

CCAC interview with Justice Yvonne Mokgoro on 02/10/2021 at Justice Mokgoro's Kimberley home - transcript

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Interviewee name (and acronym): Justice Yvonne Mokgoro (JYM)

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List of acronyms: RM (Robbie Makwakwa)

START OF AUDIO RECORDING: 00:00:00

NTM: Today, on the second of October 2021, I, Thina Miya, am sitting with former Justice Yvonne Mokgoro of the Constitutional Court, for an interview for the benefit of the CCT. Present in the room is Robbie Makwakwa. Okay, the Constitutional Court [Trust], custodian of the Constitutional Court Art Collection is conducting interviews with artists represented in the CCAC and with others who have knowledge of the CCAC, in order to gather information about how, when, why and by whom artworks in the CCAC were made and collected. The research is being conducted for the purpose of reference, exhibition displays, collection management, collection diversity study purposes and general promotional usage. In addition, photographs and videos of the interviewee are to be taken as part of the interview process and may be used for promotional usage in the CCT and CCAC reports, publications, web stories, social media, CCAC publications and research related to the CCAC. The CCT will be responsible for the safekeeping of this information and materials gathered. We thank our stakeholders for their time in helping us to better understand, present and preserve the CCAC

for generations to come. For more information, please contact us on ccac@concourtrust.org.za. So, do you give me permission to record you during this interview?

TIME ON AUDIO RECORDING: 00:01:42

JYM: I give permission to record during this session.

NTM: Thank you, Judge. Please tell us about why and how you were appointed to the portfolio of decor, along with Justice Albie Sachs in 1994 when the court was housed in rented accommodation.

JYM: You know, our appointment as the initial members of the Artwork Committee, for me just shows how quickly we came to know and understand each other. We did know each other before we were all appointed to the court. We knew about each other because we used to meet during the preparation for the new democracy in conferences, in workshops, you know? Some of the judges were involved in the actual backroom discussions of the provisions that finally went into the Constitution. I was an academic at the time and therefore in the foreground of conferences [and] academic forums to discuss some of these outcomes during the negotiations. So we used to meet somewhere, shared a constitutional space, or constitutional consideration space. So we sort of knew and understood each other very quickly. So I think the other judges recognized our inclination towards the arts, the visual [arts], and we— And even our personal style, they probably think we're like that. And very quickly when we had to put together a committee, Albie's name and my name came up first. You could work with— and Laurie Ackerman. Yeah, he was also part of the committee which commissioned the architects. That's where we started commissioning the architects to compete in a competition for the court building itself. And so we arranged the competition and gave the people who were going to do the brief [of] what it is that we wanted the court to look like and to represent. So after the court had been built, we were also— It became natural that we should continue to be part of the Artworks Committee. So I think it is because we already understood each other and Albie and I were probably a natural choice of the judges to do this because of our personalities. You know, Judge Sachs is known to be a comfort.

NTM: Yes, he is.

JYM: And somewhat, when I came to the court, I know in some quarters, people described me as the judge who feminised the bench, because I didn't hesitate with my colourful little jackets and drawing a little away from the traditional black and white, with colourful jackets, with earrings and makeup. So they thought this is a woman who brought feminism to the bench. And I loved when people whispered [pause]. I think it is [my] personal style.

TIME ON AUDIO RECORDING: 00:06:58

NTM: Did you grow up very creative? I read in one of your interviews that, as you were responsible for your siblings as well, you had to take care of the chores but also the creative activities. So I'm just [wondering].

JYM: My dad, actually, I think there is a creative streak in our family. My parents— We are the first generation who went to school. Your standard four, then it was standard— no standard six. Because my mom had dropped out of school when she was in standard six and my dad dropped out when he was in standard four. So both of them were [pause] workers; my mom was a domestic [worker] and my dad was a worker in the city council. No, first as a railway worker. You know, they were repairing the railway tracks. The Transnet of then was the South African Railways, before Transnet came here. So they worked on the tracks and made sure that the tracks were good for the trains. They always wore these brown, oily overalls. My mom was a domestic [worker]. She did the washing. First in a hotel— at the hotel, before they had washing machines—

NTM: Mmm, so...imagine—

JYM: — So there were people who did the washing, yeah. And then later she worked for a family where my grandmother— My grandmother worked for this family, the Walters— the Adams family, they owned Men's Outfitters in town. So she worked for them [and] when she retired, she brought my mother to continue. My grandmother, my mom's mother-in-law. My dad's mom, so she brought in her daughter-in-law. My mom always worked for those people. So my dad used his spare time to actually paint, you know, landscapes. So he did that, and he also sold them. Ja. Sold them, so he made a spare living by painting landscapes. Ja, landscapes. And he loved gardening. I love gardening.

NTM: Oh, that's beautiful. We do too.

JYM: I love [it]— You guys are creative, [laughs] I look at you and think you're creative. Love gardening, I love interior decor. Yes, I've come to— My mom has always prettified, with the little that we had. Our homes were always nice and she taught us to keep it clean. You know, because cleanliness is also part of the visual beauty of a house. So I've grown up in a creative environment. And I loved doing it. So when I matured and became an owner of a space, got married, had children, I just continued with that. People always come in here and they think I brought in an interior decorator.

TIME ON AUDIO RECORDING: 00:10:29

NTM: [laughs]

JYM: No, I do this myself.

NTM: It is so beautiful.

JYM: People don't put paintings in kitchens, but I put them in there because what I do with a thing is I want to enjoy it, you know? The artworks I want to see— I know how to put [up] artworks strategically for everyone to see and to enjoy, and that kind of thing. So I've grown up in a creative family, and I've just grown in my creativity. Sometimes, I think, I sketch, I don't always buy clothes; I will sketch an outfit, a dress and give it to the designer to make something for me. The number of items in my wardrobe which I designed myself—

NTM: Are you gonna wear one? [laughs]

JYM: [Laughs] Well I'm going to be girly. (Inaudible). That's a traditional dress.

NTM: Yes.

JYM: Which of course, I...

NTM: Designed yourself.

JYM: Designed myself.

NTM: See! Oh, that's beautiful. [Laughs].

JYM: The whole dress, I designed it myself.

NTM: Next question, please tell us a bit about your first impression of the building of the Constitutional Court upon its completion in 2004. Was it what you had envisioned?

JYM: It was exciting, just what we had wanted. As you know, we were part of the committee which gave the architects the brief - the competition brief. And we had seen astonishing images of what [the] architects thought we were looking for. Some of them had— When we said we wanted a building which depicted the African idea of a court, some of them understood very literally and actually had the best way [pause], you know—rondavels. Of course, the court foyer does depict a rondavel, where you come in and just see everything. It depicts— If you go to the area where the handmade wire chandeliers hang above the skew...columns— Pillars, that is also a depiction of the African court, you know justice under a tree, a Lekgotla. And that is what we meant. It meant the idea of African openness where there is light. Africa is a sunny— hot, sunny place. Where there are no secrets. We live in rondavels, originally, you walk into a rondavel and

you see everything. We were not inclined to have walls. Space belongs to all of us. When the visitors come in, they become part of that domestic space, and that's the warmth of Africa, the welcoming warmth of Africa where we don't separate visitors from family, we become one and social cohesion has always been there in Africa. I guess the brief was philosophically difficult, but we had people who understood what we were looking for and I think that is why it was South Africans who won the competition. Because they understood that it didn't have a literal understanding of the idea of an African building. Light coming in, the sun coming in during the day, even at sunset; if you look at those rectangular aspects, you know, of the wall with the colourful glass, you know they are rectangular features of the wall...

