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Curating justice after apartheid

South Africa's constitutional court art collection

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LIST OF ILLUSTRATIONS

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.

1.1. Judith Mason, *Gothic Leopard*, 1986, fibre, 1945 x 2775 mm, CCSA Art Collection, Johannesburg. Reproduced with permission from the Mason Family and the Constitutional Court Trust.

1.2. Main entrance to the Constitutional Court of South Africa, Johannesburg. Photograph by Alex Southgate, 2009 via Flickr (<https://www.flickr.com/photos/southgate/4065348477/>). CC BY-NC-SA 2.0 (<https://creativecommons.org/licenses/by-nc-sa/2.0/nl/>).

1.3. Interior of the CCSA, showing the gallery and a section of the foyer. Photograph by Angela Buckland, c. 2004. Reproduced with permission from the Constitutional Court Trust.

1.4. Main entrance to the CCSA showing the hand-carved wooden doors that present the 27 fundamental themes of the Bill of Rights in each of the South African national languages in addition to sign language. Photograph by Angela Buckland, c. 2004. Reproduced with permission from the Constitutional Court Trust.

1.5. The first bench of South Africa's new Constitutional Court and various stakeholders. Photograph from the private collection of Albie Sachs. Reproduced with permission from Albie Sachs.

1.6. Zapiro, *Timber!!!*, 1995, ink on paper, 297 x 420 mm. CCSA Art Collection, Johannesburg. Cartoon published in the *Sowetan* on 7 June 1995. Reproduced with permission from the artist and the Constitutional Court Trust.

1.7. Aerial view of Constitution Hill, showing the Number Four Prison on the left and the Constitutional Court on the right. Reproduced with permission from Constitution Hill.

1.8. The CCSA under construction. Notice the two staircases preserved from the awaiting trial block. An additional staircase is inside the Court building and a further one stands behind the building. Photograph by Angela Buckland, c. 2002. Reproduced with permission from the Constitutional Court Trust.

1.9. Thomas Mulcaire's *A Luta Continua*, 2003, installed on one of the original four staircases of the awaiting trial block, which is now integrated into the CCSA foyer. Photograph by Akona Kenqu, 2019. Reproduced with permission from the Constitutional Court Trust.

1.10. Artist unrecorded, *Biblical Story No. 2*, date unrecorded, acrylic on canvas, 770 x 1387 mm, CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

1.11. P. L. Patterson, *Portrait of HA Naidoo's Granddaughter*, 1987, oil on canvas, 575 x 470 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

1.12. Gallery of the Constitutional Court of South Africa. Photograph by @Helgoland01, 2016 via Flickr (<https://www.flickr.com/photos/145361631@N02/31824515136/in/photolist-QudXAQ-dnNhdQ-2hCbgUM-8A765o-2fQPifA-2ewtoAp-5mqBtB-5muSJE-8W9ky3-6fiFYa-6fiFPR-dwIXRY-dngpt4-5muS3Q-pdfSfi-5mqBfc-6Bp8nW-5muRNq-5ZM9j9-qkwB9h-5muRXY-cFgEJy-73NIUS-6qYLym-dnNi8d-aoFVK9-dnwRHs-dnwRX7-8AcZVD-aoFRnY-8A7wpa-aJ4IGc-dnwLXe-QngyCM-21ZVCLD-fehdon-dmYXwL-8A7znh-rFVqBX-dnwRfJ-6prXkp-dnwQhh-ejHzao-dmYTZP-dngsYs-dmYUJD-dnwMjK-dngqxs-8TRk5W-dnwMqr>).

2.1. J.H. Pierneef, *Waterval Boven*, 1931, oil on canvas on board, 1460 x 1325 mm. On long-term loan to the Rupert Museum, Stellenbosch.

2.2. J.H. Pierneef, *Rustenburg Kloof*, 1932, oil on canvas on board, 1460 x 1325 mm. On long-term loan

to the Rupert Museum, Stellenbosch.

2.3. Anton Van Wouw, *Die Beskuldige*, 1907, bronze, 290 x 240 x 160 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

2.4. Erik Laubscher, *Landscape*, 1996, oil on canvas, 1485 x 1930 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the artist and the Constitutional Court Trust.

2.5. Erik Laubscher, *Boland Winter*, 1957, oil on hardboard, 1020 x 790 mm. ISANG, Cape Town.

2.6. Irma Stern, *African Woman with Headband*, 1933, watercolour, gouache and charcoal, 490 x 360 mm. Campbell Smith Collection, Cape Town.

2.7. Maggie Laubser, *Vrou*, 1935, oil on board, 385 x 315 mm. Stellenbosch University Museum, Stellenbosch.

2.8. Installation view of Barbara Tyrrell drawings in the CCSA alongside a small case of beadwork that the artist collected on her travels. Photograph by Thina Miya, 2021. Reproduced with permission from the Constitutional Court Trust.

2.9. *San Rock Art I and II*, digital prints mounted on board. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

2.10. Cecil Skotnes and Hamilton Budaza, *Freedom*, 1995, oil paint on engraved wood panels, 2535 x 2780 mm, CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

2.11. Susie Malgokak, *Mother and Son*, 1994, lithograph on paper, 580 x 385 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

2.12. Untitled textile panels installed in the judges' lounge of the CCSA. Commissioned in 2004, facilitated by Peter (Jean-Pierre) de la Porte. Textile artists: Anna Kabini, Rose Mabona, Eva Jayine and others whose names were not recorded. CCSA Art Collection, Johannesburg. Photograph by Bev Butkow, 2016. Reproduced with permission from the photographer and the Constitutional Court Trust.

2.13. Artwork in the Constitutional Court Art Collection depicting rondavels. Signed "Cokonel", title unrecorded, date unrecorded, acrylic on board, 554 x 807 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

2.14. Azaria Mbatha, *Chariot*, date unrecorded, screenprint on paper, 458 x 62 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

2.15. Azaria Mbatha, *Jesus After Death*, date unrecorded, linocut on paper, 322 x 561 mm. Campbell Smith Collection, Cape Town.

2.16. Joao Moreira, *Madonna and Child*, 1999, oil on canvas, 650 x 530 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

2.17. Gerard Sekoto, *Song of the Pick*, 1978, oil on canvas, 990 x 970 mm. ISANG, Cape Town, formerly on loan to the CCSA Art Collection.

2.18. Gerard Sekoto, *The Smoker*, 1993, oil on canvas, 650 x 810 mm. ISANG, Cape Town, formerly on loan to the CCSA Art Collection.

3.1. Lyonel Feininger's woodcut *Cathedral (Kathedrale)* 1919, which was used as the cover image for the Program of the State Bauhaus in Weimar (Programm des Staatlichen Bauhauses in Weimar). Museum of Modern Art, New York.

3.2. Irma Stern, *The Hunt*, 1926, oil on canvas, 1765 x 880 mm. Irma Stern Museum, Cape Town.

3.3. D.C. Boonzaier, "As die S.A.P-Agitasie teen Goud Slaag" (transl. "If the S.A.P [South African Party] Agitation Against Gold Passes"), *De Burger*, 20 April 1932.

- 3.4. Eddie Roux, The Gold-Mining Industry: How it Works, *Umsebenzi* 629, 29 August 1930, p. 1.
- 3.5. Eddie Roux, Mazipele Izitshebi (transl. "Let the rich be gone"), *Umsebenzi* 694, 6 January 1933, p. 1.
- 3.6. Gerard Sekoto, Song of the Pick, 1946–47, oil on board, 490 x 700 mm. BHP Collection, Johannesburg.
- 3.7. Leonard Matsoso, *Imagine*, c. 1975, pen and ink on paper, 563 x 385 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.
- 3.8. Ernest Mancoba, *African Madonna*, 1929, yellowwood, 860 x 220 x 170. Johannesburg Art Gallery, Johannesburg.
- 3.9. Leonard Matsoso, *David with Sling*, 1971, pen and ink on paper, 525 x 362 mm CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.
- 3.10. Leonard Matsoso, *Mother and Child*, 1972, pen and ink on paper, 537 x 377 mm. Campbell Smith Collection, Cape Town.
- 3.11. Gavin Robson, Biko's body in a private mortuary in King William's Town, awaiting an independent autopsy. The photograph was featured on the cover of *Time Magazine* in 1977.
- 3.12. Ezrom Legae, *Chicken Series No. 8*, c. 1978, pencil and oil wash. Johannesburg Art Gallery, Johannesburg.
- 3.13. Paul Stopforth, tumbling figure from *Torture and Deaths in Detention*, 1978, Market Theatre, Johannesburg. Reproduced with permission from the artist.
- 3.14. Dikobe Martins, *Apartheid Kills*, 1974, pen and watercolour on paper, 771 x 527 mm.
- 3.15. This black and photograph of a mourner carrying a poster with the caption 'Biko and Solidarity' at Steve Biko's funeral in September 1977 was taken by an unidentified photographer for the International Defence and Aid Fund. South African History Archive.
- 3.16. Judy A. Seidman for Medu Art Ensemble, "Seminar on Creative Writing", 1981, screenprint on paper, 610 x 428 mm. Art Institute Chicago, Chicago. Reproduced with permission from Judy Seidman.
- 3.17. Dikobe Martins, untitled drawing published on the back cover of the April/May issue of *Staffrider* (1981).
- 3.18. Andrew Verster, *Hotlands I–III*, 1995, oil on canvas, 2013 x 750 mm (each). CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.
- 3.19. William Kentridge, Still from *Johannesburg, 2nd Greatest City After Paris*, 1989, Film, 35 mm, shown as video, projection, black and white, and sound (mono), dimensions variable, Tate, London.
- 4.1. Albie Sachs photographed for Constitution Hill in the CCSA in 2016 at the launch of his book *We, the People: Insights of an Activist Judge* (2016). Reproduced with permission from Albie Sachs.
- 4.2. The cover of Solly Sachs' 1957 book *Garment Workers in Action*.
- 4.3. Gregoire Boonzaier, *Morning, Caledon Street, District Six, Cape Town*, 1967, oil on canvas, 560 x 715 mm. South African Reserve Bank Collection, Johannesburg.
- 4.4. Joseph Nkatlo, Albie Sachs, and Mary Butcher (later Mary Turok), giving the thumbs-up sign while singing Nkosi Sikile' iAfrika at a Defiance of Unjust Laws Campaign meeting.
- 4.5. Sachs at the Congress of the People at Kliptown in 1955 to adopt the Freedom Charter, calling for a multi-racial democracy in South Africa. Photograph by Eli Weinburg, 1955. South African History Archive.
- 4.6. Albie Sachs on the pavement moments after his car exploded in Maputo on 7 April 1988 causing him to lose most of his right arm and the sight in one eye. Photograph by Dana April Seidenberg, 7 February 1988.

- 4.7. South African car bomb attack on ANC legal expert Albie Sachs in Maputo, Mozambique. Photograph by Loes van den Bergh, 7 February 1988.
- 4.8. Malangatana being interviewed at an exhibition in Maputo, date unrecorded, c. 1980s. Reproduced with permission from Fundação Mário Soares.
- 4.9. Malangatana painting a canvas in his Lisbon studio. Photographer unrecorded, date unrecorded. Reproduced with permission from Fundação Mário Soares.
- 4.10. Detail of a mural titled *Cry of Happiness* painted by Moira Tohá, Malangatana and a group of volunteers outside the Mozambican Ministry of Agriculture in Maputo. Image published in *Images of a Revolution: The Murals of Maputo* (1983) by Albie Sachs. Harare: Zimbabwe Publishing House.
- 4.11. Detail of a mural titled *Cry of Happiness* painted by Moira Tohá, Malangatana and a group of volunteers outside the Mozambican Ministry of Agriculture in Maputo. Image published in *Images of a Revolution: The Murals of Maputo* (1983) by Albie Sachs. Harare: Zimbabwe Publishing House.
- 4.12. Excerpt from Sachs' background paper on Mozambican culture. Published in *Southern Africa Report*, July 1988 vol. 4, no. 1.
- 4.13. Cover page of the *Medu Art Ensemble Newsletter*, 4(1), 1982. Sourced from MacPhee 2010.
- 4.14. 'Letter from Maputo' written by Albie Sachs in November 1981, and published in the *Medu Art Ensemble Newsletter*, 4(1): 34, 1982. UNISA Archives.
- 5.1. Architectural sketch for the foyer and court chamber of the CCSA. Reproduced with permission from the Constitutional Court Trust.
- 5.2. Angled columns in the CCSA foyer. Mosaics designed by Jane du Rand, manufactured by Nandipha Baduza, Sandile Cele, Alvina Chonco, Zama Dunywa, Paul Figuero, Raksha Gobardan, Thando Mama, Vukani Mpanza and Tanja van Zyl, and installed by Elias Lukhozi, Richard Masoko and Patrick Xulu. Wire chandeliers by Walter Oltmann. Photographs by Angela Ferreira, 2004. Reproduced with permission from the Constitutional Court Trust.
- 5.3. Constitutional Court logo designed by Carolyn Parton, 1995. Reproduced with permission from the Constitutional Court Trust.
- 5.4. Court façade with the words "Constitutional Court" written in each of the eleven official languages. Photograph by Angela buckland c. 2004. Reproduced with permission from the Constitutional Court Trust.
- 5.5. Official Constitutional Court font designed by Garth Walker, 2004. Reproduced with permission from the Constitutional Court Trust.
- 5.6. Lady Justice on the façade of the University of the Free State Faculty of Law in Bloemfontein, South Africa, via Twitter, 19 June 2018 by @UFSweb (<https://twitter.com/ufswweb/status/1008981501034319873>.)
- 5.7. Alfredo Ceschiatti, *A Justiça*, 1961, granite. Supreme Court, Brazil. Photograph by Eduardo Coutinho, 2007 via Flickr (<https://www.flickr.com/photos/eduardocoutinho/1091895653/>). CC BY-SA 2.0 (<https://creativecommons.org/licenses/by-nc-sa/2.0/nl/>).
- 5.8. Jan Mitchell, *Moco Jumbie*, 1993. Photograph by Steffan Larsen, via *The Guardian* (<https://www.theguardian.com/law/gallery/2011/mar/24/criminal-justice>), 24 March 2011.
- 5.9. Jan Mitchell, *Lady of Justice*, 1993, Almeric L. Christian Federal Building, St. Croix, United States Virgin Islands. Photograph by Steffan Larsen, via Yale Law School (<https://documents.law.yale.edu/representing-justice/lady-justice-0>).
- 5.10. Installation view of Marlene Dumas, *The Benefit of the Doubt*, inside the Hall of Justice, Den Bosch,

Netherlands. Tapestry triptych: 2 hangings 10750 x 1980 mm, 1 hanging 7420 x 1980 mm. Photograph by Peter Cox.

