in court trying similar techniques; but they are amateurs, and it is always possible to use their transparent clumsiness against them at the right moment in the settlement discussions.

'Cos every hand's a winner and every hand's a loser.

And that's everything anyone needs to know about winning settlement negotiations in the corridors of the law courts.

Ah, Such Crafty Court Craft

What happens in Nevada to Adam and me is a real Las Vegas special.

When I was a young international law student in Holland, Phillip Jessup, the American Judge at the International Court of Justice in The Hague, advises me that the most important part of court craft is to start with the opponent's case, not your own.

Sun Tsu also recommends that if you know your own strengths and weaknesses as well as the strengths and weakness of the enemy, you will always win. In fact, the best strategic and tactical advice in every domain comes from *The Art of War* by Sun Tsu, a general who lived in China about 2500 years ago. All of his brilliant military strategies and tactics are worth applying to lawsuits as well as most life games.

The enemy always makes a mistake. Find it fast! Your side also makes mistakes. Cure them fast before the enemy can turn them against you!

I feel so lucky to have Adam as a client and tennis mentor. From the age of six, I have trained three or four hours every day. I still wake myself up at night hitting net shots in my dreams. But the closest I come to the tennis greats is working out in gym – not on the courts – with Ivan Lendl and Kent Carlson. Lendl told my son Russell (I don't know how rightly) to *"piss off"*. My wife once smashed into Boris Becker's Ferrari. Now, while preparing Adam's trial, I'm going to be working out with the best.

Adam is a tennis genius who has played the circuits and made big bucks from sports prizes and managing professional tennis events, before he'd even turned thirty. Outside the tennis centers, Adam doesn't get things quite so right – in fact he lands

in deep trouble. In his own words, “*It’s not so bad falling into the stuff up to your ankles – unless you go in head first!*”

The entire incident that got Adam into so much trouble was as absurd as it was unnecessary, and its details are still secret.

Adam has been framed for a crime he had not committed. Since Adam is a truly good guy – he teaches tennis and baseball to the kids at the Las Vegas YMCA – we can’t easily work out who would want to frame him on a serious criminal rap.

After a bit of thrashing around, we come to suspect a former girlfriend, who had grown up thinking that the smallest bill in the world is a hundred dollar bill, and whom Adam had dropped in a less than elegant way. Adam’s friends feel certain that Lillie-Belle is the only person on earth who could really hate Adam. But could anyone have treated Lillie-Belle’s accusations seriously? Most probably not – until we find out that Lillie-Belle’s brother is a sheriff in Tucson, and a lot more credible than Lillie-Belle herself.

I ask Adam whether anyone hates him enough to report to the Justice Department that he is a criminal. “No”, he assures me, “people mostly like me!” “What about Lillie-Belle?” I ask. “Oh, yes! Lillie-Belle even took a contract on my life.” “Were you scared of her?” “Ya better believe me! Lillie-Belle was a terrific shot!”

Ah! hah! There’s our winner: *Cherchez la femme!* Adam’s current wife assures me that a lot of people in Las Vegas will remember Lillie-Belle’s threat, and will come to court to testify. Our job is to prove that Adam was framed.

The Nevada courts are so busy that we have four full months to prepare for trial. Adam gives me a fat retainer so that I will not work for anyone else during that critical period. When we aren’t researching the law, interviewing witnesses, and playing Sherlock Holmes, Adam does everything possible to keep his cocky promise to turn me into a tennis champion. It doesn’t work as well as I would have liked – I get better results in looking after his defense than he achieves in turning me into a champ.

The strategies for winning at the tennis court are not much dissimilar from the strategies for winning in the judicial court. In each battle you are confronted by a tough opponent, equally determined to win, in a game where the procedural rules are all fixed but where you are the master of your choice of tactics.

I start my serious training in Nevada with an intensive week at a Reno tennis farm. I enjoy it so much that I pray for it to go on forever. I lose sight of the end; the means are so delightful that I begin to treat them like the end itself. This is something that happens to a lot of athletes – we enjoy the preparation so much that we don’t want to climax.

Every evening we work carefully on the strategy of the case. We are preparing for the trial as if we were preparing for the US Open. Obviously so is Lillie-Belle. The month before the trial, she places an article in the local papers full of defamatory garbage.

Back at the Reno tennis center, I work out with Peter, my personal training coach, a tough and wily cat with the trickiest tennis mind and hands I have ever encountered. Peter is a born criminal defense lawyer, and we speak to him quite a lot about the

case. I travel light years along the path from “*can win*” to “*will win*”.

Before we leave the Reno tennis center, Peter tells me:

“Be a cat. A cat looks at a moth in the same way as it looks at an ax-murderer.”

On the day of the trial, we are very much better prepared than the prosecution. And we have instinct on our side. The court-craft that we have honed at the tennis center is now to be tested in Adam’s trial.

We build the perfect case to prove that Adam had been framed. Lillie-Belle had made every mistake in the book. The court goes into recess, and we all have lunch at Caesar’s Palace. Adam is sweating like a fountain all the way back to the courthouse. But we have killed the bull. We win – game, set, and match. Adam walks out a free and happy man.

Adam thanks me for having been “*a real good ax-murderer*”.

Marina del Rey where a Man becomes a King

The translation of the Spanish name “*Marina del Rey*” is the “*Marina of the King*”. On the wall in the entrance to the Gym at Marina del Rey are the words: “*A man must learn to see himself as he truly is, and he will become a king.*”

The brief that takes me to Marina del Rey is pure sorcery. From the moment the limo turns off Sepulveda Boulevard and penetrates the secret enclave of the marina, I suspect it; and from the moment I cross the gangway and reach my stateroom, I know it: from now on, every part of my life, every day, is going to be different. And this does happen.

A Los Angeles technology group is trying to persuade my clients, the medical aid division of Sanlam, a large South African insurance company, to buy into a computerized medical aid program. The purpose of the program is to keep medical aid costs lower than low, and days in hospital fewer than few, while at the same time giving a service comparable with the best medical schemes available elsewhere. Our host tells us that “*the most valuable part of the program is to stop stupid doctors thinking or acting for themselves. After all, what’s software for...?*”

The directors of the group lay on their sales pitch in great style on their oceangoing yacht moored at Marina del Rey. We luxuriate in staterooms and stately service, until they decide to gild the lily by taking us for a cruise off the Baja coast of Mexican California. There we hit a violent storm that makes all conversation, let alone negotiations, utterly impossible. My South African clients turn as green as the national rugby shirts they are sporting, and they stay that way during the whole of the run down the Baja. When we dock at a small Mexican port, they get straight off the yacht and return to Los Angeles by taxicab.

The negotiations, which are ultimately successful, are protracted, and go on for many weeks of demonstrations and haggling over basic costs and royalties.

Though I am there as my clients’ legal advisor on intangible rights, and not as their

medical expert, the directors of the Los Angeles company soon perceive that my approval would help them to clinch the deal. They not only flatter me with red carpet treatment, but see to it that I will understand the virtues of the program; they give me every opportunity to test hands-on the routines, which they have integrated into their overall health scheme package.

A key part of the program is to give members a significant reduction in membership fees if they will participate actively in one of the many exercise courses run in franchised health centers in countries where local medical aid schemes had bought in. Their template is the studio in Marina del Rey run by the Group's expert on fitness and longevity, a former Mr. Universe.

Either through the prompting by the directors of the company or because Guy himself spots that I am a bit of a sports fanatic, he cuts a deal with me on Day One:

"With the routines I'm gonna give you, you'll learn the truth of the body and you can then come to know the truth of the universe. A healthy mind in a healthy body is the Roman dream. You sort out your healthy mind on your own. I'll give you a healthy body."

My immersion into the company's strategy to keep people away from wasting the time of doctors and hospitals, is an unusual mixture of work and play. What seems at first to be a bit of intellectual property of a program that the Californians are trying to sell my clients by making the whole deal much more cost effective, turns out to be a precious introduction to a unique set of lifestyle enhancing strategies. Each of the routines taken separately and all of them taken together produce a peak experience. Nothing can be the same afterwards.

