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**Interviewer name (and acronym):** Francois Lion-Cachet (FLC)

**Interviewee name (and acronym):** Justice Steven Majiedt (SM)

**Name of translator, if applicable:** N/A

**Name of transcriber:** Pheny Masenya

**Notes on transcript, access and use, if applicable:** The transcript has been edited slightly

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**START OF AUDIO RECORDING: 00:00:00**

**SM:** Thank you for coming and thank you for the work that the CCAC is doing. We are really happy with the work. I am on the Artworks Committee and I'm aware of all the work that's going into this so thank you.

**FLC:** Thank you, Judge. Please tell us about your first impressions of the art and building of the Constitutional Court when you were appointed as a justice of this Court in 2019.

**SM:** I had the opportunity to see some art when I was an acting judge here in 2014. I was immediately impressed with not only the wide collection, but also the diversity. I think diversity is important in art, because historically, like so many things in South Africa, art was separate. The Constitutional Court, with its array of diverse works has done well to overcome that sort of one-sidedness. When I was appointed in 2019, before lockdown in March 2020, I was able to do a tour with one of the law clerks. I was struck by how impressive the art is, and how well it fits in with what we do here; to adjudicate on the rights, and responsibilities of all people from different spheres of life. This Court building and interior are quite impressive, along with its spectacular array of art. When I travel around the country, and the world, I tell people about the art collection. There are people who are unfamiliar with it, while others know about it, some who have seen it on the website, all who share that it is something extraordinary.

**FLC:** I want to ask a small follow-up question to that, as you've come through other courts, worked as a lawyer up until your way here. This environment is very different from other courts...

**SM:** Absolutely, I appeared many times in the High Courts and the Magistrates Court as an advocate, especially in Cape Town where I was based. I moved to the High Court in Kimberley and then to the Supreme Court of Appeal in Bloemfontein. These courts are different, you see black and white photographs of old white, mostly gentlemen and some ladies, who were judges of the court. You hardly see any art, if there is any, it is of street scenes of old Kimberley and old Bloemfontein, and some memorabilia from a white perspective. There is no comparison, the old courts steer more conservatively, which is unexciting.

**FLC:** Then, [to] come here is the exact opposite?

**SM:** Absolutely.

**FLC:** I have a few follow-up questions, which I think we will address as we go along. You are a trustee of the Constitutional Court Trust, what led you to join the Trust?

**SM:** It is exactly because of the first impression that I formed in 2014, which was fortified when I returned in 2019. I think it is something special, which I have not seen in South Africa, and that very few courts around the world have. The US Supreme Court, the European Court of Justice, the court sitting in London, the Old Bailey, do not come close to what we have here. It is a singular achievement for us as a Court and I commend the visionary input that people like Albie Sachs and others put in, in achieving this. It is something to be greatly admired. That is why I thought I should get involved in the Trust, to help preserve this wonderful collection. We have to play a role in seeing that we maintain and grow what we have here. And to see that those who come after us continue the paradigm of art and justice, art and human rights, art and humanity. So I thought that I could play a small role in whatever way I could. I thought I should put my hand up to serve on the Trust.

**FLC:** You were appointed to join the Artworks Committee last year but you were on long leave. So you actively joined the Committee this year [in 2024]. You have briefly spoken about looking forward to engaging more with the artworks project. Could you expand on this?

**SM:** I do not consider myself an art fundi , but I love visual art. I like looking at, and appreciating it, and seeing humanity in it. Whenever I could, I chaired the Board of Trustees at the William Humphreys Art Gallery, which is for a place like Kimberley quite a magnificent art gallery. I have mentioned to Catherine [Kennedy] as a special request, that she should take the artworks on a tour to the William Humphreys Art Gallery. I think they added it to the agenda as a possibility. For a place like Kimberley, it is an extraordinary institution, and where my appreciation of art was further stimulated. It is where I understood what art was, other than something visually enticing and exciting to look at. Art also tells you more about the artists, where they come from, how they see life and the world around them. I appreciate art in the fact that it has meaning beyond a visual expression of something beautiful. It tells you a lot about humanity and life. It tells you more about the artist and their perspective and outlook on life. And that is why I need to learn more about the art collection here and its history and context. I would certainly like to engage more with the artworks in the court, time permitting. Perhaps, during some court recesses.

