

ANTONY MAURICE HONORÉ

Antony Maurice Honoré is one of the most distinguished lawyers in the English-speaking academic world and its leading Romanist. A profound philosopher who has contributed lavishly to modern understanding of legal concepts, his influence has impressed itself on many areas of South African law. He also assisted in the negotiations leading to the adoption of South Africa's first democratic constitution and his thought and work have been increasingly influential in recent decisions of South Africa's highest courts.

Born in 1921, Honoré was educated at Diocesan College Rondebosch and began to study at the University of Cape Town in 1939. Elected a Rhodes Scholar in 1940, he chose instead to postpone his studies and enlisted in the Union Defence Force. He was wounded at El Alamein in 1942 and has borne the effect of his injuries for six decades. While attached to the Military College at Roberts Heights (Voortrekkerhoogte) from 1942-1945, he read for his Bachelor of Arts degree at the University of South Africa, graduating in 1945.

The end of the Second World War enabled him to take up his Rhodes Scholarship at Oxford University. He excelled, being awarded the Vinerian Scholarship, Oxford's highest prize for academic achievement in law – a distinction he shares with only three other South Africans. An academic career of rich distinction and prodigious output has followed – one that is by no means complete. At Oxford Honoré was Rhodes Reader in Roman-Dutch law before being elected to the Chair of Comparative Law. For more than two decades he was Regius Professor of Civil Law and a Fellow of All Souls' College which he also headed as Acting Warden for some years.

Honoré has maintained close and often intense links with South Africa. He profoundly influenced generations of South African students whom he taught legal philosophy and Roman-Dutch law at Oxford. In the 1950s he produced groundbreaking treatises on the South African law of obligations and on property, family relations and succession. His book on the South African law of trusts, first published in 1966, is the standard treatment of this important area of doctrine practice. Its innovative concepts have contributed internationally to a better understanding of the trust as a truly worldwide legal mechanism in both civil and common law systems. His work has earned Honoré a just accolade as 'the principal architect of South African trust law' (M J de Waal, 2000). The recently published fifth edition is produced largely by lawyers attached to or associated with this University (*Honoré's South African Law of Trusts* by Edwin Cameron, with Judge B Wunsh, Professor P A Solomon and Professor E Kahn).

Honoré's scholarship has extraordinary vision, range and productivity. His work on causation, co-written with H L A Hart, the Oxford Professor of Jurisprudence (first edition 1959) has profoundly influenced conceptions of legal causation in courts throughout the English-speaking world. His work on Roman law can only be described as monumental and has changed fundamentally the modern understanding of especially the imperial jurists' contribution to western conceptions of law and human rights. In the last ten years, since turning 70, Honoré has produced no fewer

than five books – more than a lifetime's work for the most productive scholars. They are *Emperors and Lawyers, with a Palingenesia of Third-Century Imperial Rescripts 193-305 AD* (1994); *About Law* (1996) – Ukrainian translation 1997, Arabic translation 1999; *Law in the Crisis of Empire 379-455 AD – The Theodosian Dynasty and its Quaestors, with a Palingenesia of Laws of the Dynasty* (1998); *Responsibility and Fault* (1999); *Ulpian: Pioneer of Human Rights* (2ed. 2002).

Honoré's influence on South African jurisprudence continues to grow. His work outside the field of trusts has been cited in recent decisions of both the Constitutional Court and the Supreme Court of Appeal (*Manamela* [2000], *Olitzki Property Holdings v State Tender Board* [2001] and *Ngxuzu v Permanent Secretary for Health, Eastern Cape* [2001]).

He has received countless international accolades in the form of awards, distinctions and honorary doctorates and it is appropriate and fitting that this University, which is re-asserting a pre-eminent claim to academic leadership in law, should accord its highest honour to one of South Africa's most distinguished legal minds.

It is with great pride and pleasure that the University confers upon Antony Maurice Honoré, the degree of Doctor of Laws *honoris causa*.