5.11. Marlene Dumas, *The Benefit of the Doubt*, 2000. CCSA Art Collection, Johannesburg. Photograph by Akona Kenqu 2020. Reproduced with permission from the Constitutional Court Trust.

5.12. Marlene Dumas, *The Benefit of the Doubt*, 2000. CCSA Art Collection, Johannesburg. Photograph by Akona Kenqu 2020. Reproduced with permission from the Constitutional Court Trust.

5.13. Marlene Dumas, detail from *The Benefit of the Doubt*, 2000. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

5.14. Marlene Dumas, *Liberty*, 1993, oil on canvas, 400 x 300mm. Collection of Mr. and Mrs. Dirk and Carla Schutyser, Ghent.

5.15. Marlene Dumas, *Justice*, 1993, oil on canvas, 550 x 400 mm. Private collection.

5.16. William Kentridge, *Sleeper – Black*, 1997, etching, aquatint and drypoint on paper, 1780 x 2760 mm, CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

5.17. Zanele Muholi, *Being*, 2007, Triptych, silver gelatin prints and a lambda print, 300 x 225 mm each. Stevenson Gallery.

5.18. Brett Murray, *The Spear of the Nation*, 2011, acrylic on canvas, 1850 x 1400 mm, Goodman Gallery.

5.19. The painting after it was vandalised while on display at the Goodman Gallery in Johannesburg, May 2012, Jerome Delay/ Associated Press, via NPR.

5.20. Bob Gosani, *Tausa*, 1954, first published in *Drum*, March 1954, Bailey's African History Archive.

5.21. Michael Meyersfeld, 2007, *Repentance* from the series *12 Naked Men*, silver gelatin print, 1435 x 1100 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the artist and the Constitutional Court Trust.

5.22. John Baloyi, *Godzilla*, 2004, wood, 3100 x 2370 x 2410 mm. CCSA Art Collection, Johannesburg. Photograph by Akona Kenqu, 2020. Reproduced with permission from the Constitutional Court Trust.

5.23. Dumile Feni, *History*, 1987, enlarged and cast in bronze in 2004, 1000 x 2960 x 1700 mm. CCSA Art Collection, Johannesburg. Photograph by Akona Kenqu, 2020. Reproduced with permission from the Constitutional Court Trust.

5.24. Zapiro, *Some Views on Capital Punishment*, ink on paper, cartoon published in the *Weekly Mail* on 16 May 1995. CCSA Art Collection, Johannesburg. Reproduced with permission from the artist and the Constitutional Court Trust.

5.25. Zapiro, *Go for it, Boss!* published in the *Sunday Times*, 7 September 2008. Reproduced with permission from the artist.

5.26. Concrete architrave on the front façade of the Constitutional Court building in Johannesburg, Photograph by Angela Buckland c. 2004. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

6.1. Concrete architrave on the front façade of the Constitutional Court building in Johannesburg, a by Angela Buckland c. 2004. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust

6.2. Norman Kaplan, *All Shall be Afforded Dignity*, 1996, from the series *Images of Human Rights* linocut on paper, 560 x 480 mm, CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.

- 6.3. Installation view of the exhibition *The Family of Man*, January 24, 1955–May 8, 1955, Photographic Archive, The Museum of Modern Art Archives, New York. IN569.7, Photograph by Ezra Stoller.
- 6.4. Dumile Feni, *History*, 1987, enlarged and cast in bronze in 2004, 1000 x 2960 x 1700 mm. Photograph by Akona Kenqu. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.
- 6.5. Dumile Feni, *Prisoner No. 1*, c. 1968, pen and ink on paper, 445 x 340 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.
- 6.6. Dumile Feni, *Homage to Soweto*, 1977, pen and ink on paper, 1147 x 895 mm, CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.
- 6.7. Dumile Feni, *History*, 1987, enlarged and cast in bronze in 2004, 1000 x 2960 x 1700 mm. CCSA Art Collection, Johannesburg. Photograph by Ben Law-Viljoen. Reproduced with permission from the Constitutional Court Trust.
- 6.8. Dumile Feni, *History*, 1987, enlarged and cast in bronze in 2004, 1000 x 2960 x 1700 mm. CCSA Art Collection, Johannesburg. Photograph by Akona Kenqu. Reproduced with permission from the Constitutional Court Trust.
- 6.9. Jane Alexander, *Butcher Boys*, 1985/86, ixed media, ISANG, Cape Town, photograph by Goggins World via Flickr (<https://www.flickr.com/photos/gogginsworld/47941970753/in/photolist-2g3t8CD-8mFJVB-8mFKmM>), CC BY-NC-ND 2.0 (<https://creativecommons.org/licenses/by-sa/2.0>).
- 6.10. Joanne Patterson, *Pangolin*, 1998, mixed media, 1690 x 920 x 810 mm. Photograph by Caitlin Taylor, 2018. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.
- 6.11. Norman Catherine, *Speaker of the House*, 1989, canvas, metal, wire, wood and acrylic, 2415 x 1180 x 1225 mm. Photograph by Ben Law-Viljoen. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust.
- 6.12. “Long drop” toilets in the prison courtyard of the Number Four Prison in Constitution Hill. Reproduced with permission from Constitution Hill.
- 6.13. Single toilet in a cell in the Number Four Prison. Photograph by Heather Mason @2summers.net (<https://2summers.net/>), 2013. Reproduced with permission from the photographer.
- 6.14. Exhibition text installed in front of the outdoor toilets in the Number Four Prison, Constitution Hill, johannesburg.
- 7.1. Phila Ndwandwe and her son Thabang Mabuza, c. 1985.
- 7.2. @marangdream. (2018, August 4). A moving & informative post about fallen liberation hero Phila Ndwandwe has gained traction on social media. Unfortunately, it uses a wrong picture to depict her. Pic on left - poster in Angola’s liberation war Pic on right - Phila Ndwandwe, retrieved from Twitter (<https://twitter.com/marangdream/status/1025727720767021056>).
- 7.3. Students attack the defaced statue of Cecil Rhodes at the University of Cape Town, 9 April 2015, Roger Bosch/ AFP/ Getty Images, via *The Guardian* (<https://www.theguardian.com/news/2015/nov/18/why-south-african-students-have-turned-on-their-parents-generation>), 18 November 2015.
- 7.4. An activist’s placard displayed in place of the removed photograph by Zwelethu Mthethwa. Photograph by sean o’toole, 2016. Reproduced with permission from the Photographer.
- 7.5. Judith Mason, *The Man Who Sang and the Woman Who Kept Silent I*, 1998, mixed media, 2210 x 700 x 450 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional

Court Trust and the Mason family.

7.6. Judith Mason, *The Man Who Sang and the Woman Who Kept Silent II*, 1998, oil on canvas, 1902 x 1600 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust and the Mason family.

7.7. Judith Mason, *The Man Who Sang and the Woman Who Kept Silent III*, 1998, oil on canvas, 1663 x 1220 mm. CCSA Art Collection, Johannesburg. Reproduced with permission from the Constitutional Court Trust and the Mason family.

7.8. Still from Episode 39, Part 2 of *TRC: Special Report*, produced and presented by Max du Preez. Originally aired on 16 March 1997. 3:11. Available on Youtube (<https://www.youtube.com/watch?v=ENMBv6-5IkM&list=PLEF287E37275308DC>).

7.9. Stills from the documentary *Miracle Rising: South Africa* produced by Thys Botha and Michele Sparkes for the History Channel. Released on 10 February 2013. 12:06. Available on Youtube (<https://youtu.be/IKDrRdfvUg8>).

7.10. Stills from the TRC hearings in which Ndwandwe's killers testified in application for amnesty. Footage featured in the documentary *Miracle Rising: South Africa* produced by Thys Botha and Michele Sparkes for the History Channel. Released on 10 February 2013. 12:06. Available on Youtube (<https://youtu.be/IKDrRdfvUg8>).

7.11. Still from Episode 39, Part 2 of *TRC: Special Report*, produced and presented by Max du Preez. Originally aired on 16 March 1997. 12:06. Available on Youtube (<https://www.youtube.com/watch?v=ENMBv6-5IkM&list=PLEF287E37275308DC>).

7.12. The *Blue Dress* installed in the CCSA gallery before it was covered in a perspex sleeve, photographed for the book *Art and Justice* by Ben Law-Viljoen c. 2007. Reproduced with permission from the Constitutional Court Trust.

7.13. Installation of the *Blue Dress* in the gallery of the CCSA. Photograph by the author, 2014. Reproduced with permission from the Constitutional Court Trust.

7.14. Judith Mason, *A Trumpet for the Man Who Sang II*, 1998, mixed media, dimensions unrecorded, whereabouts unknown. Reproduced with permission from the Mason family.

7.15. Judith Mason, *Light Switch (A Homage to the Man)*, 1998, oil on canvas, dimensions unrecorded, whereabouts unknown. reproduced with permission from the Mason family.

7.16. Judith Mason, *Panties (A Homage to the Woman)*, 1998, oil on canvas, dimensions unrecorded, whereabouts unknown. Reproduced with permission from the Mason family.

7.17. Judith Mason, *Lucky Beads (A Homage to the Woman)*, 1998, oil on canvas, dimensions unrecorded, whereabouts unknown. Reproduced with permission from the Mason family.

7.18. Judith Mason, *Dragonfly (A Homage to the Woman)*, 1998, oil on canvas, dimensions unrecorded, whereabouts unknown. Reproduced with permission from the Mason family.

7.19. Judith Mason, *A Commonplace Book for the Woman Who Who Kept Silent*, 1998, blue plastic bags, hose and tires, dimensions unrecorded, whereabouts unknown. Reproduced with permission from the Mason family.

7.20. Judith Mason, *Catafalque for the Woman Who Who Who Kept Silent*, 1998, mixed media, dimensions unrecorded, whereabouts unknown. Reproduced with permission from the Mason family.

7.21. Installation shot, *Recent works by Judith Mason*, Karen McKerron Gallery, Johannesburg 1998, photographer unrecorded, Wits Art Museum archives. Reproduced with permission from the Mason

family.

7.22. Installation shot, *Recent works by Judith Mason*, Karen McKerron Gallery, Johannesburg 1998, photographer unrecorded, Wits Art Museum archives. Reproduced with permission from the Mason

7.23. Installation shot, *Recent works by Judith Mason*, Karen McKerron Gallery, Johannesburg 1998, photographer unrecorded, Wits Art Museum archives. Reproduced with permission from the Mason

7.24. Lulamile Nikani and Babalwa Makwetu during the performance of *Ndabamnye neenkumbulo nemiphefumlo enxaniweyo* (I became one with memories and thirsty souls) at the Ethnographic Gallery of the Iziko South African Museum, 2017. Photograph by Tina Hsu. Reproduced with permission from the artists and the photographer.

7.25. Nandipha Mntambo, *Indlovukati*, 2007, cowhide, resin, polyester mesh, waxed cord, 1530 x 890 x 700 mm. Stevenson Gallery

7.26. and 7.27. Interior of the CCSA chamber, taken during a ceremony in honour of former Chief Justice Pius Langa, 27 August 2013. Photographs reproduced under CC BY-ND 2.0 (<https://creativecommons.org/licenses>)

7.28. Mason in her studio holding the *Blue Dress* alongside the second painting she made as part of the commission for the CCSA collection. Photographer unrecorded, c. 1998. Reproduced with permission from the Mason family.

7.29., 7.30. and 7.31. Installation of *The Man Who Sang and the Woman Who Kept Silent* in the gallery of the CCSA. Photograph by the author, 2018. Reproduced with permission from the Constitutional Court Trust.