Guy makes me work hard on keeping my back supple and strong. I tell Guy what my Father had always urged me to do: *Stand tall! walk tall! sit tall! think tall!*

I learn a range of exercise routines, but nothing compares with the sports massage from Guy's healing hands – this is passive exercise at its very best. On the wall of his gym is written "*Train! Don't strain!*" You don't strain a lot lying full length while someone with arms thicker than most men's legs, punches your spine with shiatsu rabbit punches.

Man cannot live on endorphin highs alone, and inevitably the breakthrough in the negotiations takes place. In the early hours of the morning we duly sign the agreement in duplicate, shake hands in triplicate, and pop champagne corks in quadruplicate. Everyone is very happy except me – because this means that we will be leaving the next day. Is there still life outside of Marina del Rey?

As his farewell gift, Guy takes me to the gym. We sit for a while on our heels, before he announces:

"I'm gonna teach you the Ancient Tibetan Secrets of the Fountain of Youth. This Elixir of Youth will enable you to have all the advantages of age and experience while retaining all the advantages of non-aging. The Elixir of Youth will not only stop the current effects of the passage of time on your body, but will even reverse the past effects. This is desirable for everyone; but it is essential for an athlete, since the years tip the scales in favor of youth. For you at least to keep the playing field level, your body must not be older than

that of your opponent.”

I wait for some magical rites. Instead, what Guy shows me consists of nothing more than five routines to be performed with 21 repetitions each – a matter of some 10 to 15 minutes a day. I express my surprise at the simplicity of the routines. He points out that people often walk past miracles, without any recognition, just because they are there all the time.

Guy asks me about the interval between two breaths. I respond with the obvious: “The first breath is the baby’s first breath and the last breath is the last gasp. So the interval is the lifespan.” He bids me farewell with a curt: “*Spend the rest of your life working out what the interval between two breaths really is.*”

I carry away with me from the weeks at Marina del Rey a very welcome fee for acting as a catalyst in the Sanlam negotiations, and an even more welcome set of routines for healthy sleeping, resting, eating, and exercising, that I use ever since. I sincerely believe that I am able to take in my stride the rigors of my exciting, but often very fatiguing, career, thanks to this trip to the Fountain of Youth at Marina del Rey.

Of an Enemy Make either a Friend or a Corpse

I listen to John’s story and think of Blake’s words:

*“Each outcry of the hunted hare
a fibre from the brain does tear.”*

Two months previously, the company had brought into operation the standard strategy of getting a highly placed executive to resign. In the US corporate world, the “*empty basket*” strategy means that no work reaches you; you’re not invited to meetings; and you’re not consulted on anything. This is the American big business equivalent of the Russian and Polish “*empty classroom*” strategy. There they get rid of their Jewish professors by letting them lecture to empty desks; eventually, the professors resign and immigrate to the US or Australia.

John is also being tormented by endless humiliations and frustrations, but neither he nor anyone else can guess why or by whom, since, until relatively recently, he has been a valued vice-president of one of the largest American multinationals. Indeed John has all the virtues: he is an honest, hard working, intelligent, executive, and a man literally beyond reproach. John is a kindly and charitable man, a good husband and a good father and a serious churchgoer. But John has never even once participated in a corporate rough-and-tumble, and he doesn’t even know how corporate politics work.

I hate intimidation. Intimidation is much more common than people think. You find it at school, in the family, at sports clubs, in the workplace, and of course in the corporate hierarchy, where protecting a person from intimidation can be extremely difficult. Intimidation from above is generally most common; but you encounter many exceptions to the rule in families and in the workplace. Despicable examples of intimidation can also come from below.

A recession that is just beginning to bite makes it far from certain that John will find an executive position in another company. Corporations and professional firms alike are retrenching on a massive scale.

I tell John not on any account to resign, and assure him that we will get to the heart of the problem. My difficulty in helping John is that we have nothing to go by other than what he can reconstruct for me – and that's close to nothing. During the short Christmas break, I invite him to come to Houston and stay with us until we crack the enigma. Sometimes you can rescue a person from purgatory by just picking up a little point that might otherwise have been missed.

John tells us what it feels like. *"I guess that there are moments in anyone's life, where it seems that you will not be able to bear the hopelessness, the feeling of lost opportunity, the fear, the pain, the grief, the shame, the guilt. Where no amount of rationalization will help, where no comparisons with others in worse circumstances will help, where you cannot bear to be near a Job's comforter. Where it seems that there is no possible respite from the outside pressures and no possible easing of the stress and distress. That's what I'm feeling like now."*

It's the very ground that you fall down on, that you must use to pick yourself up. I explain to John that it is the solution to a problem that matters; and not just the problem itself. I explain that the blueprint for conquering crises is to confront them on all three fronts: the material front, the mental front, and the spiritual front. First focus on the overall picture; and then focus on one issue at a time. Return one ball at a time; hit one punch at a time; live in the now. A lost tournament is still a lost tournament; money problems are still money problems. The next tournament always starts from scratch. In the same way as we play every match for the first time, so too are we going through this life for the first time, and we all have the right to make mistakes. We have the right to be weak as well as strong; the right to fail as well as to succeed. I point out to John that no one can make him laugh, except himself; and no one can make him cry, except himself.

I drag John unwillingly to the gym. A high level of energy favors a feeling of happiness, just as happiness can be very energizing. So too does energy favor good health; and good health favor energy. And in the same way, good health favors happiness; and happiness favors good health.

At times of crisis, it is very helpful to keep in place those things in life which give you most pleasure, most joy, the greatest feeling of being meaningful. It is essential to maintain the structure of your well-being and to persevere in your determination to retain those things that had previously been a valuable part of your life in seemingly better days. Even at times of crisis, we are still human beings, entitled to enjoy love and laughter and the sunrise. And even when faced with a real loser, the winning may be there, waiting for you in the wings.

As he's getting ready to go to midnight mass, John gives me the first useful clue. The previous Christmas he and his wife had had a large party, and his wife had invited most of the office. But she had omitted to invite one of the lower-level office managers, an old hag called Giselle – and no apologies had helped. I ask John to tell me everything that he can about Giselle. He tells me that she's middle aged, unattractive, flatulent, and holds a fairly unimportant administrative position. Yet she enjoys a significantly influential power base right up to board level. In particular, she

exercises considerable power over the CEO and the financial director. Through them, she seems to be able to undo anyone in the company.

Now, how can it be that an unattractive middle-aged woman of lowly status in the company manages to achieve this effective position of power? Day after day I cross-examine John; I interrogate him mercilessly, until he eventually puts his finger on Giselle's secret weapon. It turns out to be so obvious that I wonder why he hadn't picked it up right away. Some years previously, certain of the directors of the company had mishandled a deal and their huge blunder had cost the company dear. There were even whispers of a possible SEC fraud. The cover-up was known to very few. Giselle had then been the secretary of the current CEO who was at that time the vice-president in charge of the transaction, and who, together with the financial director, had handled the cover-up. She had taken minutes at many of the meetings, knew everything about the blunder, and had in her possession copies of all of the documentation.

Poor John doesn't stand a chance. The grievance arising from his wife's Christmas party omission could easily have cost him his career. Hell hath no fury like a woman scorned – and this can be any kind of scorn, not just romantic.

We carefully consider the correct strategy. I quote to him Machiavelli's maxim:

"Of an enemy make either a friend or a corpse".

John insists that he had tried for the whole year to make friends with her, but it was absolutely beyond hope.

Well, at least John could guide us to the assassin whom we can use to make a corpse of her. What do we do? Simple! Someone in the know informs the CEO and the financial director that if they do not instantly bring the victimization of John to a stop, the matter will be raised at the next annual general meeting, with full details of the cover-up and the supporting facts underlying the probability that Giselle is blackmailing them. They move fast, and Giselle leaves the company suddenly, presumably with whatever golden handshake the CEO and the financial director feel worthy of her extortion skills.

Of his enemy, John had failed to make a friend; there was no other choice but to make of his enemy a corpse.

A year later, I am changing planes in Atlanta and I spend the night at John's home. John is now on great form. His wife and children are lovely, and his wife's apple pie is the best ever. John has received a promotion. Prominently on his shelf lie the complete works of Machiavelli.

