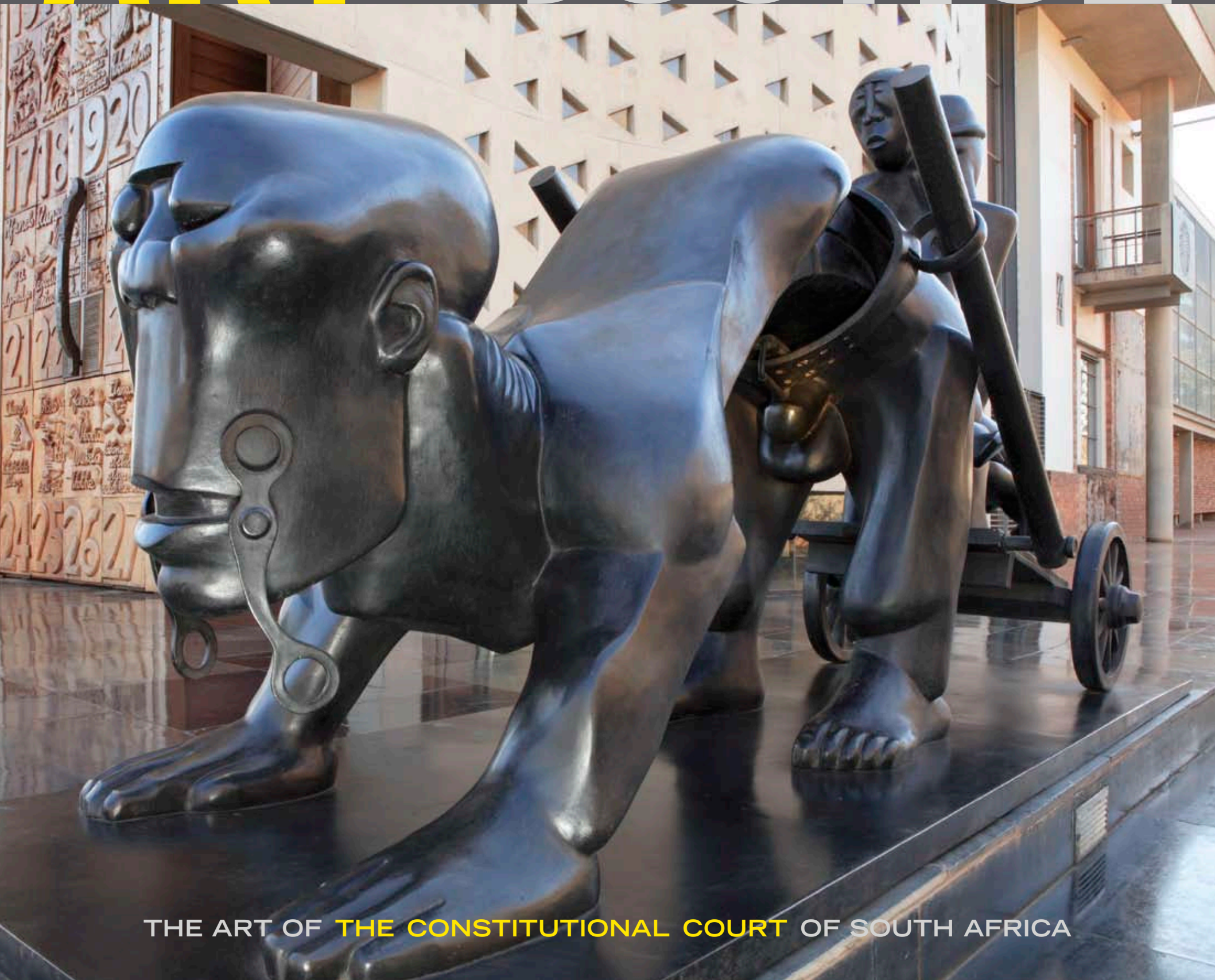


ART AND JUSTICE



THE ART OF THE CONSTITUTIONAL COURT OF SOUTH AFRICA



ART_{AND}JUSTICE

THE ART OF THE CONSTITUTIONAL COURT OF SOUTH AFRICA



Photography by Ben Law-Viljoen

DAVID KRUT
PUBLISHING

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PUBLISHING**

PREVIOUS: The Court in session during the case *Shilubana and Others vs Nwamitwa*. The case concerned the right of a woman to ascend to the chieftainship of the Valoyi community in Limpopo.

