

# **ADDRESS BY THE PRINCIPAL AND VICE-CHANCELLOR OF UNISA, PROF PULENG LENKABULA AT THE MEMORIAL SERVICE OF THE LATE PROF SHADRACK GUTTO**

2 November 2023

Programme Director, Dr Maureen Tong, Executive Director Office of VC

Prof Sibusiso Vil-Nkomo, Executive Dean of the Thabo Mbeki African School of Public and International Affairs and host of the memorial service

Members of the late Professor Shadrack Gutto Family present here this morning

Mrs Mildred Trouillot-Aristide and Dr. Jean-Bertrand Aristide, Former President of Haiti in absentia

## **Members of the Diplomatic Corps present**

- HE Ms. C M Mwangi, Embassy of Kenya
- HE S D Michael, Embassy of South Sudan

Representative from various Government Departments present.

Members of the legal fraternity in attendance here today

Members of the Business community, Civil Society, Institutions of higher learning

## **Our Programme participants:**

- Ms Elizabeth Meassick
- Ms Khotsofallo Maloka
- Mr. Dumbi Lolik
- Mrs Rikky Minyuku,
- Malaika & Nuru Minyuku-Gutto Recorded family messages.
- Dr Somadoda Fikeni, Commissioner of the Public Service Commission
- Prof Siphamandla Zondi, Department of Politics and International Relations, University of Johannesburg
- Prof Lesiba Teffo, Former head of the Institute for African Renaissance Studies
- Dr Ken Nyaundi
- Representative from the Independent Electoral Commission SA
- Mr Busani Mabunda, Former President: Black Lawyers Association
- Prof Vuyisile Msila, Former Head IARS
- Prof Phalandwa Mulaudzi, Founding member of CARS
- Prof Dirk Kotze, Department of Political Science
- Prof Mokhele Madise, Manager: Research and Graduate Studies

- Prof Dries Velthuis, PhD graduate.

Distinguished Guests

Ladies and Gentlemen

Good afternoon.

I am truly honoured and grateful to be addressing you on this solemn occasion where we remember, honour, and celebrate the life and works of Prof Shadrack Billy Otworu Gutto.

Many of the speakers before me have painted and narrated the colourful and wholesome life of Prof Gutto whom we cherish now and forever. On behalf of the University of South Africa (Unisa), a place that our dear departed Prof Gutto called home for almost two decades, I join the many Africans in our continent to express our deepest and heartfelt condolences to the Gutto family, loved ones, friends and colleagues for this immense collective loss.

I am certain that many of us will agree that Prof Gutto was an eminent and valued member and scholar of the Law Faculty in Africa, as well as being an excellent observer and shaper of politics, policy, and governance in our continent.

Listening to the profound tributes that have so beautifully overflowed today, one can surmise that Prof Gutto was as much a worldly man as he was an abstract and pragmatic human being – a man who exuded the combination of ideas and action, theory, and praxis. And for that, only one question lingers on our minds: How can a man die better?

In today's world where we face many strategic and existential questions and dilemmas, the intellect of Prof Gutto is so much needed. It is a world where climate change threatens our very existence; technology gives as much opportunities as it does threats; the cost of living, poverty and inequality threatens social cohesion; persistent and new conflicts bring us to the precipice of nuclear war; energy and water resources undermine sustainable livelihoods and reproduction; immigration is a source of tension and Otherisation rather than innovation, unity and the embrace of diversity; and the list goes on. I know that a mind such as the one of Prof Gutto, would look at these global and local risks in a way

that challenges us to find opportunities and solutions to move forward, indeed, to avoid wallowing in our senseless hopelessness!