John quotes *Proverbs*:

"A just person may fall seven times and rise".

CHAPTER FIVE EAST IS EAST

*“Oh, East is East, and West is West, and never the twain do meet,
Till Earth and Sky stand presently at God’s great Judgment Seat;
But there is neither East nor West, Border, nor Breed, nor Birth,
When two strong men stand face to face, though they come from ends of
earth”*

Rudyard Kipling: The Ballad of East and West

Ninja Penguin – Ninja Lawyer

My most favorite client has just come into my Monte-Carlo office. Pingu is a four-inch tall penguin. He lives in an igloo with some penguin friends and a seal. He says nice things about my penthouse on the sea front with shimmering views of Cap Martin and Bordighiera. I am crazy about Pingu and I would do anything for him.

My brief from Pingu’s managers is to protect Pingu’s rights in royalties negotiations with Sony, the Japanese media giant, and to make sure that Sony’s lawyers do not take advantage of poor little Pingu. In my view, the royalties offered by Sony, though pretty substantial, are still an affront to penguin pride.

My penguin client is the enchanting creation of a Swiss television production. He is a beautifully made little toy with movable plastic flippers. To create the movie story, Pingu and his friends have to be moved, adjusted, and photographed eight times for each second of action, thus following the techniques of the earliest French cartoons.

Negotiations teach me a lot about the techniques of Japanese lawyers. Fortunately I have enough Zen background to understand and counter their more obvious moves. The Japanese lawyers keep sending us confused drafts with internally contradictory clauses, which are easy to reject. I pressure Pingu’s managers not to agree to fly to Tokyo until we get a better royalties offer and a draft that is fit to work on. Then comes a stunning invitation to visit Tokyo and the ancient imperial city of Kyoto.

This time I can do nothing. Pingu’s managers are determined to go to Japan. I warn them of the dangers of a less than optimal deal, and make them promise not to drink saki or accept any geisha evenings. But in vain! The days and nights in Tokyo follow a uniform pattern of hospitality, vague conversation, and frustration. The Sony executives and their lawyers wine us and dine us and regale us with tea ceremonies and geisha parties and massages from the sharp elbows and even sharper knees of little old masseuses.

With a week to hang around before the next “serious” meetings with the Sony lawyers, I decide to spend the lost moments, training in the dojo of my master who had initiated me many years before into the martial arts. While I work out with him, we discuss strategies for the Pingu case. My Tokyo trainer advises me to visit his Karate Master at the leading dojo in Kyoto. He assures me that the Karate Master will guide me infallibly to the right strategy for winning little Pingu’s struggle for his dues.

When I step off the Bullet Train in Kyoto, the Karate Master is standing at my compartment door to meet me. I notice that the platform has been marked with the seat numbers. The Karate Master states:

“If you had been coming in by air, by foot, or on the back of an ass, I would have known exactly when and where to meet you.”

He takes me to the *dojo*, and as we walk up the stairs, the Karate Master asks me if I am already working on the unraveling of the *koan* that my Tokyo trainer had given me. I reply that I had not been given a *koan*; nor do I know how I would go about unraveling it if he were to give me a *koan*.

The Karate Master says:

“Your koan can come as an anecdote, or a dialogue, or a statement, or a question, or a situation. You can’t crack the puzzle intellectually because it shuts out all possible avenues to rationalization. When you crack the koan you open up a new kind of power. That’s Zen.”

Then, without warning, the Karate Master gives me a mighty blow, knocking me flying down the steps of the *dojo*.

The Karate Master tells me that the Tokyo trainer has certainly given me my *koan*. I try to think of what the Tokyo trainer could have said to me that could possibly add up to a *koan*.

The Karate Master grabs my nose and twists it until I feel as if my face is going to break. Throughout, he is laughing uproariously.

“When you recognize your koan you won’t have to ask. Receiving an explanation is not the same as cracking a koan. The koan shuts out all possible avenues to rationalization.”

After this rather frightening introduction into the search for my *koan*, I find a second *dan* black-belt Karate-do who speaks reasonably good English and I ask him to tell me what the *koan* is all about. He explains that a *koan* is not strictly speaking either a riddle or a philosophical exercise. And it does not have any logical basis, since of its very nature a *koan* is so nonsensical that you can get there only through insight. The closest explanation of the Zen *koan* is an enigma or dilemma – but it is not quite either. A *koan* is an iron wall that we have to break past in our training. Once we have broken past the iron wall of our *koan*, everything returns to the accustomed logic of everyday life.

Karate students and masters work out in a wooden *dojo*, built for the practice of the Martial Arts. The hall is holy. On entering and leaving, we bow. Before each workout, we pray. After each workout we give thanks. We also spend time in the Shinto temples and gardens learning to meditate.

I ask the Karate Master what ought to be the right attitude for my karate training. He tells me not to have an attitude at all. We sit on our heels for a long time before he elaborates. He can read on my face that what is a complete answer to him is not understood by me at all. He explains in a gentle way the fuller workings of the principle that is already an integrated part of my life: i.e. that if you aim at the target,

you might or you might not hit the target, but that, if *something* in you aims at the target, it will hit the target every time. You need to prepare yourself correctly to access that *something*, which is outside of your mind and its desires. The correct preparation must be physical, mental, and spiritual. When these three elements come together, the result comes on its own and without desire. If you give yourself the profile of the winner, you can depend on your body and on your instinct; however, you must first silence your mind. The technique is somehow to identify the desired result, take aim, and then concentrate on the means of attaining the result without reference to the result itself. This state of *take it or leave it* opens the path to victory.

One thing that the Karate Master tells me impresses me perhaps more than any other, and has an abiding influence on my decision-taking. On his first day as a very young student, his own Master gave him a lesson that he has since used for every one of his pupils.

If you are driving from Tokyo to Kyoto, you should look at the map and at the road signs. Having taken direction, you then drive, with only the road itself in your vision. If you make the mistake of aiming at Kyoto, without reference to what you can actually see from moment to moment, you will certainly hit the first car or tree you encounter. This is what happens to someone who looks at the result instead of focusing on the performance itself.

The Karate Master tells me that Zen can be learned only through the practice of a Zen art. He points out that the word *Aikido* comes from the Japanese words *ai*, meaning “match” or “coordinate”; *ki*, meaning “breath”, “spirit”, or “energy”; and *do*, meaning “art” or “way”. He continues by explaining that the word *Zen* means *meditation* in Japanese. Many top level athletes and sportsmen talk openly of the use of meditation to enhance performance, and give accounts of impressive improvements in their times and in their scores. This is so, not only for sport. It is when the mind is emptied that the best business, professional, and personal decisions are taken, the best speeches made, the best examination papers written. Japanese executives meditate most days, and use meditation to prepare for meetings. I reflect that many of the businessmen sitting on the Bullet Train on their way to meetings had their eyes closed for most of the journey. Obviously, they were meditating.

The Karate Master asks me to read the 23rd Psalm aloud.

“The Lord is my shepherd: I shall not want. He maketh me to lie down in green pastures: He leadeth me beside the still waters. He restoreth my soul.”

The Karate Master explains that meditation makes you lie down in green pastures and leads you beside the still waters. Meditation empties you, and, by removing the blockages to energy, restores your soul. By serving the function of spiritual and mental spring-cleaning, meditation automatically gets rid of the cobwebs and wipes the glass, thus freeing your instinct. Energy itself is there in you all the time; it is simply waiting to be accessed. By giving you the ability to access this source, meditation is invariably energizing. I am reminded that carved into the entrance portal of the Temple of Delphi in Ancient Greece is the injunction: *Know thyself and be free.*

The Karate Master tells me that we have earned all opportunities that arise in our paths, and we should always use them to best advantage. He then takes me to his home. His maidservants wash me, and when I am clean enough, they leave me to soak in a big round wooden tub. Then they dry me, dress me in a blue kimono, and massage me by jumping on me and kicking me with their knees. The sushi dinner tastes wonderful but I am much hungrier at the end of the meal than when we first sat down at the low table.

One day there are ten of us training in the *dojo* when the Karate Master unexpectedly tells us to line up and to use our collective strengths to push him over. Ten young hulks are incapable of budging one slender 72-year-old man. The harder we shove, the more it becomes apparent that all our brawn is weaker than his will.