7.32., 7.33. and 7.34. *A Little Bit of Love*, choreographed by Nate Freeman, performed by Kingsley Beukes and Craig Arnolds, 18 November 2014, Constitutional Court of South Africa. Photographs by Songezo Mabece, courtesy Nate Freeman, Kingsley Beukes, Craig Arnolds and Songezo Mabece.

7.35. Gabrielle Goliath, *Elegy / Joan Thabeng*, 2018 Palais de Tokyo, Paris, 2018, photographs by Ayka Lux. A video recording of the performance is available at https://www.gabriellegoliath.com/full-video_joan-thabeng..

CONFERENCES AND WORKSHOPS

'Rehabilitating Images of Justice in Post-Apartheid South Africa' — *Art and Conflict: Investigating Cross-Disciplinary Methodologies*, University of Melbourne, Melbourne, Australia, 25 – 26 June 2018.

'Rehabilitating Images of Justice in Post-Apartheid South Africa' — *Association for Art History's Annual Conference*, Courtauld Institute of Art and King's College London, London, United Kingdom, 5 – 7 April 2018.

'Storytelling, Trauma and Fraught Histories: The Role of the Curator in Post-Apartheid South Africa' — *Rethinking Art History and Visual Culture in a Contemporary Context, the 31st Annual SAVAH Conference*, University of Johannesburg, Johannesburg, South Africa, 28 – 31 July 2016.

'Reimagining the Constitutional Court Art Collection — *The Arts of Human Rights*, a workshop collaboration between Bard College and the University of Witwatersrand, Wits Institute for Social and Economic Research, University of the Witwatersrand, Johannesburg, South Africa, 5–7 August 2014.

APPENDICES

APPENDIX A: TRANSCRIPT OF JUDITH MASON DISCUSSING HER EXHIBITION *RECENT WORKS BY JUDITH MASON, 1998*

2 February 1998

Karen McKerron Gallery, Johannesburg

Cassette tape recording in the possession of the Wits Art Museum archive

Transcribed by Stacey Vorster and Lois Anguria

46 minutes, 82 seconds

JM Judith Mason

JM Basically, it [the exhibition] concerns those two people (their names are stuck on the wall there). Two people whose stories moved me very much when I was following the Truth Commission. All my life, I've been fascinated by politics, and it was a very... [unclear]. All my family and all my friends have always been... [unclear]... but I really felt, until now, that, you know... [unclear]... activities were separate from... [unclear]... so I used to be quite involved with... [unclear]... And, fact that these... [unclear]... that anyone.

I found that I wasn't able ... and I had... [unclear]... to celebrate these people and to celebrate people and to celebrate the upliftment [Unclear]... for the works... [unclear]... I used to have a... [unclear]... for my life. For the first time in my life... [unclear].

A woman and a man. I started off by trying to... [unclear] but then... you sort of... [unclear]. I wanted to [unclear]... people, [unclear]... say: look at this, look at this. As if I'm being... [unclear]... about [unclear], as a woman, as a man. [Unclear]... by being this sort of icon... [unclear]... in painting.

Because I'm one of those artists who isn't a designer, and you can probably work out which is your designer, and which are sort of expressionist from your own work. Designers are able to see things very clearly and put down the right marks. I think those of you who are more expressionist like me, you have to put down the wrong marks. You know, while I might have put down the wrong marks you gradually... [unclear]... press towards the correct marks. I had an artist doing work with me who said, "You must never use an eraser! Never ever use a rubber!", but I'd be dead if I couldn't use a rubber because I don't know what I'm doing. I don't know the bad marks, so you wipe it out and then make next bad mark. You gradually build up to the version that I want. And you... [unclear]... my attempt to make my paintings work.

Either the man or the woman and I think I found... [unclear]... a sort of intimacy and... [unclear]... and I

found her an easier person to treat... And I decided that I had to also respect an instinct I had as soon as I read, especially Antjie Krog's article on the woman. The first thing that came to my mind, you know, that was terribly sad for her. The first impulse I had was, oh a child has died, I thought, "Oh, I wish I could make her a dress". Then I thought, "Well make her a dress. Collect plastic... go to the... [unclear]... and make her a dress". And then the next impulse I had was I wanted to write her a letter on the dress. And it took a very long time because I wrote dozens of... possible ones... [unclear]... and I don't know if any of you do what I did. When I was your age, I wrote poetry. I wrote poetry that was so bad it made me want to die [Laughter]. The thought of it now, I think, "Oh dear, if only there had been heavy metal"... [unclear]... such a fool of myself. [Unclear]... I remember I had such... [unclear]... for myself... [unclear]. I found that whenever I tried to express something emotionally, I'd go, "Gee, I... [unclear]...". But I'd put down a line so says what I wanted to say.

I decided to play with the rubbish of the... that surrounded the people, like the plastic, which was all found, blowing about the... [unclear]... and blowing about the streets. And, you know, I washed the little bags and then cut them out. I made three dresses before I got the right one.

And then I wanted to make a catafalque for her because when I was staying in Italy for a couple of years, [I was] very impressed by Italian funerals, which, like most things about Italy, are very visually splendid. And, you know, they had black horses and black tombs and they... [unclear]... at the tombs in their names and the coffins they carried to the churches had beautiful black catafalque fabric. And I found that little basket in an outhouse in my very old house in Simonstown and decided to use that, almost symbolic of the cage or the cell in which this person was kept. And then I kept a sort of diary of quotations and incidents and bits of poetry pertaining to my interest in South African politics and particularly, you know, sort of developed over six months of my acquaintance with these people. And each of those... that's like a book, you know. Each of those little strips is meant to be read and it says something about the sort of tragedy of her life.

And I... [unclear]... that with this book. Because, you know, I'm very interested in making books. So, I do some really strange, sort of, artist's books. I did a big Dante book and an illustrated book of... [unclear]... poetry and all of which I... [unclear]... which I thought that bits and pieces of off prints that I'd send to schools, if you like. But I decided to make a daft book using the instruments of torture, like the hose pipes that interrogators often beat people with, and the inner tubes of, they call it tubing, you know, when they put the tubing over people's faces and stuff like that. And use the plastic bags also. And to try to take these commonplace, innocent items, take them away from their abusive context and turn them back into a sort of anthology of poetry, of little extracts and things, which try to explain the confusion and the muddle and the tragedy that we actually found through a certain amount of skill. And I wrote these down. But one of the things about working with plastic is that it's horrible to work with, you know, it just slides, sometimes the plastic just evaporates if you put turpentine on it.

And... [unclear]... the other objects to do with, you know, like these things were to do with the man. Because I thought, "I want something very quiet for the woman", like this thing that blows about very quietly and that thing I had in the doorway in my house, and it sort of blew... made a very quiet sort

of statement. My thoughts for him: he needed a trumpet to accompany the singing that he did just before he died. And he asked to sing Nkosi Sikelel. And I took the second line of Nkosi, which is the line about raising high the horn. And I printed it in this sort of... [unclear]... sort of abbreviated Xhosa that also reads as Zulu. And I raised high the horn. And I just used horns that I found. And I used, for the mouthpiece, there, of the trumpet, burnt rubber, which... [unclear]... has all sorts of connotations on both sides of the struggle. The abuse of material and turning it into a useful material again.

And then the other, you know, and I have it in this room too, are just the items now rather romantic. I do respect them, but they are romantic, sort of homages to him with the lions and partly crying and partly singing. And the hyena being partly a scavenger and partly a predator with her in the landscape.

And then... [unclear]... really responds to something that I wanted to do over the next few years. I've collected... I'm a complete junk fanatic. I collect anything that's lying on the ground. My house looks like a... [laughs], well I was accused of being a Satanist by some sheriff who came to serve papers on the previous owners. Then, I've got bones. I love bones and I stick them up on, you know, on my walls and things. And I love bits of seaweed, and I love any rubbish, and I decided to paint it. I pick up an owl's skull on the road, and I pick up... [unclear]... a dead... [unclear]... of which a skeleton was made out. I think oh gosh I'll use this. And I just wanted to make icons saying day, night, thunder, and fire. And to use colour, and to use that sort of... [unclear]... grid that I love. Some people say it's too much because I use it all over the place... [unclear]. So, icons, but with a playfulness about them. My new exhibition is a small one, and much more focussed on what I wanted to say. Having exhibitions can do a number of things, and they perhaps fight against each other and sort of dissipate, but in this case, partly because the exhibition space, it is particularly almost like a chapel to come into. You can focus on a few ideas. [Unclear; laughs]

Attendee I just want to know, before this exhibition, what did you make before that?

JM Quite a lot of my... [unclear]... there's sort of always been an element of social concern. I'm quite the busy body by nature [laughs]. I fall in love with... [unclear]... like I did a number of things on Cape Town street kids because my daughter was working... [unclear]... and I had learnt my... [unclear]. I've got amazing kids, they wore little skirts, and one of them came back and... [unclear]. It became very, sort of concerned about the number of pictures of how they were like... [unclear]. I'm very interested in anthology... [unclear]... the kids of the... [unclear]... freedom, and it was quite logical. But I like painting animals. I'm very religious, I'm fascinated by religion, and I'm fascinated by folk art. When I collect art, I don't buy paintings very often, but I love India and Nepal and have been there a couple of times and would like to live there, I think. And I love the sort of cheap folk art that one buys from those communities. You know, pretty bright, and with a sort of significance that suggests that the world isn't just a consumer mall. I get very agitated about consumer aspects of things. I'm a pompous ass that uses painting as a way to... [unclear] [laughter]... one of my kids thought my little flips out of the way. And that's what it is, it's another form of expressionism. One of the problems I have with exhibiting really is that I am very introverted, and I am shy. And I like to just stay at home and I may never speak to anybody in my life. And painting is a way of almost communicating in code. And I think a lot of

you are probably interested in the arts due to that line of defense. But I do want to communicate with people. I do want say I feel so... [unclear]... about these... [unclear]... and I feel so wonderful about these heroes... [unclear]... army [laughs].

[Unclear]... know that as soon as you are creating, fighting against the... [unclear]... making is whatever torment one has to cope with. I think it's probably the least enviable time of your life. I would pay money never ever to be a teenager again [laughter]. People really don't appreciate how absolutely horrible and stressful it is to have to go through. I think one of the real joys of doing art is that you don't have to go out and get on busses or trash towns, you actually making and breaking and in control of some part of your environment. And I think I've always wanted that, and that's why I paint. I like have absolute control of one tiny little piece of the world. I don't want control over others, but I do want control over my space. That's a big reason for being an artists I think.

How do you think... [unclear]... [laughter].

Attendee Another question... [unclear].

JM Yes?

Attendee Do you... [unclear]?

JM That's why I work on... [unclear]. I use pictures... [unclear]. I... [unclear]... for power reasons. If I do something right, I have to paint further on that, I risk messing up what I got right. Then I use a sort of interim varnish... [unclear]... but it does take half a day to dry. I take months to finish pictures. I do find it very helpful to work on half a dozen at a time. Because you know, you get to a point when you just can't solve that one anymore, then you go on to the next one. Then of course... [unclear]... chance to get a sort of tone over another, and you get a sort of vibrancy. The other thing to do, if you are stuck with a picture is to start with a picture, and I often move pictures from my studio into my kitchen, or my bedroom. You get a different context, and you start to think of what you should have done, you know. You see the possibilities for solving the problems. A lot of painting I think is tricking yourself, into making that connection that you can't make. It's one of the good things about having criticism classes and sharing your studios, even for people who are very withdrawn, and don't like working in communal space. Other people are able to... [unclear]... ideas, even if you get the ideas, it starts your own processes again. Movies sometimes do that too. There so many little solutions coming into your mind, it's pretty exciting.

Attendee [Unclear]... kitchen... [unclear].

JM I do something very sort of rich and baroque. Sort of, double torso figures, because I love the way people do a double take, and they think that's an odd figure. But it is a deformed figure. I'm very interested in how you make... [unclear]... that looks... [unclear]... and intact, that says something that's symbolic, before you think oops... [unclear]. And it's sort of an intention, that is derived of the union

of torsos. You know I am terrific proof, and I also fight over it... [unclear]... depicting of the sex, but I like... I wanted to express the sort of joy of partnership in a way... [unclear]. [Unclear]... sort of iconic moon or something or other night things orbiting around it. It does feel when I did that... [unclear]... that it had a sort of presence that translated into various times and... [unclear]... various sort of shapes. But you can't analyse it down too much, because then it becomes absurd. And I'm often guilty of this, where I'm trying to explain painting past the point where I need to. There's got to be a touch of arbitrariness in a painting for it to work, and the funny thing is, when I've done really bad paintings, I've done things where I over-explained. I'm very inclined to do that. And when you leave a little sort of gap that jumps between the spectator and the painting it makes it work out. I have identified it in my own work, sometimes, but I certainly can identify it in other works. Like when I mark students, for example, at the end of the year. The good work has literally nothing left to... [unclear]... it jumps out at you, saying pay me attention. Some of the very laborious beautiful work hasn't got that.

