

JSA TODAY

NEWSLETTER OF THE JOHANNESBURG SOCIETY OF ADVOCATES - VOL. 1, ED. 1 - OCTOBER 2022

The JSA celebrates 120 years

The year 2022 sees the 120th anniversary of the Johannesburg Society of Advocates (JSA) or, in common parlance, the Jo'burg Bar.

That it has survived, grown and, latterly, transformed as it has is a testament to the resilience and ingenuity of those who have made up its ranks for the past twelve decades.

The statistics held by the General Council of the Bar indicate that, in April 2022, for the first time in its history the JSA has more black members than white. There are 589 black members and 568 white members. (See the tables on p 2 for more detail.)

While there is naturally much more that must be done to transform the JSA, its current demographic profile – both as far as race and gender are concerned – is very different to the Bars in the rest of the country. While this is no reason for it to rest on its laurels, it is something of which to be proud: it is a very different picture to even only a decade ago. It is a foundation stone upon which to build.

The focal point of the year's celebrations is the Bar Dinner that will be held on 8 October.

Under the aegis of the Bar Council, a book is also being prepared to capture the special historical moment. It will seek to mirror the position the JSA has reached after 120 years.

This newsletter, *JSA Today*, is also being introduced. After this inaugural edition, the hope is that it will appear three or, if all goes to plan, four times a year. In the wake of Covid-19 and the fracturing of the old structures of the Bar that came in its wake, the hope is that it will build community and foster a sense of collegiality.

In mid-1902, shortly after the signing of the Peace of Vereeniging, which brought an end to the South African War (1899–1902), the Transvaal Order of Advocates was set up in Pretoria. From the outset, it comprised advocates who practised in Pretoria as well as in the comparatively new high court in Johannesburg, the creation of which the gold rush of the 1880s had necessitated.



Thomas Mulcaire, *A LUTA CONTINUA*, 2003, neon, 4x4m. Photograph by Brenton Maart. Courtesy of the Constitutional Court Trust and the artist.

Where there's a rush for money and social advancement, after all, very soon there is criminality. Disputes arise between neighbours and contracting parties – the more so where many of the world's larger languages are heard on the city's dusty streets – and unwitting or unsteady pedestrians get run over by horses drawing overladen carriages.

After the War, during the period of reconstruction of the Transvaal Colony under the British Crown, Johannesburg grew by leaps and bounds. In 1902, 1,032 new buildings were constructed; in 1903: 3,000; and in 1904: 7883. Soon, it was known across the world for the dazzling wealth that was concentrated in Corner House, at the junction of Commissioner and Simmonds Streets, the home of the businessmen from Britain, Germany and the USA that ran the world, or so they thought, from there.

When precisely the Johannesburg Bar became a Society of Advocates

separate from the Transvaal Society of Advocates is not entirely clear. Up to the year 1919 the Johannesburg advocates were members of the Transvaal Order. The oldest minute book that we have been able to trace relating to the meetings of the Bar Council runs from the year 1905 to 1907. From this it appears that meetings of the Council took place sometimes in Johannesburg and sometimes in Pretoria.

But it seems probable that *de facto* as time went on each Bar tended more and more to manage its own affairs. More than once in the minutes there is mention made that the Pretoria members had not paid their subscriptions!

Yet, 1902 has come to be accepted as the year in which what today we know as the JSA came into being.

That is enough reason for celebration. And, more importantly, that a steadily transforming institution has survived the vicissitudes of the past few years.

The art of law

Jean Meiring

Seven years after Johannesburg had arisen as a tent camp, in 1893 a high-security prison, to house white male prisoners, was built on the Braamfontein ridge, close to the western edge of what would later become Hillbrow. In the years 1896–1899, Paul Kruger, the president of the South African Republic, placed around it a protective circle of forts.

As the tide of fortune in the course of the South African War turned, first those on the British side and, then, the Boer side saw the prison's inside. Sections were added to house prisoners who were not white. The Women's Gaol was an addition from 1909.

The prison as a whole became well-known simply as the Johannesburg Fort. To some, it was Number Four, a metonymical transposition to the whole of the name of the section housing men who were not white.

In 1983, the prison doors, which had by then provided a roof to many famous figures in the Struggle against apartheid, finally clanked shut.