TIME ON AUDIO RECORDING: 00:12:19

NTM: Yes, I see what you're talking about.

JYM: The sun sets at an angle, like this [demonstrates with hand]. And then when the sun sets, that last bit of light for the day shines through that wall and then the colours of the flag. You must go back and go have a look at that. And then those rectangles— those angles are filled towards the colourful glass—

NTM: From the beaded flag...

JYM: Yes, so when the sun shines through at sunset, the sun shines through those colourful glass and they bring a streak of colour into the court. There's a lot that we continue to discover about the court all the time, you cannot take in everything at the same time. So, when it was done— When the building had been constructed, it just continued to excite us. And it was well understood why it was South Africans who won [the competition], because they understood the brief perfectly. There are so many things that they understood; they understood the context of the raw bricks, [those] so-called upcycled bricks that they had left as part of the new court.

NTM: Yes.

JYM: They had a deep understanding of the need to incorporate them. Yeah.

NTM: It is very beautiful... But your roof over here imitates that idea of openness and—

JYM: This is an African house. It is. The idea was a retirement house. Okay, we had a huge house, a family house in Joburg. This is about three quarters of that— maybe two thirds, we cut down about... yeah maybe a quarter of that house, they built the size, this one. But the openness is the thing.

NTM: It is. Yes.

TIME ON AUDIO RECORDING: 00:17:50

JYM: Open inside, when you open these doors, [the] outside—all of that becomes part of the house. These bedrooms, our bedrooms are upstairs; it's a three bedroom house. When you open those bedroom sliding doors, that pool feels like it is in your bedroom. You want to wake up and just go swimming till you get tired.

NTM: Oh, it's so beautiful.

JYM: Jump back into the bedroom again, and that's why we wanted it that way, to enjoy the small, open space. It's small but it's open and we didn't shy away from making it [luxurious].

NTM: It is very luxurious.

JYM: It's a small room, but still [luxurious] and comfortable. I don't have a bath because we live in a period where you don't waste your time. You take a five minute shower, you can relax in a very relaxing small bedroom, yeah.

NTM: Very beautiful.

JYM: So welcome; everybody must feel welcome, even if you visit you might not have [personal] space. This is a living space, here you can enjoy the kitchen. I stand there and I talk to you while you're sitting there. We've done it so many times [laughs]. There are no walls to keep you away from each other. So that idea was also— although it was a fairly open plan house in Joburg. I was already at the court when we did the Joburg house. And I'm lucky that I always get— I'm always given the prerogative to decide the architecture of the house. Because I think people trust my judgement, they trust my style and they have confidence that what comes out of it will be what is necessary, even in my private life.

NTM: Yes, yes. It's very clear. Okay. Please tell us about your experiences of serving as a member of the Architectural and Artworks Committee, as an academic turned judge.

TIME ON AUDIO RECORDING: 00:20:03

JYM: Well, an academic turned judge... You know, academics tend to analyse everything. They think things through. Before they do something they must have a plan of how they imagine it will work. When we sit there and discuss, even when we hear that somebody has offered a piece of artwork to become part of the court's artwork [collection], we discuss it and look at its background and look at it. Before we even see a piece of art [or] what it should be, because the common theme that runs through the artworks at the court was indeed to promote the idea of democracy. To promote the idea of justice, to promote the idea of the Constitution itself and

the Bill of Rights. And depict what would be seen as [a] South African legacy, which is art and justice. The connection between art and justice, and art which depicts either the background of our democracy, which came from the struggle to democracy. So, that kind of analysis and that kind of— the need to [understand] what justice would mean in this new democracy is very important in accepting the artworks that should become part of the Constitutional Court and therefore part of the ideal of justice in this country. So that tune suit me in good stead. And, you know, the fact that, as I said earlier, I've grown up in a creative environment. Creative also in the sense that you could take a little and make a lot of it. Yeah. I grew up in an environment where poverty did not bore us down. And the warmth, the love and the connection to family would almost mitigate poverty. I grew up in that kind of huge family. My parents had nine children, I grew up as part of eight because their firstborn child died when she was three years old. So I don't know, I grew up knowing one sister, I was the second one. And after me came six more children.

TIME ON AUDIO RECORDING: 00:23:23

NTM: Six more?

JYM: We always had a baby in our house, we learned together and you'd eat that pap, pap and coffee, but you will eat it and it's good, there's nothing wrong [with it]. And we lived and grew up in the township where we all had the same level of economic experience.

NTM: Yes.

JYM: And at that stage, when we were children we didn't know better. We thought this was how people lived until we could compare, and you saw that uh uh ,something is wrong here. No, no, no, no, no. And that's what created— spawned the activism in us. And growing up like this, I felt like "why do these other people have to be better than us? What's wrong?". And then [our] parents started to explain and they instilled that activism in us. But in any case, all that experience was very helpful to me as part of the Artworks Committee.

NTM: You probably have touched on this quite a few times, but I'll mention it for the sake of the interview. How has your work on the Artworks Committee and time spent at the Constitutional Court impacted your relationship to art and architecture outside of the court?

TIME ON AUDIO RECORDING: 00:25:00

JYM: Yeah, you're quite right that I've touched on it. I had an experience of art, I had a connection with art long before I came to the Constitutional Court. I had that connection when I was a child [with] creativity, visual creativity, the experience of my dad's artwork, gardening, home decor, even— My parents worked in Johannesburg when we were little and they would come home once a year over Christmas. And when they came, they would have a family friend

who we called an aunt but she was just a family friend and she was a seamstress. And my mom would come with beautiful fabric and get her to sew us Christmas dresses, you know. The idea of Christmas, you guys don't know it, but when we grew up we got new clothes, from head to toe.

NTM: Yes on Christmas, that one outfit [laughs].

JYM: From underwear [claps hands once] to one pair of shoes, and my mom made sure that they were black. Because school shoes had to be black, [so] you can wear it to school. If it was possible, you would go to school barefoot so you could spare those shoes. You know? Because you only get the one pair, because we walked to school. We didn't have this thing of getting picked up by transport, so we'd walk from the township, and I'm small, it's just at the border of the township in the suburbs, white suburbs because we were at Catholic Mission schools with white German nuns and white American priests. So they were not allowed to go to the township. They would stay on the border of the suburb and the township and we had to go all the way. We had holes in our shoes and put newspaper in the shoes in order to cover, you know, the holes especially in winter and sometimes the newspaper would protrude [laughs] and before you put it back you'd look around [to see] who's watching. And you know that was normal. So you're quite right, I grew up in a creative home and so I had that long before I came to the court. But it just developed, it just mellowed, you know. I came to the court when I was already married and I had my own family and always, my home environment would always be well presented.

NTM: This might be a bit personal, but at what age did you then get married?

JYM: Oh, I got married at a very early age, I was just a child. I got married exactly when I was 20 years of age.

