So as to repay my debt both to Almighty God and to my parents, for letting me loose in such a world, to plunder its miraculous literatures, and languages, and wines; to savour its sights, forms, colours, perfumes, and sounds; to see so many superb cities, oceans, lakes, forests, rivers, sierras, pampas, and plains, with their beasts, birds, trees, crops and flowers – and avove all their men and women, who are by far the most interesting of all.

It is a debt that I also wish to repay."□

Sydney Kentridge

LAW AND LAWYERS IN A CHANGING SOCIETY

The first Ernie Wentzel Memorial Lecture

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ERNIE WENTZEL, THE MAN

It is an honour, but also a great sadness, to be delivering the first Ernie Wentzel Memorial Lecture. The sadness is that Ernie Wentzel should have died so early, still in his prime as a man and an advocate. The sorrow caused by his death was not due only to the almost universal popularity in the legal profession which his wit and good humour won him. There was also the sense that we had lost that rare thing, a true leader of our profession. Ernie Wentzel had been Chairman of the Johannesburg Bar Council, and an outstandingly good one. But his leadership was more than formal. He held strong beliefs about the law and about the society in which he practised law. Ernie's beliefs were clear, consistent and uncompromising. A founder member of the Liberal Party, he was and remained a Liberal with a capital L. He detested racism, white or black, and he detested Fascism, whether of the right or of the left. Above all, he believed in individual rights and individual choices. Thus it was inevitable that he became a steadfast political opponent of the government and inevitable, too, that in his profession he should be a forceful defender of the victims of government policies.

The government did not like this; nor did the security police, many of whose members Ernie put through the shredder in the witness box. When, during the Emergency of 1960, the security police first enjoyed the heady power of detention without trial, Ernie was one of those whom they held. He was imprisoned for three months. After the Emergency, the hostility of the government to Ernie continued. His passport was withdrawn and not restored to him for many years.

The experience of detention without trial must have reinforced what in any event flowed from Ernie's own philosophy – an implacable opposition to autocratic government action of any sort. It may seem superfluous to stress Ernie Wentzel's opposition to detention without trial. Who does not condemn it? But for Ernie it was not merely a matter of who was doing the detaining and who was being detained – he would condemn it whether done by governments of West or East, of left or right, whether by black governments or white governments. Some of his friends on the left found it difficult to accept this uncompromising stance. Ernie, I think, regretted this because he regretted any divisions among opponents of apartheid. He was a practical politician. But on certain basic principles he would not give way. Yet Ernie was never pompous – nobody was further from the "holier than thou" attitude than he was. To use an inadequate and no doubt old-fashioned phrase, what he had, and what he acted on, was common human decency.

Ernie Wentzel was born in Capt Town in 1933. He took his LL.B degree at U.C.T. in 1955 and joined the Johannesburg Bar in 1963. He took silk in 1978. His experience of the law in South Africa was therefore, like that of most of us here, entirely within the period of Nationalist rule. Before venturing to look at the future of the law and lawyers in this country, it would be as well to reflect a little on what has happened to law and the courts in the years since 1948. I propose to do this only in the broadest outline. I shall certainly not attempt a history of the racial laws and the security laws which have been thrust upon us in the era of apartheid. I shall take for granted your knowledge of that. I shall have nothing to say about changes in the common law, however important, during this period. I shall confine myself to that part of the law which can compendiously if not entirely accurately be called human rights law.

THE APPEAL COURT

At the beginning of that period, the Appellate Division was presided over by Watermeyer, C.J., and after him, by Centlivres, C.J.. Schreiner, J.A., Greenberg, J.A., and van den Heever, J.A., were members of the Court. One would have had to look far to find in the English-speaking world a

Court superior in independence and ability. It was this Court which held that the attempts of the government to remove the coloured voters from the common roll in the Cape Province were unconstitutional and illegal. They said the same of the government's attempt to circumvent their judgment by creating the so-called High Court of Parliament. This court struck down unauthorised segregation in railway coaches and racial discrimination in the issue of trading licences. In one of the early cases under the Suppression of Communism Act, the court applied the **audi alteram partem** rule to banning orders and invalidated orders which had been issued without prior notice. It was this Court (to mention just one other great case of the period) which heard the appeal of the late Solly Sachs (a militant left-wing trade unionist) against the attempt of the Minister of the Interior to withdraw his passport. The majority of the court held that under the common law the State, having issued a passport to a citizen, could not take it away without good cause. They ordered Sachs' passport to be restored to him.

