



College of Fellows 2025

Professor Alfred Jacobus Barnard-Naudé **Centre for Rhetoric Studies (CRHS)** **Faculty of Law**

Professor Barnard-Naudé is the embodiment of a scholar of great distinction, the sort of academic whose uniqueness in pursuit of exacting knowledge, and singular South African trajectory, is at the heart of the ethos of our college. This claim needs evidence to sustain it. It will first take a literary form, in congruence with Barnard-Naudé the poet.

In her internationally celebrated 2014 novel, translated as “Those who leave and those who stay”, Elena Ferrante’s main character in the quadrilogy that became known as the Neapolitan Novels, Lenu Greco tries to explain why she persisted in a career as a writer: “Maybe I did it out of the vivid knowledge of poverty, which I felt an obligation not to forget; I wanted to be on the side of those who remained downtrodden and were fighting to turn everything upside down”. Lenu’s “vivid knowledge of poverty”, is the poverty of her childhood as the daughter of a porter at the city hall. Her story resonates in remarkable ways with Barnard-Naudé’s own life.

Like Lenu, he has always felt an obligation not to forget the poverty in which he grew up as the eldest son of a single mother who worked in a local factory, trapped as she was in the unjust patriarchal cruelties that also defined apartheid South Africa. As was the case with Lenu, the memory of poverty had a profound impact on Barnard-Naudé’s life – as a jurist, a writer and a human being. Also like Lenu, he has remained on the side of the downtrodden, and not least because, as a gay man who did not “pass” from a relatively early age, he infused his scholarship with an acute awareness that his own poverty of birth and childhood translated as a veritable wealth when compared to the lives of millions of black South Africans who suffered under the yoke of apartheid.

Barnard-Naudé’s ascent to high scholarship began with the award of a full bursary by Vodacom South Africa, based on his matric results (five distinctions), which enabled him to read for the degrees of BCom (Law) cum laude and LLB summa cum laude at the University of Pretoria (UP). This outstanding academic performance earned him the prestigious Grotius Medal from the Pretoria Bar Council (which is awarded from time to time at the discretion of the Council only to outstanding young jurists), the SANTAM Prize for Economics, as well as the Gauteng Law Council prize for the best law student of the year 2002 at the universities of the Witwatersrand, Johannesburg and Pretoria. His Bachelor of Laws (LLB) dissertation on contractual justice was awarded the Butterworths Prize for the best dissertation in the UP Faculty of Law in 2002.

A stellar scholar was born at the juncture of critical legal theory, political economy and contract law, who realised, as he made it explicit himself, that the end of apartheid meant that the law can and should be the primary technology of power with which to promote the cause of the historically and presently downtrodden.

Indeed, in 2003, while serving articles as a candidate attorney at Werksmans Inc in Sandton, he registered part-time for a Doctor of Laws (LLD) under the supervision of Prof Karin van Marle in the Department of Jurisprudence at UP. His doctoral thesis broke new ground, fostering a critical legal

argument for contractual justice in the South African contract of law. Thus, he established himself as a young pioneer in critical legal theory, later called critical jurisprudence. Having chosen the University of Cape Town (UCT) as his place of employment, he rose at a steady pace, marked by significant and unique contributions to his field, from lecturer in law in January 2004 to Professor of Jurisprudence in January 2012. He assumed the co-directorship of the Centre for Rhetoric Studies (CRhS) in 2017 when the centre was incorporated into the Department of Private Law.

His scholarship over the past 21 years is characterised by a highly interdisciplinary and transdisciplinary synthesis underpinned by hybridisation of the British / Continental and Anglo American approaches to critical legal theory, while also contributing to the development of a distinctly South African post-apartheid jurisprudence. Over the course of over 80 peer-reviewed publications, Barnard-Naudé has developed a unique and internationally recognised approach to psychoanalytic jurisprudence. This approach addresses both the psychic and inseparably material dimensions of the post-apartheid condition. The hybridisation of seemingly disparate bodies of knowledge characterises his scholarly striving, which essentially places the highly publicised juridification of ubuntu as an indigenous knowledge system in critical 'conversation' with his psychoanalytical orientation as well as Western post-Marxist progressive social theory.

In the field of law, his contribution is remarkable and is recognised by his peers internationally. Fellows will recall how the College, to our credit, had already noticed him. In 2006, we awarded Barnard-Naudé our Young Fellows Award. Foremost evidence of his stature is to be seen in his B1 rating by the NRF (2024), after a B2 (in the wake of a Y1), he was one of only two across UCT among scholars under the age of 40. Signal evidence of his intellectual recognition came with the award of a British Academy Newton Advanced Fellowship (held from 2017 to 2020), spent at the University of Westminster's prestigious Law & Theory Lab. This led to the international publication of the first edited collection devoted to the law's responsibility for the achievement of spatial justice after apartheid.