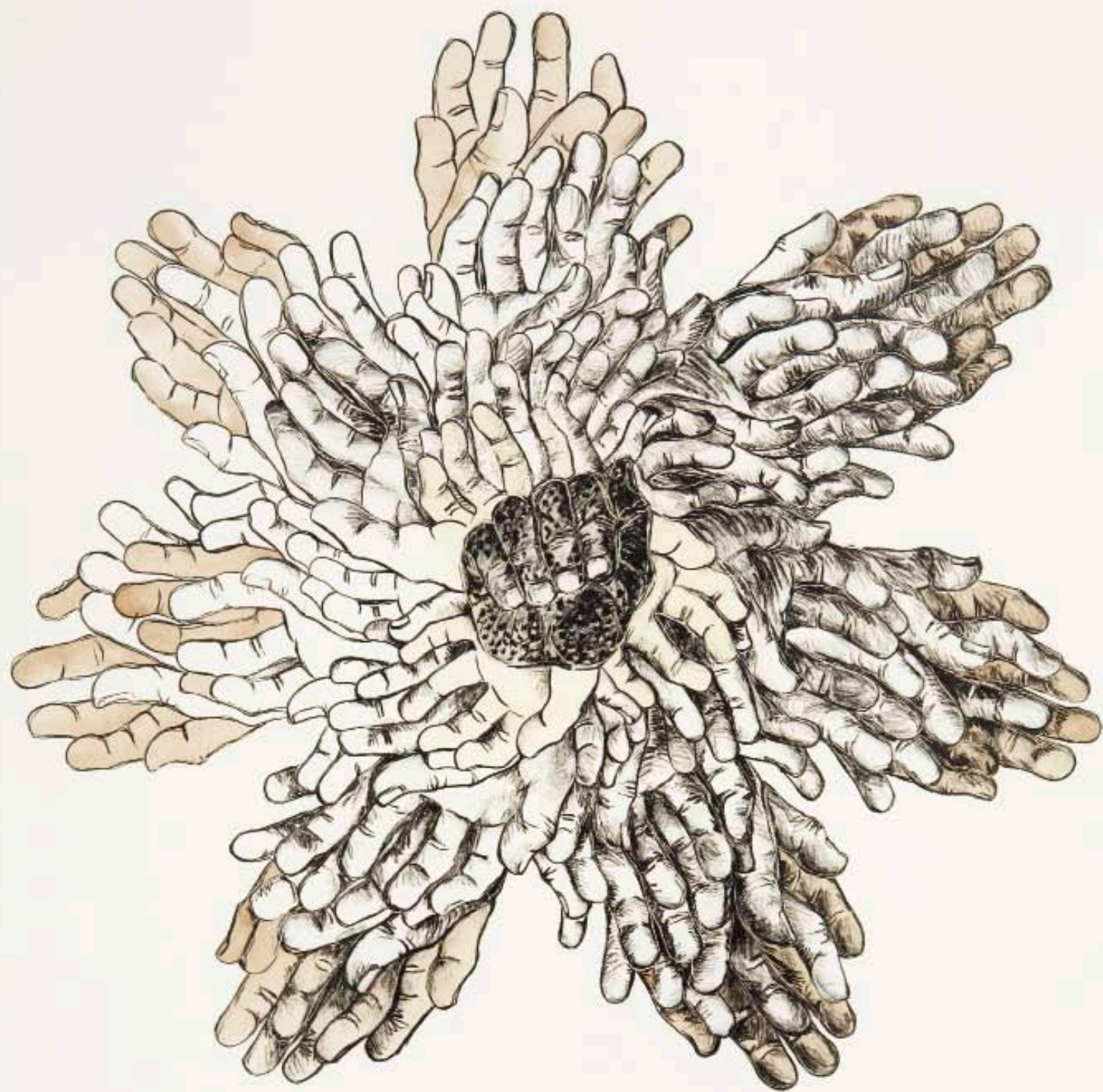
RIGHT: Georgie Papageorge, *Through the Barrier – 1956 Treason Trial Frieze and Ladder*, installed in the Foyer by Charl van der Merwe





