A portrait of Sir Sydney Kentridge QC was recently unveiled at his London Chambers, Brick Court. Lord Phillips, the Lord Chief Justice of England and Wales, paid tribute to Sydney on that occasion. It is fitting that we in South Africa should also do so.

Lord Phillips described Sydney as ‘the most brilliant advocate of his generation or perhaps of his generations.’ This, too, was the opinion of his South African colleagues some 30 years ago when he decided to take up chambers in London. He was then the most sought after counsel in this country.

He was admitted to the Johannesburg Bar in 1949. Before that he had fought in North Africa and Italy. After the war he went to Oxford where he obtained an honours degree in jurisprudence and then began his career. He was an immediate success. Morris Zimmerman, who was always willing to take on cases for victims of oppression, enjoyed telling the story of a trade unionist whose passport had been revoked by the Minister. The trade unionist was Solly Sachs, himself a recalcitrant fighter for the rights of the oppressed, and a determined litigant. He objected to the Minister’s demand that he return his passport for cancelling. The Minister won in the WLD. Senior counsel in Johannesburg advised Zimmerman that an appeal had no prospect of success. The only positive response he got was from a recently admitted member of the Bar, young Kentridge. As a result of Kentridge’s encouragement an appeal was noted. Kentridge was junior to senior counsel from another Bar, and, according to Zimmerman, he was the architect of the argument that was advanced on behalf of Sachs. The result is recorded in Sachs v Dönges NO 1950 (2) SA 265 (AD) where the appeal was upheld. An early victory in what was to become an illustrious career.

Ten years later Kentridge was a member of the team headed by Issie Maisels and Bram Fischer, assembled to defend the leaders of the Congress Alliance in the notorious treason trial. He was given the responsibility of leading Nelson Mandela’s evidence. Forty years later President Mandela, speaking at dinner the GCB honouring Sydney, took time to attend meetings of the Trust and Centre, and to offer encouragement to those who worked there. He was always willing to meet LRC lawyers to discuss legislation enforcing it. He spoke his mind and encouraged others to do so, leaving no doubt about his own attitude to our unjust society. He was a role model for younger practitioners. Many of us were influenced in our responses to the injustice of the law by his example and encouragement. He was one of the founding trustees of the Legal Resources Centre established in 1978 as a result largely of the creative initiative of his wife, Felicia. Sadly Felicia has suffered from ill-health in recent years. Sydney made time to attend meetings of the Trust and Centre, and to offer encouragement to those who worked there. He was always willing to meet LRC lawyers to discuss their problems.

Recognising their contribution to law and justice in South Africa, the Sydney and Felicia Kentridge Award for service to the law in Southern Africa is made annually by the GCB.

Sydney would not accept an appointment to the South African Bench under apartheid. However, he was a judge of the Appeal Court of Botswana. After taking up chambers in London, he sat in the Court of Appeal of Jersey and Guernsey. When apartheid collapsed, he took time away from his lucrative practice in London to sit as an acting judge of the Constitutional Court. The first reported judgment the court gave was delivered by him.

In 1986 the Bar of England and Wales asked him to argue its case, through remorseless and deadly cross-examination, sometime with brilliant irony, Kentridge established that the founder of the Black Consciousness Movement had been killed by police brutality. The verdict of accidental death was seen as risible.

The treason trial and the Biko inquest are two of the important milestones in Kentridge’s South African career. But his success as an advocate, and his influence on law and justice in South Africa, go much further. He appeared in a host of cases in the Appellate Division and other courts. Though he seldom raised his voice, he was a deadly cross-examiner, not loath on occasion to inject cutting observations. He mounted arguments with such clarity and confidence that they might seem at the time unanswerable. A senior member of the Transvaal Bench warned new judges not to give judgment immediately after hearing Kentridge, but to allow time for reflection, to guard against the possibility of accepting an argument in error because of the skill with which it had been presented.

His influence went far beyond the cases he handled. He was a member of the Johannesburg Bar Council for several years and its chairman in 1972-1973.