NTM: Wow.

JYM: I was 20 years of age, my husband was 23 years old, [and] we were in university. He was at [the University of] Fort Hare and I was at North West [University], ah ah ah. [Laughing] And we were just so—

NTM: Yes.

JYM: And we brought together these two families and we had two supportive families. But [they] understood that we were married, our first house was a two room house, you know, which we were renting from somebody and we lived in this two room— Even that house was beautiful, hey. It was just a bedroom and a lounge and, what do you call it? The kitchen scheme. So that was the kitchen—

TIME ON AUDIO RECORDING: 00:29:09

NTM: A kitchenette.

JYM: Yeah, it was the what-what, lounge and it was not this luxury thing that you guys are talking about. We used to buy what we called a kitchen scheme which was the cabinets, table and chairs. So we ate there, we sat there, it was lounge, it was the kitchen—

RM: A big space.

JYM: It was [laughs].

RM: [laughs]

JYM: A very big space. We got married at a very young age.

NTM: A very young age.

JYM: I was 20. My husband was 23.

NTM: Lovely, a three year difference. Are there any artwork proposals that were considered or any other matters discussed by the Artworks Committee that stood out for you particularly? I brought this book for you, just to remind you of the visuals.

JYM: Oh, the court is— Wow, awesome. A piece of art. It is a piece of artwork. The integrated art— And it makes the court so special. If you come into the court, before you even get into the court, I imagine when the door is closed, that door is hardly ever closed. I hope it's still like that.

NTM: It's still the same.

TIME ON AUDIO RECORDING: 00:30:27

JYM: Because all the times that I've been there, it is [open]. But you can't miss the door itself as a piece of... beautifully carved art with those carved depictions of every right in the Bill of Rights and the sign language. It's a door. A door is where you come into a space. And it is the door which is to welcome. You look at this door, deliberately our front door has got glass. You can see into the house while you're standing outside, maybe when it's locked, (inaudible) you can see inside the house. It's got this long handle which welcomes, even a child can push [and] a disabled person sitting in a wheelchair can open it. People of all sizes, heights and sizes can open and the glass is also long, even the child can look into the house while you're waiting there. We can see you when you knock while you're outside and it's for anybody to come in and enter the door at the Constitutional Court. For me, it is a symbol of welcome, you are part of

this, you belong here, this is for you. This is our common heritage. It's not the court of the judges, it's the court of the people of South Africa. It's everybody's court. It's a huge door and when you open it, it goes [makes a sound effect signifying the magnitude of the doors] and everybody can come in. The court, the building tells a whole story about the type of democracy - everybody's heritage, everybody's place. You don't pay to go to that court and sit there, you know, in that foyer. You just sit there and ponder, there's so much in that foyer that makes you think about who we are as South Africans. It gives you an idea of the struggle. Those wall bricks, the old wall which was part of the prison, deepens the struggle. And that light that comes into the court, you know, natural light gives you an idea of [moving] from that darkness to this light of democracy. So for me, the court serves as a piece of light.

TIME ON AUDIO RECORDING: 00:33:34

NTM: Yes.

JYM: That door and the sign language, you know, it depicts that people of all backgrounds are welcome once that door is open. When you get there you see the door first and feel welcome. It's meant to welcome you. You get to the foyer, there's justice under a tree and those columns which are not straight, because there's no tree that grows straight. Yeah, there's a sense of trees always having some kind of slant that's depending on the way the light came through the tree—

RM: Just like clouds.

NTM: Yes.

JYM: You know, and then what about that blue dress which also—

NTM: Yes, Judith. Judith Mason.

JYM: That story of the blue dress. That deepens people's understanding of the struggle, of what people went through to get us where we are today. You know, whenever I think of the blue dress, I get so emotional because it takes me back to the depth of the suffering. People don't understand today, and it's not by accident that we have that blue dress there because like many of the art pieces, it drives home, deeply, the sense of commitment to the struggle for democracy that people have to go through. That blue dress tells the story of why we are here today. And we thank [Mason] all-in-all. As I've said, I don't have, other than those, I don't have a particular favourite piece of artwork in the court itself or the integrated artworks. It's just amazing, and if you go through the building, you'll find that even the rugs... You go inside the courtroom, those handwoven rugs on the floor and those covered acoustics, it's not just for the visual. It's also the utility of the artwork, this surface and the idea of that glass right around—

NTM: Yes, that ribbon.

TIME ON AUDIO RECORDING: 00:36:43

JYM: Yeah, we have a story about that [laughs]. You know, it's also meant for those who sit inside the courtroom during the hearings to be able to be outside and not forget that what is going on during the court proceedings, it's not about the comfort of the judges.

NTM: Yes.

JYM: We pretend that judges are powerful people but they're not. One is only on [the bench] for those people to get passing. You see them— you don't see them in their faces but you see their legs, you see people passing there all the time, and justice is blind. The justice that we're doing here is blind, it's equal... equally provided for all of those people, but yeah. Some people being in there— Uh one day we were sitting there and we can't see— When you're on the bench you face that way.

NTM: Yes.

JYM: And then people, the audience, face the bench and that glass you see only when you turn, [right]?

NTM: Yes.

JYM: You only see it when you turn but people who sit there (referring to the audience) can see all the time, the people who are passing. The one time a school kid [laughs] just decided he can't keep the water inside his bladder. So he stood there...

NTM: [Laughs].

JYM: [Laughs] So we just saw people going (gestures).

NTM: [Laughs]

JYM: [Pause]"What is going on?" And we're all looking that way, why's this—

NTM: [Laughs] Oh that's funny.

JYM: It's a funny story.

RM: And it also shows that, the fact that the windows are that way is for the people, right?

TIME ON AUDIO RECORDING: 00:38:49

NTM: Yeah.

RM: This is what the people drew. [Laughs]

JYM: [Laughs].

NTM: [Laughs].

JYM: Art.

RM: [Laughs] Beautiful, you know?

JYM: This is art [laughs].

RM: Very beautiful.

JYM: He didn't think that people were...

NTM: Interesting.

JYM: We also were (gestures).

NTM: You know? It's funny because we always tell the story of— We normally see kids just peeping through the ribbon of light.

JYM: Yeah, they do that— like "What's going on here?"

NTM: And, we always think that's the most interesting of them all [laughs]. Oh that— That's really nice.

RM: Because when you look at it with a naked eye, to other kids it's inspiration that "I want to be like judge".

JYM: Yeah, yeah. They come.

RM: Yeah.

JYM: They actually come.

TIME ON AUDIO RECORDING: 00:39:16

NTM: Yeah, they do.

JYM: We had one twelve year old who used to come all the time and sit there after school. He went to school— What's that school's name? Where they wear—

NTM: Down there, I see it.

JYM: Yeah, where they wear red [Roseneath Primary School].

NTM: I don't know the name but I see it.

JYM: Twelve year old, he used to come after school, he would come every time. He actually knew the names of the judges.

NTM: Nice! Wow.

JYM: He used to come and judge so so, judge so and he came. And then one day I said to my clerk after court, "don't let him go". Sometimes he would leave you know, yeah he would leave. I think when it becomes too much then he would leave. But that day I said to my clerk "don't let him go, I'd like to meet him". And I'd keep him in my chambers, and we usually keep biscuits and tea in the chambers. And we sat there and I — He did exactly what you say, he wants to become a judge one day. And he was a child, he asked so many questions.