At the end of the week, I thank the Karate Master for the training and initiation. I tell him that I think that I now have both the *koan* and the solution to the *koan*:

“Neither the winner nor the loser be – be the winning itself.”

This time the Karate Master puts his arms around me and wishes me well. I am much relieved not to be flung against a wall or shoved down the *dojo* steps. Afterwards the Karate Master asks me to sit in the temple garden and study a stone. I spend what seems like an eternity there, utterly immobile. I feel that I am now well and truly ready for the Sony confrontation, well equipped to care of my beloved Pingu.

When I rejoin Pingu’s managers, I discuss with them the fruits of my sojourn in Kyoto and even invite them to visit the Tokyo *dojo*. But clearly the lotus pleasures that their hosts are lavishing on them are more to their taste, and not one of the Pingu crowd ever joins me in the *dojo*. Nor do they treat very seriously the pearls of Shinto wisdom that I am casting before them, or even see that these can be useful in our negotiations with Sony.

Sony’s lawyers continue to use the tea ceremonies and the geisha evenings effectively to skirt all serious talk of royalties. There is still no clean text of the draft agreement. It looks as if that stage will never arrive.

Then, barely three hours before we are due to leave for the airport to catch the plane back to Zurich, the lawyers bring out their new version of the draft. Notwithstanding the retyping and a minor increase in the royalties offer, there is no meaningful change. Despite resistance from Pingu’s managers, I refuse to let them sign, and insist that we will have to review the text on the flight home. The Sony lawyers point out that we are all in Tokyo together, and that it would make sense for us to sign now. I gently but firmly refuse to sign in haste or under pressure. I bow and bow and bow in the way that any Shinto monk would have been proud of. In this way I say “no” without once using the bad-taste word.

When we got back to Zurich, Pingu’s managers suddenly panic lest we may have overplayed our hand. What if we have lost the Sony contract altogether?! But fate more than plays into Pingu’s flippers!

The Japanese company behaves as if they already have the rights to Pingu and they enter him in an international cartoon competition. Of course my lovely friend Pingu

wins, and the company's representatives prepare to receive the award from the Emperor's grandson.

When we hear this news, I straightaway send off a fax to Sony's attorneys telling them that their clients have no rights to Pingu and that they are to make a public statement to this effect. Back comes the lawyers' sweet and gentle plea for comprehension. Tough luck for them – neither Pingu nor any of the rest of us actually care at all whether the attorneys and all the members of Sony's Board of Directors have to commit hara-kiri.

I bang off to the lawyers a new take-it-or-leave-it royalties proposal, for three-and-a-half times the amount that Sony had originally proposed. With instant turnaround they fax back their acceptance.

Ninja penguin Pingu! Ninja lawyer Barry!

Curry and Corruption

It seems to me as if the Japanese experience may have toughened and smartened me up just a little bit – but clearly not enough. My next brief is like punching a brick wall. No sooner have I returned from Tokyo to my Monaco office than I get an urgent appeal from an Indian cabinet minister's family to come to New Delhi and perform some kind of Indian rope trick to rescue him – they seem to expect me to walk on burning coals and lie on rusty nails.

Arjuna Dhivali is a cabinet minister who has been framed by someone higher up than he, on an unfounded accusation of receiving political kickbacks. We know who has framed him, but this knowledge does not help us at all – such is the power-play in India. The enemy above has picked Arjuna below as the perfect scapegoat for a number of reasons. He is a man highly regarded for his competence but without a political power base; he is a Brahman, and Brahmans are, for the first time losing their grip on Indian politics; and he is a Tamil from the South, a group that has never wielded significant political influence. Worse than all of that, the protection of the Gandhi family has been whipped out from under him by a series of scandals and assassinations.

The CBI (Central Bureau of Intelligence) informs the public and the press that no one is allowed to cite anything said by Arjuna. The CBI is the Indian equivalent of the Soviet KGB, and no newspaper in the land is prepared to publish anything that could possibly present the other side of the story. Arjuna's reputation is being besmirched by a deliberate campaign to make the pending trial go against him. A trial by press is being set up.

The local lawyers assure me that going about things in the western way will make things even worse. When in India, do as the Indians do, they tell me. I have no idea what they mean by "*the usual way*"; there are multiple ways to go – the legal, the strategic, the political, the spiritual. They are determined that we should hold back and move very slowly on legal procedures for the moment. But I do not believe them, and I carry on determinedly with my preparation of a solid legal defense. I even turn to the literary strategy that had been used in the defense of Dreyfus at the turn of the previous century, and I start drafting an Indian version of Emile Zola's editorial "*J'Accuse*", conveniently forgetting that the French establishment had put Zola in jail

for two years for daring to suggest in his editorial that a proven innocent Jew was indeed innocent. Also, I hire a grassroots service to collect up every single libelous statement made in the press; I am quite determined to punish all the false accusers. Not merely the Bible but Dante put these people in the hottest region of Hell. I don't want to wait until Judgment Day – I want the world to see justice in this incarnation.

My visits to see Arjuna in a Delhi jail in midsummer are a huge ordeal. I have to stand in line under the grueling sun for hours, with the poorest of the poor, coming to visit their dear ones. There had once been a sun shelter with plastic seats, but the seats are gone and now there are just rusty spikes; so the human line curls slowly in the sun, instead of being seated in the shade. Inside the jail's communication box, there are well over a hundred visitors at a time, bringing food and comfort to the inmates who stand in rows behind a double grill. Food is searched before it is passed through a trapdoor in the grid. Guards can overhear every conversation.

I visit my client in jail practically daily. I get the information I need in the guise of discussing curry recipes. We built our own communications code, and I manage to piece together precisely how the enemy had framed Arjuna. I am ready to bring an urgent application immediately after the courts reopen in September. It seems to me that we are marshalling an effective defense, and nothing that anyone warns me about local conditions is going to deter me.

When I have fully prepared my application, I take a short tourist break. I visit the Taj Mahal at full moon, certainly the most beautiful sight ever. I learn how the artisans had carved the white marble, the hardest on earth, with strings coated in marble dust, and had set the semi-precious stones into the marble in such a way that no robber could remove them. Their achievements make my task of freeing Arjuna look like a piece of rice-cake. But I am wrong.

I go to the South to Tamil Nadu to visit temples. When I get off the plane in Madras, my client's family meets me with the disturbing news that the CBI is tailing me. My friends offer to take me to the Madras Sheraton where I have a reservation, but there is no way that I am going to hand in my passport at the hotel check-in. Arjuna's sister-in-law takes a firm decision. In India, women seem to have a better notion than men of what to do. She phones the Sheraton and tells the desk that I will be arriving a bit late but that they are to hold my room and that I will be staying there for a full week. To dissimulate my disappearance, she takes me to her house visibly, sets me up in a room, switches on the light, lets me be seen at the window, and then leads me covertly into the family shrine in the heart of the house. There are a lot of people there because it is the time of the monthly fire ceremony for the ancestors. Before I know what is happening, I am in sandals and orange robes. A glance in the mirror shows that they have put a white smudge on my forehead, the reminder to all Hindus of the inevitability of death. This is not exactly a moment when I want this particular reminder.

Then starts the temple creep. I don't think I miss one of them. The pain of walking barefoot on the rough stone surfaces soon takes my mind off the CBI and what they are up to. By the day, I am becoming more and more of a Swami. They even introduce me as "*Swamiji*". I am to say not one word, but to bow slightly and touch together the fingers of both hands lightly in front of me in the prayer position. My friends give out that I am in *mauna*, a period of total spiritual silence, and that I have not spoken a word for nine years – I still have one year to go. This does at least hide the fact that I can't speak a word of Tamil. I am allowed to write. I know enough

Sanskrit to write messages like “*Shanti Shanti Shanti*”. Shanti is the Sanskrit word for peace; and the blessing is given three times – once for internal peace, once for external peace, and once for cosmic peace. This is the message that I give to all interlocutors, written on scraps of pink paper.