When I say Prof Gutto was a master of the concrete and abstract is not to lie or embellish his works. I recall that in the critical moment when our young democracy faced the unprecedented September 2008 political uncertainty, it was the wisdom and dexterity of Prof Gutto who helped many, including the bold political actors in the theatre of the day, to understand the Constitution of the Republic of South Africa and how to use policy, legal instruments, and governance frameworks to achieve a palatable and peaceful transition to a new Presidency. He was all over the media as a public intellectual and member of the Unisa academy freely sharing his knowledge with the public – and that was engaged scholarship in action. In a way, many of our African countries owe Prof Gutto and his ilk a great deal of gratitude for the peaceful transitions and relative stability they enjoy in their democracies today. Certainly, as South Africa we do, and we are eternally grateful.

Although now he belongs to the ages and sits proudly in the galaxy of the brightest of African stars, Prof Gutto in flesh, belonged to the gallant generation of revolutionary intellectuals who redefined **university-state-society relations** in Africa forever. And for this, he was mistakenly called a refugee and an asylum seeker. Nobody is a refugee or an asylum seeker in Africa. Africa is our home. Africa is where we proudly belong. The pan-African vision of a united Africa is what characterises Unisa and the legacy of Prof Gutto!

Today, we can be proud that in many of our stable constitutional democracies in Africa, **university-state-society relations** have significantly improved in terms of the ever-changing contestations about academic freedom, institutional autonomy, freedom of conscience, social responsibility, and public accountability.

Prof Gutto paid the price of speaking truth to power in the same way that many of our brightest African intellectuals were forced into exile in the 70s and 80s. Prof Gutto suffered this fate a few times with the last one being in Zimbabwe in 1988 where he was given 48 hours to leave the country.

In the 1970s and 80s, 'With the effective muzzling of dissent, the University of Nairobi became the center of political organisation for progressive forces. The political activity at the university was gravitating around militant academics like Ngugi wa Thiong'o, Micere Githae Mugo, Willy Mutunga, **Shadrack Gutto**, Anyang' Nyong'o, Edward Oyugi, Maina wa Kinyatti, Kamonji Wachira, Mukaru Ng'ang'a, Katama Mkangi, Apollo Njonjo, Shiraz Durani, Sultan Somji, Kabiru Kinyanjui and Kimani Gecau.

Indeed, the government soon labelled the university as the 'unofficial' opposition party. However, the politics of Kenya changed fundamentally in the wake of Josiah Mwangi Kariuki's murder on March 2, 1975 by the Kenyatta regime. His body was found abandoned to the hyenas in the wilderness in Ngong Hills. He had been abducted and tortured to death. This was the most gruesome, bestial act of state banditry.<sup>1</sup>

Following these persecutions, history records the rise and decline of universities in Kenya, Uganda, Tanzania and arguably, today, the rise again of Makerere and Dar respectively. We need to continuously rethink and reimagine as to what that moment means to us as an African university and the entire African academy as a whole.

Today in Palestine, the Gaza Strip is raised to the ground in a war that has lasted 75 years whilst the world is watching. Approximately 1.2 million people are without access to basic education or higher education in Gaza – a right that is guaranteed in the United Nations Charter. In his resignation letter dated 28 October 2023, Craig Mokhiber, the Director of the New York Office of the Commissioner for Human Rights, has this to say about the Palestinian Question:

'As a human rights lawyer with more than three decades of experience in the field, I know well that the concept of genocide has often been subject to political abuse...I also worked in these halls through the genocides against the Tutsis, Bosnian Muslims, the Yazidi, and the Rohingya. In each case, when the dust settled on the horrors that had been perpetrated against defenseless civilian

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<sup>1</sup> Citizens for Justice. 2003. We Lived to Tell the Story – The Nyayo House Story.

populations, it became painfully clear that we had failed in our duty to meet the imperatives of prevention of mass atrocities, of protection of the vulnerable, and of accountability for perpetrators...In Gaza, civilian homes, schools, churches, mosques, and medical institutions are wantonly attacked as thousands of civilians are massacred. In the West Bank, including occupied Jerusalem, homes are seized and reassigned based entirely on race, and violent settler pogroms are accompanied by Israeli military units. Across the land, Apartheid rules.'<sup>2</sup>

If we look at the life experiences and works of Prof Gutto as a pan-African constitutional and human rights law scholar, would we not be inspired as the global university community to stand up for the people of Palestine and other oppressed people across the world? Is engaged scholarship and 'organic intellectualism' not about these kinds of things? Can the university afford to be silent and indifferent to social injustice, oppression, and exploitation? I think Prof Gutto would ask and urge to think and act on these questions.