NTM: Yes.

JYM: He asked so many questions. And he said "Yes, one day I want to become a judge". I wonder where he is, he must be grown now.

NTM: He's probably telling this story somewhere [laughs].

JYM: He's probably telling this story somewhere, shame man.

NTM: Memories. Okay. How do you think art contributes— You've also touched on this. How do you think art contributes to making known and accessible what the Constitutional Court does?

JYM: Please let me get water.

TIME ON AUDIO RECORDING: 00:41:08

NTM: Please bring me my glass too. Thank you. (Long pause). Thank you. Okay, I'll continue. So how do you think art contributes to making known and accessible what the Constitutional Court does and stands for? One example would be the wooden doors of the court that are carved with the 27 fundamental Bill of Rights, making use of South Africa's eleven official languages together with sign language and braille.

JYM: Well, as I said, when we collect[ed] art for the court, we did so consciously. As you say, there's a common thread throughout all the art pieces, including the integrated artworks. They depict, in various ways, our background, the background of our democracy, where we are coming from as a people, where we are now and where we want to go. What the Constitution envisions. So, that whole story is told in a particular way through every piece of artwork but together tells the same story.

NTM: Yes.

JYM: And as I've said, that it depicts— The artwork depicts who we are, where we come from, what our heritage is. So, every little piece plays its own role in telling the story in its own way. So we did that consciously and I think that it will always be done consciously.

NTM: Yes.

JYM: (Pause) So the artwork depicts our democracy.

NTM: Yes.

JYM: [Where we're] coming from, where we are, and where we want to go to.

NTM: The CCAC contains a number of traditional Zulu baskets from Hlabisa in KZN (KwaZulu-Natal), beadwork from a number of Southern African tribes, woodwork by African sculptors, including Noria Mabasa and John Baloyi from Limpopo and many other "craft" in inverted commas, "craft" art; additions as part of the court's integrated artworks. This alongside contemporary and more Western art. What does the idea of a shared heritage, in relation to the CCAC, mean to you?

TIME ON AUDIO RECORDING: 00:44:43

JYM: I'm sure I've touched on that quite a lot. Yes. I mean, the contribution that you all have to make in growing our democracy, that's what it is. This is our democracy. That court is our *court*. That court is an integral part of democracy. It represents the judiciary... in a number of ways. It is the highest court in the land. It is not the only court; it is the highest court in the land. It is the

seat of the Chief Justice who has an obligation to be in all courts, in jurisprudence which tells the story of South Africa. And, it is the people's court. It is the people's judiciary. It is the judiciary which promotes, which protects, which advises and inspires. It's like a family. If we want the family to be functional, we all need to play our roles. And if you want that court to show who we are as South Africans, through the arts - the Visual Arts - then it will be for everybody. I remember we consciously went into women's cooperatives with regard to the handwoven textiles. And we had the architects, who were part of the Artworks Committee, and they knew the people with its cooperatives, people who carved wood down on the ground. They were very (inaudible) with their reach - because they are architects and modern architects, and modern architecture is integrated art into the building. Like when we built this house, we wanted it to be a piece of art.

NTM: Yes, it is.

JYM: From [the] outside you don't know what to expect when you come inside. When they come here, haibo! [laughs]... They see everything, they're outside but they're inside. Now, a house which belongs to everybody, and that court is a court where people of all walks of life can go. When those people open the [doors] and then come, and I hope they still come. They used to come for the tours.

NTM: I'll tell you about it just now. Yes.

JYM: But we encourage them, especially the people who did work [at the court]. You must always encourage them to come and see how much their work is part of the court. You know, it always reminds me of how we run our families. In a family, everybody— The way we grew up, everybody has a role to play. You have your chores.

NTM: Yes.

JYM: If you don't have a special chore, you go in turns.

NTM: Yes, [laughs]. He [referring to RM] laughed at me when I told him that we had days to do [our chores].

JYM: Yes, we had days, do you know we also had to— [NTM laughing]. So that's how I raised my children. They had days washing dishes, to— We used to have a stoep. Now, the yard is probably a storyteller. It tells you what kind of people live in that house.

NTM: Yes.

TIME ON AUDIO RECORDING: 00:49:05

JYM: It's got to be clean. If it's not clean, it's got weeds all over and the stoep is ashy and dusty and it doesn't shine then you have to polish the stoep [laughing].

NTM: We did. We also did.

JYM: [It was] green or red or black—

NTM: Yes, or black [laughs]

JYM: — you had to polish it [laughing in background]. And then my mom would say "Huh uh! That's not good enough. Not with the feet". You have to go on your knees. You take the brush and then you'd brush it.

NTM: Yes.

JYM: When everyone wakes up, it would be clean and everybody did it. The whole street, everybody. Everybody did it. You were not the only one. But you had your chores every morning. So the house would be clean because everybody had her or his role to play. And that, also for me, is a depiction of the social cohesiveness that that court shows. In fact so many people had a role to play in the integrated art, in the decor of the court to make it what it is. It is our common heritage. You know, in the deepest sense.

NTM: Yes. I will send you our recently published publication about the Hlabisa baskets, as part of our monograph series. We call it the Art & Justice monograph series. And we had a chance to go visit the basket maker in Hlabisa, and they showed us the whole process of how to make a basket. And they didn't quite know how the baskets got to the court because it was through [the] African Art Centre.

JYM: Yes, yeah. It's that they're there that counts.

NTM: And then— Yes, it was through an agent. They are coming through in December.

JYM: [The artists] need to see it themselves.

NTM: And they were just astonished because two of them had already quit making baskets. So they were astonished [by] the fact that these baskets still exist, and that they are being considered so much so—

JYM: At that level.

TIME ON AUDIO RECORDING: 00:51:29

NTM: Yeah, and it's quite interesting. I think that's the distinction, mostly between Black artists or artists of colour and white artists. Somehow there's a need for them to take a step back. They're always just satisfied with the fact that somebody is, at least, looking after it. They didn't want to engage further. It was like, "Okay, I'm happy that you're looking after my work. Thank you for coming through. And that's it. I don't want to engage any further". There's one that is still [weaving]. She's referred to as a Master Weaver now. And her kids, her whole family is now a family of weavers, because she's sold internationally, to institutions in South Africa, you know? So there's growth.

JYM: That is a reminder—

NTM: Yes, and the work you have done is—

JYM: And she doesn't want to go back to that original level of getting others to do it with her?

NTM: She does have those but she's really just so invested in it. It's more her happy space, I think. When she's happy, as she says it, she makes baskets every time. So I think it's a beautiful story to tell, where it started off and where it is right now.

JYM: Of course. It's not exactly the Hlabisa basket but just the idea of handwoven, you know, these colourful handwoven— I have that in our bedroom, and it reminds me, always, as being part of that group of women who wove those baskets for us. And the fact that their work is also so much part of the court.

NTM: It is, it is.

JYM: It's a good story to relay.

NTM: Next, what would you say is the unique value to be drawn from the Constitutional Court building compared to South Africa's other courts, but also to courts in other countries?