It is well known that the South African Supreme Court enjoys a high international reputation. In a large measure this is due to recollections of the Watermeyer and Centlivres court of the early 1950's. And, of course, at that time there were other outstanding judges in the Provincial Divisions who took their cue from the court of ultimate jurisdiction. I do not think that it can be disputed that within the limits imposed by statute and the common law, the courts provided a real protection to the individual against executive excess.

Nor, I fear, can it be disputed that after the early 1950's there was a falling off – not merely in the willingness of the courts to protect the individual against the executive, but in the status of the courts. There have at all times been some excellent judges at all levels of the Supreme Court; and throughout the period I am speaking of, one can find striking cases where judges of the Supreme Court upheld the rights of the individual against the State. But that there was a general decline, I have no doubt. This process has been described acutely and in detail by Professor John Dugard and, more recently, by Mr Edwin Cameron. I shall not attempt to repeat what they have written, even in summary. But I shall try to give some generalised reasons for that decline.

The first cause was the legislative policy of the government which came into power in 1948. It showed scant regard for the courts. All the judgments of the Appellate Division to which I have referred were effectively reversed by legislation. and in one statute after another government reduced the powers of the courts. In particular, the common law concept of equality before the law was replaced by statutory and compulsory discrimination with which the courts were powerless to interfere, even had they wished to do so.

CHANGES IN THE COURTS

There was also a significant change in the composition of the Supreme Court. In South Africa, as in other countries, there have always been some political appointments to the Bench, but in the 1950's there was so marked an increase in these appointments – by which I mean appointments explicable only on political grounds – as to make it clear that it was a deliberate policy of the government. Indeed, in this period the Minister of Justice, Mr C.R. Swart, said openly that it had been his policy to appoint more Afrikaners to the Bench in accordance with their pre-ponderance in the white population. Mr Swart may then be given the credit for the first application of affirmative action in this field in South Africa – long before that expression was coined.

Whatever one may think of Mr Swart's motives, the fact is that when judges are selected on any grounds other than ability, judicial standards must fall. In 1955 the government increased the number of Appellate Division judges to eleven, appointing five new judges whose qualifications for promotion could not be detected by the legal profession. The Appellate Division has never quite recovered.

The change in the courts was also attributable to the spirit of the times. Looking back, one can see that by the early sixties there was a general spirit of submission to authority. The government was all-powerful. Resistance seemed hopeless. Protest became a minority activity among blacks as well as whites. Sharpeville, in March, 1960, saw the last major protest against the laws and institutions of apartheid for some sixteen years. Certainly, amongst the majority of the white population there was an assumption that the government and the police knew best. The courts seemed to share this view. Apartheid crept into the courts themselves. In courtrooms throughout the country a wooden bar was placed in the middle of each witness box. The sole object of this was to ensure that any white witness would stand on one side of this bar and any non-white witness on the other side. (Historians looking back on this era will think that this was a manifestation not merely of prejudice, but of actual insanity.) Even worse, in some magistrate's courts, apartheid was applied to black legal practitioners. One such case in 1958 concerned a young black lawyer who came into a magistrate's court to defend his client on a criminal charge. He went to the normal place where attorneys sat. He was directed by the magistrate to sit at a separate table for black practitioners. He refused to do so. He was there and then convicted of contempt of court. He took an appeal right up to the Appellate Division. By then, Watermeyer, C.J., and Centlivres, C.J., had gone. The chief Justice was Mr Justice L.C. Steyn. He dismissed the appeal. He held that the magistrate was fully entitled to apply segregation in his court. One will find in his judgment not one word of criticism of the concept of segregation in a courtroom nor any questioning of why a black attorney should be required to sit at a separate table; still less any appreciation of the fact that the black attorney and his black client might feel humiliated and discriminated against. What Steyn, C.J., said was simply this – that a defence could be conducted as well from one table as from another. Four other Judges of Appeal concurred. But what is most shameful is that this case drew no protest, either from other members of the Bench or from the Bar or the attorneys' profession. We all lamely accepted it. There had, incidentally, been a month-long boycott by the Johannesburg Bar of Mr Justice Steyn when he was first appointed to the Transvaal Bench. But this was not because of his degraded view of law and society – that had not yet been revealed – but because he had been appointed not from the Bar, but from the Civil Service.

