Raymond Tucker was a member of the Editorial Board of the *SAJHR* from 1985 to 1999.

During the apartheid years, advocates and law professors occupied the limelight in the legal struggle against apartheid. Advocates who represented members of the liberation movements charged with treason, sabotage or terrorism, argued applications for the granting of rights to politically unpopular persons or appeared at inquests into the deaths of political detainees spoke with great eloquence in defence of human freedom. Their skillful cross-examination of state witnesses and their passionate appeals for understanding of the cause their clients espoused were headlines in the press of that time. Law professors who condemned the evils of apartheid in their publications or speeches were also the darlings of the media.

Attorneys, on the other hand, received little attention. Yet it was attorneys who were at the coalface of injustice in South Africa. It was they to whom the victims of apartheid turned for help, it was they who were often compelled to find funding for defence of their clients, it was they who had the task of persuading advocates to find time in their busy commercial practices to represent their clients; it was they who had to manage political trials and it was they who had to keep the hopes of clients alive. Although attorneys received little media attention they did receive the attention of the security police. Unlike advocates, who had powerful bar councils to protect them, attorneys were unprotected by their law societies. This made them vulnerable to security police harassment. And harassed they were by the security police. Telephones were bugged, correspondence was intercepted, communications with witnesses were obstructed, passports were removed and, on occasion, homes were bombed.

It was in this environment of intimidation and fear that Raymond Tucker practised as an attorney. In the late 1960s and 1970s Tucker was one of the only attorneys in Johannesburg – and South Africa – who was prepared to brave police harassment and unpopularity in the white community and to represent victims of apartheid – in legal defence in criminal trials, in court applications and in legal advice.

In 1966 Ruth Hayman, an attorney who had defended many persons charged with political crimes was banned under the Suppression of Communism Act. This banning was, according to Sydney Kentridge, ‘inexplicable save on the assumption that it was a punishment for her professional work’ (‘Legal Aid and Political Trials’ in *Legal Aid in South Africa* (1974) 215). The Transvaal Law Society refused to come to her aid. This sent out a clear message to attorneys. Most refused to represent ‘political’ clients. The big firms that were most able to resist political pressure were the first to go. Small firms followed suit. Raymond Tucker,
practising on his own (having been excluded from a partnership for political reasons), refused to be intimidated. He continued to represent and to advise unpopular clients, the victims of apartheid.

Tucker acted as instructing attorney in many spectacular trials. These included the trial of the Anglican Dean of Johannesburg, the very Reverend French-Beytagh, charged with offences under the Terrorism Act for providing financial assistance to detainees, prisoners and their families; the trial of leaders of the National Union of South Africa Students under the Suppression of Communism Act; and the trial of Tokyo Sexwale and other members of the ANC under the Terrorism Act and the Internal Security Act. He also acted as attorney in important challenges to the powers of the Apartheid State. He represented the PAC leader, Robert Sobukwe, in his appeal against the Minister of Justice’s refusal to lift a banning order confining him to the magisterial distinct of Kimberley to allow him to leave South Africa on an ‘exit permit’. He acted for political prisoners in Pretoria prison in their quest to be allowed access to the news and media. In the course of contesting the deportation of a South African political refugee from Lesotho he was involved in the last appeal from Lesotho to the Privy Council in London.

But there were many less high-profile cases and matters relating to the welfare of detainees, violations of the myriad of laws that comprised the apartheid order, and the censorship laws, in which Tucker was involved. Above all, he was South Africa’s foremost legal expert on the notorious pass laws. For most black South Africans apartheid meant the pass laws. In 1974, for example, there were 386,414 prosecutions under the pass laws which represented 28.3 per cent of all cases sent for trial in the country and resulted in 989 trials for every day of the year. These trials before the Black Commissioners’ Courts were hardly ever attended by lawyers and few lawyers made any effort to understand the complexity of the statutory system that governed the lives and movement of their black compatriots. Again, Tucker was the exception. He acquainted himself fully with these laws and for several years spent every Saturday morning in the Black Sash Advice Office advising people on their rights. De facto he was the only male member of the Black Sash.

In the 1980s life became easier for human rights lawyers in South Africa. Public interest law firms such as the Centre for Applied Legal Studies and the Legal Resources Centre were established to address the influx control laws, the Group Areas Act and population relocations. Moreover the government largely ceased its efforts to prevent funds from abroad being transferred to South Africa for legal defence in political trials. Being a human rights lawyer became a safe, respectable and well-paid occupation. This meant that Tucker’s isolation came to an end as he was joined by many other lawyers working in the field of human rights. He was, however, quite rightly, viewed by the new human rights lawyers as an elder statesman, to whom they might turn for advice.
Tucker contributed greatly to the creation of civil society in South Africa. He served as honorary legal advisor to many non-governmental organisations – notably – the South African Institute of Peace Relations, the Alexandra Health Centre and Clinic, the Wilgerspruit Fellowship Centre and the Market Theatre Foundation. He was a member of the Board of Trustees of the Centre for Applied Legal Studies and was closely associated with the Legal Resources Centre. Moreover, he assisted in the establishment of many non-profit and non-governmental organisations. He was also, for many years, a member of the advisory editorial board of the *South African Journal on Human Rights*.

Although Tucker was a specialist in the law of apartheid, and later in labour law, he preferred to see himself as a generalist – a general practitioner – in an age of specialisation. He ran a general law practice that dealt with every branch of the law. He was a strict adherent of the traditions and ethical standards of his profession. During the 1960s and 1970s, a favorite pursuit of the security police was the discrediting of attorneys for professional malpractices, mainly relating to the handling of foreign funds for the defence of political defendants.

Tucker’s professional integrity was, however, always beyond reproach. In an age when lawyers’ fees rocketed, Tucker continued to be guided by professional modesty and not avarice in the charging of fees. The Transvaal Law Society, of which he was a critical member, could only reproach him with being too concerned about the reputation of South African law and the fate of his clients.

Raymond Tucker was a highly principled man. He was a liberal with both a big ‘L’ (being a member of the Liberal Party) and a small ‘l’. He espoused the values of liberalism in his professional and private life. He defended his principles on all occasions and in all company, but seldom sought the limelight in so doing.

Raymond was wise and generous with his advice. I turned to him for help on many occasions and was always rewarded with sound advice. When I was charged under the Internal Security Act for publicly reading the speech of a banned person, I immediately – like so many others – turned to Raymond for assistance. He briefed Sydney Kentridge and George Bizos as counsel for my trial. I therefore had the first team to defend me: Kentridge as leading counsel, Bizos as junior counsel and Tucker as attorney.

In 2004 the University of the Witwatersrand awarded an honorary doctorate in law to Raymond Tucker. This was an appropriate and fitting recognition of his contribution to the new South African legal order.

Unfortunately, he did not receive the recognition he so richly deserved from the new order – despite the fact that many of its prominent members had benefited from his legal assistance.

In 1971 Raymond married Pat Schwartz. Both committed to the same values and causes, they constituted a duet committed to the advancement
of human freedom. They cared about their fellow human beings and they cared about each other. Our condolences go to Pat and their children Graeme and Justine.

JOHN DUGARD
Professor of International Law
Leiden University
Honorary Professorial Research Fellow
University of the Witwatersrand