TIME ON AUDIO RECORDING: 00:53:39

JYM: I think— When we commissioned the architects through that competition, we had a deliberate idea of moving away from the aloofness of the judiciary then [towards] the people, where there seems to be a misunderstanding of the objectiveness of courts [and] the blindness of justice. It was misunderstood as judges not concerning themselves with what happens there and looking at the law, just strictly objectively, equally, blindly. And courts being such, to use an ordinary word, boring spaces. And believe it to make courts alive, as part of the lives of the people that we serve, connect with the people that they serve at that particular level, bring them in and become part of society. Understanding the context of justice because the people and who they are and their lives are the context of justice. Justice is blind, definitely. But it

doesn't disregard the context. It is applied equally, but there comes a time when you've got to resolve the dispute and you have to take into account the court—

NTM: And the context.

JYM: That is where contextual justice comes alive. You are tried equally, it doesn't matter who you are, [whether] you're old or young. We apply the principles of guilt; if you are guilty you will be guilty. When we resolve the issue, and make you to understand or account for your wrongdoing... Context is very important.

NTM: [It] matters.

JYM: The judiciary must be empathetic and sympathetic. Not many apply the law. Well, it shows when you apply the law because when the person has to account, what's our plan? At that stage, you have to be empathetic, sympathetic, it has to be contextual. It depends who you are... you understand? So, for us we needed to change the notion that courts don't immerse themselves in the suffering of people. And I think that is where the need for humility, as judges, also comes in, and not see the work that judges do [and] the justice that they apply as a source of power. Rather see it as a source of responsibility that you have towards the people that you serve. Maybe some judges tend to think that because I've worked, I have this responsibility and people have to comply with my orders that shows that I'm powerful with responsibility, the huge responsibility that you have as a judge, it's in power. The authority that you have that gets people to do as you determine and that responsibility cannot be taken lightly.

NTM: Yes.

JYM: And you need to understand the people, which is why that closeness is very important, the openness is very important. Closed walls, red, covered with wood or (inaudible). We used to say God must be very drunk with power. No, no, no we don't want that. You know the Nguni hides?

NTM: Yes.

TIME ON AUDIO RECORDING: 00:58:46

JYM: The wealth of the people— Cattle are seen as the wealth of the people and the hide of the cattle is what identifies the kind of cattle that you have. And that Nguni cattle, the black and white one, is a milk producing cattle. It nurtures the people; milk nurtures the baby and you use milk to nurture even older people. The strength of people comes from milk, and the milk producing cow is very important. Cattle, in the African sense, are so important. So, that [bench] with that cow hide, it tells a big story about who we are as South Africans, as a people. The farmers— I lived in this farming area. Ah! They will tell you how important cattle [are] to the

nation. They keep and nurture the nation. It grows the nation. So, we would really like— we cannot do it. It's not practical, of course, to rebuild all the courts. But just the idea of the need to bring in people, the need to connect with people; it's so important and that's what we'd like to influence other courts with. And we can do it through the visual arts. The courts could just have part of that meaningful visual arts in court buildings, that serves the same purpose as the visual arts does at the ConCourt. It would be wonderful. And I had a conversation with Catherine [Kennedy] about doing the same kind of thing that you guys are promoting - justice artwork in the other courts. And I said, [Judge President Pule Tlaetsi] is there now. He probably experiences and he sees the difference between that court and this court, because he's acting at the ConCourt and you could use him as a connection between these two spaces.

NTM: Yes. We will be interviewing him when we go back, yes, and yesterday we visited the High Court here.

JYM: Oh, really?

NTM: Yes, to take some pictures and see if we could also negotiate the idea of—

JYM: And did you meet Mr Mathebe?

NTM: We met the director.

JYM: So the judges aren't there?

NTM: No, the judges weren't there. We met the director—

JYM: Oh, the director.

NTM: He was a very nice— Yes, the court manager. You've already answered this. But if you do have anything to add; do you think the Constitutional Court Trust's artwork projects could benefit other courts if extended to them locally and abroad?

JYM: I think we must explore that.

NTM: Yes.

TIME ON AUDIO RECORDING: 01:01:55

JYM: It should extend to other courts because, you know, we can only do so much at the ConCourt, and the ConCourt is not spread all over; at least in the sense that there are high courts and there are other courts. But seeing other courts as part of the judiciary, the way I explained the need for this kind of artwork at the ConCourt, should really be extended to other

courts, because you'd have the same understanding about justice in South Africa. It's not just the Constitutional Court. The Constitutional Court is a representative of the justice that is dispensed in the country to the people. And every court should represent that idea. So it makes sense that you might have to start using artwork to connect people with justice and to connect people with the courts, and do it through art.

NTM: The depiction of justice under a tree and the building, art and logo of the Constitutional Court creates an aesthetic for South Africa's constitutional democracy, but also draws from and acknowledges the practice of customary law. I know you've written a lot about this. Do you think it is important for the legal fraternity to take note of and be mindful of how the law and justice is depicted in post-apartheid South Africa?

JYM: Of course. And then it's not just about justice at the court, it's the law. It's about what the law means to the people, and everybody who serves in that space ought to have that common understanding; share that understanding of how the law can be depicted through the visual arts. But I think probably not only the law, in every area where people are served. [There's] a big role that the visual arts can play. Yes, very true. The visual arts can connect people, in a joyful sort of way. You're able to think and sit and look at a piece of artwork and never finish analysing what you see. Today it reminds me of this, tomorrow it reminds me of something else, the day after tomorrow it reminds me of something completely opposite of what you had thought had come to mind. There's so much in the visual arts that can be used to convey messages.

NTM: Yes. The image— Sorry, the image of a tree is used to depict both the Constitution and the Constitutional Court. Were you involved when this decision was taken? And why a tree?

TIME ON AUDIO RECORDING: 01:05:35

JYM: Oh, [Laughs] we fought about it. We used to think that— I remember Judge Langa criticising us and saying "why would you have— how is it possible that these skewed, slanting columns would carry the weight of the roof? I mean, don't you need— physics requires the strength of a straight column? I'm not risking, you know, the strength of the building that I will be in, to get it to balance on these slanting things." And we, judges, ventured into physics [laughing], gathering information on how it is possible for that to happen. It reminded me of the space, the architectural design of the house we had in Joburg. It was open, when you walk into the front door, you see the kitchen, the lounge, the oven, it's a huge space, because I had these columns in there. And it became this big space but it is a duplex. There's another floor, what carries that floor? I have two sons that studied architecture, and they were studying at the time. When I said to the architect who designed the house, that that is how I want the house to be. The site did not [have] enough space for the size of the rooms that we want, so we had to go up. So I don't— up, but open and beautiful. First of all, you need the walls to balance the upper level. And I was a bit upset, so I shared this with my younger son who was studying at UCT at

the time and he said you see? The elder one, who studied at what was then the University of Natal and which is now UKZN. He had completed his studies but he left architecture and is operating in the design space now. He's a good designer of space; he includes space as advice and he designs all sorts of things. So he had left a practice and he started operating his own space. So I looked at the other one like did you see that's why he left the profession. People are so conservative. They can't think outside of what they were taught years ago at university. It is possible to have an open space and a double story. You use columns and you get engineers to come in. You use columns [and] reinforce them with steel. And then you use parapets and you reinforce them with steel. It is more expensive [that way] but if you guys are willing to pay that and if you have the money to pay, then use it. Tell him that he must get the engineers to come in. So in my next discussion with [Justice Pius Langa] I said— I didn't say this is what my son was saying an experienced architect [should] do. I just said "Is it not possible to reinforce [the columns] somehow? I don't know [with] what." He looked at me like (inaudible) "Okay, okay I get it." And they did it. So, that's what they did, slanting but steel and you rest the roof in such a way, it's like this [gestures with hands].