On March 26, 1999, President Mbeki said the following in his Farewell Speech to President Nelson Mandela:

'You have looked at the faces of some of those who were your comrades, who turned their eyes away from you because somewhere in their mortal being there lingered the remnants of a sense of shame, always and forever whispering softly - no to treachery! a thing in the shadows, present at every dawn, repeating, repeating, repeating - I am Conscience, to whom you have denied a home.'

As Unisa, we are happy that we have looked into the face of Prof Gutto who was our comrade in arms and never turned away but, gave him an intellectual home that he loved and served so well until his retirement in 2016. For this we are eternally grateful to the Gutto family for giving us one of the eminent scholars Africa has ever seen: Professor Emeritus Shadrack Billy Otwori Gutto. We are thankful and eternally indebted to you and his memory.

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<sup>2</sup> Craig Mokhiber, 2023. Resignation Letter.

Indeed, Prof Gutto understood the value of education and the dangers of ignorance. He understood the public value and virtues of education and the social responsibility that it ensconced. That we are not just academics in the ivory towers but, thinkers and actors in the past, present, and future.

The idea of the role of intellectuals in society, (in a Gramscian sense 'organic intellectuals'), is placed before us by Falola as '*political action which is long overdue for a revolution if generations are to prosper.*' And in this instance, political consciousness and action must be understood not in the narrow sense but, in the broadest sense of a political order that is transformed, inclusive, futuristic, and humane. As Unisa, we are proud to be associated with Prof Gutto believed in and lived the vision of Unisa as an African university shaping futures in service of humanity.

As I sit down, I wish to dedicate a poem to Prof Gutto. A poem titled 'Apolitical Intellectuals' by Otto Rene Castillo and it reads:

### **Apolitical Intellectuals**

One day  
the apolitical  
intellectuals  
of my country  
will be interrogated  
by the simplest  
of our people.

They will be asked  
what they did  
when their nation died out  
slowly,

like a sweet fire  
small and alone.

No one will ask them  
about their dress,  
their long siestas  
after lunch,  
no one will want to know  
about their sterile combats  
with "the idea  
of the nothing"  
no one will care about  
their higher financial learning.

They won't be questioned  
on Greek mythology,  
or regarding their self-disgust  
when someone within them  
begins to die  
the coward's death.

They'll be asked nothing  
about their absurd  
justifications,  
born in the shadow  
of the total lie.

On that day  
the simple men will come.

Those who had no place  
in the books and poems  
of the apolitical intellectuals,

but daily delivered  
their bread and milk,  
their tortillas and eggs,  
those who drove their cars,  
who cared for their dogs and gardens  
and worked for them,  
and they'll ask:

"What did you do when the poor  
suffered, when tenderness  
and life  
burned out of them?"

Apolitical intellectuals  
of my sweet country,  
you will not be able to answer.

A vulture of silence  
will eat your gut.

Your own misery  
will pick at your soul.

And you will be mute in your shame.

Programme Directors, I think we all know that Prof Gutto was not an Apolitical Intellectual. He was never unable to answer. A vulture of silence never at his gut. He never suffered misery that picked at his soul. And most importantly, he was never mute in shame – even on this day, death will not silence him.

Farewell to this eminent and valued member and scholar of the Law Faculty in Africa, an excellent observer and shaper of politics, policy, and governance in our continent.

Farewell Prof Gutto. May your beautiful soul rest in peace.

I thank you.