Presentation address by Professor Paul Gready on the occasion of the conferment of the honorary degree of Doctor of the University upon Justice Albie Sachs on 16 July 2010

Chancellor,

To succeed in one field is admirable. To succeed in two is extraordinary. To succeed in everything one does is simply mouth-wateringly impressive! Justice Albie Sachs is a freedom fighter; a legal scholar and judge; a cultural commentator and art lover; and more. It is an honour and a pleasure to introduce him as our honorary graduand today at the University of York – a university that housed a Centre for Southern African Studies during the apartheid era and retains a strong academic interest, across departments, in South Africa.

There is a great deal to cover – forgive me if I speak quickly!

A thirst for justice and freedom was in Albie’s blood. His parents emigrated from Lithuania to South Africa as children, at a time when Jews were subject to considerable persecution within the Russian empire. Both parents became well-known political and trade union activists contesting racism in South Africa. At the age of six, during World War II, Albie received a card from his father expressing the wish that he become a soldier in the fight for liberation. Albie’s achievements can be understood as an extended correspondence in fulfilment of this wish.

While studying law in Cape Town in the early years of apartheid, the young 17-year old joined a campaign of civil disobedience called the Defiance of Unjust Laws Campaign and was arrested for the first time. By 21 he was practising as an advocate at the Cape Bar, defending people charged under racist statutes and repressive security laws. In time, Albie himself became the target of harassment, leading to two periods of detention without trial, in solitary confinement, under the apartheid regime’s notorious 90- and 180-day detention laws.
While apartheid showed that the law could be used in the service of evil, it never completely extinguished law’s capacity to be the servant of justice. In detention, in what he described as a ‘world of non-law’, a court order granted Albie access to reading and writing material, restoring his belief in the value of law. He took up pen and paper again to write his first books, two extraordinary reflections on incarceration: *The Jail Diary of Albie Sachs* and *Stephanie on Trial*.

In these early salvoes in his correspondence for liberation, Albie had already discovered his weapons: the law, the written and spoken word, and a tenacious ability to turn tragedy and pain into humanity, beauty and what he later called ‘soft vengeance’.

In 1966, Albie went into exile. He spent over a decade in England, and a further decade in Mozambique. During this time he worked as a legal academic, publishing two further books, *Justice in South Africa* and *Sexism and the Law*; he was also active in South African exile politics. In the 1980s, Albie worked with Oliver Tambo, President of the African National Congress and close friend of the then-imprisoned Nelson Mandela, on the ANC’s Code of Conduct and statutes.

In 1988, a bomb placed in his car in Maputo, Mozambique, by South African security agents inflicted life-threatening injuries. Albie told the story of his recovery in another chapter of his ongoing correspondence, a book entitled *The Soft Vengeance of a Freedom Fighter*. I still vividly remember seeing him for the first time, on the steps of the Institute of Commonwealth Studies at the University of London, where he served as Director of the South African Constitutional Studies Centre during his recovery. I was employed there in a much less elevated task: answering the phones to pay for my studies!

After 24 years in exile Albie returned to South Africa in 1990, where he helped to draft the new Constitution, acting as a passionate advocate for a comprehensive Bill of Rights. Albie was appointed by President Nelson Mandela to serve in the first cohort of judges on the new Constitutional Court. This was pioneering work, breathing life into what is widely regarded as one of the most progressive constitutions in the world, on issues as diverse as
striking down the death penalty and access to HIV/AIDS medication. His tenure as a Constitutional Court judge ended after 15 years in 2009.

As a judge, Albie is well known for the humanity and lyricism of his judgments. Consider this passage, from Minister of Home Affairs and Another v Fourie and Another (2005), a case dealing with same-sex marriage:

Equality therefore does not imply a levelling or homogenisation of behaviour or extolling one form as supreme, and another as inferior, but an acknowledgement and acceptance of difference. At the very least, it affirms that difference should not be the basis for exclusion, marginalisation and stigma. At best, it celebrates the vitality that difference brings to any society… The acknowledgement and acceptance of difference is particularly important in our country where for centuries group membership based on supposed biological characteristics such as skin colour has been the express basis of advantage and disadvantage. South Africans come in all shapes and sizes… The test of tolerance is not how one finds space for people with whom, and practices with which, one feels comfortable, but how one accommodates the expression of what is discomfiting.

Albie’s contributions to the new South Africa have been too many to summarise here. Let me conclude by mentioning just one. The Constitutional Court is located on the site of an old prison in Johannesburg – the Old Fort prison – which is itself an act of ‘soft vengeance’. In its early days, Albie was asked to take charge of decor, and his response was to line the walls of the Court with some of South Africa’s most wonderful works of art. One particularly powerful work, Judith Mason’s ‘The Blue Dress’, commemorates a woman who used silence and a plastic bag as weapons to protect her dignity prior to being killed by apartheid security forces. Part of this artwork adorns the cover of Albie’s most recent book, The Strange Alchemy of Life and Law.

Chancellor, for his lifetime’s correspondence in pursuit of liberation; for his belief that the law can fight injustice and serve justice; and for his insistence that none of these goals preclude art or beauty, it is a great honour to present to you Justice Albie Sachs for the Degree of Doctor of the University, honoris causa.