NTM: Yes. Slanted a bit.

JYM: And just the angle of where it went, the strength of the thing. And they did it. Yeah. And the roof is also light, there's a lot of glass.

NTM: Oh, it makes sense. I've never studied it in that way. It makes so much sense. [Laughs].

JYM: Yeah. So, every time you would see that when you walk through the foyer—

NTM: Wow, yes!

JYM: It's a multi-disciplinary opportunity to bring in the engineers. [Paging through Art & Justice Book]. Oh you never realised that they are— I didn't realise the angle. You see the angle at which the ceiling was at. Let me— Where's the foyer? Is this the foyer? [Refers to an image of the court foyer] You see here? You see the columns, how they go?

NTM: They're very diagonal.

JYM: They're not perpendicularly straight. [Pause]. Yeah, there should be a better picture than that one [pages through Art & Justice book].

NTM: But I totally get it. That whole slant.

JYM: Yeah, that's the slant and the angle of the roof and the parapits.

TIME ON AUDIO RECORDING: 01:12:30

NTM: Okay. Wow, I learned something new. Do you want to see it?

RM: No, no, no. I saw it.

JYM: You see it, neh?

RM: I will walk into the court with confidence—

JYM: In the court itself.

RM: — knowing why this was there, you know?

NTM: Because it has to be a tree. Trees don't grow straight. Yeah.

JYM: They all grow like this [gestures with hand] and they're never really straight.

RM: Unless you protect the tree on the sides—

JYM: Yes. Unless you direct it through some reinforcement or something.

NTM: I don't think anyone's ever— You know, we always talk about the idea of how the sunlight comes in. And how then that ensures that time isn't stolen from you because the court uses natural lighting. And we talk about the Pius pillars, which [laughs]—

JYM: Yes, the Pius Pillars.

NTM: We talk about the pillars, you know.

JYM: He told me that “Uh uh, it would look like something went wrong and the foyer is collapsing”. I said “Exactly! Exactly!”.

NTM: That's what we want. [laughs]

JYM: Even if we fall into hard times, and it looks like our democracy is collapsing, you must hold on.

RM: Stay strong.

TIME ON AUDIO RECORDING: 01:13:55

JYM: There's a lot of meaning. Sometimes, it just comes through, and the reason why Pius would say okay, so we called it the Pius Pillars.

NTM: It's a very calming building.

JYM: My chamber.

NTM: Oh, this is your chambers? [referring to Art & Justice book][laughs]. Interesting.

JYM: Yes, that's my chambers.

NTM: I've changed your carpets now [laughs].

JYM: Oh, you've changed my carpets? Oh, shame man.

NTM: Yes, the one with the triangles is no longer there.

JYM: Oh, alright.

NTM: It's deteriorated quite a bit.

JYM: Really? How long has it been?

NTM: It's from 2004, was it?

JYM: 2004 and then 20—

NTM: It's 2021. So most of them need to undergo restoration.

JYM: Ah, shame man. And you can do that.

NTM: Yes, we're currently doing that. I was actually at a conservation restoration workshop here.

JYM: I've had these rugs for years, when we moved in we restored them.

NTM: Oh, is it? How?

TIME ON AUDIO RECORDING: 01:15:00

JYM: Well they'd been done by us. I don't know how they did it. I don't know what they do to the pile. Yeah, they do something to the pile and they reinforce them. Because if you look at— No this one is an Oriental rug, that was done by Husky. They attach something that they put underneath—

NTM: Okay. Oh, like non-slip?

JYM: Yeah. So when you do this, it reinforces the tile and they lift the piles of things and then they put this border back. So, we renewed this whole thing, and that, and then that's it.

NTM: Nice! Our's have— So it's almost like the carpets in the court, don't have the non-slip.

JYM: Oh ja, you can put in something like that.

NTM: We got a quote for a million [rand], we don't have that much money.[Laughs]

JYM: [Laughs] And who's doing it? Who's doing it?

NTM: So this was 20—

JYM: Oh, it's done?

NTM: No, this was when the quotes were received by the curator then, Melissa Goba. She got a quote in 2017. And it was a million rand? Yes.

JYM: Hay!

NTM: You know? So we just vacuum them, you know? We clean them up.

JYM: Shame man. Yeah, this was done by the company, which makes rugs. Actually, I'll Google them.

RM: Is it— it's stronger now?

JYM: Yeah, it's strong. That sack underneath and that border, it's hard. It doesn't slip.

RM: And it fits well.

TIME ON AUDIO RECORDING: 01:16:43

JYM: So it's this one and that one. Oh ja, the balcony was also the slip. Yeah. I need to do those. But I only did these because we have to come into this space. Yeah, this is an oriental one, it's not as old as that one.

NTM: Okay. Our questionnaire is quite long.

JYM: Oh ja, it's long.

NTM: We only get one chance, you know? And who knows [laughs] if you'll be available again. Do you think the symbol of a blindfolded Lady Justice or the image of a scale—

JYM: Oh, that's a difficult one. But I think I explained it already.

NTM: You did, you did. You've already said it.

JYM: Yeah, the law has to be applied equally.

NTM: Yes.

JYM: Without fear, without failure, without prejudice. You fight the guilt by applying the law equally. And you still apply the law equally, even when you have to resolve the dispute. Taking into account the context. It has to be objective, but we have to be empathetic. It's a fine balance that a legally trained mind would be experienced, skillfulness of the judicial officer can manage or should manage quite well, you know? It is not an easy task, that's what makes the judicial function, tricky.

NTM: Yes.

JYM: Applying the law, finding out whether somebody is guilty or not, it's easy. That's the easy part. But resolving the actual dispute and taking into account the context and the background of the people who are involved? That's the tricky part. And that's where the skillfulness of the judicial officer and the trained mind is to perform; without fear, without favour or prejudice, but take the context into account. So, justice can be blind, but it must be blind with feeling. You know, I don't know if you've noticed, if you know that people would not have the full extent of the senses that other people have. Grow strong in what they don't seem to comprehend. So you may be blind, but your sense of texture will be strong.

NTM: Yes.

RM: That's interesting.

TIME ON AUDIO RECORDING: 01:20:01

JYM: Yeah, it will be strong. Almost as if your body makes up for what it lacks in one sense, and strengthens you in that other sense. To the extent that you could even operate, fully functionally. I'll give you an example, Judge Zak Yacoob. When Yacoob came to the court, we were still in Braamfontein and the space was small, it was not open. And our chambers were in a section of the building, that Transnet building which was converted into a court and a court room, but we had offices. With lots of corners, you know, it was like a maze. But you should have seen Judge Yacoob walk around to the restrooms, to the court, to his chambers. I mean, with such ease and I'll tell you why. He couldn't see, but he made use of his sense of space and feeling. Time and again, when he's in doubt, he would feel but he would use the sense of space and size— I don't know, you must watch Judge Yacoob when he walks alone.

