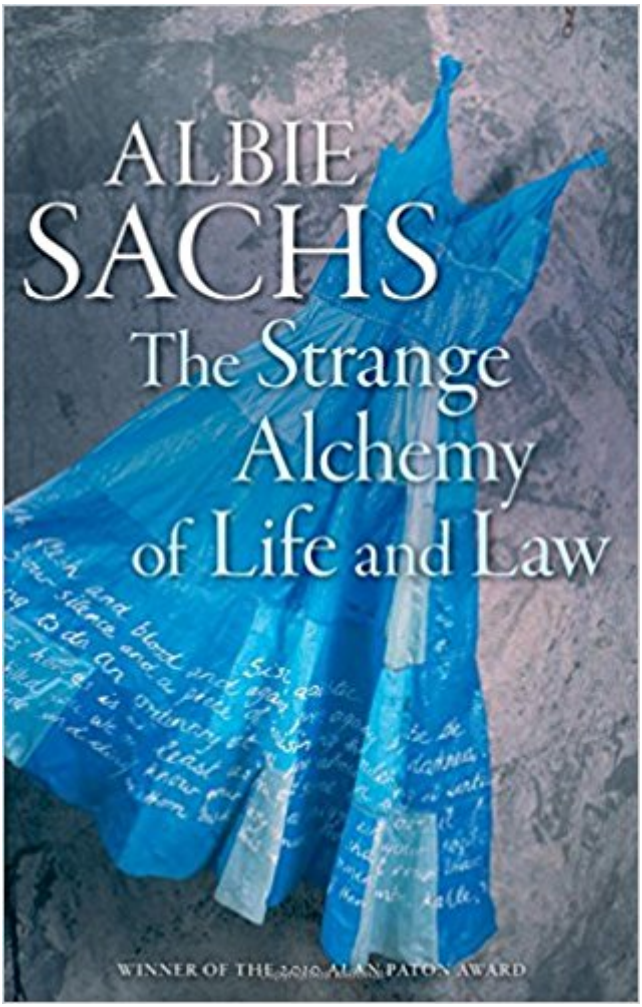
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The Strange Alchemy Of Life And Law



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Synopsis

From a young age Albie Sachs played a prominent part in the struggle for justice in South Africa. As a result he was detained in solitary confinement, tortured by sleep deprivation and eventually blown up by a car bomb which cost him his right arm and the sight of an eye. His experiences provoked an outpouring of creative thought on the role of law as a protector of human dignity in the modern world, and a lifelong commitment to seeing a new era of justice established in South Africa. After playing an important role in drafting South Africa's post-apartheid Constitution, he was appointed by Nelson Mandela to be a member of the country's first Constitutional Court. Over the course of his fifteen year term on the Court he has grappled with the major issues confronting modern South Africa, and the challenges posed to the fledgling democracy as it sought to overcome the injustices of the apartheid regime. As his term on the Court approaches its end, Sachs here conveys in intimate fashion what it has been like to be a judge in these unique circumstances, how his extraordinary life has influenced his approach to the cases before him, and his views on the nature of justice and its achievement through law. The book provides unique access to an insider's perspective on modern South Africa, and a rare glimpse into the working of a judicial mind. By juxtaposing life experiences and extracts from judgments, Sachs enables the reader to see the complex and surprising ways in which legal culture transforms subjective experience into objectively reasoned decisions. With rare candour he tells of the difficulties he has when preparing a judgment, of how every judgment is a lie. Rejecting purely formal notions of the judicial role he shows how both reason and passion (concern for protecting human dignity) are required for law to work in the service of justice.

Book Information

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Customer Reviews

"Dazzlingly honest and original mind." --Nadine Gordimer, TLS 27/11/2009"If I still had responsibility for the English judiciary I would encourage every judge for whom I was responsible to read this book. I am sure it would improve their understanding of what the job really involves and what justice is about." --Lord Woolf, from the preface"The Strange Alchemy of Life and Law...is [Albie Sachs'] fascinating and honest account of how his own thinking, emotions and experiences contributed to some of the most startling, original, adventurous, far-reaching and moving decisions taken by any court in the world." --Marcel Berlins, The Guardian Monday 15 June 2009"If you love justice as much as you abhor and detest injustice, you will be deeply moved by this engrossing 300 page jurisprudential memoir by Albie Sachs...this is one of the few entertaining books which can be classified as a work on judicial reasoning and how a judge might decide from the insider perspective." --Phillip Taylor and Elizabeth Taylor of Richmond Green Chambers, 2009"Mr Sachs's book is not just an appeal for sympathy for poor old judges who have to make difficult decisions but an invitation for public understanding of the abstract strengths as well as the humanity of the process." --John Forsyth, The Scotsman 29 June 2009"Sachs boldly engages with the issue of judicial method, cutting a swath through decades of jurisprudence on the subject of how judges decide." --Jeffrey Jowell, Times Online, August 2009"The universality of the themes is remarkable. This book sheds an entertaining light into the workings of a fine judicial mind and is a useful reminder of the importance of what we do." --Mary Stacey, employment judge, Judicial Studies Board Spring 2010"There is no more heroic, compassionate, or creative lawyer than Albie Sachs, and his book offers the gift of his vivid and humane first-hand account of serving as a judge, interpreting South Africa's post-apartheid Constitution, and pursuing justice on and off the bench." --Martha L. Minow, Jeremiah Smith Jr. Professor of Law and Dean of the Faculty of Law, Harvard Law School"Sachs looks forward to a South African Constitutional Court doing justice for all...worth stealing a moment to heed Sachs's warning...poignant..." --Newsweek

Albie Sachs was a Justice on the Constitutional Court of South Africa from 1994-2009. He is the author of Soft Vengeance of a Freedom Fighter (1991), Justice in South Africa (1974), The Jail Diary of Albie Sachs (1966), and The Free Diary of Albie Sachs (2004).