I start enjoying the experience a lot. A few days of silence in holy sites is hugely energizing. Except for my avoiding drinking anything other than bottled water and keeping clear of communal toilets, my lifestyle is indistinguishable from that of all the other Swamis. My special friend in the ashram temple, where I am in hiding for most of the period, is the holy elephant. He blesses me lovingly as I enter the holy precincts by curling his trunk gently round my head. Other close friends are the monkeys that come to my room every morning to share my meals.

The Shankancharya, who is the spiritual head of the Hindus, finds the strength to give me a private audience, though he is now nearly a hundred years old. The Shankancharya assures me that the Indian power structure will soon undergo a major change, and that my client’s reputation and influence will duly be restored intact.

Then, on the night of Divali, comes the escape. Divali is the festival of lights, the celebration of the triumph of Good over Evil. The minds of all Hindus, hopefully including the CBI officers that have been tailing me, are focussed on things other than Barry slipping out of the country. It is full moon, and together with a thousand priests, all dressed just like me, and with white smudges on our foreheads, we commence a ten-mile walk clockwise around the divine mountain of Aranchula. Every few hundred yards there are tubular rocks, and the pilgrims stop there to pray and meditate. These rocks are symbols of the *mahalingam* (biggest penis) and the *shivalingam* (Shiva’s penis). I don’t care what they are, just so long as they bring the promised protection and good luck.

They really do. I am picked up by a waiting car at the far side of the mountain in the deepest shadow, given back my Western clothes, and whipped off to the airport and onto a Singapore Airlines flight. I have never enjoyed anything quite as much as I now enjoy the sight of the Indian coastline receding.

Wise after the event, it is clear that the Shankancharya is right, and the reversal of fortunes has already commenced. Political flux in India is like being on a roller coaster. Though I carry on working on Arjuna’s legal defense from my office in Monte-Carlo, a little bit of local spirituality and a lot of local political pull do much more for Arjuna than all of my research and preparation for the big case that never happens.

Political reversals of fortune, for good or for bad, happen very fast in India. In less than a year, Sonia Gandhi regains her influence; Arjuna is fully reinstated and his political enemies sidelined.

Arjuna invites me back to India at the time of Divali. It is now a year after the escape. I am received by Arjuna and his sons like visiting royalty, and am lodged in the president’s suite of the Indian Institute of Technology. This time I really enjoy the Hindu festival of light and its symbol of the triumph of Good over Evil. This is fitting: Arjuna’s battle is indeed the battle of the forces of Good against the forces of Evil – and the forces of Good have won.

After dinner, with tongues in cheek and with deadpan faces, we engage in an exchange of curry recipes, exactly as we had when Arjuna had been behind bars. After a few moments of this nonsense, we both collapse into uncontrollable laughter. It is a while before we have the composure to talk more seriously about curry and corruption.

I take a sheet of pink paper and write the words “*Shanti Shanti Shanti*”.

Slow Boat to Indonesia

The best laid plans of man and mice gang aft alee.

Robbie Burns’ profound Scottish wisdom warns us that even the best of plans can easily come off the tracks. Try this one for size:

The project is perfectly conceived, perfectly financed, perfectly executed, and in the public interest. A team of manufacturers and financiers briefs me to structure their bid for a fertilizer factory in Indonesia, which has been funded by foreign government grants, and which is intended to enhance food production for the benefit of millions of starving Indonesians.

The project is unique in world manufacturing history. Start with picking up two huge redundant tankers from a Norwegian shipyard; then convert one of them into a nitrogen plant in a French shipyard, and the other into an ammonia plant in a Belgian shipyard; and then tow the two vessels to Indonesia where they will be joined into the fertilizer plant.

My clients’ tender comes in way below their nearest competitor, and they can deliver the plant in two years where all the other companies tendering for the contract require four years. They get the contract, and we throw a big party at the Paris Hilton under the illuminated Eiffel Tower.

One thing only goes wrong: An Indonesian minister siphons the entire foreign government grant into his own numbered account in a Geneva private bank. The Indonesian government doesn’t have the funds to pay for the plant and backs out of the deal.

It seems that all may be lost, but my clients move fast. They persuade the Nicaraguan government to use a US grant to buy the factory ships before they even leave the French and Belgian ports – and for more money than the Indonesian contract. In a very short while, the Nicaraguans improve their nation’s food supply.

My clients move from success to success, and soon establish a major shipping company with Arab funding. They remain loyal clients for twenty years until their group is taken over, and they retire in great comfort.

It is indeed an ill wind that blows no good at all!

Winged Victory in South-East Asia

Nike is the Winged Victory of Samothrace – the most famous sculpture in the Louvre Museum in Paris. The Nike swoosh captures the shape and the rhythm of the Winged Victory with consummate skill.

The brief from the Nike company BRS is to research the manufacturing facilities and incentives in a number of South-East Asian countries, in order to determine the most suitable location for their new manufacturing operations in the region.

I visit their headquarters in Beaverton, Oregon. They show me their new air shoes, which are so far ahead of anything else in the industry that someone voices concern that they may be banned for use in the Olympic Games – this did not of course happen. After all, air shoes are not steroids.

Years later, there is some kind of ruckus over whether Nike has been using child labor for sewing its soccer balls.

My own children start taking me apart. I have always found it normal for my children to give a hand in the office as well as in the home. Now they find the opportunity to treat me as if I am engaged in child labor exploitation.

I try to divert this pleasantly enough by telling them that the etymology of “soccer” is from “association football” and explaining to them the difference between traditional football and association football.

This doesn't help at all. They don't even listen and they get so unpleasant that I try to arrange for them to be sent to the East to work in one of Nike's soccer ball factories. That also doesn't work.

Nine Holes can Make a Full Course

I like the Prime Minister of Malaysia.

He tells the cabinet that he is going to create an international offshore financial center on the Island of Labuan, off the coast of Malaysian Borneo, near Brunei. And that he's going to do it in less than six months. They tell him that it is impossible. So he retains me in to make it possible. And we succeed.

Labuan used to be an oil terminal, so there are reasonable port and aviation facilities and the kind of luxury amenities that offshore oil engineers all over the world take for granted on rigs and in neighboring ports. The Prime Minister's only real worry seems to lie in the fact that there is only a nine-hole golf course on Labuan and no room for another nine holes.

The new legislation is a mere drafting matter. All we have to do is to isolate and regionalize the favored facilities so that they aren't available to the Malaysians themselves.

The whole thing is a piece of cake – and a model of legislative and administrative effectiveness. With high level government backing, the laws and regulations are promulgated like lightning without hitches.

I really enjoy visiting Malaysia. The Hotel has a tennis centre on the roof and, for ten US dollars an hour, I play with the Malaysian junior champion every night. Afterwards, the tennis club provides massage by a Borneo lady, who learned her techniques from her grandmother in a long hut, and she irons out any micro-traumatisms from the violence of the game.

The Malaysian success pulls me into getting invitations to work in Singapore and Hong Kong.

Long Wait in Kuwait

What's a lawyer's career without getting stabbed in the back and shot in the head?!

A young lawyer soon learns about attitude and gratitude. When I prepare material that earns senior counsel a standing ovation at the UN, he refers to my magnum opus as "*a bit of translation work*" that I had done for him. When my father and I produce the winning point in the South-West Africa case before the International Court of Justice, the South African Department of Foreign Affairs, as well as senior counsel, forgot even to say *thank you*.

But these are not the real stuff – just silly matters of vanity. Later on, I have a strange mixture of feelings when what could have been the biggest brief of my career dies in the sand.

It is exciting to be briefed by the United Arab Shipping Company, headquartered in Kuwait, and owned by the governments of Saudi Arabia, Iraq, Kuwait, Bahrain, Qatar, and the United Arab Emirates. I am to structure certain of their US acquisitions. We hold meetings in a Gatsby-style suite at the New York Plaza, and I give them my opinion that their proposed operations are completely *halaal* (kosher) in US tax law. My Iraqi secretary translates the opinion into Arabic, and I fly to Houston for a briefing.

I am at the Houston Galleria when the news breaks that Saddam Hussein has invaded Kuwait. Destroying my coveted brief is in fact his only real victory in the campaign.