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MESSAGE FROM CHIEF JUSTICE PIUS LANGA

The Justices of the Constitutional Court of South Africa have the privilege of working in a beautiful environment. Every day, as we try to answer difficult questions concerning fundamental human rights, the moving works of art and uplifting design of our building constantly remind us of what should never be forgotten: that justice is for people and that all people are united in their inherent human dignity. My hope is that this spirit of shared humanity, so clearly conveyed by the Court's collection, will continue to inspire judges and ordinary people alike in our collective pursuit of justice.

Pius Langa
Chief Justice, Constitutional Court of South Africa

OPPOSITE: Judith Mason, *Flower*, 2006,
linocut, 76 x 57 cm

OVERLEAF: Chandeliers by Walter Oltmann
creating a leafy canopy in the Foyer

FOREWORD BY JUSTICE RUTH BADER GINSBURG

The Constitution of the Republic of South Africa marks the birth of a new nation dedicated to “democratic values, social justice and fundamental human rights.”¹ It is fitting that the judicial guardian of the Constitution, the Constitutional Court, is housed in a building notable for its accessibility to the public, as the Court itself is. Constructed on the site of the Old Fort Prison where Nelson Mandela and Mahatma Gandhi were once locked up, the Court incorporates part of that fearsome edifice. Empty cells, barbed wire and some of the artwork serve as reminders of past tears and travail, and the long struggle for freedom. Overall, however, the building's design expresses high hope for, and abiding faith in, “a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.” The Constitution, Court building and artwork share an animating theme: “Everyone has inherent dignity and the right to have their dignity respected and protected.”

The art displayed in the Court is a perfect match for the building's design. The collection affords the visitor, and all who work at the Court, a moving and delightful impression at every step and turn. Imbued with the spirit of emancipated humanity, it is the most vibrant collection I have seen in any courthouse in the world.

None of the Renaissance iconography typically shown in tribunals of justice and no austere portraits of judges of yesteryear (invariably white and invariably male) fill the Constitutional Court's foyers, corridors and rooms.² Instead, the art is of, by, and for “the people of South Africa,” now “united in [their] diversity.”

Approaching the building, one sees on the façade the Court's name, in bright colors, in the many tongues spoken in South Africa. The arrangement conveys to the entrant: whatever your race, language or station, you are welcome here. Inside, the talent and spirit of the nation's artists and crafters combine to create a brilliant homage to what South Africa is becoming: “a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law.”

Some of the artmakers are internationally renowned; others perhaps do not even think of themselves as artists, they simply make beautiful things. Among the most evocative works in the collection is the famed “Blue Dress” triptych³

by Judith Mason, a gentle memorial to an executed ANC combatant whose naked body, covered only with a scrap of blue plastic, had been found as a result of Truth and Reconciliation Commission proceedings. Willem Boshoff's granite tablets recording each day of the decades Nelson Mandela and the other Rivonia defendants spent in prison similarly remind viewers of the years of division, oppression and pain under apartheid. Emblematic of the transformation of the nation from a racist, authoritarian state into a constitutional democracy are the carpets, alive with color, woven by rural women using designs adapted from paintings by the artists Simphiwe Zulu, Romeo Zamane Makhanya and Sfiso Ka-Mkame; the finely wrought security gates; the woven chandeliers; the carved doors; the slightly irregular round table at which the Justices confer; and the Court's logo symbolising “justice under a tree”. Throughout, one sees the imprint of the hands, eyes and imaginations of all the people whom the Constitution, and laws made thereunder, exist to serve.

