

Remarks by Professor Garth Stevens

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University of the Witwatersrand, Johannesburg

Madlanga Book Launch Address

“Legal Ethics in South Africa”

18 June 2026

- *Programme Director, Prof. Jonathan Klaaren,*
- *Justice Mbuyiseli Madlanga, Chancellor of Rhodes University and Chairperson of the Madlanga Commission of Inquiry,*
- *Our Chancellor, Dr Judy Dlamini,*
- *Our Chairperson of Council and the former Auditor General of South Africa, Mr Terence Nombembe,*
- *Prof. Jason Cohen, Dean of the Faculty of Commerce, Law and Management,*
- *Prof. Tracy Gutuza, the Head of the School of Law,*
- *Prof. Helen Kruuse, Rhodes University,*
- *Deputy Judge President Roland Sutherland,*
- *Ms Karabo Ozah, University of Pretoria,*
- *Members of the legal fraternity, academics, students, members of the Wits community, the media, members of the public,*
- *Ladies and gentlemen,*

Good evening.

Warm greetings to all of you and welcome to Wits University - at this very special time when we have just commemorated the 50th anniversary of the Soweto student uprising, and considered what that moment meant and continues to mean in the context of societies that are continuously attempting to develop a sense of clarity and purpose in transforming the world for the betterment of all - and in this evening's context, how we weave together the

themes of legal ethics, accountability, transparency, governance and the rule of law within democracies.

So, once again, a very good evening to all of you - this evening promises to be a real intellectual treat!

We gather tonight in a relatively young constitutional democracy - one that has achieved much, yet continues to require our constant vigilance, care and protection. The survival of our constitutional order cannot be secured by laws, institutions or even our Constitution alone. Its strength depends on people: those who govern, and equally those who question, scrutinise and demand accountability from those entrusted with power.

Democracy flourishes precisely when citizens participate actively, when institutions remain robust, and when society values truth, transparency and ethical leadership. And so it requires a collective commitment to accountability. That responsibility rests with many of the people gathered in this room tonight: academics who create knowledge and challenge assumptions; journalists who serve as the fourth estate; commissioners and whistleblowers who bring difficult truths into the public domain; and public servants and oversight bodies, including those who have spent their careers ensuring that government remains accountable to the people it serves.

Universities occupy a particularly important place within this ecosystem. To be clear, institutions such as the University of the Witwatersrand have often been marked by contradiction and complexity. Wits occupied a unique and contested position within apartheid South Africa, for example. It was a university that publicly upheld principles of academic freedom and intellectual inquiry, yet it operated within a system fundamentally structured by racial exclusion and inequality. The survival of universities such as Wits was never inevitable. Nor was the success of the students who entered these institutions despite significant barriers. Both survived because individuals and communities continually worked to defend spaces for learning, debate, dissent, and hope. Students challenged injustice, staff defended academic principles, and generations of university leaders and communities have

grappled with the difficult task of transforming institutions shaped by a deeply unequal past. So, universities are spaces dedicated to inquiry, evidence and the pursuit of knowledge. But they are also places where active citizenship is cultivated, where difficult questions can be asked, where prevailing assumptions can be challenged, and where truth must be pursued without fear or favour.

As universities, we also carry a special responsibility to educate the future custodians of our legal and constitutional order. Through the teaching of law and legal ethics, we help shape professionals who understand that the law is not merely a technical instrument of argument, but a powerful vehicle for justice, accountability and the public good. We need lawyers who defend constitutional principles, protect the rights of the vulnerable, uphold the rule of law and ensure that power is exercised within the bounds of legality.

When lawyers act with integrity, they strengthen public trust in institutions and reinforce the foundations of democracy. When ethical standards are compromised, however, the consequences can be profound. Public confidence is eroded and the very systems designed to protect society are weakened.

These responsibilities are not abstract ideals in South Africa. They have been tested repeatedly throughout our democratic journey. The era of state capture revealed the immense damage that can occur when institutions are weakened, accountability is ignored, and private interests supersede the public good. Confidence in the state and its governance functions were certainly eroded. Yet it also revealed the courage of those who stood against corruption, often at considerable personal cost.

It is precisely for this reason that tonight's book is so timely and important. *Legal Ethics in South Africa* does not present a romanticised view of the legal profession. Nor does it shy away from difficult conversations. It confronts challenging questions about ethics, power and professional responsibility. It examines, for example, exclusion within the legal profession, raising critical issues of class, race, gender, disability, sexual orientation, gender identity and

nationality. These are not merely questions for the legal profession; they are questions for our society as a whole, reflected in many of the tensions and divisions we continue to witness around us today - the current latent and manifest Afrophobic and xenophobic narratives in circulation in many communities at present, that have shamefully been in circulation for the past three decades at least in South Africa – being a contemporary example.

The media, too, plays an indispensable role in sustaining democracy. Through rigorous journalism, wrongdoing is exposed, difficult conversations are brought into the public sphere, and those in power are subjected to scrutiny. Yet accountability cannot rest solely with institutions. Ultimately, it depends on active citizens who understand that they are custodians of democratic values and participants in the ongoing project of democracy itself. Here I think of “The Shadow State: Why Babita Deokaran Had To Die” (by Jeff Wicks) or “How to Steal a City: The Battle for Nelson Mandela Bay” by Crispian Olver, or “The President's Keepers”, by Jaques Pauw - to mention but a few exemplars.

This is perhaps a fitting moment for us to reassess our own taken-for-granted regimes of truth or our assumptions about the very core of what it means to be a democracy and whether our societal checks and balances have evolved sufficiently, to heed some of the concerns that Plato raised in his insights into democracy some 2500 years ago. At a time when democracies around the world face growing pressures from misinformation and active disinformation, polarisation and declining trust, we must reaffirm our commitment to truth, accountability and active citizenship. Universities, the media, civil society, the legal profession and ordinary citizens all have a role to play in ensuring that power remains accountable, rights are protected and democratic values endure.

And that brings us to our keynote speaker this evening.

Justice Madlanga’s distinguished career embodies many of the values that this book seeks to explore and advance. Throughout his service to our country, he has demonstrated an unwavering commitment to constitutionalism, justice and accountability. Whether on the bench of the Constitutional Court or

through his leadership of the current commission of inquiry that has confronted some of the most challenging questions facing our democracy, he has consistently reminded us that ethical leadership, integrity and courage are indispensable to the preservation of constitutional governance.

It is therefore particularly fitting that he joins us this evening as we launch a book dedicated to legal ethics and the responsibilities that accompany the privilege of practising law in a constitutional democracy.

This gathering reflects the very best traditions of an engaged public intellectual life that universities should always be spearheading as part of its mission. On behalf of the University of the Witwatersrand, I welcome all of you warmly, and I wish you all a deeply meaningful and enriching engagement this evening.

Justice Madlanga, we are especially grateful for your presence here this evening amidst a gruelling schedule of other critical activities, so thank you. Ladies and gentlemen, please join me in welcoming Justice Madlanga, who will be introduced more fully by our Programme Director, Prof Jonathan Kalaaren.

Thank you