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**FROM THE EDITOR**

In the August edition, I wrote in my From the Editor column about the assassination attempt on the life of Coreth Naude of the Pretoria Bar and I promised that the statement from the GCB would be forthcoming in this edition. It is published here in full and I, once again, wish Ms Naude a full and speedy recovery.

I later learnt with shock and sadness of the passing of Cingashe Tabata of the Johannesburg Bar. She was a contributor to Advocate's August 2023 edition, the edition that marked 100 years of Women in the legal profession. As editor, I sometimes liaise with authors, usually via WhatsApp, about their contributions (can I make this edit? Is this picture ok? etc). It was so with Cingashe and we ended up

chatting a little. As the Women in Law edition came together, we celebrated it and she was encouraging to me. I can't say we were friends as such, but I felt her loss. And I was sorry that I only learnt she had died by chance and months after it had happened. I want to take this opportunity and space to extend my condolences to her family, loved ones and colleagues.

This edition is a sombre one – not exactly light December reading. But it is essential reading, in my view. Ngcukaitobi SC's account of the Steve Biko's last days is chilling. Ngcukaitobi's piece describes how those tasked with upholding and enforcing the law were responsible for his brutal murder, and complicit in covering it up, reminding us of the critical difference between the rule by law and the rule of law.

I have lately been hearing an argument that apartheid, because it was a system of laws, was also the rule of law. Ngcukaitobi provides a compelling answer to this: "It is so that apartheid was rule by law, but it is false to equate that with the rule of law. The former is rule of force through legislation, while the latter – which is Steve Biko's true legacy – is the supremacy of the law, over people. This is what we must defend in South Africa."

This edition also includes the blistering acceptance speech by retired Constitutional Court Justice Edwin Cameron when he received the Sydney and Felicia Kentridge Award this year. I have read this intervention a few times. It is a short speech but there is a lot in it – a lot to think about.

In his powerful retrospective look at the work of the Judicial Service Commission, retired Supreme Court Justice Azhar Cachalia challenges us to "be vigilant, speak out and not to look the other way" as far as the JSC is concerned. Cachalia argues that the JSC has abused its power and that political interests have sought to capture its work. I don't agree with everything Justice Cachalia says, but I certainly agree that, when it comes to the JSC, we must be vigilant and speak out.

Retired Competition Appeal Court judge president Dennis Davis also speaks out in this edition – on the relationship between the Constitutional Court and specialist courts and tribunals in the development of jurisprudence in the areas of competition and tax law.

These are all crucial subjects, albeit not easy ones. They demand good-faith engagement from all of us even where we disagree. They also call for action: by the GCB, the Legal Practice Council, the judiciary, even the legislature. My concern here is about the strength of these institutions to take up the cudgels asked of them. I fret about the LPC in particular – is it strong enough, is it united enough, to protect the independence of the legal profession and to grow its excellence – to the point that the profession may play its part in standing for the rule of law?

Earlier today I was writing a story for the Sunday Times about a striking-off application by the LPC that began in 2019. Yet answering affidavits from the allegedly errant attorneys are still to be filed. A relatively new institution, the LPC needs to be strengthened. It needs you to roll up your sleeves and get in there.

Institutions are also strengthened by their institutional culture. In this edition, though it is packed with the lofty, important articles I have mentioned, my favourite piece is a tribute to the late Lerako Joseph Kanyane by Gift Mashaba SC from the Pretoria Bar.

I never met Mr Kanyane, but I feel I knew him now, a little. This is the culture I wish to see at the Bar (if I may be permitted to say, not being an advocate). I don't want to hear someone has died months later, by chance.

A strong legal profession is a human one. We defend the rule of law not for its own sake, but because of people – because the rule of law makes the world better, not for the few, but for all of us. Returning to Ngcukaitobi's piece, he says that the true legacy of Steve Biko is "the supremacy of law over people".

But what has endured with me over the weeks since I first read this remarkable piece was the depth of Biko's humanity; and how it triumphed over every attempt to suppress it. It sounds, then, like it was the supremacy of people over the law, doesn't it? But that's the whole point. In a rule by law society, humanity will – it must – triumph. A rule of law society serves humanity.

Let's keep building the institutions that will protect and serve the rule of law. I wish you a restful festive season. 🍷

The editor contributes to Advocate as an autonomous author. The views she expresses are entirely her own, and do not purport to represent any view or position of Advocate or of the GCB.