On my visit to the Court in 2006, I had the very best tour guide in Justice Albie Sachs, whose bright mind, caring heart, eternal optimism and indomitable spirit have inspired legions of jurists round the world. His appreciation of the alliance between art and justice, and his skill in the fine art of persuasion, have contributed enormously to the remarkable collection previewed in the following pages, and in the companion DVD. When Albie asked me to write a preface for this extraordinary, spirit-lifting publication, what could I do but just say, “yes”?

Ruth Bader Ginsburg
Associate Justice, Supreme Court of the United States

¹ This and other quotations are from the *Constitution of the Republic of South Africa* (1996).

² J. Resnik and D. Curtis, *Representing Justice: From Renaissance Iconography to Twenty-First-Century Courthouses*, 151 Proceedings of the American Philosophical Society 139 (2007), 179-180.

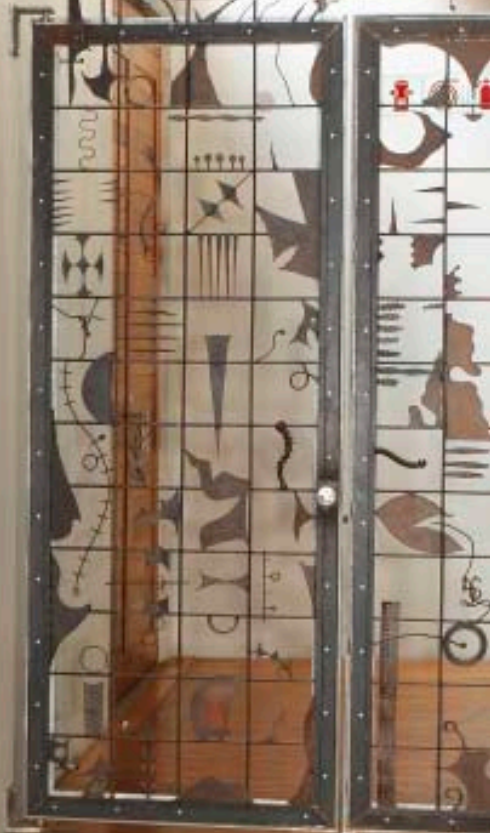
³ The title of the work is *The Man Who Sang and the Woman Who Kept Silent*.





introduction

1





building with art

2

BUILDING WITH ART

SECURITY GATES, ENTRANCE DOORS, SIGNAGE, SUN SCREENS, MOSAIC BENCH

The design brief for the new Constitutional Court stipulated the *physical* requirements of the building (the spatial relationship between rooms and the needs of the people using them, for example) and the *performance* requirements (to be water-proof, acoustically sound, visually accessible and so on).

In addition, and just as important as these pragmatic considerations, was the brief that the building have *meaning* and *relevance*: that it express our collective social, political and cultural achievement in the context of the new South African democracy and contribute to an ever-evolving national cultural identity. Meaning and experience were constantly interrogated in the design process and were the major themes of a debate that helped to refine the architectural response to the project.

In the design development of the Court, the fundamental intention was for the building to be unified with the South African context expressed in and promised by the country's new Constitution. The architects responded to this brief on an urban and architectural scale, as well as in terms of the elements of the building (the bits and pieces making the whole). Artists and craftspeople were invited to participate in the building's make-up by submitting proposals for these elements, some quite small (like the nosings on the stairs in the Exhibition Gallery, pp. 108-109) and some much larger interventions (such as the west-elevation sun screens, pp. 36, 56-59).

The traditional supply chain for such elements was replaced by artists and craftspeople who conceptualised and customised many of the building components. These had to respond to functional (building performance) requirements and physical environments, but also bring meaning – human energy, creativity and a vibrant aesthetic – to the building.