In the period which I am talking about, and right through to the 1970's, there are numerous cases in the Law Reports about race; and the reported cases are of course only a fraction of those that were being heard. These were cases under the Immorality Act, the Race Classification Act and

the Group Areas Act. The State zealously prosecuted what we would now call victimless crimes. Judges and, more frequently, magistrates heard evidence about the racial antecedents of the accused persons or litigants before them, their history and their associations. The courts studied and recorded their physical appearance. One would find on the part of the judges and magistrates concerned no discernible distaste for these processes, still less any conception that the laws they were applying were as abhorrent as the laws of slavery.

There is no point in dwelling further on the law as it was applied during those years. I hope I am not over-optimistic when I say that we have passed through and out of that period. The partitions in the witness boxes have gone. I do not believe that any magistrate would today order a black practitioner to sit at a separate table. And if he did, his ruling would not be upheld by the present Chief Justice. The Immorality Act has gone. The Population Registration Act and the Group Areas Act are still very much with us but cases under them are few, and the humiliating processes which I have described seem to have disappeared. And in recent years many of our courts seem to have shown a new willingness to give protection and relief to individuals affected by State action. One can think of cases on the rights of blacks and their families to live in urban areas, even before the repeal of influx control – cases such as the **Komani** case and the **Rikoto** case. And there are the well-known cases where the courts have placed an onus on the State to justify detention orders under the Internal Security Act, and have often set aside orders under the Emergency Regulations. I need mention only the **Hurley** case and the **Nkwinti** case. Such judgments would not have been given during the 1960 Emergency.

This is by no means to say that all is well and that we have reached the sunny uplands. While apartheid in the courts themselves has gone, one still unfortunately hears occasional reports of uncouth behaviour towards black practitioners by magistrates and prosecutors. And I know that to most lawyers concerned with human rights the **Omar** case was a grave disappointment. Yet it has not nullified the advance made in the **Hurley** case.

At this stage one may ask whether the recent changes in judicial attitudes indicate anything more than a limited attempt to climb back to the standards of 1948. Is it simply that a number of liberal-minded judges have been prepared to tilt the balance a little towards individual rights? I think that it is far more than that. I believe that what I have tried to describe is a reflection in the courts of a profound change in South African society. I venture to say that this change can be dated from the events in Soweto in June, 1976, and that since that date there has been a general acceptance of the fact that Verwoerdian apartheid had failed, even within the party that had created it. Nobody now doubts that apartheid is bound to go sooner or later. True, the basic structures of apartheid society are still in place – residential segregation, educational segregation and white political control. But even those who maintain this structure have lost confidence in it. Their excuses for maintaining it carry no inward conviction. This loss of confidence is widespread. One result has been a diminishing readiness, even among those who have been supporters of the government, to accept that the government automatically knows best; or that the security police are to be implicitly believed. Even in white society there is now a spirit of scepticism rather than subservience. It is this scepticism which is reflected in some of the judgments which I have mentioned. Judges may still apply the provisions of the Group Areas Act if they have to. As recently as 1981, the Appellate Division refused to depart from the 1961 judgment in **Lockhat's** case, in which the Appellate Division had held that the Group Areas Act must be read as **impliedly** permitting substantial inequality of treatment, even though it did not expressly do so. But it is inconceivable that any judge today could say, as Holmes, J.A., did in 1961, that "the Group Areas Act represents a colossal social experiment". And if he did, nobody would believe him.

CHANGES IN LEGAL PRACTICE

The period since 1976 has also seen great changes in the practice of the law. There are new forms of legal practice not previously known in this country. Labour law is the first in both volume and importance. It is a subject taught in the Law Schools and it has become a specialist branch of legal practice with a growing number of practitioners. This growth is obviously associated with the recognition of black trade unions in 1981 (a major landmark in the disintegration of apartheid) and the expansion of their economic power. Another form of legal practice which did not exist ten years ago is public interest law. This change can be precisely dated to the establishment of the Centre for Applied Legal Studies and the Legal Resources Centre in 1979. Both these bodies, apart from their other activities, have created law firms of a new sort. They consist of both advocates and attorneys who, while acting for individual clients, do so with the aim of protecting and vindicating the rights of whole communities and classes of people. In the nature of things, most of their clients come from the disadvantaged sections of the black population. These centres have attracted some of the ablest lawyers in the country. They have provided the opportunity of legal careers perhaps more satisfying than careers in company or tax law even if, unfortunately, not quite as lucrative.

