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Curating justice after apartheid

South Africa's constitutional court art collection

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CURATING JUSTICE AFTER APARTHEID

SOUTH AFRICA'S CONSTITUTIONAL COURT
ART COLLECTION



STACEY
LEIGH
VORSTER

[COVER IMAGE] DUMILE FENI, *HISTORY*, 1987, ENLARGED AND CAST IN BRONZE IN 2004, 1000 X 2960 X 1700 MM. CCSA ART COLLECTION, JOHANNESBURG. PHOTOGRAPH BY ANGELA BUCKLAND, 2020. REPRODUCED WITH PERMISSION FROM THE CONSTITUTIONAL COURT TRUST.

Curating Justice After Apartheid
South Africa's Constitutional Court Art Collection

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aan de Universiteit van Amsterdam
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CURATING AFTER APARTHEID: SOUTH AFRICA'S CONSTITUTIONAL COURT ART COLLECTION

ABSTRACT

What insights do artistic and curatorial frameworks have to offer to the project of justice? The growing body of interdisciplinary and provocative research on the relationship between the humanities and jurisprudence is evidence of the value of a broader range of discourses and approaches to address past and ongoing conflicts in a deeply unjust world. This study takes an art historical approach informed by the theoretical focus of cultural analysis to investigate the art collection of the Constitutional Court of South Africa as a means through which to examine the potential of art to recalibrate accepted principles of justice. As a monument to the democratic project of the country as well as the most senior bearer of responsibility for human rights, the Constitutional Court's carefully considered visual interface and its collection of over six hundred artworks, amassed over the last 25 years, provide a rich entry point into establishing art's recalibrating potential in sites of justice.

Based on first-hand experience as the curator of the Constitutional Court Art Collection (2012–2016), this research mobilises close visual analysis and “thinking through the curatorial” to trouble widely accepted consensus around human rights as a resolved set of ideas. This research identifies the productive intersections between art and justice as centring on a concern with representation. I pose that art has a uniquely provocative potential to bolster a consensus of differentiability in relation to the visual but also to foster dissensus in varied and shrewd ways. Further, I position curating as a dangerous practice via which experimental institutionalism is enabled and, as long as institutions of justice are able to tolerate critique and discomfort, curating art in sites of justice will have an important role in the long ending to apartheid in South Africa. Beyond social efficacy in

that context, this research offers novel perspectives on the history of political art in the country; on the role of former Justice Albie Sachs as a legal authority as well as an impromptu collector and curator; on how human dignity in particular might be recalibrated as a foundational tenet of justice in South Africa and in neoliberal human rights discourse in general; and on how curators might navigate the practical, theoretical, and ethical demands of the profession. Further, this study begins and ends with a personal reckoning with privilege in search for ethical ways to live in an unjust world, which has been shaped by centuries of differential rule and in which we are all complicit as perpetrators.

CUREREN GERECHTIGHEID NA APARTHEID: ZUID-AFRIKA'S CONSTITUTIONELE HOF KUNST COLLECTIE

SAMENVATTING

Welke inzichten bieden artistieke en curatorische kaders voor het project van rechtvaardigheid? De toename van interdisciplinair en provocatief onderzoek naar de relatie tussen de geesteswetenschappen en de jurisprudentie laat de waarde zien van een breed spectrum aan discoursen en benaderingen om oude en actuele conflicten in een zeer onrechtvaardige wereld te analyseren. Deze studie wil aan de hand van een kunsthistorische benadering en de theoretische focus van “cultural analysis” onderzoek doen naar de kunstcollectie van het Constitutioneel Hof van Zuid-Afrika om te analyseren in hoeverre kunst de potentie heeft om bestaande rechtvaardigheidsprincipes te herijken. Het Constitutioneel Hof is een monument voor het democratische project van het land en draagt de hoogste verantwoordelijkheid voor de mensenrechten. De zorgvuldig overwogen visuele interface van het Hof en de collectie van meer dan zeshonderd kunstwerken, verzameld in de afgelopen 25 jaar, bieden een vruchtbare invalshoek voor het vaststellen van de herijkende potentie van kunst op plaatsen van rechtvaardigheid.

Op basis van ervaringen uit eerste hand als curator van de Constitutional Court Art Collection (2012–2016), combineert dit onderzoek een nauwkeurige visuele analyse met het “doordenken van het curatorische” om zo de wijdverspreide consensus te ondermijnen dat mensenrechten een set van vaststaande ideeën zijn. Dit onderzoek identificeert het probleem van representatie als de centrale plek waar kunst en rechtvaardigheid samenkomen. Ik claim dat kunst een unieke, uitdagende potentie heeft om een visuele consensus van differentialiteit te versterken, maar dat het ook onenigheid kan bevorderen op diverse en sluwe manieren. Ik beargumenteer daarnaast dat curatorschap gevaarlijk kan zijn omdat het de mogelijkheid biedt tot experimenteel

institutionalisme en, zolang rechtvaardigheidsinstituten kritiek en ongemak tolereren, het cureren van kunst op plaatsen van rechtvaardigheid een belangrijke rol kan spelen in het beëindigen van apartheid in Zuid-Afrika. Naast deze focus op maatschappelijke doeltreffendheid biedt dit onderzoek nieuwe perspectieven op de geschiedenis van politieke kunst in het land; op de rol van voormalig rechter Albie Sachs als zowel wettelijke autoriteit als impromptu kunstverzamelaar en curator; op hoe menselijke waardigheid kan worden herijkt als een fundamenteel basisprincipe van rechtvaardigheid in Zuid-Afrika en in het neoliberale mensenrechtendiscours in het algemeen; en op hoe curatoren tussen de praktische, theoretische en ethische eisen van hun beroep hun weg kunnen vinden. Tot slot begint en eindigt dit onderzoek met een persoonlijke afrekening met privileges op zoek naar een ethische manier van leven in een onrechtvaardige wereld die is gevormd door eeuwen van discriminerend bestuur waarin wij allemaal medeplichtig zijn als daders.

ABBREVIATIONS AND ACRONYMS

ANC	African National Congress
CASA	<i>Culture in Another South Africa</i> (a conference that took place in Amsterdam in 1987)
CCSA	Constitutional Court of South Africa
CPSA	Communist Party of South Africa (the name of the SACP from 1921 until 1953)
FRELIMO	Frente de Libertação de Moçambique (transl. Liberation Front of Mozambique)
ISANG	Iziko South African National Gallery
MOMA	Museum of Modern Art, New York
NUSAS	National Union of South African Students
SACP	South African Communist Party (the name of the CPSA after 1953)
SASO	South African Student Organisation
TRC	Truth and Reconciliation Commission
UCT	University of Cape Town
UDF	United Democratic Front
UDHR	Universal Declaration of Human Rights
UNNE	University of Natal Non-European Section