PREVIOUS: Judges' Wing (level -1) with
Sipho Ndlovu, *Images of South African History*
1, 2, 3, 4, c1998, acrylic on canvas, each
152 x 122 cm

OPPOSITE: Security gate in the Judges' Wing
(level -1) by Lisa Perold





SECURITY GATES FOR THE JUDGES' CHAMBERS

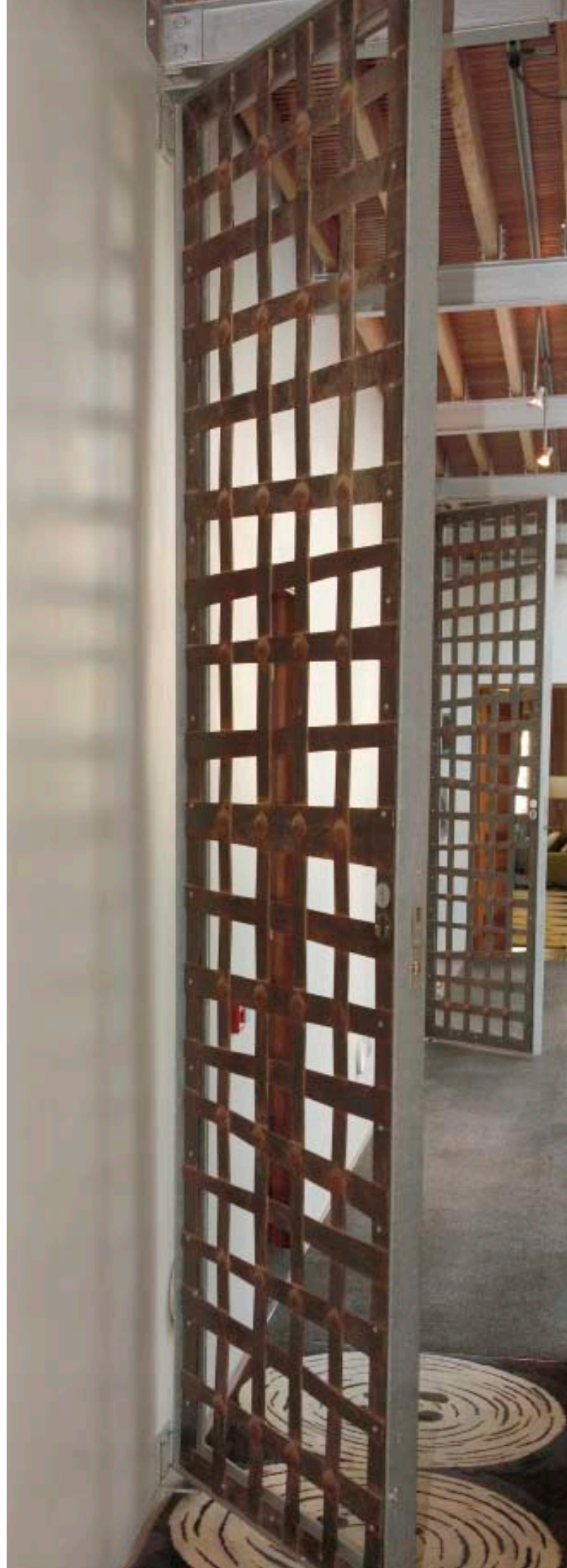
The practical requirement for security for the Judges' Chambers meant the development of a brief that described the physical properties (location, size) of a set of gates, their required performance (security control, visibility) and the meaning of "security" in the context of the history of incarceration. The Court is built on the site of a former prison, which meant that the question of the physical requirements of security (gates and bars) had to be treated with particular sensitivity. This concern was conveyed to the artists who won the commission to design the gates.

Fourteen pairs of security gates, designed and made by a team of artists and fabricators, were delivered to the Court from across the country for the builders to fit into the building fabric. Each pair of gates is unique and, given the range of material used in their construction and the artistic styles to which they give expression, they have become a "collection" of works – integrated into the building – that show off individual artistic and technical talent, inventiveness and a diversity of skills.