The announcement by the United States government that this is an act of war results in one of the most poignant experiences of my life. There is a big crowd at the Galleria to hear the Little Ponies, a Japanese percussion group consisting of children only. The ice rink is covered with a wooden stage for the concert and thousands of us are crowding the three levels of the rectangular shopping center. As the news circulates that America is at war, the percussion group plays "*Yellow Rose of Texas*", "*She wore a Yellow Ribbon*", "*America the Beautiful*" and Sousa's "*Battle Hymn of the Republic*". Tears start welling up. I am so ashamed to be an adult man crying in public. Then I look round to see if anyone is staring at me. It is happening to them too. There is not a dry eye to be seen. Thousands of us are just standing there listening to those lovely children's percussion, with tears pouring down our cheeks.

I am overwhelmed with shame at my regrets for the disappearance of my big brief. Sincere concerns for what is actually happening remind me that I am not the only one to be stabbed in the back or shot in the head. People will be killed and maimed. It is a time for prayer, rather more than a time for counting lost bucks.

That night an important spiritual realization comes to me:

We should be grateful for what we do have, rather than being resentful for what we don't have.

CHAPTER SIX

SOUTHERN CROSS

The most beautiful thing in the sky is the Southern Cross. It's like a kite in the night, with a strange fifth star at its heart. In Australia the Southern Cross seems to cast a special aura. Australia's location and even its name make it the true South. Australia is also part of the East, but not quite.

When the Twain do Meet

Both the dojo experiences in Japan and the temple experiences in India give me a lot of eastern habits and attitudes.

I begin to sleep less and to be in my office as early as a farmer. My children parody for me "*Early to bed and early to rise makes a man healthy and wealthy and wise*" into "*Early to rise and late to bed makes a man tired, fired and dead.*"

One cold dark morning in my Monte-Carlo office, I get a call from Baker & McKenzie in Sydney. Will I accept a brief? They have to know immediately, owing to the urgency of the matter. When I hesitate, they ask me if \$40,000 for a day's work would help me to take a decision. I accept very fast. I look at my watch – it is 4.30 am.

What follows is a bit of desk work, Sydney Harbor on a yacht, tennis on a lawn court, and a top suite at the InterContinental overlooking the Botanic Gardens. It's very easy to fall in love with Australia.

Then comes the biggest compliment of all: both Chargeurs in Paris and First Australian Bank in Sydney retain me separately and together. I am to advise on the setting up of their new joint venture project, seemingly in Hong Kong, but really in China. I warn them about the possibility of a conflict of interest, but this doesn't faze either of them.

Kipling tells us that *East is East and West is West, and never the twain do meet*. But I am most delighted that the two do meet at my office in Monte-Carlo. I am now doing a lot of Asian and Australian work, *though they come from ends of earth*.

Australia is becoming addictive. I can't get enough of it. In fact I am coming to like Sydney every bit as much as I like Johannesburg and Monte-Carlo.

More Deadly than the Male

After dinner, I say to Gareth that I would like to say "*goodbye*" to his wife. He replies: "*Who wouldn't?*" Gareth laughs at his own joke and doesn't admit to having stolen it from Groucho Marx.

Gareth Smith is the top divorce attorney in Sydney and he loves to regale his friends with tales about divorce and custody cases, each one funnier than the last one. That is, until it actually happens to him.

A typical Gareth Smith tale is about his most realistic client:

She sees her husband embracing a beautiful blonde. She tells him that she is suing for divorce. He replies that that is quite OK, but she will naturally have to give up their secondary home in London, her Maserati, and the holidays in Bali. At that moment, she sees their best friend with a glamorous brunette on his arm. "Who's that?" she snaps. "That's Jack's new mistress". She reflects for a moment and whispers to her husband "Our's is prettier".

He tells me that this is a serious case study on the realistic way to avoid divorce proceedings. Then he instructs me that the best way of avoiding even the possibility of a divorce is to be found in the oldest fairy story in the world. Of course he can't be treated seriously. His fairy story runs as follows:

Handsome prince meets ravishing princess. He asks her to marry him. She says "No". And he lives happily ever after.

What happens to Gareth Smith in real life turns out worse than anything that has happened to any of his clients and worse than any of his silly jokes. And after, that he never again tells a single divorce joke.

Gareth's New Zealand wife outplays him all the way down the line. Naturally, through living with Gareth, she has picked up a trick or ten, and she knows all of the top Australian divorce advocates, including more than a few who are heavily antagonistic towards Gareth.

The entrapment takes place with military precision. She systematically lodges complaints that she and their little son Shane are being beaten and abused by Gareth. She doesn't follow up on any of these complaints – she just makes sure that they are on record. Later when she sues for divorce, she asks for sole custody and guardianship over Shane and a court order that Gareth never again be permitted to be alone with Shane. She has set it up in anticipation with her multiple complaints about Gareth's abuse, so that, as soon as she gets the order, she grabs Shane and hops straight onto a plane for Auckland.

Gareth hires leading advocates first in Sydney and then in Auckland to handle his case. They lose outright. The courts come down solidly against Gareth. All of Gareth's friends are solidly with him. They know that Shane far prefers Gareth to the mother. But the moral support that he receives at the Gym and at the Golf Club is just about as useful to Gareth as the men's locker room smell – very strong, but not very helpful.

Gareth never stops quoting Kipling's account of the she-bear:

*"When the Himalayan peasant meets the he-bear in his pride,
He shouts to scare the monster, who will often turn aside,
But the she-bear thus accosted rends the peasant tooth and nail
For the female of the species is more deadly than the male."*

I'm not so sure that this verse fits all she-bears, but it certainly does fit Gareth's wife.

The denouement of the affair is as strange as it is unexpected. Without even discussing it with his father little Shane aged 14, goes on his own to the Auckland High Court's social worker and gets her to take him to the children's judge. We don't

know what Shane tells the judge, but clearly the little boy does a much better job than all the heavy-weight lawyers put together. The judge awards to Gareth a provisional order of guardianship and custody, subject to confirmation by a social worker appointed by the Sydney court within three months. The Australian social worker's report seals the court order, and Shane is free to stay with Gareth.

From then on Shane takes the initiative in everything. He and Gareth go cycling every morning along the tracks in the Botanic Gardens; they go rowing on the Harbor; and, above all, they spend every spare moment on the golf course and the driving range. Shane studies seriously, becomes a scratch golfer, and receives a golf scholarship to a leading US Ivy League University. Shane tells us that the term "Ivy" comes from "IV", i.e. the Roman number "4", i.e. one of the top four American Universities.

Gareth and his lawyers may have lost all of the previous battles and their aftermaths. But Shane wins the last battle, and it's the last battle only that determines the outcome of any war.

Shane shows me a photograph that he took on the day he got back to Sydney. It is of himself in the center of a double rainbow in the spray of the fountain in front of a semi-circular bed of gladioli in the Sydney Botanic Gardens. Shane has caught his own magic moment in the center of the double halo of the rainbow, with the blaze of flowers behind following the same curve and with the Sydney Opera House in the distance.

Keeping a Civil Foot in my Mouth

One night at the Sydney Opera, I meet the Kahuna.

The Kahuna is a big hulk of an Afrikaner called Hugo van Staden, now living in Australia. I ask him what took him there. He tells me this story:

When his neighbor from the farm in the Northern Cape is on his deathbed, he smells his wife's baking. He asks his wife for one last taste of her milk tart before he goes. His wife says to him: "Sorry Darling but we're saving the milk tart until after the funeral".

Later I learn the truth about why he is in Australia. As a young man, he was at La Scala in Milan, with a great operatic career ahead of him, when he took a fall mountain climbing at Cortina in the Italian Dolomite Alps. His operatic career was over, and he went to Japan with Suzuki to learn the healing skills practiced in the Japanese martial arts dojos.

After four years, Suzuki sends him to an islet off the coast of New Guinea to meet his Master Kahuna. As he arrives on the beach in a little dinghy, his Master Kahuna comes out of the palm fringe on the beach and leads him to the clearing where he runs his show – healing blind people with his spittle, fixing broken arms just by touching them, curing snake bite with leaves.