NTM: Yes.

JYM: He doesn't walk like this, he walks like this. [JYM demonstrates by walking around].

NTM: Interesting.

JYM: Maybe not as strongly as I do. Maybe he counts his steps and he tries to have the same space by hopping. Yeah, he hops and he counts. And he knows that when I count 20, I have to turn right. And my chambers is, from right, just five paces, one is my door. And I realised that one day, while they were sitting in the deliberation room, when we were still there at that Transnet building, it was a small room. So there was something wrong with the door, it kept on—

NTM: Closing?

JYM: No, it kept on opening, we wanted it closed. But the wind kept on opening it, even if we closed it. So I'm the one who actually took the chair, the chair that was at the corner and moved it and I put it against the door. So he wanted to go to the restroom. He knew exactly where the door was; how many paces [away] the door was from where he was sitting, he always sat at a particular place. So I had removed the last chair. So the second last chair became the last chair.

NTM: Yes.

JYM: So we were busy, we were talking, right and so he walked out [demonstrates]. And he felt the last chair and he turned exactly there, and he hit the basement wall. And he went back to his chair and he started all over again. And he hit the wall again.

NTM: And you moved the chair...

TIME ON AUDIO RECORDING: 01:23:52

JYM: I said "Zak, I removed that last chair" and he said "Oh, Mokgoro, is that you who did this? Oh my goodness". So I stood up and I directed him.

NTM: Oh, nice.

JYM: So I said I put the chair back.

NTM: He knew. He knew exactly.

JYM: And Judge Moseneke told us also about the story [when] they had visited him and he served them with whiskey. So he served, and he couldn't understand— Moseneke couldn't understand how it is that he doesn't overflow the glass or pour three tots when it should be two tots. And he does it the same every time. He says he took about three shots of whiskey and the glass was filled the same. He couldn't understand but the next next time he looked at him and he understood what he does, he puts his finger [demonstrates] like this—

NTM: And he knows.

JYM: And he pours, and when it reaches the tip, he knows it's enough.

RM: Wow.

JYM: So, the sense of feeling, you use that in place of sight and it strengthens. Ah, he can do things by himself because he uses the other senses to make up for what he doesn't have. Do you know these things, you can make life functional. Yeah, you can make life functional.

RM: It's not the end of—

JYM: Mmm, it's not the end of things. I was listening to somebody talk yesterday— I know we're taking time.

NTM: No, it's okay.

TIME ON AUDIO RECORDING: 01:25:40

JYM: — Calling in [to the radio] and he really broke my heart when he spoke about how disabled people don't have jobs and how the lockdowns just devastated them; those who did have jobs, inappropriate jobs, also you know. He says "The government gives us scholarships to go to school, they train us in various skills, we blind or disabled people somehow, but after that they drop us. Nobody wants to employ us, nobody. And then these days sometimes you will get women, maybe women get employed because people obviously prefer women. But we disabled men, we have nothing to do. We have to sit here and do nothing." Much later somebody called

him and said he was blind and to tell that first caller that please don't give up, don't just rely on the government. Find ways in which you can strengthen what you have and make up for what you don't have. You know? Try different things, try business where you can make use of what you have, you know, even if you are not fully functional, get people and just use your creativity. Think about things; let's take this conversation offline, I'll give the producers my number, call me and let's have a discussion. You know, his call made me feel so hopeless, so cruel. So, I'm feeling, you know, he was just giving a picture and some of us have families, but you can't confide in family. And so I'm thinking about what you have, you can make up for what you don't have. You can make up for what you don't have, strengthening, but you still can do things.

NTM: Okay. Jurisprudence is normally occupied by the written word. In your experience, do you think judges, lawyers and academics could benefit by incorporating visual elements to their legal work as a way of making it more accessible? You've already answered this, but will we be able to also develop a visual literacy and language amongst those working with the law.

JYM: Mmm, yeah it is possible. You just have to find ways of doing it that will be more effective. We just have to find a way to make the visuals work together, a synergy, you know? And relay the same message at the same time to different people, where they can understand it in the same way. I think I'm biased towards the visual but I think it is possible. We just have to find a way of getting it to work together, you know, integrate the written work with the visual [arts]. For everybody, we have a way of making unsighted people see through cupboards that are also artworks.

NTM: Yes, yes.

JYM: Braille is the carved word. And braille, I think, is also a form of art and we can make written work stronger through the visual arts.

NTM: Do you remember the bench that was made for [Justice] Zak? We recently interviewed the artist that made the bench, Azwifari [Ragimana]. And he said that "You know, I did not necessarily understand what was needed in this bench, but because I knew he was blind, I carved out so much, you know, for him to sit and feel it while he's sitting there."

JYM: And not feel it, he would say "I see this".

NTM: Yes!

TIME ON AUDIO RECORDING: 01:30:40

JYM: "Mokgoro, I see. I see this bench". He never failed to use the wood [bench]. Zak will make you want to be blind. He is just such an inspiration. I don't mind that he's blind, you would want to say that, "I don't mind that you're blind. It's good that you're blind", because he is so inspiring

and makes disability look [like] it doesn't matter. You know what I mean?

NTM: Mmm hmm.

JYM: Ja. And I'm not surprised that he was running this organisation which empowers disabled people. Well, particularly unsighted on non-sighted people. I can mention, lastly that he is such an inspiration. Well, I hope he is still a part of it. He makes it seem like it doesn't matter that he can't see; there are other ways of getting by.

NTM: He's given us his braille books, which is very nice of him and we'll try and immortalise them. Okay, we're almost there. You are a renowned scholar of Ubuntu. We wanted to ask you about the visuality of Ubuntu. [What] does Ubuntu look like? How have you seen it successfully depicted through the arts of all types; performance, music, design and art? Also, how do you see art as being connected to justice or human rights in South Africa or more universally?

JYM: Ubuntu is so good. Ubuntu is smooth; it's woven. It's woven but it's smooth and there's a glue also used somewhere to connect the state together and there's something that's so strong about it; it's reinforced, you know, and it carries— The strong one carries the weaker one, and it glues people together. And it's done in such a way that it lasts. It is colourful because it makes you happy. It makes you happy that somebody cares, it lessens your worries [of what] you cannot do. You don't have anything because other people will have, will come in and strengthen you. So it's strong, it's powerful, it makes you happy. It's woven. It's grouped together; it brings people together. It's soft because it's caring and how it looks and it gets people together to struggle together for the common good. It is something dignified because if people strike with you by providing what you can't, they do it in such a way that you don't feel that you've been given handouts. You're invited in to share because it gives in a sharing way. It doesn't give down, [it's at the] same level, dignity, human dignity, because dignity is central to Ubuntu. It is also big and full because it makes it feel satisfied that other people who care, and you also feel satisfied that you have come in to provide where there was nothing, because you have contributed to a stronger life of the most vulnerable, you have [uplifted]— It's also like a ladder where you go up the ladder, but you build a strong ladder that you can pull somebody up. You can walk up but you can also pull somebody up with you. It's a broad ladder because it will pull this one up, but this one is vulnerable. And it brings this person up next to you, you can walk together up the ladder. It's a broad ladder. It's dark at the bottom but as you go up the level of practice, because maybe it's going up to the sun it's hopeless people to get it, it is the caring part of society. It is the respectful part of society where even if you do things for other people, you do it in such a way that you continue to reinforce their dignity and you don't make them feel vulnerable and second class. Ubuntu is beautiful. It's something that you'll long for when it's not there, it is something that will make you ask where it is when you don't see it and you will look for it. It's bright. It's bright, it's open, it makes space for others. If you have enough space, and others don't, you're able to bring them in, in a dignified way. It's for people, it's for human beings, it makes us human. It shows our humanity; that's what Ubuntu is. A lot of

people say [pause] you cannot define Ubuntu, but you'll know it when you see it. You know, it was never meant to be a science, to be defined in certain words. It's what you do when it is needed and you know when it is needed the most. You see it from your perspective.