LEFT: View into secretaries' offices on the ground, first and second floors of the Judges' Wing

OPPOSITE LEFT: Security gates leading to the Chambers of Justice Tholakele Madala

OPPOSITE RIGHT: Security gates leading to the Chambers of Justice Yvonne Mokgoro







craft transformed

5

CRAFT TRANSFORMED

CHANDELIERS, LAMPS, COURT CHAMBER DOORS, NOSINGS

Many of the lighting systems in the Court demonstrate the combination of traditional and industrial technologies. For some of the lights, for example, recycled strips of aluminium and brass were woven into hanging lanterns and chandeliers. While the lights are modern – their forms simple and appropriate to the architectural language of the Court building – they allude to the traditional craft of basketry used in the making of containers and fish traps.

For other lights, vertical tubes were woven from saplings and painted white on one side for greater reflectivity, their elongated shapes alluding to trees but also, once again, to baskets. And in still other lights, aluminium cable was woven to form petals and leaves attached to branches that form reflective, tree-like canopies below the Foyer ceiling.

The lights for the Staff Canteen incorporate photographs of South African urban and rural landscapes. To complement this imagery, gas-stays traditionally used for vehicle hatch-backs support the Canteen's tip-up screens made from woven Zintingo saplings. All of these processes serve to demonstrate the transformation of traditional crafting techniques and objects: basketry is alluded to but recontextualised in the setting provided by the Court and weaving is given a dynamic and modern interpretation.

Several other of the Court furnishings reinterpret traditional craft in innovative ways. The patterns on the nosings that edge the stairs in the Exhibition Gallery are adapted from the markings used in clay pottery to decorate pots and other vessels. The large Court Chamber doors suggest the weft and weave of Kente cloth, but translated into the warmth and solidity of metal.

PREVIOUS: View of the Foyer showing Walter Oltmann's wire chandeliers forming a "canopy" of leaves and Jane du Rand's vibrant mosaics on the slanted concrete pillars

OPPOSITE: Detail of wire chandeliers by Walter Oltmann







collecting art
for a court

6



appendix

THE ART COLLECTION

Lionel Abrams, *Family Portraits (Proust series)*, 1991, acrylic on canvas

Albert Adams, *Tethered Monkey*, undated, acrylic on canvas [p. 142]

Ayo Aina, *Old and New*, 1999, mixed media

Aminsha, *Mermaid*, undated, batik on cloth

Aminsha, *Turtle*, undated, batik on cloth

Paul Andrew, *Near Graaf-Reinet, Karoo*, 1996, watercolour on paper

Tyrone Appollis, *Kalk Bay*, 1996, oil on board

Philip Badenhorst, *Peace of Mind*, "Images of Human Rights Portfolio", 1996, linocut [p. 176]

Samuel Bak, *Star Hole*, undated, pastel on paper

John Baloyi, *Godzilla*, 2004, wood [p. 185]

John Baloyi, *Ghost*, 2004, wood [p. 32]

Regi Bardavid, *Grief No 1*, 1990, conté crayon and charcoal on paper [p. 154]

Regi Bardavid, *Grief No 2*, 1990, conté crayon and charcoal on paper [p. 154]

Regi Bardavid, *Grief No 3*, 1990, conté crayon and charcoal on paper [p. 154]

Regi Bardavid, *Grief No 4*, 1990, conté crayon and charcoal on paper [p. 155]

Regi Bardavid, *Grief No 5*, 1990, conté crayon and charcoal on paper [p. 155]

Kim Berman, *Political Rights*, "Images of Human Rights Portfolio", 1996, drypoint and monotype [p. 178]

Kim Berman, *Alex Under Siege 1*, 1988, drypoint and monotype [p. 134]

Kim Berman, *Alex Under Siege 3*, 1988, drypoint and monotype [p. 134]

Kim Berman, *Alex Under Siege 5*, 1988, drypoint and monotype [p. 135]

Kim Berman, *Alex Under Siege 7*, 1988, drypoint and monotype [p. 135]

Kim Berman, *Fires of the Truth Commission 1*, 2000, monotype [p. 136]

Kim Berman, *Fires of the Truth Commission 3*, 2000, monotype [p. 136]

Kim Berman, *Fires of the Truth Commission 5*, 2000, monotype [p. 137]

Kim Berman, *Fires of the Truth Commission 7*, 2000, monotype [p. 137]

