

A FREEDOM FIGHTER AND JUDICIAL LUMINARY

2020 Bolch Prize honors Dikgang Moseneke of the South Africa Constitutional Court

Dikgang Moseneke, an internationally revered jurist who helped build and lead a democratic South Africa as it emerged from apartheid, has been named the recipient of the 2020 Bolch Prize for the Rule of Law.

A lifelong advocate for justice, human rights, and the rule of law, Justice Moseneke helped draft South Africa's Interim Constitution, laying the groundwork for a post-apartheid society rooted in the just and equal application of law. During 15 years as a justice and then as deputy chief justice of the South Africa Constitutional Court, Justice Moseneke wrote numerous influential opinions that helped clarify and strengthen democratic principles and the separation of powers among the branches of government in South Africa.

Associate Justice Ruth Bader Ginsburg of the U.S. Supreme Court and Chief Justice Margaret H. Marshall (ret.) of the Massachusetts Supreme Judicial Court were slated to speak at a ceremony [postponed at press time] honoring Justice Moseneke, along with David F. Levi, director of the Bolch Judicial Institute at Duke Law School and a former chief judge of the U.S. District Court for the Eastern District of California.

"Justice Moseneke is a globally respected judge and thinker who, with great devotion to the rule of law and a deep understanding of the principles that animate a democratic society, helped bring a broken nation into a new century of promise, equality, and justice," said Levi. "Through his exam-



AT THE AGE OF 15, JUSTICE MOSENEKE WAS SENTENCED TO 10 YEARS IN PRISON AT ROBBER ISLAND, ALONGSIDE NELSON MANDELA, WHO BECAME A LIFELONG FRIEND AND COLLEAGUE. (PHOTO COURTESY D. MOSENEKE)

ple and his writing, he has helped us understand that the ideal of the rule of law must be more than a system of rules and adherence to them — a threshold that apartheid met. Instead, Justice Moseneke has articulated an understanding of the rule of law as a legal system that defends individ-

ual rights and freedoms, that pursues social justice, and that in content and spirit advances democratic principles and human dignity. That vision transformed South Africa and offers a beacon to nations around the world where the rule of law has not taken hold or has not yet lived up to its ideal."

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Justice Moseneke has written and spoken extensively on the rule of law and its importance, offering a perspective shaped by his experiences as a political prisoner during apartheid, which used the cover of law to exact damage and embed injustice.

The Bolch Prize, which includes a custom artwork and a significant monetary award, is awarded annually by the Bolch Judicial Institute of Duke Law School to an individual or organization who has demonstrated extraordinary dedication to the rule of law and to advancing rule of law principles around the world. By honoring those who do this work, the Bolch Prize draws attention to the ideals of justice and judicial independence and to the constitutional structures and safeguards that undergird a free society. Retired U.S. Supreme Court Justice Anthony M. Kennedy was the inaugural recipient of the award in 2019.

Born in 1947 in Pretoria, Justice Moseneke was arrested at age 15 for opposing apartheid, the state system of institutionalized racial segregation, and sentenced to 10 years in the prison rock quarry of Robben Island, Cape Town, South Africa. His

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David Levi interviewed Dikgang Moseneke during a Duke campus event and for an episode of the podcast *Judgment Calls*. Find links to both programs on the Bolch Judicial Institute's website at [JUDICIALSTUDIES.DUKE.EDU](https://judicialstudies.duke.edu).

fellow political prisoners included future South African presidents Nelson Mandela and Jacob Zuma. While in prison, Justice Moseneke earned two degrees through a correspondence course with the University of South Africa. He went on to become a leading law practitioner, defending political prisoners and representing corporations.

As apartheid ended, Justice Moseneke helped draft South Africa's Interim Constitution. A year later, in 1994, he served as the deputy chair of the Independent Electoral Commission that oversaw the tense first democratic elections in South Africa. He was appointed to the nation's High Court in 2001 and elevated to the Constitutional Court in 2002; he became the deputy chief justice in 2005, a position from which he retired in 2016.

Justice Moseneke's legacy as a leader in the law includes jurisprudence on affirmative action, rule of law, separation of powers, socio-economic rights, property, economic justice, and anti-corruption law. He earned the 2018 "Order of Luthuli in Gold," South Africa's highest honor, in recognition of his "exceptional contribution to the field of law and the administration of justice." He holds multiple honorary degrees, has held numerous positions of leadership in business, higher education, government, and law, and is a widely published scholar. He served as a Rubenstein Fellow at Duke University during the spring 2020 semester, where he is finishing his second memoir, reflecting on his time in judicial office.

The Bolch Judicial Institute works to study and advance rule-of-law principles, to protect and support judicial independence, and to explore the ways in which technology can improve the administration of justice. Learn more about the prize and the Institute at judicialstudies.duke.edu.

—MELINDA MYERS VAUGHN is managing editor of *Judicature*.