Was beautifully written

Amazing book which explains revolutionary legal and constitutional concepts in post-Apartheid South Africa and how they are applied by the court. Written by a judge who was part of the ANC struggle against Apartheid. Section on Truth and Reconciliation is heart-wrenching.

This book was a breath of fresh air for me. Albie is funny, irreverent, compassionate and extremely intelligent. This book captures for me the meaning of "the new South Africa" and is an inspiration for anyone who seeks to engage with the law as a tool to protect human rights. So far, South Africa is a model for making social and economic rights justiciable and this book describes the difficulties and triumphs in that process. I will be foisting it on colleagues and friends until they have all read it and been similarly inspired.

At a recent retirement dinner for Justice Albie Sachs of the South African Constitutional Court, one of his colleagues remarked that Sachs is universally known as "Albie," even in the stuffy world of constitutional lawyers. "Not many judges are instantly recognizable by their first names," the speaker said. "Albie is like Elvis."This book shows why. Comprised of autobiographical snippets, reflections on judging, and excerpts from judicial opinions, the book’s a lot like Sachs himself: wise, funny, humane, eloquent, and committed to the project of building a new South Africa on the basis of respect for human dignity. And, also like Sachs himself, it’s loosely structured, underargued, and too uncritical of the role of heart and feeling in constitutional adjudication. Sachs, after all, has a great heart and he feels deeply. One suspects he made an essential contribution to the court’s groundbreaking jurisprudence -- and that it was a good thing ten other judges also had votes.In any event, Sachs is a hero, a gentleman, and a freedom fighter. He made a huge personal sacrifice in the struggle to end apartheid. He wears outrageous shirts on formal occasions. And he’s a thoughtful and compassionate judge. All lawyers, law students, and students of jurisprudence should read his book.

PRE AND POST-APARTHEID:ALBIE’S INSIDER PERSPECTIVEAn appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green ChambersIf you love justice as much as you abhor and detest injustice, you will be deeply moved by this engrossing 300 page jurisprudential memoir by Albie Sachs. The same is true for judges who, in the words of our former Lord Chief Justice, Harry Woolf, believe judging is much more than merely deciding cases! Yes, this is one of the few entertaining books which can be classified as a work on judicial reasoning and how a judge might

decide from the insider perspective.So, every judge should be encouraged to read it, continues Lord Woolf, adding `I am sure it would improve their understanding of what the job really involves and what justice is about.Sachs is a doughty and courageous fighter in the struggle for justice in South Africa under the malevolent apartheid regime which made that country a world pariah. Following the release of Nelson Mandela in 1994 - who can forget that day - Sachs played an important role in drafting South Africa's post-apartheid Constitution and was appointed by Mandela as a member of its first constitutional court.With the startling lucidity which characterizes his writing, Sachs reveals what it was like to be a judge in circumstances which are particularly unique, especially in view of the fact that he was himself a victim of apartheid.As an advocate at the Cape Bar from the age of 21, he defended people charged under racist statures and repressive security laws, incurring the wrath of the authorities. He was subjected to banning orders, placed in solitary confinement for two spells of detention and exiled in 1966. After working for some 20 years in the UK and Mozambique, he was seriously injured by a bomb.Now as his term on the Constitutional Court nears its end, Sachs looks back on his extraordinary life, writing with passion and insight about the ways in which his experiences have influenced his judicial approach and his views on the nature of justice.When one has suffered oneself under an irrational and oppressive regime, including detention and torture, one's personal and judicial outlook will inevitably be influenced accordingly.`It was the worst moment of my life,' recalls Sachs, describing a particularly appalling incident of torture. `It was not a hypothetical situation of the kind that some academics conjure up when discussing the costs and benefits of the government using torture,' he comments, `the practice was systematic, it was organized, it was condoned, it was part of policy.'Policy makers worldwide, even in the enlightened democracies, who have been tempted to believe that there are pros as well as cons which justify torture in whatever form, should read this powerful and enlightening book.And `how do life experiences affect legal decision making?' asks Sachs in the preface. `The answer,' he concludes, `is in unexpected ways.' Yes, this is a book for the jurisprudent's jurisprudent and great for students and legal philosophers alike in 21st century.

Albie (and he does encourage all to call him by that name) has written a book that all judges should read. He demonstrates that humanity and the rule of law not only can, but must, exist side by side. He is one of those rare individuals who combine heart, humour, intelligence, vision and wisdom in one stimulating package. If we all followed his path, the world would be both a more peaceful and exciting place to be.

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