I think good painting exists in terms of power: how much power comes off the walls. Surely, you've felt that when you've gone to public museums and things. You walk past a lot of the stuff and then something jumps at you. I went to the Louvre, I was walking like this, trying to not look at the pictures, because you know, a lot of them just, you respond to them but they... [unclear]. Van Gogh, always for me. Goya, always for me. Then things like the... [unclear]... theatre, like scream off the wall. Surely, you've had that with your own work, haven't you? It really hits the spot. When you can't take your eyes off your artwork. (laughter) Of course you've got to love your work. They're your children, they're your heart.

Attendee [Unclear]...

JM I love skulls, I just collect them. [Unclear] [laughter]... and I'm very keen on birds. If I had another form of education, I think I could have been a zoologist. And I... [unclear]... it's way. But with the bird shape itself, it's a quadruple edge of a dead... [unclear]. And I took it to my vet to do an x-ray for me. And then I just drew the... [unclear]... I just used tracing paper, and drew a big tracing of the skeleton, and I doubled it up. And then I put a small image of the skeleton between them. I love the way bones and skeletons work. And a great friend of mine... [unclear]... at... [unclear]... college. And I remember going to... [unclear]. And above the door they carved a very nice slogan which suggested that form is actually function. Function caught in a particular moment. And I think that when one is looking at artwork, the real artworks that really count are the ones that in some way leaping off the wall or have a light.

So, when you're doing live drawing... Some of the best tricks, somebody told this to me years ago, and it's been so useful. When a model is sitting like this, or something, and you think: "that arm looks funny, or that spine looks funny". This person said: "Instead of worrying about what your drawing looks like, take up the pose." And I tried this with a particular drawing, to pose. It was a male model, and he was sitting sort of like this. And I couldn't get anything right, and then I took up the pose. And immediately you can feel the stress of the spine, and where the accent is, where the pull is, and the knee and the hand and that... And your drawing immediately improves. A few times, I really found it a terrific help, because I find full figure life drawing a very, very demanding exercise. You know, and

what a difference... [unclear]... over and over again. Some people can do it, I'm one of the ones that struggle to do it (laughs).

Attendee How much planning do you give... [unclear]... creation... [unclear]... drawings?

JM Yes, I do. Well, I work all the time. You know haven't got any other motivation really. I only feel happy in my studio. And if I'm not... If I haven't got a decent work, sort of, half done... and leave it alone... Like if I come back from holiday or something, I find it quite difficult to get into it. Because I think it's like playing tennis. It's eye hand coordination, much more than anything else, you know. And I think it takes about three weeks once ones had a break, for one's hand to do exactly what one's eye wants to do. You know, I think the... [unclear]... when he said that he thought that all these things that required physical skill, were like sports. You have to heat up beforehand. But I try to draw every day, and I try to be in my studio for a big part of every day. Even if I'm cleaning up, you know. If I'm really desperate, and I often have days when I just feel everything I do is rubbish. I clean up the studio, and make everything nice and neat. And that's very comforting. And I like housework for the same reason, cause I... [unclear]... I sort of work in all my rooms, and... [unclear]... and I find housework very comforting because you can think your picture through while you're doing something else that's quite constructive. I also find that, I used to not believe that... [unclear]... just total rubbish, but is I'm really stuck with a piece of work, I go to bed, and I try to think about that thing as the last thing I think of, and some... [unclear]... your unconscious you deal with a lot of problems. And a lot of the time I wake up the next morning, and suddenly a sort of design or image problem that's been alluding me slips into place. And I think it's just because you allow your head to play around with it, without this awful ego bullying you, saying: "No, that's not right! No that's not right! What a silly idea!" I think when you relax... It's why I like going for walks or swimming, or watching movies, or mountaineering or anything such fun. It's that your mind can still play. Housework is still fun, because your mind can still play, and come up with solutions when you're not actually pattering away at the problem all the time. I think up to a point when one's trying to get a piece of work finished, to confront the problem, and to wrestle with it is fine. But one's got to actually realise when one's beaten, and then take a break You find suddenly all that energy comes back and gives you the idea. So lovely thing to experience.

Attendee [Unclear]...

JM Ja...

Attendee [Unclear]...

JM That's right.

Attendee What do you think... [unclear]?

JM Oh, lots of things! Equally sentimental in a way because I collect ammonite. I find that whole spiral shape absolutely fascinating and energising. But my favourite place in the whole world is always...

[unclear]... mountains in the... [unclear]... in the land. And there's a very deep... [unclear]... and a lot of, you know ammonite which have got spiritual significance in Hindu cosmology. I'll excavate it there. And it reminds me of the best time I had in my life, being there. And I just like that way, that open ended energy. The sort of scrum rhythm of it, and the animal nature of it, and the way they look like tiny little universes. You know that one that I work from quite a lot, is actually a tiny little ammonite, an untouched ammonite, which is one of my favourite objects. I think Ben probably took it away from me. I've actually would feel that I was handicapped, you know. And it cost me the equivalent of about a rupee and a half. From a little guy selling it on the road. I think everybody has images that dominate their thinking, and salt has always done that for me, and ammonite, and shells and things. And other people, you know, it's trees or signs and things. ...or people... [unclear].

Attendee Those four at the back, do you see them as one?

JM I did, but...

Attendee [Unclear]...

JM I worked on as a quartet really. I couldn't divide them up in my mind. So, the trouble is, if you work on a fairly large scale, you know where do you place them? My interest is the fact that I've earned my living from it, and I'm terribly grateful when I do. And I am actually able to fund the next year from what I've sold. I don't have really of my own work at home. Not because I don't want it, but because I'm not actually that interested, I'm interested in the process. I work solving the problems, you know. The pleasure with which I wake up in the morning thinking: "Look you can wrestle with that, or wrestle with that." I mean problems are the worst as anybody else really. I mean sometimes you connect with other people, but I know... [static]... work the problems out yourselves. I also think that some are... [unclear]... much to the measure of connotations. I think that really good painting gives somebody else a feeling of delight. And to get that sense of delight across, is an act of love. It's an act of generosity. I think the thing that keeps one painting is hoping and wishing that one day, one will be able to embrace somebody symbolically across the... [unclear]... chasm from picture to person. I find that the most moving thing about looking at an artwork that I love is the feeling of absolute overwhelming, not necessarily affection, because sometimes you start staring at something very, very painful, and overwhelming confirmation of the fact that life's worth living. I think that I get that from Goya, I get that from Michelangelo. They're not many... [unclear]. I actually once hurt myself [laughs]. I was in the Museum of Modern Art and there's a wonderful painting called The Last Confederate Soldier, and I keep forgetting the name of the modern American painter who painted this thing. I was standing in this room, a crowd of people behind me. Lots of Japanese going "click", and lots of sort of anxious looking elderly women getting their culture. And I found myself standing in front of this thing, and I went "ooff", like this, and everybody glared at me. And I felt like an absolute idiot, but it literally was as if this painting had hit me in the stomach, you know. And that what I love about exhibitions, and art galleries and things, the way some stuff walks off the wall and says listen to me! You know? And grabs you and demands your attention.

Attendee Could you tell us a bit about the whole Dante thing?

JM Oh yes! I like poetry very much. I always have. And I always thought that educated people should be able to understand Dante. And I tried a translation, and I couldn't get into it. And my husband and I went to... [unclear]... years ago, about thirty years ago, or more, to... [unclear]... on a sort of ten-day walking trip. The only way I could get to know Dante, was not to have any other book that I wanted to read in the car. I just had Dante. So, there I was, I'm a book junkie, I have to read every day or I will die [said with a mocking tone]. There was nothing else to read but the book that I had established that I couldn't read. And because I had nothing else to read, I fell in love with Dante. At that point I was going through a very, sort of, orthodox religious phase. I was brought up an Atheist... so the discovery of... a very serious Atheist family, not just a family that says believe what you like, but a family that says don't dare believe. So when I found orthodox religion, it was a magical thing for me, and I fell in love with Catholicism, absolutely. And that profoundly affected... [unclear]... deeply identified... [unclear]. And Dante's way of viewing the world, from hell up through to paradise, I found fascinating. I love medieval history, I've always been very keen on it, and just getting to know Dante was a huge thrill and I did some really bad paintings about Dante when I was young. And then about ten years ago, an American publisher came along and said would I do a book on Wilma Stockenström poetry, and I did that. And then he said: "What about doing a book of your own choice?" And I thought of doing all the animals and the creatures, and the strange things of Dante. And I made a sort of... [unclear]... of Dante, and that was fun. But you know, there I was trying to use my sort of reverence for Renaissance drawing, for medieval thought and everything else. A bit self-indulgent, but I did enjoy it, like illustrating books. When I find poetry that hits the spot... [unclear]... quite a lot of poetry that doesn't hit the spot... [unclear]... but making books, art books, is wonderful fun. Okay. I think I'm... [unclear]

Attendee Can I ask you a question? It actually directly... [unclear]... do you... [unclear]... think of artists as directly influenced by... [unclear]?

JM No, I don't. I think not consciously. But people say hey, that's very reminiscent of, and point out to me. I've got a sort of sainthood with the guys who've stamped my brain, and also other things affect one when one isn't in fact in charge. Some visual images come to us so strongly that you find that you're absorbed into your own thing. But I'm bad at keeping on fey with contemporary art, partly because I'm not interested in a lot of it. A lot of it speaks, like a lot of contemporary music speaks, to another age group. Quite a lot of rock music doesn't hit the spot with me anymore where it used to. And certainly rave, techno rave, it just drives me clean up the wall, I wanna kill anybody who plays that. I've got a... [unclear]... in my room, in my studio on... [unclear]... I get up with an axe, try and hit it into pieces, because it plays (squeaks) [laughter]. I think people... [unclear]... a little bit older, you explore the ground you know, hopefully more deeply, rather than being experimental. I love watching... [unclear]... but I don't do it as well as an art teacher should do. It's very selfish now. Sort of my small way of indulging myself (laughs) I've got to run off... [unclear]... so, thank you.

Attendee Can you tell me about the technical aspects? You're working on hardboard?

JM Ja.

Attendee Why not on canvas?

JM Oh, I love working on canvas, but I'm very harsh on canvas. I tend to lack finesse. I'm quite punishing to a surface, and at least hardboard stands up and takes it. Canvas is much more expensive, and I find that I wear canvas through. I do work from error to error. I wish I didn't, but it is the way I work, and hardboard, which is archivally acceptable, is the only surface that I find takes the punishment. And every now and again I'd proceeded in painting, a good painting on canvas, but the piles of expensive canvas that I haven't managed to work on, you know I've got so little... [unclear]... at the back of my cupboard... [unclear]. Cause you know canvas, as you've probably experienced, when you scrape away too much, and make too many errors, it takes the tooth off, and it also leaves with the floor. Whereas there's something really banal and ordinary about hardboard, and it takes anything that you throw at it. And I make lots of mistakes, that's just the tip of the iceberg of the mistakes. That's something that I wish people had told me when I was a younger student. Most of art making is making mistakes. You imagine that professional artists stand and do their thing and it's done, but it's not. You keep around, kicking, screaming, and swearing, finally find one or two little things at the end of the experience that have something to do with the production.

Attendee Do you find that the work that... you're talking about some work, and it's not finished?

JM Not with these. I used to do that. Now I think sometimes they are unfinished, or they still seem arbitrary, but I know I can't go further with them. The experience is finished for me. What I do have a problem with quite often is that I over finish work, you know. I know when I've taken sometimes photographs of work and I keep a sort of record, which is quite a useful thing to do, I look back three or four stages and I think, well that had some sort of energy that you've lost. I think I've got a horrible capacity to over explain, and not to trust the spectator. I think they won't understand if I leave it like that, but of course they'll understand. And I over-elaborate... [unclear]. Quite often a stage or two behind the finished stage, is the stage where one should have left things. I've got much more aware of not overdoing things, because I'm afraid... [unclear].

Attendee [Unclear] looks a lot like computer lines. Are you consciously influenced by... [unclear]?

JM No, I don't have a computer. The best thing to my knowledge of a computer is trying to remember which way to put my... [unclear]... in [laughter]. I'm a technologically... [unclear]... [laughter] but I do find a lot of computer-generated work has a screaming pitch of hard edge. Rather like the... [unclear]... artists in my third year of art... [unclear]... was a big artwork. I tend to be afraid of colour, and I like having the adventure of using hard edge things. Especially with that one there when it looks like silkscreen, and then I'm quite pleased. So, this wasn't silkscreen. I went through several tonnes of badly mixed paint, to get those colours and trying to keep it me, and I think I am influenced by ads, and some music videos on TV, and the pretty ridiculous visuals. Some advertising stuff is so good that you sort of stains your brain even if you don't want to be influenced by it. These ones are unusually

bright colours for me, because I tend to be one of those nervous Nellies who likes a bit of beige and touch of brown, teeny touch of indigo. For me to do whole painting really, is quite something, I tell you. I'm quite pleased about it. [Laughs] I use cheap oil by the way, for browns, and blacks, and things... [unclear]... all the earth colours, and then when I want to really see the purple or pink or something, I buy a very expensive paint... [unclear]... as much as the painting is... [unclear]... because you can't get that glow with student paints, or any of the other colours at all. Because that's the radiance of... [unclear].