**FLC:** Is there any specific artwork in the Constitutional Court Art Collection or an artistic element that forms part of the court building that you find particularly meaningful? And why is it significant to you?

**SM:** There is so much history and meaning to the place where the court is located. I, like so many people, admire the Judith Mason *Blue Dress* and its history. But my favourite must be the granite pieces that [reference the Fort as prison site] outside the court, by Willem Boshoff. Then there is a spectacular picture that was donated by Justice Skweyiya's family. On a personal level, Justice Skweyiya and I have come a long way as I was his junior in many trials. He is also one of the mentors who guided me to become a judge. There is a picture of a boy as you walk to the judge's gathering.

**FLC:** Yes, Velaphi Mzimba is the artist. *Mthokozisi* is the artwork.

**SM:** When I look at that picture, it's almost as if that picture can speak to you, about children, their innocence, but also about potential victimhood. I cannot stop looking at that picture. The artist has managed to bring out so much out of a young boy's face looking at you, and that is one of my favourites in the Court. There are many other facets of the court building itself, and its interior, but I would highlight those three for me. I know the other two are generally popular, but that young boy's face just stuck with me.



Justice Majiedt with Velaphi Mzimba's *Mthokozisi* (2017)  
<https://ccac.concourtrust.org.za/artworks/mthokozisi>

**FLC:** You have some competition with Justice Madlanga, as he has kind of taken ownership of that picture, and is quite upset when it's not in his chamber.

**SM:** Oh, I did not realise that it was in his chamber.

**FLC:** He likes looking at it, just as much.

**SM:** Well, I think he must share it with us, that is an extraordinary painting.

**FLC:** What value do you think the art collection of the Court brings to the Court environment, to the Court's work, or to your work as a justice of this Court?

**SM:** I have noted that I underestimated the intersection between art and justice for a long time, simply because I was not exposed to it. So, I practised as an advocate in Cape Town for about 14/15 years, before I became a judge. There was hardly any art in that court, mostly pictures of dead judges, mostly white and male, with a picture of a Cape Dutch farmhouse, for example.

It is the same thing at the High Court in Kimberley, and the Supreme Court of Appeal in Bloemfontein. Whereas, here you are exposed to something different and you realise that art plays a meaningful role in the life of any person, but also specifically of a judge. We see some African life in all its diversity because of the range of art we have in this building. And with that, I am able to appreciate all the challenges that we have in South Africa, some which we are called upon to adjudicate. The artwork also makes you understand that we live in a wonderfully diverse country. I think it plays a role in your work as a judge to understand where you come from, and what we have in the country. It also exposes you to harsh realities of people in informal settlements, seeing their hunger and suffering through pictures and paintings. That is why I come back to this little boy and when you look into his eyes for a long time, you can see a tinge of sadness there, and it humbles you. There are many paintings around that bring out the beauty in the diversity of our country. It is not just all suffering and bad news. Together, they have an uplifting feel. I really think it is inspiring to be amongst all this art inside our building, that you do not have to go to a gallery to see all of this. The fact that the art gets changed regularly is refreshing.

Art plays an important role in the life of a judge, both as a calming effect and as a reality check. It helps me to never forget the role I play, keeps me grounded, and brings up an understanding that there are people who are living different lives, from us who are privileged, not only in terms of means, but of status too. I think art is an invaluable part of this Court, and we are very privileged to have it.

**FLC:** The next question is a standard one that we've asked in all our interviews, which you have slightly addressed. How do you perceive art as being connected to justice or human rights in South Africa or more universally?

**SM:** I think I have answered most of that, but I can reiterate that there is a direct link between art and justice, and humanity. And there is no doubt that we must continue bringing art that shows humanity in all its forms, to the Court. We should not just see artworks that depict the

beauty of Cape Town, or the unique beauty of a place like the Bo-Kaap, which I am very fond of. We also have the destruction of District Six. I am using Cape Town because there are two extremes and also paint what life is like in Guguletu, Nyanga and Langa, Mitchells Plain, and so forth, not just what it looks like on the Atlantic seaboard. Personally, that is the diversity we have at the Court, and we must continue to have, because South Africa is a paradox. There is this stunning beauty and wealth on the one part, and there's absolute despair and poverty on the one part, and that is all part of South Africa.