Hilda Bernstein, *African Elephant*, undated, etching

Willie Bester, *Discussion*, 1994, wool [pp. 4-5]

Bethesda Arts Centre, *The Truth Tree*, 2007, fabric appliqué

Bethesda Arts Centre, *Sun and Moon*, 2007, fabric appliqué

BK, *Still Life with Musical Instruments*, 1998, coloured sand on canvas on board

Bongiwe, *Body Map*, 2002, digital inkjet print on paper [p. 165]

Willem Boshoff, *Prison Hacks*, 2003, 8 granite slabs [pp. 128-129, 131]

Claude Bouscharain, *Expectation*, 1968, acrylic on canvas

Kami Brodie, *Papa and Martha*, 1992, oil and acrylic on canvas

Kami Brodie, *Iris, Working Woman*, 1998, oil and acrylic on canvas

Kami Brodie, *Three Working Women: Anna, Lizzie, Maggie*, 1994, oil and acrylic on canvas

Hamilton Budaza and **Cecil Skotnes**, *Freedom*, 1995, engraved wood panels [pp. 24, 25]

Ezekiel Budeli, *Ancestral Kingdom*, "Images of Human Rights Portfolio", 1996, linocut [p. 174]

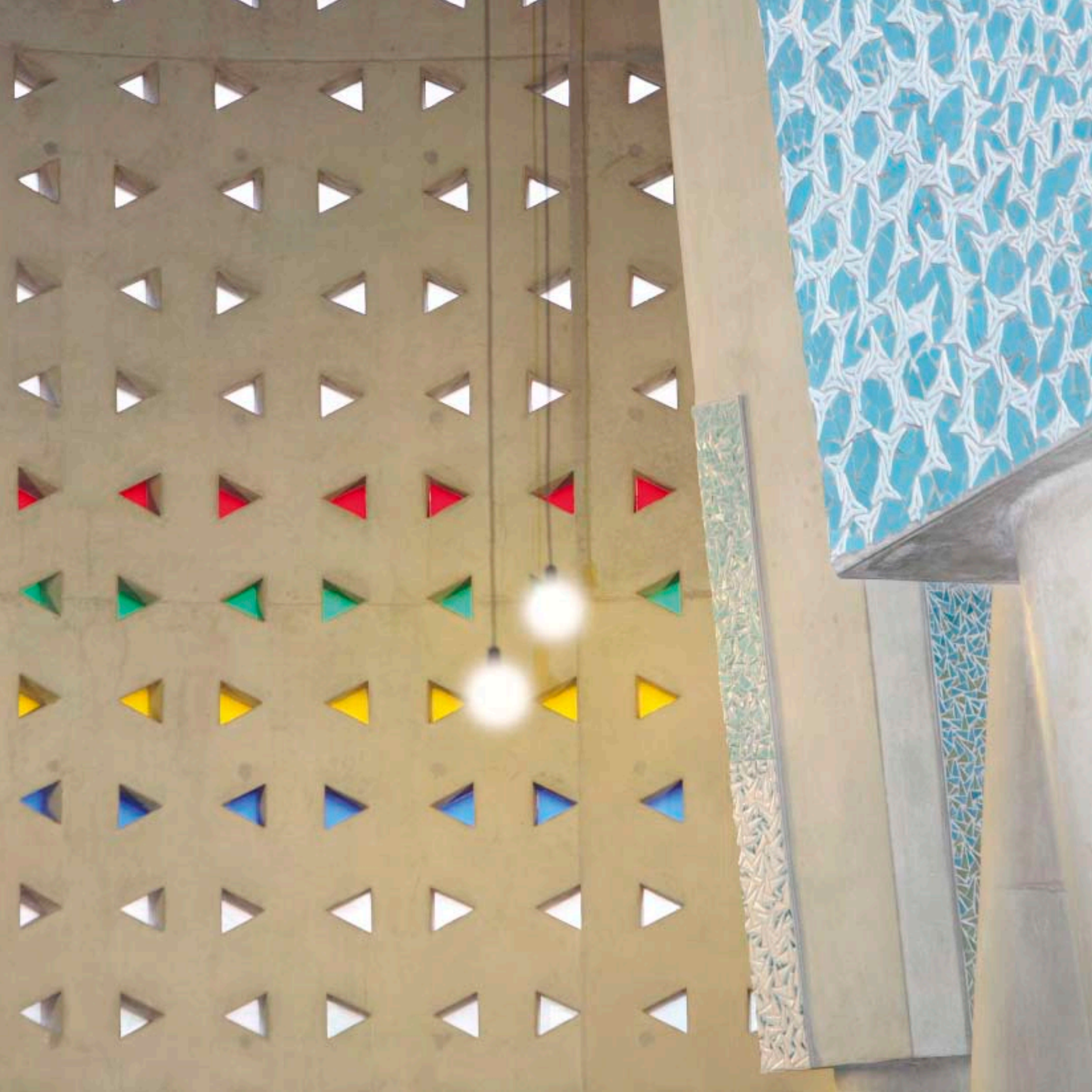
Samkelo Bunu, *Land and Property Right*, "Images of Human Rights Portfolio", 1996, woodcut [p. 175]

