Sensuous memoir

Soft Vengeance of a Freedom Fighter

Albie Sachs
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On 7th April 1988, the detonation of a car-bomb reverberated in Maputo, Mozambique. It was planted by the South African Security Services and its target was the exiled anti-apartheid activist and lawyer Albie Sachs. The blast was intended to rid the apartheid regime of one of its most vociferous opponents and do what two periods in prison with a total of 168 days in solitary confinement could not, to finally break his body and spirit.

Sachs not only survived the blast, but despite losing his right arm and the sight in one eye, refused to break. *The Soft Vengeance of a Freedom Fighter* charts the recovery of Sachs's physical body and the parallel developments and healing within

his beloved country. Many will already have read and enjoyed this book and the personal journey it describes. Since its first publication in 1990 when he returned to South Africa after 20 years in exile, this book has become a crucial voice in South African literature and a widely read accompaniment to his other key works such as his 1963 *Jail Diary*. It is a sensuous work, describing in great detail each touch and caress of those caring for him and emotions and affections he holds not only for those around him but for the country and ideals he holds true.

In the introduction to this new edition, Professor Njabulo S Ndebele unflinchingly states that when he first read *The Soft Vengeance* in 1991, he felt that Sachs spent too much time describing the minutiae of his rehabilitation, the slow and painful progress that he made towards the acceptance of himself and his inner strength and qualities despite his physical scarring. Now, Njabulo reflects

that Sachs was simply ahead of his time and that in fact, he was describing the tortuous journey that the people of a constitutional democracy must engage with in order to re-build a broken society:

'The complexity prefigured in Albie's painstaking voyage through wounding, recovering, healing and living, did not come across strongly enough (in 1990) to override the character of the moment. Twenty years later we had moved from being a country of policies, to one that needed to re-imagine the minutiae of daily life; and that such minutiae would inform a new sense of personal capability within families, communities, organisations or institutions.'

There is in this a recognition that constitutions, laws and policies are only part of the work necessary to heal the wounds that apartheid left on the body of South Africa's people. It is ironic then that Sachs himself has played such an important role on both the constitutional and personal rehabilitation of the rainbow nation.

Now known as one of the architects of the 1996 South African Constitution and as one of the Judges of the

Constitutional Court who has participated in several landmark rulings; from declaring the death penalty as a violation of the right to life to creating a positive duty on the new South African Government to provide anti-retroviral drugs to HIV positive pregnant women. These contributions to 'hard law' can be seen as the framework in which the 'soft vengeance' of which he speaks could truly be delivered. Through the 'soft law' of the Truth and Reconciliation Commissions, Sachs had to face those who sought to destroy him and explore the issue of forgiveness first hand and deciding to spare them the fate they sought for him.

The 'soft vengeance' that Albie Sachs envisaged was not just the simple decision that he and the nation he loves will not be broken by racism and violence, but by showing through words, actions and capability that in the words of Professor Ndebele, 'there is a willingness to succeed through "cumulative, small, unspectacular but formative victories" and the recognition that every South African must strive to embrace their own completeness.'

Anna Morris

A poor last resort

Struck Out. Why Employment Tribunals Fail Workers and What Can be Done

David Renton
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When the Coalition heralded its Protection of Freedoms Bill we were not to know that the liberties it sought to guarantee were those of Government departments to withhold evidence in court and employers who sought to discard workers arbitrarily.

To that end, David Renton's book is timely. Its strength is derived from the volume of statistics and cases it relies upon in

casting its central claims. This provides a delicious contrast to the Government's recent Beecroft Report on employment law which even the fallen angel Vince Cable deemed to be a collection of 'one man's anecdotes'.

The work is a pleasing mix of legal exposition, historical analysis and sociological discussion. Renton charts the development of the tribunal from the recommendations in the 1968 Donovan Report, through the report's implementation in the form of the Industrial Relations Act 1971 to the present day. It is, in the author's words, intended as a policy statement rather than a practical guide.

Renton vividly illustrates the

friction between strengthening workers' rights through collective bargaining and individual victories which reward the claimant, usually inadequately, but leave the workforce worse off. In many respects the increased resort to the employment tribunal has not advanced the worker's cause: equal pay claims which damage unions but compensate small groups of workers; victims of racism whose claims are viewed sceptically by courts wedded to orthodox notions of how witnesses 'should' behave; and the subversion by judges of legal tests which supplant objective with subjective standards of reasonableness.

Renton concludes by emphasising that collective bargaining has achieved the historic gains made in favour of

workers and not the law. He does however offer three sensible and relatively straightforward achievable reforms to the system: the elevation of reinstatement to the primary remedy in unfair dismissal cases; the reconstitution of panels comprising four lay persons which would decide by consensus on cases' merits; and simplifying the instances in which tribunals can reduce awards so as to ensure a successful claimant is left closer to the position she would have been in had she not been dismissed.

However, while successive governments and business leaders continue to peddle the lie that employment regulations in the UK are too onerous, it will be some time before these types of changes are seen.

Russell Fraser