Attendee When did you... [unclear]?

JM I was lucky. I was so good with school, but I was kicked out of maths. I was naughty in domestic sciences, you know I was dumped into art really, but I always liked doing art. I never thought I'd manage, so I taught for about fifteen years. So, through my mid-thirties, before I started freelanced just as an artist. Almost just as an artist. And it's funny, I was speaking to people like Yvonne... [unclear]... that sort of generation at a party once, and we were discussing this, and we all became freelancers in our late thirties. And you've got to have another string to your bow, or else a very rich mommy and daddy, or even better, an extremely rich and indulgent mother [laughter]. And... [unclear]... hard to find. Or become... No, better not say that (laughter). But I was just thinking... [unclear]... those guys who keep performing... [unclear]... just want to pay their paint accounts, at the art shop (laughs) it's an idea. Are you going to be... [unclear]?

Alright.

Attendee Get some... [unclear]...

JM How much... [unclear]... (laughter)? How much is my silence worth to me? What else?

Attendee That picture over there, don't you want to... [unclear]... about it?

JM This is one that sort of falls between... [unclear]. I was trying to, you know... she is the person who... [unclear]... the situation, almost the blessing, or the aggressor on one account... [unclear]... she's sort of saying what to do, whispering. In this one I wanted to find a truly suffering and sort of dilemma, trauma of this horrifying thing that happened to her. I used this... [unclear]... target, the tracing, and the target. And then I was reading something very moving that... [unclear]... wrote to me, saying that, I can't remember, it's about the intimate nature that develops between the person who is being interrogated, and the interrogator.

And I know lots of people have... you know all through the second world war, you know. Spies being interrogated, and so on. This intimacy that occurs between the interrogator and the interrogated. And I think... [unclear]... into this aggressive figure packing would be the person behind. And then to... [unclear]... this into the line of target, uniting them in a way that is intimate without being erotic in a sense. Also, these things, I found outside the old... [unclear]... cemetery in Simonstown, one of the

most beautiful places I know. It's with... [unclear]... put these things out... [unclear]. One of my middle-aged eccentricities is scooping them up... [unclear] while everybody... [unclear]... I keep my... [unclear]... in my pockets... [unclear]. But I've got... I couldn't manage to... [unclear] any further, but it's what I call a study, it's not the final statement that I want to make on that... [unclear]... at all, but it's helped me get there. Anyway, I'm going to run, because I'm hoarse, and tired, and you are, I think, very forgiving.

(Applause). (People talking at once).

Recording ends.

APPENDIX B: TRANSCRIPT OF INTERVIEW WITH ALBIE SACHS, 2016

2 February 2016

Constitutional Court of South Africa, Johannesburg

Digital recording in the possession of the author

Transcribed by the author and Naudia Yorke

46 minutes, 82 seconds

AS Albie Sachs
SV Stacey Vorster
NY Naudia Yorke

AS I am looking at *Aluta Continua*, which is placed on the staircase from the original awaiting trial block, and it is the most upfront of all our art objects and it was obtained from the most distant source—I can't even visualise him. I am not even sure if I met him. So, there was an intermediary—and he is a South African who had to use a Portuguese word. The term “*aluta continua*” entered the South African consciousness after the overthrow by the army in Portugal of the fascist dictatorship, the victory of Frelimo in Mozambique, and it became one of the slogans being used in 1976 after the Soweto school children's uprising. So, it represented a leaping across the colonial divisions of portions of Africa conquered by the British, portions of Africa conquered by the Portuguese...

SV That is really interesting.

AS And having spent eleven years in Mozambique that is very automatic and obvious for me, so now I am a South African, English speaking ending up in Portuguese, learning the Portuguese language. And here is this guy in Brazil, so it has got an emotional connection with me. It is not the kind of artwork we would have got early on—it is too affronting; it is very much in your face, it's too sloganized; it is a slogan. And we wanted art that is not connected to a particular movement, any particular formation, that is not connected to any aspect of the struggle and is art that resonated with the Constitution in a non-partisan way. So, people coming here looking for struggle art, they won't find it.

The closest is the back portion of Kim Berman's *Fires of the Truth Commission* and that came as kind of a package. So, there are wonderful black and white drawings that she did, that quite often get used in filming and so on because they represent what people are expecting of Albie Sachs' collected artwork; they are expecting to see art exactly like that. And they look around and there is nothing there and that was a very conscious choice on my part. No one coming to the Court must feel the

Court has made up its mind, they are not interested.

The most poignant example of that for me is when Diane Victor offered us some very exquisite, strongly feminist drawings or graphic work, uh, but very strongly feminist. And we have cases, many cases with issues of gender inequality and if somebody comes to Court with that feeling “well there you are, you know, the judges have flown the flag of feminism, that is where you stand, and it is a waste of time coming to court” and people should feel that. If you like, the Constitution is, I think, is a feminist document; it has the terms of non-sexism in. The definition of freedom was established uniquely by a block of women in constitutional assembly and so freedom includes freedom from violence from public and private sources—not just state violence, but domestic violence as a constitutional right not to be subjected to that. But the terms are wide enough to make it part and parcel of the text to be used when you are sitting on the bench; there is no imagery that solidifies it in a very overt and very partisan way.

What was impressive about this [Mulcaire’s] work was a sense of calmness; it is not presented as a kind of slogan on the wall, that is shouting out. And remember now—he did want it to be seen from afar as a beacon. And I was unhappy with that. It is like a flag-mast, and it is too closely connected; it needed taming; it needed contextualising. And then I think it was the architect, Janina, on the Artworks Committee who said it would go very well with the actual slogans that were retained on the wall. My regret is that the brilliant light hasn’t been tamed and I am hoping that will be done.

SV It is neon, so the medium doesn’t allow one to meddle with the brightness, but it is on the list.

AS Brilliant, so it will require a sensitive thinking and Thomas will have to accept that it has got to be friendly, and at night it is even stronger. And there is something about the whole tonality. I feel it is a very warm collection; we were looking at human dignity as a core to me that comes through, and there is no artwork that denounces, that proclaims, that shows and you need art that denounces, proclaims, shouts—but not at this institution.

SV Absolutely.

AS You will see immediately underneath is an actual “Viva MK” and there regarding a few others if you look more closely.

SV That is something we should do.

AS And they are original artworks. It would be interesting even to work out the timing of it, you know when would a “Viva MK” be put up there? Maybe even after, certainly after it [the prison complex] had been decommissioned...

NY Very much like a palimpsest?

SV Yes, very much.

NY The wall is like palimpsest, with writing over and over.

AS Yes. Yes.

SV Lovely. And Suhaila [Mather], the student who is very interested in graffiti, so I think that is probably something she hasn't really looked at. That's great.

AS Then she knows the signage...

SV Yes, Garth Walker?

AS ... and he used the graffiti as one of the elements, together with street signs, together with [former justice] Zak Yacoob's handwriting.

SV Yes. Do you know? I think they reference a particular piece of graffiti that is apparently in a staircase, it's not in this staircase. Is it in one of the other three?

AS There is a great Miriam Makeba song... (singing)...

SV One of the other objects is the logo, so we are really trying to think about the moment between design and art; but also thinking about that search for an "African" aesthetic. So maybe you can tell us a little bit about that? Of course, we know a little about Carolyn Parton and we know some of the symbology and how that is being developed. And I vaguely remember hearing (I hear all of the stories passed through Jane Lane), she said something about your son Alan refining the design. Will you tell us something about that?

AS When the Court was established, we were sending out formal letters, announcements and so on, and we couldn't bear the old South African logo. And it is quite an elegant logo—there is nothing intrinsic to it. The imagery is European but has been given a kind of "African" thing (it has a lion and a kind of a unicorn, which could be from the veld a little bit). It just reminded us, in my case, the binding order of Gods. And it would have that stamp on it, the laws, group areas pass laws and so on, it would have that seal on it—an idea that the Court would now be using that logo, we just felt it couldn't be, and I think it was Arthur Chaskalson's son who said we need a new logo. And it was a new court, it wasn't a branch of the old judiciary, which some people had fought for; it was a new court, part of the traditional structure, but intended to have the last word, and the Supreme Court of Appeal continued having the last word on all matters except constitutional matters. In those days in the interim of the constitutional period, if you wanted to raise a constitutional matter you would go to ordinary court and suspend the proceedings and refer the constitutional matter to the Concourt [Constitutional Court]. We would make a ruling and send it back, which emphasised again the separation of the Court from the rest of the judicial structure.

So, it was felt we should have our own logo. At that stage [former justice] Yvonne Mokgoro and I had been given the task of décor. And I think it was mainly to find something for us to do. Everyone else had something to do. We were given R10 000 to do something—to prettify the temporary accommodation we were in. And [former justice] Kate O'Regan knew somebody who knew somebody who knew a good designer. So, on that very scientific basis I went to Carolyn Parton's office, and I knew straight away. Maybe, looking back, it is what her office did not contain; it wasn't a studio with a studio "look at me" ambiance. It was a place. Oh yes, it is what is not there, there is nothing artificial, let's see emphasis on technology. It was also herself and her appearance. It was not a heavily made up "look at me" ... look at the amazing appearance I've got. It's just the absence of that. Somebody with a freshness of originality. At that stage I didn't know that her great-grandmother had acted in the great resistance and that there was a bit of a family history of rebellion against injustice.

And I was pushing very hard for what the symbols should not be. We fought so hard for our justice. We got it ourselves. We are not copying. We got a constitution when nobody gave us a chance. Surely, we should have an imagery that was ours. And then I said to Carolyn, "The two themes you might explore: the human face or the tree" and give us some samples. And she said "Okay, come back in about a week" and she had about ten of each and it must have been (we were appointed in October, our first meeting was in November) this would have been in December. I brought the materials for them to look at, a South African gone to London who had been a graphic designer and was then a lawyer, and he said why don't you put the people with the tree. And suddenly that was the answer and not a choice. What Carolyn did marvellously was that it's got a lot of detail in it, but it is composed. It doesn't look overly busy. And you get a real connection between organic quality of the tree and the nature of human beings, and the diversity of the South African nation. The black and white almost indistinguishable of the other, almost forming the outline of the other also comes through very, very well. I think she came up with the idea of hinting at the flag in the trunk and then there was the circle. And, at that stage, our son Alan, who had done a beginner's course in graphic design at the Chelsea School of Art but hadn't gone beyond that. And, he had come to South Africa and started at the technical school on the edge of District Six but didn't go through with that. And he is now working at the Mayibuye Cultural Centre at the University of Western Cape [in Cape Town] and he said, "A circle is very enclosing. Can't you open it to let the leaves open it up a bit?" and he showed it to all the judges, and we liked it. We had to get it ready for the opening which was on the 15th February 1995 and so I think the design was completed in Jan[uary] and was sent to whoever did it. And the plaque very consciously includes all eleven languages. [The Court was] opened by Nelson Mandela and there are lots of pictures with Yvonne standing at the formal opening at our temporary accommodation. I am not absolutely sure of the status now. We have promoted it quite a lot through our imagery. I know quite a lot is done through email now.

SV We do wear our pins as much as possible, so it is visible. To lead on naturally to the other objects, your voice is heard very clearly. Can you say something about what you think Yvonne's input was?

AS I was the mover and shaker, I had strong connections with the arts community, confidence and excitement and bravado. This was our moment to do something. And Yvonne—it wasn't just in

the artwork—if you go through our decisions, you will find quite often just the two of us would dissent. But we had that agreement; it was a vision, a sensibility, a way of looking at the world, understanding the world and a certain softness in the way, in style in personality in voice...

SV You get that from meeting her, I think...

AS ... And Yvonne has had quite a strong, good aesthetic in her dress, in her home, in her presence; she is not straining. And she was always there to give support and backup and a kind of emotional resonance. At a later stage Janina [the architect] became the key person.

SV Particularly with the competitions, I assume, and the commissions?

AS Yes, once we had the building—the building was going up and then we had competitions and she had lots of contacts of her own. And, particularly in Durban, but not only in Durban. The only failure was on a dramatic scale. It was the condoms on the roof. And we spent something like a million rand, and we got it replaced, and somehow it wasn't inappropriate for keeping. But the judges hated it. So, the idea was that it would be taken down and the money would be replaced and I don't know how—what the bookkeeping was—but the nett result was that we ended up with more money in the bank.

SV When you say “condoms on the roof” it makes me think of waterproofing. I mean, I wish we could put a big condom with the water leaks we get so often. Okay, so moving on, you spoke about softness, and many of our students are talking about textiles and there is a deep sense of tapestries and carpets and transitions between them. Maybe we can talk about some of the carpets to start?