Norman Catherine, *Speaker of the House*, 1989, canvas, metal, wood and acrylic [p. 33]

Gail Catlin, *Woman*, 1993, gouache on paper

Babalwa Cekiso, *Body Map*, 2002, digital inkjet print on paper

Johannes Maswanganyi, *Perfect Paradise*, undated, wood and paint, 115 x 129 x 150 cm



Ben Law-Viljoen has worked as an electrical engineer, a building project manager, a 4 x 4 mechanic and a photographic printmaker, juggling freelance photography with all of these activities since 1991. He has a degree in Biochemistry from Rhodes University where he also studied photography and colour printing under Obie Oberholzer. He lived in New York for ten years, working for a fine-art printing lab and as first assistant to a busy New York fashion photographer, before returning to South Africa in 2006.

Ellen Papciak-Rose is an artist, graphic designer and illustrator. Originally from the USA, she has lived in southern Africa for the past eighteen years. In 1989 she moved to Botswana to teach art in two rural villages, and in 1995 relocated to Johannesburg. Her design and illustration focus on community issues, cultural projects and the work of other artists. She has won two American Graphic Design Awards and is widely published in design and illustration publications. In 2006 she was awarded an Ampersand Foundation Fellowship in New York and in 2007 she was one of the creative speakers at AdobeLive. www.ellenpapciakrose.com

Bronwyn Law-Viljoen, the co-ordinator of this project and editor of *Art and Justice*, is a former Fulbright scholar who completed her doctorate in literature at New York University. In her capacity as Managing Editor of David Krut Publishing, she has edited a number of titles including *Light on a Hill*, *TAXI-013 Diane Victor* and *William Kentridge Flute*. She is also a freelance writer and has contributed essays on South African art and photography to a number of South African and international publications, including *Art on Paper*, *Art South Africa*, *Aperture* magazine, *Printmaking Today* and *Scrutiny*.

Andrew Makin and **Janina Masojada** head omm design workshop in Durban, South Africa. Begun as a loose collaboration of architects, omm design workshop became formalised in 1997 following their winning of the international architectural design competition for the new Constitutional Court of South Africa. Since then they have designed other landmark buildings around South Africa and won numerous awards. They have acted as concept designers for a number of important projects including the International Convention Centre Arena, Durban, the new King Shaka International Airport and the Dube Trade Port for the Province of KwaZulu-Natal.

Paul Wygers, the Johannesburg-based partner for the design of the Constitutional Court, heads Urban Solutions Architects and Urban Designers. The practice, established in 1994, focuses on the formulation and implementation of large-scale development frameworks. It is engaged in a variety of architectural and urban design projects, including a strategic public transport network study for Johannesburg, development feasibilities for a new city in the Middle East, coding and precinct design for developments throughout South Africa, residential works in Gauteng and the Western Cape and their own developments in Johannesburg's inner city.



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