

HONORARY GRADUATE

Ellison Kahn

Following a tradition hallowed by time and custom in the universities of the world, degrees have been conferred *honoris causa* on people of consequence. Such people, in the words of Edmund Burke, 'are the guide posts and landmarks in the state'. Ellison Kahn is a man of consequence and a significant scholar. His learning is recognized and acclaimed far beyond the borders of this land; his is a scholarship which is truly international. He wears his learning lightly, though one may be forgiven for thinking, like Thomas Hood, that 'much learning has made him lean and pale'.

Ellison Kahn was born in Durban in 1921 and completed his schooling at King Edward VII School in Johannesburg where he matriculated in the first class in 1937 with a distinction in History. His association with the University of the Witwatersrand began in 1938 when he commenced reading for the degree of Bachelor of Commerce. He graduated at the end of 1940 as the Chamber of Commerce Gold Medallist. In 1943 the Bachelor of Laws degree was conferred on him. Thereafter he obtained his Masters degree in Law in 1963 and Senior Doctorate in 1972 at the University of Natal. In 1944 Ellison Kahn was admitted as an advocate of the Supreme Court and in 1951 to the Middle Temple as a barrister.

It was Seneca who said 'there is no favourable wind for he who does not know where he is going'. The young Ellison Kahn knew where he wanted to go and set sail in academic waters in 1941 as a junior lecturer in the Department of Economics and Economic History where he remained for five years. After commencing practice at the Johannesburg Bar he continued to serve the university as a part-time lecturer in the Departments of Law, Economics and Economic History, and Commerce. In 1948 he joined the full-time staff as a senior lecturer in Law and in 1954 was promoted to professor. From 1967 to 1972 he led the Faculty of Law as Dean before becoming part-time Deputy Vice-Chancellor in the year of the University's Golden Jubilee. In 1975 Professor Kahn vacated the Chair of Law to take up a full-time appointment as Deputy Vice-Chancellor. Undoubtedly the most difficult task he had to perform while in office was to administer a tough freezing of posts during an uncomfortable austerity drive. He did this with compassion and fairness and in the process lost not a friend and made not an enemy.

When Professor Kahn reached the age of sixty, he returned to the School of Law. Five years later he was invited by the university, in an honour that comes to few, to serve for a further three years in view of his exceptional academic achievements. Over the years Ellison Kahn's philosophy has always been to ask not what the university could do for him, but what he could do for the university. So it was that, at a time of life when most sensible people are seeking calm and tranquility after retirement, he accepted the university's request to assume the Deanship of the Faculty of Commerce. This he did willingly for two years. At the end of 1989, at the age of sixty eight and as the senior member, he finally took his leave of the Senate to a standing ovation from his colleagues.

In a world where the idiom of speech and style of writing often appear to be undergoing impoverishment, the language and writing of Ellison Kahn are in marked contrast. He is a man who has a deep love of the English language, which he uses with eloquence and wit. His skills in verbal expression have been described as superb and it has been said that he has set a standard of legal writing that will not be surpassed in this country. His impeccable logic and mastery of his mother tongue make him a consummate legal draftsman, an outstanding editor and a lucid lecturer. Generations of students have benefited from Ellison Kahn's teaching, for they understood the wisdom of the saying that 'he who learns from one who has learnt all he has to teach, drinks from a stagnant pool. He who learns from one who is engaged in learning, drinks from the clear water of a running stream' (Anon).

All his life Professor Kahn has been engaged in learning. He is one of those who, in the words of the hymnist, has 'the light of knowledge in his eyes'. His scholarship is prodigious and his colleagues often look on his example and despair that they will ever attain the standard set. He has authored, co-authored and edited numerous books and monographs, including *The Union of South Africa: The Development of its Laws and Constitution* (1960); *Contract and Mercantile Law Through the Cases* (1971); *The South African Law of Domicile and Natural Persons* (1972); *The South African Legal System and its Background* (1973); *The Law of Succession in South Africa* (1980); and *Fiat Iustitia: Essays in Memory of Oliver Deneys Schreiner* (1983). When to these major works are added the formidable numbers of scholarly papers and semi-popular publications that he has written, together with all the articles he has edited, one is left to wonder how one person could have done so much. Few would deny Ellison Kahn's position as one of South Africa's leading legal academics.

With Professor Kahn's learning have come many distinctions. In 1979 the University of Cape Town conferred on him an honorary Doctorate of Laws. In 1987 he was elected an associate member of the International Academy of Comparative Law - an exclusive body whose membership is limited to a few of the world's most highly-regarded legal scholars. He is the first and only South African to be so elected. In 1989 the Society of University Teachers of Law presented him with an honorary medallion for his contribution to promoting the ideals of academic excellence and, among other things, for being the guiding force behind the internationally-renowned South African Law Journal. Most recently his colleagues have honoured him with an impressive festschrift volume of essays. A signal honour has been the conferring of the title of Senior Consultus (SC) on Professor Kahn by the State President. This distinction has been conferred only twice before, the last occasion being some 45 years ago.

In the words of the famous exhortation of Abraham Lincoln, 'with malice towards none and with charity for all', Professor Kahn has helped countless students and colleagues to advance their careers. The number of judges, advocates, attorneys and other members of the legal fraternity present tonight bears testimony to what Ellison Kahn has done for the legal profession. Likewise, the University of the Witwatersrand has long benefited from his wise counsel. Heraclitus pointed out over

2000 years ago that 'much learning does not bring understanding'. While this may often be true, it is not so in this instance. A more understanding, caring person than Ellison Kahn it is difficult to envisage. I count it my great good fortune to have been able to observe at close quarters his humanity, dedication and selflessness. In Professor Kahn's case, as knowledge has come, so wisdom has lingered to enrich the university and to add greatly to its reputation as an internationally-recognized centre of excellence in learning and scholarship.

It is fitting that the University should bestow on Professor Kahn the greatest distinction in its gift. It is with pride and pleasure that his Alma Mater confers the degree of Doctor of Laws *honoris causa*, on one of its most distinguished scholars.