

**Speech by the Dean of the Faculty of Law at the University of Cape Town,
Prof Hugh Corder,
on the occasion of the formal opening of the
Oliver Tambo Moot Court, Wednesday, 29 August 2001.**

Vice Chancellor, Mr Judge President, Mr Tambo, Distinguished Guests, Colleagues, Students and Friends,

Welcome!

I feel deeply honoured and uniquely privileged to stand here this evening, as the Dean of this Faculty, to welcome you to this occasion in this magnificent facility. This meeting marks a turning point, the end of one phase and the beginning of another, and the reiteration of ancient values long associated with the law and this Faculty. Within the limits of this address, let me explain.

This Faculty of Law originated with the institution of a lectureship in law in 1859, the earliest of its kind in South Africa. The first professor of law, J H Brand, left in 1863 to become President of the Orange Free State, a political republic whose Constitution promised basic rights for its white, male citizens and whose judges exercised the power of review of the law.

Throughout its history of just over 140 years, this Faculty has been associated with the highest standards of scholarship and integrity, a training ground for both English- and Afrikaans-speaking students, taught in English by both English- and Afrikaans-speaking lecturers and practitioners. A notable array of prominent jurists have graduated LLB from this Faculty over the decades, and they have gone on to play leading roles within the profession, on the Bench, in commerce and politics, as well as in academic life. Until the 1980s, the vast majority of such students were white, although several noteworthy black graduates also studied here. Some are with us tonight. I will refrain from ‘calling the roll’ at this point: it would take too long!

I think that it is fair to say that this Faculty has always striven to emphasise a broadly South African approach to the instruction of the law, with a few exceptions falling prey to the Anglocentric pragmatism or the Eurocentric/Afrikaner-nationalist puritanism that has characterised much of South Africa’s legal education in the past. There have certainly been times when too uncritical a positivistic stance was taken towards the inherent tension between law and justice, in line with the dominant political context of the time. But there have also

been shining examples of an activism in pursuit of justice rather than law, which reflects well on the emphasis on a normative basis in morality of the teaching in the Faculty. I think, for example, of the participation of Faculty members in the preparation of argument opposing the removal of Coloureds from the common voters' roll in the early 1950s; the preparation of an advice dossier by Faculty members in the face of emergency rule in 1985/6; and the constantly critical actions of student leadership in the Faculty since the late 1960s, one of the legacies of which is the pioneering Legal Aid Clinic. Numerous graduates have left their courageous marks on the law and communal life through their pursuit of justice. I would like to think that they were inspired, at least partly, by what they learnt in these halls, and the way in which this knowledge was imparted to them.

In sum, I would argue that this Faculty has a reputation for providing a thorough grounding in the basics of law, the latter viewed critically and in social, moral, and comparative context. UCT LLBs ask questions and can adapt. I also believe that the notion of the law as a servant of justice and society finds its place in the ethos of this Faculty.

This much has served us well over the past decades, during which the Faculty has operated in a colony under direct rule; under representative, then responsible government; as part of a colonial union based on a racial oligarchy; and then under a racist republic, all the while labouring under the worst consequences of legislative sovereignty. Now we work and study under conditions of a thoroughly progressive constitutional democracy: in a sense, the 'fulfilment' of the type of arrangement for which Professor Brand departed in 1863. Thus we have come full circle.

The Faculty has been located near the Supreme Court and Parliament for most of its existence, situated at Hiddingh Hall until 1972, then uneasily with the Chemists in P.D. Hahn from 1973 to 1987, moving to its own building at the south end of University Avenue in 1988. And then, six years after the advent of political freedom, and faced with fundamental new challenges, we found ourselves once more in a second-hand Education Faculty Building, but this time sufficiently refurbished to accommodate almost all our constituent parts in excellent conditions, with a wonderful Library space at the heart of our endeavours. Thus the end of a very long phase, and the urgent beginnings of a new one.

For the Faculty finds itself challenged as seldom, if ever, before. The chief features of this agenda for change include:

- Reinventing the instruction of all spheres of the law to reflect the revolution which is our constitutional democracy, and to acknowledge our re-entry into a globalising world;
- Providing effective tuition to students from a myriad of educational, racial, national, class, cultural, and religious backgrounds;
- Teaching the LLB simultaneously as an undergraduate and postgraduate discipline;
- Meeting the need for both formal and informal specialist and professional education at the post-LLB level; and
- Ensuring relevance of knowledge and a competitive edge for our graduates both nationally and internationally, in the public and private spheres.

All of this needs to be addressed against a background of declining financial resources and a radically altered socio-political context. What we seek is cultural transformation, while maintaining the ideals of justice and equity with excellence.

In our view, there is no better symbol of our goals than the facility which we open formally tonight, the Oliver Tambo Moot Court. It is, at least:

- A symbol of our commitment to transformation;
- A forum for the most effective instruction of one of the most important lawyerly skills, the art of argumentation;
- A facility which makes world-wide connections possible through its state-of-the-art equipment, and is also available for appropriate use by those outside the University, thus connecting the academy with practice; and
- The product of a magnificent measure of philanthropy from abroad.

We are immensely proud of this Moot Court, and deeply grateful to the family of the late Oliver Tambo, in particular Mrs Adelaide Tambo, for granting us permission to name it after him. For us, Mr Tambo's courage, character, and commitment exemplify what we strive to achieve. In the words of the Patron of this Court, Mr Nelson Mandela, to whom we are also immensely grateful for having agreed to re-establish the old firm of Mandela & Tambo in this manner:

Oliver was pure gold; there was gold in his intellectual brilliance, gold in his warmth and humanity, gold in his tolerance and generosity, gold in his unfailing loyalty and self-sacrifice. (*Long Walk to Freedom* (1994) at 601).

These are precisely the values that, I would maintain, we should seek to emulate through the instruction of the law: intellectual brilliance, warmth, humanity, tolerance, generosity, loyalty, and self-sacrifice. These are the values through which our institutional culture will be transformed if we unite around them, for none can contest their centrality. This room contains many material features that symbolise these values, and the Faculty colour is ‘old gold’, but it is in the activities that take place in and surround this Court that we will be tested.

Thus we stand at the threshold of a wonderfully exhilarating yet daunting challenge, buoyed by the achievements of the past, yet not dependent on them.

In closing, may I thank you all for coming here this evening and for celebrating with us. We hope to be able to welcome you in our midst on many future occasions. Many people have worked very hard to arrange this event, and I thank them all. However, it would be remiss of me were I not to mention the names of several of the staff who have contributed way beyond the call of duty:

- Professor Jonathan Burchell, Chair of the Open Day Committee, and members of the Committee (Professor PJ Schwikkard, Ms Jane Franco, Ms Rowan Fernandez, Ms Susan McElvaine, Ms Linda van de Vijver);
- Ms Debbie Collier, chief visual communication and IT boffin;
- Ms Nicole Chidrawi, UCT’s Communication Department;
- Ms Vanessa Sarig, my secretary;
- Atlantic Philanthropies, who made this Court a reality; and
- Professor John Hare, creator of the idea, indefatigable planner, worker, entrepreneur and enthusiast, without whose efforts there simply would not be an Oliver Tambo Moot Court.

I thank you.