Further evidence of the stature of his scholarship is seen in his recent appointment as Visiting Professor in the Birkbeck School of Law, Birkbeck College, University of London, which he holds simultaneously with a reprisal of an Honorary Research Fellowship in the Birkbeck Institute for the Humanities on the invitation of the Institute's International Directors, renowned philosophers Professor Slavoj Žižek and Professor Jacqueline Rose.

Corollary evidence of the societal pertinence and juristic impact of his scholarship is to be found in his work on sexual minority freedom in South Africa (jointly with Professor Pierre de Vos) which formed the basis of a parliamentary submission at the time of the adoption of the Civil Union Act. It was later credited by the minister of home affairs as having been decisive in the formal drafting of the Act, with provisions recognising same-sex marriage. These provisions placed South African democracy at the forefront of civil rights worldwide. This is the hallmark of a jurist engaged at the critical edge of the law.

Indeed, the over-arching concept that sustains this outstanding and unique trajectory in jurisprudence and unifies his scholarship as a single body of work, is "reparative citizenship", as elaborated in his 2023 Routledge monograph *Spectres of Reparation in South Africa: Re-encountering the Truth and Reconciliation Commission*. The third constitutive aspect of his jurisprudential scholarly methodology came to the fore most strongly in this work (which explains

also why this citation began with a literary anamnesis): ‘literature’ or what he prefers to call ‘poetry’. Jurists can be judges. Jurists can be politicians. Jurists can even be ... jurists. They rarely are poets. However, in congruence with his scholarly methodology, he was awarded an Master’s in Creative Writing (Afrikaans Poetry) by UCT in 2011. Thereafter, he made his début on the literary scene with a collection of poems in Afrikaans published to critical acclaim by Human & Rousseau in 2024 under the title *Om my kastele in Spanje te sloop*. What was the basis of this congruence? Indeed, before the MA, his scholarly research in critical jurisprudence was characterised by its invocation and representation of (mostly South African) literature in the manner of certain critical approaches in the law & literature school within critical jurisprudence. In the monograph, his concept of reparative citizenship is defined with reference to what Italian philosopher Giorgio Agamben has designated the “poetic status” of the human subject and with this, literature assumes a foundational status in his work.

Fellows would have noted, in his curriculum vitae, that he has been the editor or co-editor of five collections of peer-reviewed academic essays published by highly reputable international (3) and national publishers (2) and the author or co-author of 53 peer-reviewed journal articles and 31 peer-reviewed book chapters. Barnard-Naudé has published alongside and edited the academic writing of international luminaries such as Alain Badiou, Judith Butler, Achille Mbembe, Jacqueline Rose, Jeremy Waldron, Drucilla Cornell, Allen Wood and Antjie Krog. Their work has been purposefully and strategically published in the collections he has edited, alongside the work of emerging young African scholars, some of whom he has mentored informally and supervised formally at doctoral and postdoctoral levels. He even extended his public, critical engagement in a documentary short film, *Spatial Justice in the Postcolony*, launched to critical acclaim in London in 2020, Helsinki in 2022, Durham in 2023 and Cape Town in 2025. He joined the boards of non-governmental organisations such as the Institute for Justice and Reconciliation (IJR), where he served on the executive committee for ten years.

In addition to his current appointment at the University of London, he has periodically held, for ten years now, a Visiting Professorship at Large in Umberto Eco’s Department of Philosophy at the University of Bologna. Fellows may wish to note that his My Google Scholar citations currently stand at 328 (131 since 2020) with an h-index of 8 and an i10-index of 7. His work has been cited repeatedly in reported judgments of South African courts.

Fellows will note that he is a peer reviewer for prestigious journals: *Political Psychology*; *Law and Critique*; *Law, Culture and the Humanities*; *International Journal of Law in Context*; *Wasafiri*; *Subjectivities*; *Mosaic*; *Feminist Legal Studies*; *Feminist Encounters*; *Cogent Arts & Humanities*; *African Identities*; *African Journal of Conflict Resolution*; and the *International Journal of Law and Society*. He has served as a consulting referee for international publishers such as Polity, Cambridge University Press and Routledge. His law colleagues have recognised his publishing acumen by placing him on the editorial board of *Review of International Studies* (Cambridge University Press), the *International Journal of Law and Society* and on the advisory board of Routledge’s *Law and the Postcolonial* series.

To conclude this citation: Some say that a picture is worth a thousand words. No, not in this case. No picture could truly depict the “larger than the Law” jurisprudential scholarship, intellectual innovation, and intellectual achievements of Professor Barnard-Naudé. The undersigned wholeheartedly recommend his election to the College.

Nominators:

Hugh Corder (Fellow)

Philippe-Joseph Salazar (Fellow)