Another change, which is remarkable to those of us who were about in the 1950's and 60's, is the vast increase in the volume of what I can broadly call civil rights litigation. During the past two years attorneys and advocates throughout the country have brought numerous **habeas corpus** applications, applications for interdicts to stop ill-treatment of detained persons and proceedings to establish or protect the rights of prisoners. This is a far cry from the early 1960's when only a handful of embattled attorneys were prepared to take on political cases and, in particular, political criminal trials. Now, I understand, that has become a major area of competitive endeavour.

I have not yet mentioned what, to those of us who were in practice in those early years, must appear one of the greatest changes in the practice of law. That is the emergence of a body of black practitioners with the ability and the confidence to act in civil rights cases and political trials. This has been a positive achievement and not merely a natural development. It is an achievement because black practitioners have had to overcome the disadvantages of bantu education and tribal college law schools in order to qualify themselves for legal practice. (It is only very recently that black students have been entering the Law Schools of the open universities in any numbers.) There were other handicaps, also now largely overcome. I recall that in the early 1950's the first black member of the Johannesburg Bar was Mr Duma Nokwe. The then Minister of Bantu Affairs, Dr Verwoerd, refused to give him a permit to enable him to take chambers in the

building which housed the Johannesburg Bar. What is more, his admission to the Bar common room was secured only against the opposition of a small but vocal and determined minority of the members of the Johannesburg Bar. Today, perhaps the leading civil rights advocate of South Africa is a black practitioner. When he first came to the Johannesburg Bar, the law did not permit him to be a tenant of chambers in the centre of Johannesburg. When he first used to appear in the Appellate Division, it was illegal for him to stay in the Orange Free State overnight without a permit. I recall, too, that when, in the early 70's, I was Chairman of the Johannesburg Bar Council, we were told by the owners of the licensed premises where we were to hold our Bar dinner that we had to have police permission if black members of the Bar were to attend. I remember interviewing a colonel of police whose main concern was to receive an assurance that there would be no dancing. All that is now history. Even the Pretoria Bar, that home of what I hope are lost causes, has, admittedly with much agony and recrimination, removed the colour bar from its constitution.

It is always pleasant to be able to point to positive advances but, of course, they are not the whole story. Our legal and judicial system is still deeply flawed. The basic flaw has been stated time and again. It requires no original insight to see that to the majority of those subject to the laws of this country, the law is not seen as a protection against injustice but as an oppressive force. It follows that the courts themselves are perceived by many as an integral part of an oppressive system, and as an alien institution.

In the criminal courts a black accused will ordinarily see a white prosecutor and a white magistrate or judge administering justice, often in a language which he does not understand well and which has to be interpreted to him, and – perhaps this is most important – applying a law which he and his community have had no say at all in making. Save in the few cases where adequate legal assistance is obtained, the law does not give the average black urban dweller protection against the host of insolent civil servants who control his life – on the contrary, the prosecutor and the magistrate are likely to be seen as simply another extension of the system of township managers, location superintendents and local authority officialdom.

BLACK FEELINGS

It is not for me to speak for blacks, but one must surely be insensitive not to grasp the widespread feeling among blacks that, even in terms of the existing laws of the country, they do not get a fair deal in the courts. This is in part because of the factors which I have just mentioned. But it must also arise sometimes out of the vexed question of differences in sentences for what appears to be the same criminal offence. It is always difficult to make a true comparison between sentences in different cases. Cases may look similar yet the circumstances of the crime might be different; so may the circumstances of the accused. Nonetheless there have been too many cases even in very recent times in which the race of either the accused or the victim seems to have played a part in the sentencing of the accused. It is not within the scope of this lecture to make a collection of such cases, but let me mention a few, some recent and some not so recent. Many years ago a group of young white men seriously assaulted a black man and gang-raped his wife. They were found guilty of rape, given a wholly suspended sentence and advised by the judge to join a club in order to give them something constructive to do in the evenings. A few years ago a number of white high school boys thought they would have a bit of fun with a black tramp found in their school grounds one night. The fun consisted in kicking him to death. The boys were found guilty of culpable homicide and their sentence was this: to spend all their weekends for one year working at a local hospital. There was the case of the white policeman who was given a paltry fine after he had knocked down a Coloured man who died as a result of his fall. The very recent case of the white man who drove his car over a black woman in a Pretoria park must be fresh in everyone's memory. The judges and magistrates concerned had no doubt considered all the circumstances of these cases and must have had what they considered good reasons for the sentences. It is unlikely that they were consciously and deliberately discriminating against blacks or in favour of whites. But as an advocate of more than thirty-five years' experience, I know, with an absolute certainty, that if in these cases the races of the victims and the accused had been reversed, it is impossible that sentences of such leniency would have been imposed.

