

## Ulibambe Lingashoni

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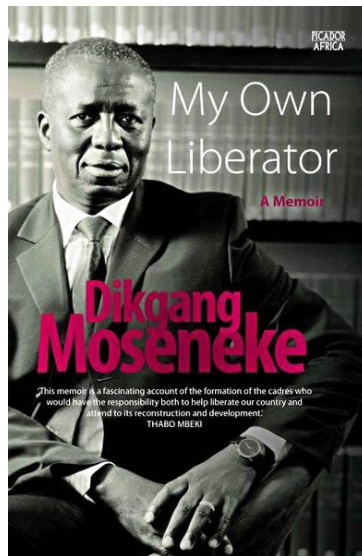
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***My Own Liberator: A Memoir***, by Dikgang Moseneke

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In his album, ‘a temporary inconvenience’, Jonas Gwangwa implores his listener, *ulibambe lingashoni ilanga* (do not let the sun set). His painful plea simultaneously captures the aspirations and pain of those South Africans who toiled towards our constitutional democracy. Aspirational in seeing to fruition a just society founded on the values of human dignity, equality and freedom; painful in the physical, emotional and psychological struggle that brought it about. On the aspirational front, former

Deputy Chief Justice of the South African Constitutional Court Dikgang Moseneke echoes the sentiments of Gwangwa in the first instalment of his memoir, *My Own Liberator*. In the book's dedication, Moseneke states that the publication is focused on the youth, both in Africa and the rest of the world, 'where radical change is necessary'. This, he goes on to say, is owing to the intolerance young people have towards social inequality. Indeed, this posture finds its basis in his lived experience.

Having been active in the anti-apartheid movement in his early teens, Moseneke leads the reader through a period of South Africa's history where the marginalised, suppressed and underserved masses of the population were at their most defiant. He highlights how his being influenced by lectures on the independence of Ghana and Nigeria from the United Kingdom led to his conscious inclusion in the liberation struggle in pursuit of freedom. As is well documented, anti-apartheid activism was not without its consequences, and Moseneke was among those arrested for his moral stance against an immoral regime. He does well to inform the reader of his somewhat fragile psyche during this period, particularly in the first days of his ninety-day detention, which demonstrates that in those circumstances summoning courage was a daily mission.

It was during his ten-year prison sentence at the 'Robben Island University' that Moseneke formally commenced his legal education by enrolling first for a BJuris and then for a Bachelor of Laws (LLB) subsequent to his prison release. Throughout his legal practice, he performed the role of 'activist lawyer', which afforded him countless opportunities to demonstrate 'that apartheid law was no law but a codified repression'. The courtroom was among the arenas within which he advanced 'superior notions of a just society' and beyond it he was among those who worked tirelessly towards founding the Black Lawyers Association (BLA). The thinking behind establishing the BLA was to combat, among other things, the discriminatory practices adopted against black lawyers, which Moseneke details when he recounts the story of the then Transvaal Law Society's unsuccessful application to oppose his admission as an attorney.

Moseneke's service in the public sphere of law in South Africa demonstrates the depth to which one must engage with society in the pursuit of justice and freedom for all. Serving in legal consulting rooms, courthouses or academic institutions is insufficient for those desiring to make meaningful contributions in our constitutional dispensation. For Moseneke and his partners at Maluleke, Seriti and Moseneke representing young activists detained by the State was among the many services they rendered *pro bono*, and it was his particular way of taking it upon himself to afford those young souls the very services he had so desperately needed during his own detention.

The parallels between the zealous protests undertaken by young people in the 1970s and those that have swept across South Africa's post-1994 landscape, such as #Rhodesmustfall and #feesmustfall, are indeed vivid. As was the case then, young people's yearning for equality in post-apartheid South Africa and the urgency with

which they have undertaken that pursuit speaks to the severity of the prevailing human rights issues. As Henry Ward Beecher once said, 'liberty is the soul's right to breathe, and when it cannot take a long breath, laws are girded too tight.' A reading of Moseneke's *My Own Liberator* by activist lawyers, young and old, who are engaged in the modern-day struggle of denying the sun its impulse to set on the aspirations of South Africans is essential to grasping the demeanour and perseverance necessary for a fruitful outcome. If such is the significance of Moseneke's first volume of his memoir, then the second, which will focus on his judicial life, is eagerly anticipated for its value in further enlightening lawyers about the hills and valleys prevalent in South Africa's legal landscape.