AS Alright, the textures were a deliberate choice right from the beginning. Court buildings in South Africa are hard, echoey, and there was a form of architecture or interior décor that I particularly loathed: wood panelling, dark. And I can't quite explain why I feel so distressed when I see it. There is clearly something unconscious going on there. So, we have got temporary accommodation in Braam Park. And I agree that we have got to soften because really, and office space is just temporary. So, we put curtains at the back, we wanted soft material in there. We were unaware of any court in South Africa that had soft curtains. The person from [The Department of] Public Works couldn't believe it. He was used to trying to sneak in a tiny bit of aesthetic to these judges who are rule-bound, formalistic, who want impressive, heavy kind of buildings. And he discovers that we want these soft textures, we want colour. So, you look at some of the early pictures of that temporary accommodation and you see it hasn't got your [typical] court room ambiance. I forget what the seating was but again it was soft seating, not hard seating. So that was one aspect. So, what do we do with the R10,000 given to us for décor? I felt our first work should be produced by an African artist. Burman (Kim's mom), her gallery was in Braamfontein, and I saw a very nice painting by Joseph Ndlovu, and I said “Wouldn't it be wonderful if it could be turned into a tapestry?” and so I think he got R5,000 and R5,000 went to the people who made it. And I think it was the Marguerite Stephens' studio.

SV You will be excited to know that he [Joseph Ndlovu] is doing another work for us. Actually, an interpretation of an Ernest Mancoba painting through Bridget Thompson.

AS Oh, I know about that!

So that was our first work. Then, I went to Linda Goodman. I think I had spoken at one of her fundraising auctions. I had spoken about my interest in art. I had written about culture. And she is a progressive person and she supported amongst others, African artists such as Dumile Feni, and he was very tough with galleries, but he really spoke warmly about Linda in his very early years. And I said “We don’t have any funds. We had R10,000. It is all gone. Is there anything you can offer?” And we ended up with three works from her—one was a painting, the “crime in the hotel” [The Scene of the Crime] by [Robert] Hodgins. It is very striking, but I can see why she couldn’t sell it; who wants to have that picture in their home? It has his distinctive style but without the sense of fun—it is sardonic but only sardonic—that was one.

And Willie Bester—now, I opened an exhibition of three artists in Cape Town in 1990, the other one was Peter Clarke whom I had known before I had gone off into exile and it was a joy to see his work. And the third was a sculptor from Khayelitsha... it shouldn’t have been put on show and I said that, and the audience was furious at me; they never forgave me. In Mozambique, we would go around and be very upfront and discuss the works and ask the artists to explain the works themselves. I wasn’t quite as crude as that, but it was a pretty heavy critique. But the Willie Bester, I had never heard of [him] and I just felt there was a terrific quality there. In any event, when I saw the two women speaking, I thought this is just what we want. Wisdom from the people and is not just patriarchal knowledge; it is our mothers, our aunties, maybe the people who work in our homes and clean and all the rest. But that sense of justice and fairness. Often in ANC debate, not often, quite often, people would say “what would my mother say?” In other words, stop quoting Lenin and Fanon and so on—“What would my mother say?” My mother, a working-class African woman, maybe takes in washing from white families, maybe four years of school. And this is unbalanced. This is wrong. Anyway, these were our mothers sitting on the bench. With the location in the background where Willie had grown up, and we had that made into a tapestry and I am fairly sure that was Marguerite Stephens who did that. I am not sure if we paid for the exchange or if Linda did that.

Oh! And the third is the Kentridge, a nude self-portrait, which I called a beautiful nude self-portrait to which William’s brother said “If it is William nude, it can’t be beautiful” (laughter).

Now the carpet, the Skotnes carpet, that was part of a very conscious carpet tour, and it has got a history, I think I’ve told you, but I think it is worth telling again. The only time I violated my oath as an advocate in relation to my legal work, I was violating my oath all the time working underground trying to overthrow the government, but for the rest I was very correct—I even paid my parking tickets when I left the country to go into exile. I saw I owed 45 rand, so I went and paid it. You know, you can get me for high treason, but you are not going to get me for not paying my taxes.

But I hid Chris Hanie and another guy, Archie Sibeko. We had been in the underground resistance

together. After he had been sentenced to prison, he jumped his bail, and I hid him for about six weeks before arranging for him to go to JHB and escape the country. And he stayed in the house of a guy called Simon who was a student at UCT, he had a little cottage near UCT. I had come back from exile and Peter Simon is a major carpet producer in Cape Town and he had actually done carpets for the parliaments of. And I said, "Peter I want to take you on a carpet tour of the Constitutional Court". So it wasn't just tapestries.

And you know the story of the carpets and the details from the Simphiwe Zulu? They are fabulous. And others are done from designs in the Cape and there is one more in the library from another province. So, I took him on a tour of the carpets in the Court chamber itself. Again, the soft texture. They serve a function; they help absorb sound, so it is quite an important function, but more than that they give a sense of softness. And yet, they didn't want to carpet the whole floor, people must hear their footsteps to be real. So, the carpeting isn't done from that point of view; it is to provide décor, ambiance, and also to absorb sound.

So, we now in the new building and Peter said he has got a project to do carpets based on works by senior, South Africa artists and Cecil [Skotnes] was one of them and I asked Kate O'Regan if she knew of a spot that needed a carpet; and she suggested the entrance of the library. So, we measured it out and it took several months, and finally it was installed.

SV And what is so interesting for me is how much of the work was made for particular locations. So, it really is about how they get integrated into the fabric and there is that sense of the kind the textile really working with that.

AS Yes. Now the embroidery, we actually bought the women from the co-op.

SV The women that were here were from the Northern Cape?

AS Crispin Oliver is an activist from the Eastern Cape. He was the DG [Director General] for tourism and I took him on a tour of the Court, and we were always looking for provenance, and this was an important site for tourism. And I think he got in touch with L. Shapiro. And we must have had two sets of women up here. Some of the Kimberly women were in jail. But I remember the women for the other sector... I pointed at a blank wall and I said, "We would like your vision of Joburg. We don't want crocodiles, we don't want rondavels, we don't want drums. We want Joburg as you see it. And there was an architect involved who took quite a lot to actually compose."

SV Is that Peter Delaporte, I think? Why Johannesburg? Why their vision of Johannesburg?

AS Because the building is in Joburg, and it was also to refute there is this rural bucolic rural African kind of craft, and to get the sense of being in a city, a building in a city and what does it mean to them? And the other work was done with almost the total opposite. You know it is imagining the ancient people of the area. And I forget how they actually traced the actual rock engravings. And you

know there is an intervention to give it the right shape, to have the contrast to find something formal so that it doesn't look like the spontaneity of a child's drawing. But to my mind it is an appropriate intervention, it is not like fake graffiti, and it worked. I called it the oldest artwork in the world that I know of. I think it predates the cave artwork by tens of thousands of years.

SV Maybe you can tell us very briefly about the Marlene Dumas. We have a question around whether it was moved as some of the traces that we found show that Marlene was quite unhappy about how it was placed, and we haven't been able to find a record of whether it was moved at all.

AS Well that story started with speaking at the South African embassy in The Hague. Carl Niehaus is the ambassador, and he is actually I think a very good ambassador. I am invited to supper first with his wife Ansie. And his dad is there, and we are talking, talking, talking and we go into the place where I am going to speak on the truth commission.

A woman comes up to me, with a bob of blonde hair, she is a little bit tipsy, and she says to me "I have never come on time for anything, I arrived especially got the train to be early and you are very, very late. And these lovely gentlemen have come around offering me this marvellous wine and I didn't want to be rude to them". Somebody whispers to me, "Marlene Dumas, she's famous!" I hadn't heard of her. And I say to her "I believe you're an artist can I see your work?" And we go up to Amsterdam. I see her work and it is just glorious. And I am saying, I have a kind of a feel you know, we don't have any money, but we got a new building, and it would be fantastic if there is anything that you can offer. So, she takes me to a little storeroom and there are huge cigar boxes, and she said she was commissioned to design an artwork for a new court in Holland and the theme is the presumption of innocence with the benefit of the doubt. And we go there, and she is actually not very handy and I am not very handy and even when I was handed I wasn't very handy. So, we are trying to open this box and looking down and I just see the edge and that was enough.

Then it was just a question of getting it. It turned out that the Dutch Prime Minister was visiting South Africa and it could go with him and he could formally open it. And we just put it on stands at the temporary accommodation. And then, we invited the opening of the building where we invited Marlene, and it was the Prince Clause Foundation that paid for her to come and to speak. So, we had people sitting outside on the 21st of March. And judges from all over the world. Thabo Mbeki was the president (he did a terrible speech—he was cross with us because we had said that prisoners had the right to vote, and we had overridden the cabinet so it was a bitter speech.

The minute he came in with Zanele he was warm and gracious and so on, but he missed a glorious occasion). Anyway, I felt, and the Artworks Committee agreed with me and Yvonne very much so, that we should have an opening for the artists for the workers, for the architects, for the bricklayers in the evening. And we arranged for the carvers for the doors to come and to explain to people and Marlene. And I said, "Marlene, it would be wonderful if you could speak Afrikaans" and, to the carvers, "It would be wonderful if you could speak isiZulu". You know it is milking it a little bit, but we were making points. You're not imposing something you are finding something that is there.

Now, I vaguely remember I wanted the works to be in the Court chamber itself, and it would have been quite remarkable, which they were in the Dutch court. But some of my colleagues said no; "Albie, you can have the foyer, you can have the library but not the Court chamber". So, I joked "You want everybody to be looking at us and not the pictures, you're jealous". But I had to go along with that, and maybe they were right. Maybe it is best to just have more abstract works so that the emphasis is just on the words. But ja, there were the carpets, the screens that were there just for the sound, and the flag. We had two droopy flags. That was the African art centre. So, maybe Marlene was disappointed that it is not something you see immediately. The other thing is that there are not many spaces that can take big works like that. The impact might have been greater if they were together, on the other hand if you put them in one long row it gets lost so, it got quite a strong position.

Recording ends.

APPENDIX C: TRANSCRIPT OF INTERVIEW WITH ALBIE SACHS, 2017

4 August 2017

Home of Albie Sachs, Cape Town

Digital recording in the possession of the author

Transcribed by the author

1 hour, 42 minutes, 15 seconds

AS Albie Sachs

SV Stacey Vorster

SV So, let's start with 'Preparing Ourselves for Freedom'. One factual point that I've come across is that some sources cite the conference as taking place in Lesotho and some in Angola and I was hoping you could confirm that for me.

AS Ok... both wrong...

It was in Lusaka and Barbara Masekela was the main organiser. It was an ANC conference on culture, and it followed on the Zabalaza conference in Amsterdam. I'm not quite sure of the sequence, and I was asked, could I attend? I was asked by Barbara at the Kulturhuset. You know the Kulturhuset? The House of Culture in Stockholm. They had an exhibition of artists from southern Africa: four from Angola, four from Mozambique, four from South Africa and four from Zimbabwe and each artist provided four pictures. They invited me, it was, I think, in June 1989. I was blown up in April 1988. My first job was teaching at the law school in the University of Columbia in New York, and I get this invitation to speak at the launch of that exhibition. It started off 45 minutes and then they said, "Well... make it thirty." By the time I got there, it was down to five...

SV Sounds typical...

AS ... and I was one of the last speakers. So, it was a heavy journey for me across the Atlantic and getting used to living with one arm, one short arm, and I just noticed all the Swedish speakers said the same thing, "Art is a weapon of struggle." Sometimes they might say, "Culture is a weapon of struggle." Sometimes they might say, "Art and culture are weapons of struggle", and they were actually saying nothing about the work, with lovely warm Swedish smiles. I said, "So ok, you're giving me five minutes.

I'm going to make two points." The first point was, "We don't want your solidarity and we don't want solidarity criticism." Dead silence. I said, "Your solidarity was to bring the art and the artists here, and you must engage with the art. If you like it—tell us. If you don't like it—tell us—and if you want to know more about it—ask. We don't want solidarity criticism. Solidarity was bringing everybody here." So, they relaxed. It was a kind of, an anti-imperialist diatribe.

Then, my second point was, "We must stop saying that culture is a weapon of struggle." I said, "I've been saying it for years, but you've got to get beyond that and deal with tragedy, heartache, joy, love-making: all the emotions that go to make human life and human expression significant." I said, "well maybe, just for five years, we stop saying art is a weapon of struggle." Barbara was there and she said, "Albie we are having a conference not long after that in Lusaka and..." (maybe I'm wrong about the date, maybe it was in... I think it was about June) "... you must be there and share what you've been saying." I said, "Barbara, I can't do it. It's such a long trip for me but I'll send a paper", and I wrote the paper called 'Preparing Ourselves for Freedom'. This was now while we were still in exile, and I had huge fun writing it.

SV You can tell.

AS I mean, I myself had been saying, for years, "Art is a weapon of struggle, artists are not solitary figures on their own dealing with existence and reality and finding their own individual truths, come what may. They're part of the wider world and, particularly, in South Africa where apartheid was destroying everything and keeping people apart and suppressing everything. We've got to unite, and artists are not exempt from the freedom struggle." I'd been saying that for years and years and years. Basically, we'd achieved that degree of mobilisation, of unity, of participation, with lots of artistic endeavours: the World Anti-apartheid exhibition, the Amanda Musical Ensemble, which was phenomenal, touring Africa. This idea of art for art's sake—forget about the struggle—we didn't even have to combat it anymore. But I was feeling the art that was coming out of the movement could have been much richer, much deeper, much more trenchant.