A former judge once told me that one of the things he learned on the Bench was that he had no knowledge of the lives of black people, of their feelings, their loyalties or the pressures on them. He at least had the sensitivity and perception to understand this. The simple fact is that for the most part blacks do not participate in the administration of justice in South Africa, except passively. If this is so, the obvious solution seems to be to involve the black population actively in the administration of justice. What can we lawyers do to bring that about? But before one answers that question, another, more fundamental one arises. Is it at this stage worth making the effort?

This is a fundamental question for a number of reasons. In the first place, the basic legal structure of the country remains a structure of domination of black by white. It is a structure which is kept in place by an apparatus of security laws which give enormous powers to the executive and which place the narrowest limits on the jurisdiction of the courts to protect the individual against the exercise of that power. Even if every accused person or litigant had a lawyer, and even if every judge were a Centlivres or a Schreiner, the courts could not alter the fundamental realities of South African life. Only a radical political change could do that.

THE FUTURE

What conclusion this leads to must depend on one's view of the political future of South Africa. I have said that apartheid is bound to go sooner or later. If you believe that it will be so much later that nothing we do now can be relevant, it would be rational to leave everything to history. If you believe that a successful revolution will take place in the near future, you may think that the new revolutionary government will decide what legal system it wants. In that case, there would not be much point in tinkering with the present system. Such views cannot be shown to be wrong and may logically and comfortably justify a policy of inactivity. Certainly to those who hope and believe a revolution is imminent anything other than the revolution itself may be regarded as irrelevant – the National Association of Democratic Lawyers equally with the Law Society and the General Council of the Bar. Indeed, if this is one's view, there would be no point in the

meantime in attending a law school – you might be learning the wrong law.

However, I do not think that many people, whatever their political beliefs, really apply that logic. The first objection to it that I would raise is a general and practical one. Nobody can say how much time will pass before the present legal and constitutional system comes to an end. (After Sharpeville in 1960, some well-informed analysts gave it five years.) In the meantime many people will live and die under the present system. Ordinary people are involved in litigation; they need and want lawyers to help them. Whatever the future, therefore, there seems to me to be an immediate moral and practical case for expanding the existing benefits of our legal system and for reducing its inequities as far as we can.

The second objection which I would raise against a policy of inactivity is a more personal one. I myself do not believe in either of the scenarios which I outlined above. I claim no special political expertise or insight, but that has never been a bar to political prophecy. I am going to use my privileged position as a lecturer to tell you how I see the future – whether I am optimistic, pessimistic or realistic is for you to judge. I believe that the conflict between black liberation movements and the South African government is one which both sides must ultimately realise cannot be won outright. A military victory against the formidable South African armed forces by black insurgents and black revolutionaries in the foreseeable future is hardly a real possibility. But the government's policy of pacification by a mixture of force and peripheral reforms is just as unlikely to succeed. If the conflict is to continue, the prospect is one of indefinite although limited violence against the forces of the State and eventually the white population. This violence would no doubt be reinforced by industrial action and internal boycotts. This will in turn be met by repression of an increasingly violent and unpleasant nature. This is likely to bring in its train a lengthening of the present period of conscription for young white men, more foreign disinvestment and general decline in the economy and in the quality of life for nearly everyone. This prospect, however appalling, is not likely to lead either side into unconditional surrender. Reason therefore suggests that both sides will eventually see that a negotiated settlement is a necessity. A negotiated settlement would rationally include an agreed constitutional structure. One hopes that such a structure would include an independent judiciary and an independent legal profession. If that is not an entirely irrational hope, then it is surely worth using such time as is left to us to prove to the majority of the people of South Africa the value of those institutions, and to involve them actively in their workings.

There is much that the legal profession can still do to this end.

