

WITS GRADUATION CITATION: DAVID DYZENHAUS

Legal philosopher and author David Dyzenhaus is one of the most brilliant and most distinguished scholars to have emerged from the Wits School of Law. Dyzenhaus's realisation early on in his career that "there are resources internal to law, that makes it possible for resistance to happen against oppression and discrimination—even when one has a government that is determined to use the law as both an instrument of oppression and discrimination", has led him to become a world leading legal philosopher and author. His scholarship has had a significant impact on law and policy beyond academia, influencing courts in Canada and internationally, including the South African Truth and Reconciliation Commission.

Having completed a BA (1977) and LLB (1979) at Wits, David Dyzenhaus was appointed a fulltime Lecturer in the School of Law in 1982. From 1984 he read for a DPhil at the University of Oxford while also holding part-time lectureships in the Faculty of Laws at University College London and Queen Mary University of London (then known as Queen Mary College).

Dyzenhaus moved to Canada in 1988, where he took up a two-year teaching contract and a Canada Research Fellowship at Queen's University in Kingston. In 1990 he was appointed Assistant Professor in both Law and Philosophy at the University of Toronto. Today he holds the Albert Chair of Law at that university and has had the rank of University Professor of Law and Philosophy since 2015. Professor Dyzenhaus is also a Fellow of the Royal Society of Canada and a Corresponding Fellow of the British Academy.

In addition to South Africa, England and Canada, Professor Dyzenhaus has taught in Singapore, New Zealand, Hungary, Mexico, and the USA, and has held visiting fellowships or professorships at universities including Cambridge (twice), New York and Oxford.

He has nurtured legal scholars from around the world and made an impact in many jurisdictions, through his influential writings and his teaching on how and why law matters.

Professor Dyzenhaus's many publications reflect his abiding fascination with the rule of law and the possibilities for resistance that exist even within an oppressive legal system: themes that resonate with his upbringing in pre-democratic South Africa and the training in law and political theory he received at Wits. It was at Wits, first as a student and then as a junior academic, that Dyzenhaus developed his abiding interest in the way in which law, even when it is used as an instrument of oppression, as it was in the apartheid era in South Africa, opened up a space for resistance and challenge to it. Lawyers could, despite the oppressive nature of a law, craft arguments to resist the very law that the State sought to impose. His early fascination with resistance to oppressive laws in apartheid South Africa has led him to examining ways in which laws, imposed all over the world, in response to political emergencies and terrorism, can be made consistent with the rule of law and a commitment to constitutionalism.

His books include *Hard Cases in Wicked Legal Systems: South Africa in the Perspective of Legal Philosophy* (Clarendon Press, 1991) and *Judging the Judges, Judging Ourselves: Truth, Reconciliation and the Apartheid Legal Order* (Hart Publishing, 1998), both of which have since appeared in new editions. His J C Smuts Memorial Lectures at Cambridge were published as *The Constitution of Law: Legality in a Time of Emergency* (CUP, 2006). His most recent book is *The Long Arc of Legality: Hobbes, Kelsen, Hart* (CUP, 2022). David Dyzenhaus is editor of

the *University of Toronto Law Journal*, co-editor of the series *Cambridge Studies in Constitutional Law*, and has edited or co-edited numerous collections of essays.

In 2023 Professor Dyzenhaus was awarded the Gold Medal in the annual Impact Awards of Canada's Social Sciences and Humanities Research Council (SSHRC). This, the highest honour of the SSHRC, is given to individuals whose sustained leadership, dedication and originality have inspired both students and colleagues.

Conferring an honorary doctorate on Professor David Dyzenhaus would bring honour to this University and its School of Law.