When, just over a decade later the newly democratic South Africa's new Constitutional Court sought a home, the site of the Fort was chosen. Its chequered, violent history meant that there were unavoidably and immediately many layers of irony: the highest court in South Africa almost literally arose like a phoenix from the ashes of a very difficult past.

When an open call was made for applications for the design of the new court, the concept that emerged victorious was the work of a group of young South African architects, Janina Masojada, Andrew Makin and Paul Wygers. It was that of justice under a tree, which conjures up a vivid image of how justice has traditionally been meted out in African village settings, by elders gathered in the shade of a tree. At the same time, it portrays the value of openness that lies at the heart of democracy and of the new Constitution.

Indeed, unlike many courts, the building itself – wood, concrete, steel, glass and black slate abounds – is notably open and accessible. In many respects, it is unlike most courts that prize themselves on being the very op-



Sandile Goje, *Making Democracy Work*, 1996, linocut on paper, 525 x 365 mm. Constitutional Court Art Collection (CCAC). Photograph by Ben Law-Viljoen. Courtesy of the Constitutional Court Trust and the artist.

posite: forbidding and intimidating. The high-ceilinged lobby is inviting and busy.

Part of the life it exudes derives from the court's famous art collection, a part of which is housed there on a rotating basis. Yet, when counsel attend at the Constitutional Court, it is usually with more immediately pressing matters on their mind. Sadly, the art often escapes their attention.

The Constitutional Court Art Collection (CCAC) is managed by the Constitutional Court Trust (CCT) for the benefit of the public. The CCT concerns itself with its preservation and presentation. To this end, it undertakes conservation and curatorial programmes.

The CCAC is a collection of mostly South African works that speak to the transformative role of the Consti-

tution and the Constitutional Court. It offers an engaging and sometimes challenging visual rendering of the idea of justice.

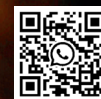
"It explores themes including transition, human rights, constitutionalism, identity, reparation, reconciliation and social justice against the background of South Africa's history context," observes Francois Lion-Cachet, the curator of public engagement at the CCAC. "Many works in the CCAC portray the political agency and lived experiences of the artists; others are more abstract and traditional, using form to evoke emotion and understanding – and to celebrate cultural diversity," he notes further in his article 2020 in review: the Constitutional Court Art Collection (<https://www.withoutprejudice.co.za>).

Lion-Cachet works closely with

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curator of conservation Thina Miya, assistant curator Kay-Leigh Fisher, curatorial intern Emma Prior and Trust manager Catherine Kennedy to care for the collection, and twice a year a new exhibition curated from the CCAC's permanent collection is installed in the public gallery. A self-guided tour is possible since there is detailed signage. The doors of the public gallery – in the very lobby of the Court – is open to the public during office hours seven days a week. Access is free.

It is surely a no-brainer: when you're looking for something engaging – and free! – to do in Jo'burg, visit the CCAC. For more information, including tours, see ccac.concourtrust.org.za.

The CCT depends upon grants and donor funding. It thanks the Andrew W. Mellon Foundation, the Ford Foundation, the Foundation

for Society, Law and Art in South Africa, and the Ambassadors' Fund for Cultural Preservation for support over the past year.

Asked what her favourite artwork in the collection is, Justice Sisi Khampepe answered (see <https://ccac.concourtrust.org.za/judges-interviews>):

"[T]he specific artwork that is particularly meaningful to me is the one called *Making Democracy Work* by Sandile Goje. The linocut depicts a contemporary society embodying democracy, transparency, and community by having court proceedings under a tree. The Constitutional Court adopted the 'justice under a tree' metaphor, as one of its core fundamentals, as the ceremony under the tree represents transparency and protection, and draws on the tradition of trees being community meeting places. Goje's linocut is emblematic

of the Constitutional Court, suggesting a unique and open South African solution to law in a post-apartheid environment. This particular artwork tells a story about South Africa's past: the traditional community practices of gathering under a tree for conflict resolution and the administration of justice. These practices were historically marginalised in favour of the western legal system inherited from colonialism. Yet this artwork speaks to the promise of a future, an inclusive and representative system of governance, and the judiciary that embodies respect and benefits from the cultural practices and wisdom of all South Africans. It speaks to a vision of equality, both before the law and in the law itself. It represents the idea that the Constitution and the court belong to all the people of South Africa."