When the Kahuna is in turn fully trained, his Master Kahuna tells him where to go, and he obeys unquestioningly. That's why I find him in Australia. He orders me to stay in his home when I am in Sydney.

The Kahuna is a rare healer with all the skills of the Australian Aborigines. He becomes a very important part of my world. He fixes my micro-injuries from sport and strengthens my muscle structure with his special brand of exercises.

Each time that I work out with him, we talk and joke like a pair of Aborigines on a walk-about. I ask him for a special kind of help. I am the innocent but undisputed expert of the *faux pas*.

I tell him that it started as a child, when I told my mother who was chatting to a friend to stop talking to "*such an ugly lady*".

If, at drinks time, I tell the guests about an official survey into meat industry that reveals that *maggots remain in the minced meat left behind in the ratchets*, be sure that the hostess will be serving mince for dinner.

If I ask what all beaten wives have in common, the answer being that they *just don't listen to their husbands*, be sure that half of the women at the table will have been beaten wives.

The Kahuna gives me a powerful and permanent cure for my problem.

"The best way for you to keep a civil foot in your mouth is to take a permanent vow of silence."

CHAPTER SEVEN

INTERVAL

*“Time will run back, and fetch the age of gold
And speckled Vanity
Will sicken soon and die.”*

John Milton

The Winning

I meet my Trainer when he is 56; he dies when he is 93. During those 37 years, I visit him very frequently in Los Angeles, in Boca Raton, in Johannesburg, in Tokyo, and in Kyoto. My Trainer is Mani Finger, a Lithuanian Jew, with a full beard and a smile that lights up the world. As a child Mahatma Gandhi blesses him and predicts that he will be a great teacher. He has been a good rugby player, and pictures of him as a young man in the British Army show him to have been an athletic hulk. When I meet him he is a cripple. In 1942, a German shell hits his tank during the big desert battle of El Alamein, where the allies turn around Rommel’s panzer divisions, and gain one of the most important victories of the war. Later he learns pain management at the leading yoga school in Rishikesh in the foothills of the Himalayas and acquires extensive knowledge of Tibetan breathing techniques.

The Trainer always sits on a Japanese futon surrounded by oriental religious artifacts and spiritual books, mostly in Sanskrit. Training sessions are all one-on-one. I thank the Trainer for accepting me for training, and he replies: “When the Pupil is ready, the Trainer appears. The Trainer needs the Pupil every bit as much as the Pupil needs the Trainer.”

The most important part of my training lies in breathing techniques. The Trainer initiates me into aspects of power breathing which complement the breathing training which I had learned from Guy at Marina del Rey and from Frank and the other Olympic Trainers in Monte-Carlo.

Power breathing is alchemy. The Trainer tells me that the origins of the power breathing techniques are lost in the mists of time; they may have been practiced first in Atlantis and Limuria.

The Trainer teaches me how to watch my breath as a witness. After a few days, I notice that, during some breath-watching sessions, my breath simply stops altogether, sometimes for quite long periods, though I can never be quite sure for how long, since, when this happens spontaneously, I am not aware of the breath’s arrest. Sometimes, too, the air goes out of my lungs very slowly and then, at the end, when it seems as if there is no more air left in the lungs, there is a short deep *phutt*, as if I am really expiring. After practicing for a while, I observe that extraordinary peace comes from the emptying out of the lungs and remaining still for a while with the lungs absolutely empty.

I ask the Trainer to teach me about the meaning of winning. He teaches me detachment.

I find confirmation of what I am learning elsewhere. Winning is the activity, not the result. You just go from one victory to another without regard to any losses. They too

are part of the activity of winning. I turn again to the Zen maxim: *“Neither the winner nor the loser be! Be the Winning itself.”*

The Closing Years

I am writing my memoirs now because so many people have told me – kindly – that there are vignettes in my life’s experiences that are worth the telling of the tale; and others have told me – unkindly – that I’m not going to live forever – so I’d better do it now. R’Nachman of Bratlav (Wroclaw) warns us that:

“Whoever is able to write a book and does not, is as if he has lost a child.”

Both my professional and my sporting careers have turned out so wildly improbable, that it’s as if I am under orders to write my memoirs. It’s tough believing the strange and ironic events both in my working life and in my playing life. But they did actually happen.

Everything in my professional career seems to come easily – like I’m not really working, but playing. Everything in my sports training seems to come really hard – like I’m not really playing, but working. My professional career is like being on a cable-way; while my sports career is like pushing a rock up to the top of a mountain.

I am ending my sports career as a sparring partner, training athletes, who are coming second or third, to become winners.

I am ending my professional career in teaching, and assisting government agencies to enforce, anti-money laundering and financial compliance laws. I would like to feel that I am a little bit useful at the time when the world is turning the corner from tolerating Evil to struggling to enforce Good.

Schopenhauer reminds us that:

“The closing years of life are like the end of a masquerade party, when the masks are dropped.”

Interval

“What is the meaning of life?

What is the meaning of death?

What is the meaning of good?

What is the meaning of evil?

What is the meaning of love?

What is the meaning of hatred?

The answer to all these questions lies in the interval between two breaths.”

Zen koan

Life is the interval between two breaths – between the moment that the newborn infant takes the first gulp of air until the last gasp on giving up the ghost.

The interval between two breaths is also that period when the breath goes silent in deep concentration and just stops – it's the Big Blue.

Discrimination and detachment are made easier because I have known in my life at least one flash of truth. For one little moment of my life I experienced the razor's edge of reality. No effort was required to scrap illusion and disillusion. It just happened on its own in the swimming pool at King Edward VII School.

EPILOGUE

THE DESIDERATA

“Desiderata” means those things that we desire.

All the wisdom in the world is to be found in the *Desiderata*, a spiritual manifesto carved by an anonymous Puritan in 1692 into the stone of Old Saint Paul’s Church in Baltimore. It reads:

Go placidly amid the noise & haste, & remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quietly and clearly; and listen to others, even the dull & ignorant; they too have their story. ~ Avoid loud and aggressive persons, they are vexatious to the spirit. If you compare yourself to others you may become vain & bitter; for there will be greater and lesser persons than yourself. Enjoy your achievements as well as your plans. ~ Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism. ~ Be yourself. Especially do not feign affection. Neither be cynical about love; for in the face of all aridity & disenchantment it is as perennial as the grass. ~ Take kindly the counsel of the years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue & loneliness. Beyond a wholesome discipline, be gentle with yourself. ~ You are a child of the universe, no less than the trees and the stars; You have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should. Therefore be at peace with God, whatever you conceive Him to be, & whatever your labors & aspirations, in the noisy confusion of life keep peace with your soul. ~ With all its sham, drudgery and broken dreams, it is still a beautiful world. Be careful. STRIVE TO BE HAPPY.

I try to relate the *Desiderata* meaningfully to my life. The following are excerpts from my diary entries:

Diary Excerpt # 1

Go placidly amid the noise and haste, and remember what peace there may be in silence

I have frequently observed that there is infinite power in silence – both internal power for yourself, and external power in your dealings with others. Shakespeare tells us: *“Give thy thoughts no tongue, nor any unproportioned thought his act”*.

I reflect on the formula for longevity in Psalm 34:13-14: *“Who is the man who desires life and loves days that he may see the good? Guard your tongue from evil and your lips from speaking deceit.”* This seems to me to be the highest social and spiritual value.

Diary Excerpt # 2

As far as possible without surrender be on good terms with all persons

My life's experience has shown a thousand times that if you attempt to make concessions that are not your truth, these very concessions come back at you later like a boomerang and strike you down. In order to maintain a sound relationship with others, you may have to accommodate change. After all, there is only one thing in life that does not change, and that is change itself. But this accommodation of change must be without surrender.