**FLC:** Thank you.

**SM:** Human rights is about making life better for everybody, especially those who were deprived of basic human rights for so very long under the apartheid regime. [We need to] celebrate their lives as well, as we celebrate the beauty and achievements of others. There is a direct link and the art collection manages to strike that balance and we must continue to do so.

**FLC:** I don't know if you've seen, but we have a series of photographs that document the [forced removals of District Six](#).

**SM:** I actually heard about that from one of the clerks. Where are they?

**FLC:** I don't think they're currently on display. We can send you a link so you can view them online. And we will let you know when they are exhibited. What would you say is the unique value to be drawn from the Constitutional Court building compared to not only South African courts, but also courts in other countries? And how do you think the art project court could benefit other courts, if extended locally and exhibited abroad to promote South Africa's constitutional values and our transformative project?

**SM:** The courts in the country are mostly austere. I was fortunate as an advocate because I practised in a lot of courts in South Africa. I have also seen most of the High Courts and the SCA where I spent nine years, and there is no court like this in the country. There are very few courts that I know of in the world and I have never seen a court engulfed in so much history and symbolism. For example, being seated on a bench on the same level of the people walking in the street, and you can see their feet, is to keep you mindful of the fact that you are not above them but on their level. The beautiful flags and the carpets in the courtroom are just extraordinary. I have never seen anything like it. For example, the European Court of Human Rights in Strasbourg is a grand building, but it doesn't have the character and history that this court has. The US Supreme Court is an imposing building, but it doesn't have the history and the symbolism that our Court has. [Same as] the courts that I have seen in England, Malaysia, Singapore and so forth. To the second part of the question; I've encouraged Catherine to take some of the artworks to a place like Kimberley. The people there are starved of good art, especially of this calibre, diversity and of the symbolism of this history. And I think it would stand us in good stead to take it around the country, within parameters of safety, security and

preservation. For example, to take it to the High Courts and SCA and show them what can be done. Maybe inculcate them in a sense, and show them what can be done if there is money available. We are lucky that we receive funding through grants. Having said that, there is nothing precluding them from starting somewhere and getting art that has meaning. Just imagine putting up Cape Town images with District 6 history, putting them up to incite a conversation about transformation through art, where we do not just have old, white, dead men who sat in the court. I can understand having pictures of Judge Presidents or Heads of Courts that came before us. However, put some art there that is visually stimulating and also sends an important message to the people who interact with the court. I would also encourage going around with the art collection, abroad even, to boast a little bit about what we have here in South Africa. People are usually pleasantly surprised when they visit the Court. We had the Canadian Chief Justice and some of his colleagues here the other day, they were absolutely stunned by what we have here.

I think it is because they underestimate South Africa, as many foreigners do, and some just do not read about it. They have no information on what we are capable of and what we have done. But when they do visit, they can see that this is a very different place as a court compared to the courts they know. So, I would encourage that we take the collection around the country and the world.

**FLC:** I have recently been thinking about the idea of the court setting not only precedents through its judgments, but also a visual precedent through its architectural design.

**SM:** Absolutely.

**FLC:** Exactly what you're speaking about, encouraging other courts to follow suit as much as they can.

**SM:** And speaking of ignorance Francois, many of the courts abroad, the judges, law clerks and other court officials access our website for judgments. Do we have a link that goes to our art collection?

**FLC:** There is a link.

**SM:** That's important because people will be able to see artwork digitally. I know that lawyers abroad, like in Kenya, access the judgments on the Court's website. It would be great for them to see the artwork.

**FLC:** It is a recent addition that we have now put the entire collection online, and we are focusing on research and writing to contextualise the artworks.

**SM:** I suppose that whenever we have foreign judges and lawyers visit, we try to make sure that they see most of the artwork that is easily accessible. I think it is essential that they see that artwork.

**FLC:** Thank you very much, unless there's something else you'd like to add, we are going to end the interview here.

**SM:** You're welcome. I just think it's a wonderful place and a nice place to work at. It has its own challenges, especially being located in Hillbrow and Braamfontein which are not the safest places, but it is something special. Virtually, all those who visit here say that it is a special space.

**FLC:** Thank you.

**SM:** Thank you. Thanks Pheny, thanks Francois.



Justice Majiedt with Judith Mason's *The Man Who Sang and the Woman Who Kept Silent* (1998)  
<https://ccac.concourtrust.org.za/multi-part-work/the-man-who-sang-and-the-woman-who-kept-silent>