I was thinking of my own life in Mozambique of love, war, death, revolution. So powerful, so full of contradictions. When my, then, very young children visited me in Mozambique—Alan and Michael, they must have been aged about seven and six, or maybe a little bit older than that—they joined the ANC Young Pioneers and they learnt to do the gumboots dance and they taught me and that was fun. But on the certain day, they all stood in a row, and they lined them up with the tallest on the one side and the shortest on the other side and they recited the Freedom Charter: "We... the... people of South Africa... declare... for... all... the... world... to know...", and they'd forget and somebody else would nudge. It was so boring. So weak. That repetition. The dance was so energetic and meaningful. Then, the chair would say, "Ok, now we're finished with the culture, let's get on with the politics." So, culture was like an adornment for politics. You would sing a bit, you might dance, and then you'd get on with thinking. And I thought, No, culture's much richer, deeper, much more meaningful than that.

So, I went to town. I had a lot of fun writing that and, in a sense, nothing gives you more fun than

writing against yourself. It wasn't only that they weren't reaching the potential to really inspire and run deep and give our stories meaningful way. Triumphalist art could, actually, be negative. There's a moment to celebrate and a moment for triumph, to be triumphalist, but if all your art is simply triumphalist it's actually emptying it of its real deep dimension. I felt, we've got to avoid that.

Mozambique was a very good country in which to think about art. They had powerful visual artists: Malangatana and Chissano were the best known, and people said to Malangatana, "We've won. We've got our independence. We've had a revolution. Why are all your pictures so sad?" and he'd say, "You know, our people are still deeply traumatised, and it will take a long time." He wasn't compelled to change from that sombre style of presentation and, when one of their ministers was asked, "What is your view on the slogan 'black is beautiful'?", he said, "black is beautiful, brown is beautiful, white is beautiful". I thought that was a very wonderful statement and it actually comes into the article I wrote. White has made itself ugly by employing whiteness as an instrument of domination and exclusion and, if white sheds that, then it becomes one of the things about how people are, and their cultural resources and backgrounds, which gets fed into what they call 'Mozambican culture'.

So Mozambican culture drew on all the inputs. What had happened before, was the Portuguese vision had smothered and repressed African expression. The idea wasn't to destroy other influences but to allow the majority expressions to make up the... So, in fact, instead of doing Portuguese folk dances, little kids speaking proudly, "Our highest mountain is the Sierra Nevada, which is 1992 metres high, and they added a platform of eight metres to make it 2000 metres high." When, in fact, there were higher mountains in Mozambique. But the 'us', the 'we' became totally subsumed by Portugal's culture. So, all that was dropped, we didn't hear Fado music, which was very beautiful music, but we heard wonderful folk, choral, individual music in Mozambique. There was a great interest in world literature in films from all over the world, in art ideas.

So that set me up for imagining, now, a new South Africa. I was struck by the inventiveness of people like Miriam Makeba and Hugh Masekela and Abdullah Ibrahim who had established a new idiom that was intentionally South African but that fused into world music and expression and, professionally, at a high standard. They didn't have to say, "Long live the struggle, long live the revolution." The revolution was in their energy, and their spirit, and their mentality. So, that allowed me to write that particular piece.

I couldn't go. I gave the text to Gillian Slovo. I was told she was attending. You know Gillian? Daughter of Ruth First, laconic in the sort of, English style, and she took it and I heard nothing. I thought, Oh well. You know, you write the papers, I've been at a lot of conferences, then they get photocopied or stuck aside and you might read them, you might not read them. Too bad, I enjoyed writing it. Then, it would've been about three months later, I'm in New York, at the office of the ANC that was located there. A young woman, who'd been at the conference, said, "Oh comrade Albie, I'm so excited to meet you. You see, your paper tore the conference into half, into two. We spent hours and hours discussing it." So, one of the points I made in the paper is: where do you read about love in ANC literature? You've got enemies, you've got ugly and cruel and bad and stupid—easy to recognise—and you've got

freedom fighters, you have heroic and handsome and beautiful and pure—easy to recognise. But, what about the good in the bad, the bad in the good? And what about joy? When you join the ANC, do you stop making love? And when you go to bed at night, do you discuss the future of the white working class? Now that phrase I got from somebody, she was white, that the men would get together, and she said, “Albie, you know, they are discussing the future of the white working class, and I’m not really interested in that—I love horses.” So, in any event, that’s how that phrase came into the talk and when the South African National Gallery did a retrospective, that phrase was put up on the wall.

So, the timing turned out to be very fortuitous and Barbara realised that this would be really good for South Africans inside the country, of all backgrounds, to realise we discussed these things. We weren’t just ideologues, discussing a party line. We were interested. So, she released the document around about the time of February the 2nd. Immediately, people like Neville Dubow, whom I’d known when we were children together, said, “Aha! Albie has come around that art mustn’t be subjected to politics.” In fact, he got it totally, utterly, completely wrong. The idea was that art and politics are so intertwined that what you need is more culture in politics to enrich the politics and to enliven them. If art is a weapon of the struggle, the point of the weapon is it fires straight but the point of art is it goes all over the place and it doesn’t just fire straight. That’s what makes it art. That gives it a freshness, the contradictions, the ambiguities, the nuance.

So, it got picked up by some of them, simply saying that “Oh, there you are!” They read into it what they wanted. The one criticism that I felt did hit the mark, was that by focusing on Miriam Makeba and Hugh and Abdullah, I’m picking up just on the famous that have now become wealthy and well known and ignoring all the work being done at community art projects. In a sense, that was true, because I was unfamiliar with that work. So, I wrote about what I knew, and what I knew, was what had been done in exile but in a very, very creative way. They were fusing elements of South African music: using rich instrumentation, the human voice, keeping a very strong South African quality. In the case of Abdullah, very Capetonian, with the idioms, with the rhythms and the sounds and the cries of the streets, of the church where his mother had been an organist. Then, Hugh Masekela with the strong—and Miriam—African voices, in multiple ways, coming through.

I was invited shortly after my return from exile to a meeting: COSAW, Congress of South African Writers. It was Nadine Gordimer who invited me. Maybe five, maximum ten people, and I think they were mostly very disappointed. I put a strong emphasis on language and that was based on my experience in Mozambique, where the idea of using Portuguese as a national language had inhibited cultural expression; it had promoted it up to a certain point but inhibited it. The one guy—can’t remember who it was—a white guy, said, “What I want is the language of revolution.”

Then I spoke to a meeting of film people in Johannesburg, and I remember making two propositions. I said, “One is that you have got to now demand your place in the SABC.” They almost fainted—the idea of working in the enemies’ institution—I said, “You have to become part of the mainstream. You have a right to be there.” Secondly, I said, “Develop the telenovela.” I’d seen amazing Brazilian films in Mozambique. Hugely popular, made by best artists in Brazil, the best film directors and actors

and scriptwriters. Well, if they hadn't fall out of their seats at my first proposal, they nearly fell out the second. I said, "If you want to make a film, a half hour documentary that will be shown in a church hall in San Francisco on a Friday evening five-thirty to six—you can—but you must try to get into mainstream. They couldn't imagine themselves into that.

In any event, there were wonderful debates, and you probably know the book *Spring is Rebellious*. I'd say the majority very critical. But none of them persuaded me that the approach I had adopted was wrong. I think, when people read it now, they say, "Well, what was all the fuss about?", and I think, to some extent, it's a tribute to the timeliness of it; that we could have gone another way. In particular, we could have gone in for triumphalist art, which we've virtually avoided. I am amused, in those days and before, there used to be a lot of debate about Socialist Realism, and it doesn't exist in South Africa. Instead, we've got, what I call, 'Capitalist Realism'. Where the two Chamber of Mines statues—you see them on the way to the airport—is the one, and they are in the Socialist Realist tradition, but it's put up by the Chamber of Mines! The other one is the statue of Mandela in Sandton Square—a grotesque—it's the size of Kim Il-sung, with a smile. I can see why you don't make statues of people smiling. It looks like a, I think they call it, the rictus.

So, I think the effect [of the paper] was indirect and not hugely directed or unmitigated. I think it opened up thinking and, maybe in terms of the hard ideologists, the fact that it came after perestroika and glasnost in the Soviet Union: Gorbachev. It's, kind of, in the air to be more open but there wasn't that direct influence of that. You know, it was just, that facilitated what we actually achieved.

SV I think, what is so interesting is at that crucial moment of the early 90s, I loved the phrased that you used, that it was more important to have a "culture of debate than a debate of culture", and I think that that was the moment that was really about finding a new cultural identity. I've been doing a lot of reading on heritage-making, and I think what is so fascinating is that we are, to some degree, in a trap of creating our heritage around the narrative of apartheid and freedom, the struggle and the liberation and there's a refusal of other kinds of narratives that, first of all, go deeper and become more human.

AS I don't see them as competing, at all, on the contrary, very much complimentary. If you don't decolonize, to use that term, you're not going to open up the spaces for the diversity of cultural expression. So, that's number one. Secondly, there is such a huge reservoir, still, of, pain's the word that's used, that needs to be brought in and managed in a different way, because if you don't, you can't get to anything else. So, it's not a concession and it's not been done, even for ideological reasons. I find it very moving to hear Max Price expressing his anguish at having taken down photographs and pictures from UCT, of good artists who supported the struggle, opposed oppression, because students are saying, "You are curating our oppression. We don't want to see pictures of oppressed people. We want to see images of people breaking through." It's anguishing for Max because he is, by nature and experience, a free-speech person, he believes in debate and argument. On other hand, he's head of an institution that has to cater for, or respond to, a great variety of people and it's not only a physical threat to those pictures, but also an acknowledgment that there has to be a reconceptualization that

can be a very rich process and those works will come back. Even as period pieces maybe but they need to be subsumed into a wider narrative and form of expression.

So, what saddens me, is the story of the liberation is not being told in its richness, in its detail, in its contradictoriness. Also, the story of, it's more than survival... It's one of the points that Njabulo makes so well, is that "Yes, we were oppressed but we were resilient and turbulent and fighting, and we weren't ghosts." Making people divide personality. That side also doesn't come through at all. I challenged Mandla Langa, years ago, to try and write a book like *And Quiet Flows the Don*, which you've probably never heard of. It was by a Soviet writer called Sholokhov. It dealt with a Cossack who was big, brave, impetuous, a great lover, a fighter, easy to anger, deep in sorrow. He moves from the "rebs" (the communists) to the whites, and his love affairs. In a sense, it's a picture of a vanishing, semi- feudal kind of militarised culture that had its own grandeur. Its gallantry, its sweep, its poetic quality but it's subdued by modern world, both industrialisation and revolution. I said, "Mandla, can't you write about an IFP supporter who is a strong, proud Zulu man, steeped in that culture who is now caught up in the challenges of changing South Africa? It would make the most fantastic book", and he wrote something, and I saw it and the IFP character was a feeble, useless, rather craven person, just subdued to power. He couldn't do it. He couldn't, inside himself, pick up the vanity, the glory, the grandeur, if you like, as well as the terrible qualities of that person. I mention that simply as example of a very rich way. I think he got the Nobel prize for that book; he wrote a trilogy in the end; Sholokhov.

What's sad, in a way, about the story of our struggle is, on the one hand, it's subsumed into a few slogans by the glorious people's army, and, on the other hand, the behaviour of many MK veterans today is so trashy. Not only, the damage it's causing now, but it's trashing the memory and some of them are youngsters who weren't even probably born then, being used in that way. That was just, you know, one element of many, many, many stories.

I think people have moved too easily from the heroic to erasure. The heroic, by its very nature, was always filled with complications, tensions, contradictions. But there was something epic about it and now pseudo-epic challenges, disruption, parodies what was done before. So, it's another form of erasure of the past if you like. Equating actions today that involve burning things down, and so on, to the actions that did involve violence at that stage, when it was a necessary ingredient, not what was required.

SV This is making my brain fire in so many different directions because I think this links to the *Blue Dress*, to some degree; how it's boiled down and reduced into one story that lacks that contradiction.

Ok, lets shift then to Malangatana. I'm interested in how you met him and, particularly, because I've been reading that book that you wrote, *Images of a Revolution* and that was in the early 1980s, 1983, I think. I was very lucky, not last year, the year before, to have a tour of his home, in Mozambique, with his son. So, I've been looking at his work for a long time and I'm quite interested in how his aesthetic might manifest in the Court.

AS Ok, so I'm eating prawns at the Polana Hotel in Maputo with somebody—I called him the world's leading Marxist expert on trees—he's a British guy, sent by the Food and Agriculture Organisation to Maputo to help with the forestry program in Mozambique. His host there was the head of the program, had been either Minister or Deputy Minister of Agriculture in Chile, under Salvador Allende. His older brother was the Vice President who was hanged by Pinochet at that stage. He's now in exile and he's having dinner with this British guy and the British guy's wife (left-wing English woman) phoned me and said, more or less, she'd been told by somebody or other that Albie's a good chap in Maputo and, would I like to join them for dinner? At the dinner now I meet the wife of the Chilean, who's head of the Ministry, and she's a landscape architect and she mentions that she's working with Mozambican artists on murals and the next morning at six o'clock they were to be painting on the front wall of the Ministry of Agriculture, where her husband worked, "Would I be interested?", and I said, "Fine", and at five-thirty I was picked up. At six o'clock I was there. It wasn't too far away from Malangatana's house, in fact. It's opposite the big mural of the revolution, that long curving wall, did you see it near the airport?