NTM: It's for us. [Pause] Third last— You just took the thoughts out of my head. Because—

RM: Because if it was defined, we will all do it unprepared.

JYM: Yes, and it will stay there. It will stay there but change. [Pause].

RM: Now I understand.

JYM: You can only say it depicts this, it depicts that, it depicts that; so many things. But... It is about the true nature of humanity.

NTM: It's naked.

JYM: Yeah, it's bare. It comes as it is. [Pause]. Uncovered. Strictly speaking, I don't want to define it.

NTM: That's understandable.

JYM: Yeah, I try to define it just so that people can understand, and I say it depicts, it embraces this, it embraces that; and I think that's not a definition. It's a depiction of what it is and I hope it will stay that way.

NTM: I don't even want to give my two cents. This is [laughs]. Yeah, you were recently pictured by CCAC represented artist Kim Lieberman at your home. Together with her lace works, please tell us a bit about this experience.

JYM: Ah, it was— [laughs]. It was an eye opening experience, even for me.

NTM: Okay.

JYM: It was very psychological—

NTM: Yes.

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JYM: It gave me an opportunity to look inside myself through the external. It's a very intriguing approach to what I think is introspection. Make a collection of things that you like, that are

meaningful to you. And then suddenly it opens my mind. Oh goodness! I actually like this thing. This is why I've had it for years. It might not look like something valuable. But I've had it for years; wherever I go, it is part of my surroundings. And I think it was an exhilarating, eye opening, introspective, personal experience. It was so personal. And I realised a lot about myself that have almost come automatically and I didn't pay attention to how and why certain things showed who I am and what is inside me. It was also quite exciting. It was like writing a personal memoir. Yes, through the depiction of those things; a collection of those things. It's a a very personal picture that you paint yourself. That you yourself have the freedom to paint through a collection of the things that are personal to you. And I liked it, I actually liked it. We spent a long time putting those things together in a particular way. And I thought it would— Because I hadn't realised how intense that process— the approach to the process was going to would be and I enjoyed it. Yeah, I did. It was like writing, sitting there writing my memoirs and [pause] sitting there deeply, without anyone else coming in and completing it. I said “Oh my god, really? Look what I drew. Look at this.” I'm talking about these pieces which represent, in a number of ways, who I am and my outlook on life...was quite... I think it is also satisfying.

NTM: Yes. How do you perceive the growth and development of the Constitutional Court Art Collection over the years that you were involved and now from a distance?

JYM: From a distance? Not very much has changed. The overall idea is still there, it is developed and it's interesting to see how other beings have carried forward the original idea. Yes, it is quite interesting to see how people can connect. Even those who are there, even when they're not there, because the original idea is being carried through. I would probably just like to see, as you say in restoration. There's a need for restoration with a number of pieces. And I think what I was worried about the last time I was there, was those... pendants. My pendants in the Judge's Conference Room. Have you guys restored those? Not yet? (Inaudible) And what else is there? I think that was prominent because I used that room quite a lot. When I'm asked for interviews, whether just interviews like these. Normally, I was in Joburg, and they would ask you to go to the lounge at the court. I normally do interviews like those there. What... almost 600 days ago before the Coronavirus struck. I normally used that room for my interviews. And I can't help but notice because I'm a very meticulous person, very perfectionist and I live with my surroundings. Everything has to be in place and when things that are not in place I notice. [Pause] I think I was worried about that. What else was there which needed to be... I see we have covered the slabs in the judge's chamber area with carpet. You know when you get out of the judge's chambers?

NTM: Oh, I see. Yes.

JYM: We used to call them streets. We live on these streets.

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NTM: Oh, is it?

JYM: Yeah.

NTM: Oh, I see those.

JYM: Yes. We have carpets there now—

NTM: Yes, there are carpets.

JYM: But we used to have just wooden slats. And the original idea was so that there is a connection between the floors. You can see the other judges. Yeah. You can see that we share a space. We are one family. We are together. We know that you are there but now you can't see. But I understand why, it used to be quite an issue. Thina wore high heels and the heels would get stuck there, and it was... Yeah. Our shoes were always... you know? And people would say “Why don't you wear takkies like the American judges?” They wear high heels when they go to work but once they get into their chambers they take it off. It's too much work.

NTM: [Laughs].

JYM: I want to wear high heels when I sit in my office [laughing]. Yeah. So I think it helps with that and it probably does, but I hope it was also realised that we are minus that now. You can't see the judges on the other floors, and the floor down the basement. So, we wanted to make the basement chambers part of the other chambers.

NTM: Just in terms of the CCAC itself, what developments would you like to see, maybe on the themes represented in the collection?

JYM: The themes should continue to be strengthening of a democracy. I know that a lot of things that are happening now that seem to be threatening our democracy. Maybe those can be visuals which show that we're going through these times and we should still hang in there.

NTM: Yes.

JYM: Yes. Maybe we can do those kinds of... I don't know how you show corruption [laughing].

NTM: We've had quite a number of [proposals].

JYM: But, we're hanging in there. We need to show the Coronavirus, it's humanity, you know, and—

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NTM: What it's taken to–

JYM: –How much of a toll it has taken on society.

NTM: Yes.

JYM: And how we have responded to it as a democracy. You know, that kind of theme. But, the central theme of growing, strengthening our democracy through jurisprudence, through the law, accountability - we need to strengthen the need for accountability. You know, especially with corruption which is a constant, because all of that is done in order to protect. Not just our democracy because our democracy is not just aloof and separate from the people, but to protect and strengthen the people of South Africa as a nation. Considering where we come from, building our legacy— We must continue to be committed to building our legacy. And we see all of these destructive forces as issues and matters that must pass. And they will not pass by themselves; our commitment will ensure that they are just a passing experience.

NTM: A passing experience...

JYM: We need visuals to depict that. Coronavirus has left a mark in the history of humanity, the world over and how we have responded to it, also an example of depiction in art.

NTM: Is there anything you'd like to add?

JYM: I think I've said everything and more.

NTM: [Laughs] We've milked you out.

JYM: And more.

RM: It was a nice interview.

NTM: Thank you.

JYM: Yes, we have said so much. Oh my goodness.

END OF AUDIO RECORDING: 01:51:38