He was a strong force within the Bar and the legal profession for his principles, making clear his concern for the ethical practice of the law, and his abhorrence of apartheid and the draconian security legislation enforcing it. He spoke his mind and encouraged others to do so, leaving no doubt about his own attitude to our unjust society. He was a role model for younger practitioners. Many of us were influenced in our responses to the injustice of the law by his example and encouragement. He was one of the founding trustees of the Legal Resources Centre established in 1978 as a result largely of the creative initiative of his wife, Felicia. Sadly Felicia has suffered from ill-health in recent years. Sydney made time to attend meetings of the Trust and Centre, and to offer encouragement to those who worked there. He was always willing to meet LRC lawyers to discuss their problems.

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against the Lord Chancellor, then Lord Hailsham, over his determination of legal aid fees, and again in 2001 to chair a committee to respond to allegations of restrictive practices made against the Bar by the Office of Fair Trading. In the same year he was briefed on behalf of the Lord Chancellor, then Lord Irvine, to challenge a finding that the Lord Chancellor had been guilty of sex discrimination in appointing a special adviser. He was successful in the 1986 case against the Lord Chancellor and for the Lord Chancellor in 2001. Lord Alexander, who had been the chairman of the Bar Council in 1986 when Sydney was asked to represent the Bar, said:5

'Kentridge was our immediate first choice as counsel... his argument was firm, forceful, low key and logical. At just the right moment he would inject a touch of acid. By the end of the opening the Lord Chancellor's case was in shreds. Under prompting from Lord Lane, the Lord Chief Justice, the defence was abandoned'.

Sir Sydney Kentridge QC with Lord Phillips of Worth Matravers, Lord Chief Justice (centre), and Jonathan Hirst QC, head of Brick Court Chambers (right), at the unveiling of the portrait commissioned by Brick Court to mark Sir Sydney's 85th birthday.

Not surprisingly numerous honours and awards have been conferred on him. Some should be mentioned here. He has been knighted, is a Bencher of Lincoln's Inn, is an honorary member of the Bar of the City of New York, and the recipient of several awards of Doctor of Laws, Honoris Causa.

Sometimes his demeanour may seem austere but that could be misleading. Ismail Mahomed told the story of his first brief with Sydney shortly after he came to the Bar. It was an appeal against a disgraceful decision of a magistrate in a trial in the Magistrates Court. Ismail worked extremely hard on the draft, anxious to impress his renowned leader. He left it at Sydney's chambers. Later when they met, Sydney looked at him gravely and said, 'I am afraid that there is a mistake on every page.' Ismail was dismayed. Sydney then handed the draft back to him. Ismail had referred to what 'the learned magistrate' had said and done. Sydney had crossed out 'learned' wherever it appeared. That was the only change he made to the draft.

He has a trenchant sense of humour, at times caustic, at times mischievous, is talented on the dance floor, a lover of opera and good literature, has a razor-like wit, is a good companion and a loyal friend. At the dinner of the GCB at which President Mandela spoke he told of a letter that Molly Fischer had written to her daughters after the accused were acquitted. Describing Sydney's response during the post-trial celebrations she said:

'The staid soft-spoken - oh so correct lawyer - danced a little jig and was heard to use bad words. Later he put some ice down Parkington's shirt and the champagne cork in his own ear'.6

He might be more restrained today but he would not miss the opportunity of a good celebration.

I have already referred to the words of the Lord Chief Justice of England and Wales in praise of Sydney; no praise can be higher than that. He has also been described 'as the advocate of the century,'7 'the outstanding advocate in the commonwealth,'8 'one of the leg-

Endnotes
1 2000 Third Term Advocate at page 3.
4 S v Zuma 1995 (2) SA 642(CC).
5 The (London) Independent, fn 3 above.
6 Fn 1 above. Parkington was the instructing attorney.
7 Mr Justice Santow, Chancellor of Sydney University and a judge of the New South Wales Court of Appeal in a speech delivered on 28 September 2005.
8 The Lawyer on the Lifetime Achievement awarded to him.
9 The Bar of England and Wales in the notice of its 2007 conference when he was the keynote speaker at the opening of the conference.