Diary Excerpt # 3 *Speak your truth quietly and clearly*

This reminds me of Shakespeare's: *This above all: to thine own self be true. Then it must follow, as the night the day, thou canst not then be false to any man.*

What is in issue is not simply the question of whether a statement made by you is accurate or not. What matters is whether or not it is *your truth*. Submitting yourself to the truth of others makes you a certain loser. It is the path of suffering. In the words of Jean-Paul Sartre: *L'enfer, c'est les autres - Hell is other people.*

Diary Excerpt # 4 *Avoid loud and aggressive persons, they are vexatious to the spirit*

The Hindu *Bhavanas* prescribe the correct pattern for dealing with different classes of persons. Towards superior people, feel joy at their superior qualities. Be happy for the very beautiful that they are so beautiful; for the very rich that they are so rich; for the geniuses that they are geniuses. Make no comparisons; feel no envy. Just enjoy their superiority, but know that you do not share their world. Towards people who are beneath you, feel compassion. But again, know that you do not share their world. With your equals, you can work and play, and enjoy sharing fields of equality. The fourth class of people consists of those who interfere with your peace of mind. Don't let them exist at all for you. They are not on your planet.

Diary Excerpt # 5 *If you compare yourself with others, you may become vain and bitter; for always there will be greater and lesser persons than yourself*

It is basic folklore that *comparisons are odious*. The rule is simple: Have only one frame of reference, the Self. However, I find that the obvious in theory can be very hard in practice. After all, who am I? I may be nothing more than the witness of my thoughts.

Diary Excerpt # 6 *Enjoy your achievements as well as your plans. Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time*

Rabbi Hillel said it better than anyone: *If I am not for myself, then who can be for me? And if I am only for myself, then what am I? And if not now, when?*

One's strivings can be a tremendous source of pleasure and satisfaction whether or not the desired result is or ever could be attained. To watch a happy child at play is to learn it all.

Diary Excerpt # 7 *Exercise caution in your business affairs; for the world is full of trickery*

Hindsight is perfect 20-20 vision. It is much harder to be wise before the event. Being on your guard at all times and under all circumstances sometimes appears to be quite beyond our powers.

I find that the only way that I can exercise caution is through awareness.

Diary Excerpt # 8

But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism

It is a great source of comfort to identify and appreciate virtue in others. There is much inspiration and encouragement to be found in the goodness, courage, and heroism of others.

Diary Excerpt # 9

Be yourself

I reflect that you cannot *be* yourself unless and until you *know* yourself.

The medieval Sage, Zusya of Anipoli, a learned man who had lived a full and good and respected life, lay dying. A student keeping watch at his deathbed asked him gently whether he was at all afraid of dying. “Yes,” he replied “*I am afraid to meet my Maker.*” His students asked him how it was possible that someone who had led such an exemplary life could be afraid of meeting the Lord. One of them said: “*You have led us out of the wilderness of ignorance like Moses.*” Another exclaimed: “*You have judged between us wisely like Solomon.*” Zusya replied: “*When I meet my Maker, He will not ask me whether I have been Moses or Solomon; He will ask me whether I have been Zusya.*”

Diary Excerpt # 10

Especially do not feign affection

Feigning affection and flattery are attempts to entrap – they are disgusting. However, it is very important to take the trouble to say kind words that are genuine and merited. People are so quick to berate what they disapprove of, that it is a great virtue to praise what you do approve of, just as long as you don’t make anyone feel uncomfortable, especially where this could seem to imply a negative comparison with someone else.

Diary Excerpt # 11

Neither be cynical about love; for in the face of all aridity and disenchantment it is as perennial as the grass

The most valuable force to keep the world a happy place is for love to be unconditional. This is after all the only true love. Conditional love wants something in exchange. It is a source of joy to show unconditional love to anyone and to receive unconditional love from anyone.

Love is like the rays of the sun. The sun does not care whether its light falls on a sparkling brook or on a cesspool – it just keeps on shining. Love is not dependent on any response from the object of its loving. If it were, it would not be love – it would be a kind of trade-off. On the other hand, unconditional love is pure and cannot ever have any backlash of any kind – it is a power so great that it can hold the world together.

The Ancient Wisdom tells us: *Neither the lover nor the beloved be. Be the loving itself.*

Diary Excerpt # 12 *Take kindly the counsel of the years, gracefully surrendering the things of youth*

It is certain that we have no choice about the passage of time itself. But we do have two other choices: what we feel about it, and what we do about it.

In surrendering the things of youth, we must take great care to surrender only those things of youth that must be surrendered. We need never assume that anything is lost just because of a reading of the calendar. With the passage of the years we may even get better at some of the things of youth.

Diary Excerpt # 13 *Nurture strength of spirit to shield you in misfortune*

Since your spirit is the source of all power, *nurturing strength of spirit* means the strengthening of your ability to access your spirit. Once accessed, the strength is there.

In times of misfortune, the spirit may indeed be the only effective shield.

Diary Excerpt # 14 *But do not distress yourself with imaginings*

Unreal imaginings, whether pessimistic or optimistic, are the sure instruments of self-distress.

The Ancient Wisdom offers us two principal techniques. They are *discrimination* and *detachment*. With *discrimination* you sort out what is real from what is unreal. Once you have discriminated between the real and the unreal, it is much easier then to *detach* yourself from the desired or the feared results of what has not yet transpired.

Diary Excerpt # 15 *Many fears are born of fatigue and loneliness*

A high energy level fosters happiness, while a low energy level favors unhappiness, the natural breeding ground for self-inflicted fears.

My beloved Father said in his ninetieth year: "I am alone, but not lonely." Loneliness is not the same as being alone.

Diary Excerpt # 16 *Beyond a wholesome discipline, be gentle with yourself*

When we are gentle with ourselves and have loving confidence in ourselves that we will do the right thing, somehow everything has a way of working out.

It seems to be much easier to rely on good habits for a wholesome discipline, rather than on some self-imposed discipline that it would be impossible to impose on someone else.

The most wholesome discipline is to avoid procrastination. My beloved Mother often reminds me that the paths of hell are paved with good intentions. Proverbs tells us that: "*Hope deferred maketh the heart sick.*"

Diary Excerpt # 17

You are a child of the universe, no less than the trees and the stars; You have a right to be here

The awareness of the right to be here nurtures a feeling of self-worth and protects against the feeling of suffering that may come from rejection.

Most of us are vulnerable to some form of rejection, at some time or another, from a particular person or a particular circumstance. When we are indifferent to the person or to the circumstance, we are normally also indifferent to the rejection itself. Sometimes we don't even notice it; at other times we may notice it but without attaching wrong importance to it.

However, when we care about the person or the circumstance, the rejection may affect us in different ways. We may feel a sense of loss of love; or a weakening of our support system; or a sense of hurt; or a blow to our vanity.

The simple solution is never to hand the perception of self-worth to the value-judgement of others. We have a right to be here.

Diary Excerpt # 18

And whether or not it is clear to you, no doubt the universe is unfolding as it should. Therefore be at peace with God, whatever you conceive Him to be

Often we travel through periods of turmoil where we may have the impertinence to ask Providence to explain some of the awful things that happen to people *in the unfolding of the universe*.

I call to mind Blake's blueprint:

*To see a World in a Grain of Sand,
And Heaven in a Wild Flower,
Hold Infinity in the palm of your hand,
And Eternity in an Hour.*

Diary Excerpt # 19

Whatever your labors and aspirations, in the noisy confusion of life keep peace with your soul

The noisy confusion of forces may well spin out of our control.

At such times it may be enough just to pause momentarily and access the soul, in order to restore the sense of peace.

Diary Excerpt # 20

With all its sham, drudgery and broken dreams, it is still a beautiful world

My Trainer tells us that Stress is the fruit of effort that has no results, whether it be at work, at love, at eating, at sleeping, or just at living. Stress is when you put in all your effort and receive nothing in return.

Awareness of our beautiful world enables us at all times to situate, and to distance ourselves from, the sham, the drudgery and the broken dreams. Every moment of unalloyed awareness, and the freedom from misery that comes with it, are precious beyond words.

The unknown author of the *Desiderata* completes this most splendid text with an injunction: he reminds us to be careful.

How can we be careful? There is only one way. It is awareness. Awareness is positive and is not the same as defensiveness, which is negative. Awareness is the great magician.

Only then does he enjoin us to strive to be happy.

CONCLUSION

The trillion dollar gaming boards of the world fall far short of the spiritual manifesto carved into the stone by an anonymous Puritan.

The *Desiderata* contain the philosophy that my beloved Father brought me up on.

We end our lives where we start.