

## HONORARY GRADUATE

### SIR SYDNEY KENTRIDGE

Sydney Woolf Kentridge is one of the most distinguished figures in the English-speaking legal world, and one of this university's most celebrated graduates. He was born in Johannesburg in 1922, son of the much-respected Parliamentarian, Morris Kentridge MP, and educated at King Edward VII School in that city. He graduated BA at Wits in 1941. Thereafter, from 1942 to 1946, he served with the South African armed forces in East Africa and Italy. He went up to Exeter College, Oxford in 1946, where in 1948 he graduated with First Class Honours in Jurisprudence.

Sydney Kentridge returned to South Africa in 1949. He was admitted as an advocate of the Supreme Court and joined the Johannesburg Bar. For the next thirty-three years he remained a member of the Johannesburg Bar, becoming Senior Counsel in 1965. He chaired the Johannesburg Bar Council from 1972 to 1973.

In 1977, Kentridge was called to the English Bar, becoming a member of Lincoln's Inn. He built up an increasingly large practice as a barrister in England, and in 1984 was made a Queen's Counsel. Eventually, in 1987, he relocated his practice to London. On leaving the Johannesburg Bar he was made an honorary life member.

Sydney Kentridges abilities as a lawyer have earned him, justly, a world-wide reputation. Lord Alexander of Weedon QC, former leader of the English Bar has said of him that 'he is simply the most highly regarded advocate in the Commonwealth'. His fame derives from a formidable combination of personal attributes: a finely honed sense of legal rule and principle; a forensic prowess that can only be described as extraordinary; and a profound commitment to the humane values that underlie the very concept of law.

These qualities were direly needed in South Africa when Kentridge started his practice in the late 1940s. His first brief that resulted in a decision published in the South African Law Reports, *Sachs v Dönges* No 1950 (2) SA 265 (A), concerned the withdrawal by the new National Party Minister of the Interior of the passport of communist trade-union leader Solly Sachs. The legal team of which Kentridge was the junior member persuaded the Appeal Court that the issue and revocation of passports was subject to judicial scrutiny and that the Minister could not deprive Sachs of his passport. The Nationalist Government later reversed that court ruling by legislation. It was a pattern that became familiar over the next forty years to lawyers who challenged apartheid in the courts.

Kentridge was to play a prominent part in those challenges. He was junior counsel in the famous Treason Trial from 1956 to 1961, which resulted in the acquittal of Nelson Mandela and the other accused. He was a member also of the legal team appearing for the bereaved families in the inquiry into the shootings at Sharpeville on 21 March 1960. Kentridge led the legal team that sought before the Rhodesian courts, and ultimately before the Privy Council in London, to challenge the constitutional legality of Ian Smith's seizure of power. He defended the *Rand Daily Mail* and its editor, Laurence Gandar, when they were prosecuted for

exposing conditions in South African prisons in the late 1960s. He led the legal team on behalf of the Biko family at the inquest into the death in police custody of Steven Bantu Biko. The skill and deadliness of his cross-examination of the police witnesses attracted world-wide attention, and were later portrayed in a play performed in London and in South Africa.

Kentridge has gone on to build a voluminous and glittering practice in London, where he has acted in many cases of public importance, both on behalf of and against major British institutions.

Many encomiums have been heaped upon Kentridge, and many institutions before his Alma Mater have honoured him. He has received honorary doctorates in law from six universities in South Africa, the United Kingdom and the United States of America (Seaton Hall, New Jersey, (1978); University of Leicester (1985); University of Cape Town (1987); University of Natal (1989); University of London (1995); University of Sussex (1997)). He became a bencher of Lincoln's Inn in 1986, and in that year his Oxford college made him an Honorary Fellow. Sydney Kentridge is a Fellow of the Institute of Advanced Legal Studies and an Honorary Fellow of the American College of Trial Lawyers. He has been a visiting scholar at Harvard Law School, and was awarded the Granville Clark Prize in the United States in 1978.

He is Governor of the British Institute of Human Rights and was a judge of the Court of Appeal of Jersey and Guernsey from 1988 to 1992. He was a judge of the Court of Appeal of Botswana from 1981 to 1987. Kentridge has been asked to give distinguished memorial and special lectures at universities and academic and legal institutions all over the world, including the Ernie Wentzel Memorial Lecture at this university in 1987.

Kentridge has served Wits in other ways. He was for many years an active member of the Board of the Faculty of Law, and was a member of the University Council from 1982 to 1988.

But it is his career in and contribution to this country that is of particular importance to this university. What was uniquely odious about apartheid was perhaps not the volume or extent of the injustice and oppression it inflicted on those subject to it - since in scale of blood, other horrors on our continent may have exceeded it - but the fact that it sought to achieve its aims through legal regulation. This imperilled the future of law in our country. Together with other celebrated Wits lawyers such as Arthur Chaskalson, the President of the Constitutional Court, Ismail Mahomed, the Chief Justice, and Professor John Dugard, and advocates Jules Browde and George Bizos, Sydney Kentridge played a vital role during the dark years of apartheid in keeping alive one redeeming belief: that law has a proper function to play in curtailing injustice and in enhancing human dignity.

The legacy of these courageous lawyers is the present constitutional order itself. It was a happy circumstance of history that brought Sydney Kentridge back to South Africa in 1995, as an acting justice of the Constitutional Court during its inaugural sessions. It was Sydney Kentridge who wrote the first judgment the Constitutional Court delivered (*State v Zuma and others* 1995 (2) SA 642 (CC)). This and other judgments penned by him in that court seal his legacy to this country's legal system and also add lustre to it.

Sydney Kentridge was knighted in the high order of Knight Commander of the Order of St Michael and St George (KCMG) by the Queen in December last year for his contribution to international human-rights law and to the legal profession. For a barrister holding no official

position, this was a striking accolade.

By honouring Sir Sydney Kentridge, Wits honours an individual of formidable ability and courage and of inflexible professional determination; but it also honours the ideal his life has served with such distinction. It is with great pride and pleasure that the University confers upon Sydney Woolf Kentridge the degree of Doctor of Laws *honoris causa*.