In the first place, we must do all in our power to develop the concept of law as a protection against power, even under the present system. This means developing and expanding the work already done by the Legal Resources Centre and the Centre for Applied Legal Studies and, more recently, by the Black Lawyers Association. Legal services must be provided not only in political cases, but as widely as possible for blacks caught up in the mess of regulations which still exists notwithstanding the abolition of influx control. Nor is it government alone against which the protection of the law is needed. Unscrupulous hire purchase dealers and bogus insurance companies are only two examples of that part of the private sector (as it is now fashionably called) whose business is to exploit the less sophisticated members of the black population. Every time one of these enterprising businessmen is forced to disgorge by means of legal process (even if it be only a lawyer's letter), the image of the law as a protector is enhanced. The same thing happens when a lawyer assists a wrongfully dismissed domestic servant to claim a month's wages. It may be objected that there are not enough lawyers in South Africa to do this work. I shall refer in a moment to the need to expand the legal profession. But the need for legal services of the type which I have mentioned calls for new and flexible forms of legal practice. A major development has been the establishment of the community advice office staffed not by lawyers but by members of the community who have received some basic instruction in such matters as rights to pensions or to unemployment insurance and rights under township regulations. They are able to assist members of their community in dealing with the simpler legal problems which constantly arise in their lives. When more difficult problems arise, the advice office will refer them to a qualified lawyer. There are already in the Transvaal alone some 25 advice offices of this type which operate with the assistance of the Legal Resources Centre. There are many more advice offices which have other sources of legal assistance. there is an obvious need for funds to establish more advice offices, to train those who work in them and to provide legal advice for them when it is needed.

Another source of legal services of a similar kind is the University Law Clinic, run by law students under the supervision of a member of the faculty. The University of the Witwatersrand established the first of these clinics. Many other universities now have them. They, too, provide legal advice at elementary level. the University of Natal Law School has gone even further. It has a programme, picturesquely called Street Law, which takes lawyers to high schools, particularly in black communities, to teach that there are such things as legal rights as well as legal obligations and that law is something which can be used as well as merely endured. I believe that the University of the Witwatersrand is starting a similar scheme.

If the practice of public interest law and consumer protection law (or what in the United States is called poverty law) is to be developed, it is obviously necessary for the law schools to train their students to practise in these fields. That would not constitute a soft option for students. There is as much "hard law" in them as in any other branch of law.

MORE BLACK LAWYERS

If these developments are to be successful, the overriding necessity is for a really substantial increase in the number of black advocates and attorneys. This is urgent, but not easy to achieve in short order. I have already mentioned the effort needed to overcome the disadvantages of Bantu Education – a system designed to ensure that there would be as few as possible well-qualified black professional men and women to spoil Dr Verwoerd's vision of the future. The law graduates of the tribal colleges, through no fault of their own, are seldom adequately qualified to go straight into private pactice. Graduates of those colleges who go on to do an LL.B. at this University or other open universities often require

bridging courses. An LL.B. degree may therefore be a long undertaking, and for black students often impossible without maintenance over and above the cost of tuition. Many bursaries are available, but there are never enough.

The problems do not end at the university. In present economic conditions it is not easy for any students, white or black, to obtain articles. Even in good times there are unlikely to be sufficient vacancies to take the hoped-for flow of graduates from the Law Schools. I know that the attorneys' profession has been considering alternatives to articles, such as colleges for practical training. I hope that these alternative schemes have a high priority.

The number of black advocates has grown only very slowly. For example, the Johannesburg Bar has about 350 members. As far as I know, only about a dozen of them are black. I believe that Bar Councils should actively recruit well-qualified young black lawyers to their branch of the profession. The Johannesburg Bar is taking at least a first step. All Bars require new members to undergo an unpaid pupillage of at least four months. I am glad to say that the Johannesburg Bar is planning to set up a pupillage bursary scheme.

Most of the suggestions I have made require the raising of funds. In the present climate of opinion here and abroad it should not be impossible to do so. It would be money well spent. I can think of nothing which would more thoroughly and beneficially change the substance as well as the appearance of the administration of justice in our courts than to see large numbers of competent black practitioners regularly appearing in all our courts on behalf of black clients. The courts would lose their alien appearance to the black litigant or accused. It would influence and educate the white prosecutors, magistrates and judges who will for the most part continue to fill those positions. I am sanguine enough to believe that even the discrepancies in sentencing which I referred to earlier would become markedly less frequent if judicial officers had the daily experience of meeting black professional men and women in their courts.

If blacks are to take part in the administration of justice, why not as prosecutors and magistrates? Under the present dispensation it can hardly be expected that many black lawyers would want to serve in a government department in those capacities. That must await another era. Whether they should serve on the Supreme Court bench is too large a topic to enter into now.

This lecture has concentrated on the place of lawyers in our changing country, that is, on one small segment of our society. I think it is as important as any, because a country without an independent legal profession would be a doomed country. That also is too large a topic to expand on now.

The law was a profession in which Ernie Wentzel could give practical expression to his ideals. I hope that there will be many young lawyers of all races who will follow the calling of the law in his fashion.□