SV Yes, I think so.

AS Eduardo Mondlane is buried in the circle, opposite. That is the Ministry of Agriculture. I was very struck—Modo was her name—tall, thin, very serious and she was painting a mural together with Malangatana. She painted a girl on a swing, with a rainbow, and her pigtails are flying. And Malangatana—short, rotund, full of laughter and humour—was painting miners coming out the ground with their staring eyes. All in the same mural. It's the mural that's in the Images of Revolution. So, Malangatana asked to me to do some lines in black paint of some flowers that he painted, and I dipped the brush into the black paint. I was so nervous. All I had to do was follow the lines that he's done but I'd never done that before.

Anyway, that's how I met him, and we hit it off straight away. I'd actually been inspired, years before by the Mexican muralists and we had an artist in Cape Town, Leslie Cope, who did a big mural in a warehouse where we used to meet. This small non-racial youth group of People's Cape Town. It would be dockworkers and factory workers, street sellers, newspaper sellers, flower sellers, the opposite of the fairest Cape. Unfortunately, the cops had come in, booted us out and the thing was painted over. But the image was created by Rivera and Siqueiros and Orozco. It stayed with me all that time and now, suddenly, in Mozambique we're doing it. So, that's art for the people; out in public, and all the walls were filled with slogans and paintings and then, maybe about eight sites, were specially prepared for careful works prepared by a combination of mainly Chilean and Mozambican artists. Then that came to an end when we ran out of paint.

So, one influence I had on Malangatana was to get him to do silkscreens because he'd spend a lot of time on a painting to be bought by, usually, a foreign ambassador and leave the country. I said, "If you do silkscreens, then you can make multiple copies and reach many many more people." There was no one that could teach him in Mozambique, but he went to Swaziland and he met a South African printmaker, who I think came from Nelspruit, who showed him. Another influence I had on him,

was, I visited his house one day: he would prepare six layers of paint on the canvas, one on top of the other, before doing the actual painting. He'd done that and he just sketched a few outline strokes and it looked fantastic. I said, "Malangatana, leave it! Just like that!", but I came back a week later and he couldn't, he'd filled the whole canvas. Then he was working for an exhibition, I think on his 60th birthday, and I saw one of his works, it was a child screaming for his parents. It was like two thirds done, and I said, "Stop! Leave it like that!", and he did. One of the critics said it was his most powerful work.

We had a very good personal relationship. When he was elected to parliament, he had an old car that, like many old cars, wasn't working. He walked with his wife to take her to hospital, which would have been six or seven kilometres away, but he felt he can't walk to parliament. He asked me, would I come fetch him and drop him? I had small red Honda. It wasn't a grand car, you know, but a member of parliament should arrive by car. I, kind of, teased him a little bit, "You walk with your wife who's not well all the way to hospital, but you want me to bring you to the assembly in a car." His history was not unambiguous. He'd been part of a group of FRELIMO intellectuals who'd been imprisoned by the Portuguese: poets mainly, writers, one or two artists. The governor had given him an easel and paint and eventually he was released early and went to Portugal and exhibited there. There were some people in FRELIMO who felt very angry with him. But people liked him and they knew he was a real patriot. He wasn't painting anything that was pleasing, obsequious to the Portuguese, at all. I remember, years later, him showing me a picture of people with teeth and daggers, which he'd painted on the day that the armed struggle had been launched and it showed, in a sense, the terror of armed struggle. It was actually unsheathed—very very powerful—during that particular period. Then, he was sent up north to do some sort of training in artistry and to help the government there, as a kind of re-education, if you like, and he went. I remember meeting him there in a town called Nacala and, saying, you know, the issue had arisen of giving pork to children at school and in the one neighbouring province 90% of the people were Muslim. But the feeling of FRELIMO was that children's rights overrode the rights of religion. In people's homes they could be as abstemious as they liked, but at school they had to provide protein, like pork. I'm saying this because that's what revolution does. And Malangatana, kind of, shook his head, you know, and he said, "People change very very slowly, and they shouldn't be forced." I remember that and of course he was totally right.

Then invited him to come to Cape Town to paint a mural at UWC. I had found two of his paintings in a gallery in Kalk Bay. The gallery actually knew I was interested and got quite a good price from me for them. I think, he spoke at an exhibition of Mozambican art, which I brought back, which was first shown at UWC and then in Worcester Art Gallery and then at a gallery in Bellville. He spoke very nicely there, and he stayed with me. I gave him one of the pictures and paid for the trip and he painted a mural, which you can see now at the entrance to the library at UWC. Not a great work, but a nice work, very typical of his style.

Some years later, I'm in Vienna and he's doing some painting there and staying with a friend of ours. He's about to launch an exhibition at the bank and he asked, "Would I say a few words?" Now he's a fantastic storyteller but he felt, you know, you've got to speak about Picasso and Cubism, erudite kind of a thing. So, I started off just walking to pictures, discussing them, getting the audience to come

with me, and the next thing I know he's joined in and then he takes over. One of them was called The Sacred Well and he starts off by saying he grew up in little village close to the Limpopo River. At night, he'd sit with his granny by the fire, and you could hear the hippos grunting in the background. Now you can imagine, hey, this Viennese audience: totally spellbound. He described that sacred well that drew people in to look but then they couldn't get away from it. There were all sorts of strange creatures down there and they might end up falling into that well and they could never get out again. It was a very curious story and he'd done a picture to manifest that. It was very very strong.

The other thing he used to do on Saturday mornings, near the area where he lived: he would clear some ground—and you might remember the soil would be like a red coloured soil in Mozambique—and give the kids little Styrofoam cups with sand of different colours and tell them, “Now make your pictures with the sand.” It was very vivid: you'd see black sand, white sand, grey sand, and he said, when he was a child, he didn't have books, pen, ink, brushes but they used to make designs. It could be an ice cream stick, a piece of orange peel, drawing in the sand. So, there might be twenty or thirty kids from the neighbourhood under his direction, all doing the sand making, picture making. So, I said, “Malangatana, this would be great on TV in Vienna, and it will give some interest to your exhibition. Would you be willing to show how you draw with sand?”— “Ok, Albie, if you say so.” Then I asked the film people, “Can you give us some sand?”, and they said, “No, there's no sand in Vienna.” A South African can't imagine a city without sand! It blows, it gets in your eyes, it makes your car dirty, sand is like everywhere. So, I said, “Oh nonsense, there must be sand. Near the river!” So, we go down to the Danube—there's no sand. We drive around all over the place—there's no sand. So, we had to go to a shop to buy some sand of different colours for him to do the drawings. Of course, the irony was that he didn't have money for ink and paint brushes when he was a kid, and now he had to go to a shop to get these substitute materials.

He was great fun to be with, I described this to Mokoena. It would be a pain to walk down the street with him. The big cars would stop and roll down the windows, the aircon, speak to Malangatana, drive on. The street sweepers would stop him and speak to him. You couldn't go twenty, thirty metres without interruptions like that. Meanwhile, the hot sun is beating down. He was immensely popular and really well known and I said at the time, “He was as famous as any football star in another country”, and it says something about the importance of art there.

He had an interesting relationship with Chissano. Oh yes, I was going to say... He loved every kind of music. He adored Mozart. He would put on Mozart at his house studio when he was painting but he also loved traditional African music. He set up a dance choral group in his village and there was no problem moving between the two. His third great love was jazz. Mainly then contemporary black American jazz and he would switch from one to the other with great ease. That was very typical of the intelligentsia in Mozambique. They weren't caught up with this Afro-centred/Euro-centred. “We want the music of the world. You take from the world. You give to the world, but we find ways of expressing African identity, not through being exclusive but by joining in and contributing what we've got.”

Chissano was much more laconic. I don't remember him smiling or laughing a lot. I don't remember

him singing. This beautiful fine wood carving. I don't know if you went to his house...?

SV No, unfortunately not.

AS If you have a chance, you should go there. In some ways, even more impressive than Malangatana's house and they were the two greats of Mozambique. Each of whom had invented a style had now got copied by others and now would be referred to as an ancient Mozambican style that was actually very very very new.

Do you have another question?

SV One more, if you're up to it?

AS Yes.

SV So, I'm interested in that first piece by Joseph Ndlovu because I think it sets the tone and the scene for the rest of the collection. Funnily enough, I thought that it was quite similar to Malangatana's style. I have yet to interview Bra Joseph, who I met with very briefly last year to speak with him about it. But I wondered how you got to know about him and if you could say something about that.

AS Ok. So, at our very first meeting of the eleven new judges, ten on borrowed chairs, Arthur Chaskalson now dishes out tasks and everybody's got something. The rules of court: Ismail Mahomed. Laurie Ackerman: the library. Kate O'Regan: a new thing called personal computers, just coming in. Tholie Madala: the gown. And Yvonne Mokgoro and Albie Sachs are left, and he says, "Yvonne and Albie, can you be responsible for decor of our new temporary Court? And here's R10 000." So, not far from the Court in Braamfontein, was a gallery run by Mona Berman, the mother of Kim. I went there and saw the painting. What's it called?

SV *Humanity.*

AS *Humanity.* I felt, this is just so right for our Constitutional Court, and I spoke to her and she said, "You know, if she worked but she knew about..." Is it Stevenson, the gallery? What's it... Margaret?

SV Oh, Marguerite Stephens?

AS Stephens. "...Marguerite Stephens did beautiful tapestries and that might be even better for the Court." So, if I think correctly, R6 000 went to Joseph Ndlovu and R4 000 to Marguerite Stephens. I'm not quite sure. It was important for what it was and what it wasn't. It wasn't a blindfolded woman. It wasn't a Daumier cartoon. It wasn't the Magna Carta. It wasn't all these tired, copied symbols of justice and it expressed humanity, in the title, and togetherness. The term ubuntu wasn't used in those days but it was there. It had a manifest African quality and, it so happens, that it's fairly similar to the Malangatana picture that you'll see there now, it's just around the corner.

SV I saw it as I came in.

AS Yes. Of the crowd of faces. I've no idea if he ever saw work by Malangatana and he doesn't highlight the eyes in the same way that Malangatana does. So, it's very similar in terms of multiple faces in one picture but very different in the sense that the eyes aren't accentuated in the same way.

What was very important was our logo and Arthur felt quite strongly that we shouldn't continue to use the old South African coat of arms. Not an ugly, and in itself, not an offensive logo. I think it had a unicorn on the one side and a lion on the other. Some African quality but associated with government decrees. Kate O'Regan said she knew somebody, who knew somebody who was a designer. I think it was about two removed, and, in that very scientific way, I ended up going to the office of Carolyn Parton. It was just one of those things: I knew straight away that it was going to work. Partly, it wasn't a slick studio. So, it's partly what wasn't there. There was a freshness, a directness and an enthusiasm and sense of honour at being asked. No question about money or anything else, just that enthusiastic response.

Then, we were thinking about possible designs. Again, the idea was, you know, we fought hard for our justice, for our Constitution, for our Court—we must have a symbol that's our own. What should it be? I was saying, "I'm torn between a tree and the human face." So, she said she would give several specimens of both. Then Arthur said, he's "coming down to Cape Town." He was staying in Kalk Bay, "Could I bring them round there?", and, it turns out, somebody was visiting who'd been a designer, had gone to England, and, I think, had become a psychiatrist or something. The person said, "Why don't you put faces with the tree?" and went back to England. That became, in fact, the basis of the Court logo. Carolyn added some features to give the hints of the flag. Somebody—my son Alan says it was him—said, "the circle is very controlled, can't you allow leaves to come out around the edges?" So, we ended up with the logo. I see it as, perhaps, the acorn that had the DNA, if you like, of the whole art collection afterwards; what it wasn't and what it was. Not a literal sense of whatever justice is and certainly not a copy of what would be a copy of a copy of a copy of an image. So that was the second important ingredient.

Then, the crunch moment came after I'd bumped into Cecil Skotnes. It was actually in my bank, if you want to know FNB Adderley street, in those days. I said, "Oh Cecil maybe you can help us. We've got a new Constitutional Court; we want artwork for it. We don't have any funding, really, but can you give us some advice?" He said, "Well, you know Albie, I know of something that might interest you.", could I come up to his house? And he showed me a work that "He'd actually made", he said, "that was his celebration of democracy." It was painted red, ochre, I think, black onto gouged wood. I said, "You know Cecil, it would be wonderful if the first work we had was combined yourself and an African artist", and he said he knew this young chap, Hamilton Budaza, who was working as a librarian at UWC [University of the Western Cape], and they could work together on something. He went to Baltic Timber: they donated the wood to him. Then he arranged for the material to be trucked up. I'd given him measurements, which turned out were not all that accurate. But it just, just, just fitted. We paid for his flight up. He wouldn't take any money; he didn't ask for any money for the work. He spent the

whole day installing it: right through lunch time, I remember, he worked. Now that was as you came out of the lift, in Braam Park, I think on the second floor. You'd come out, and almost immediately in the foyer in front of you, on the left-hand side, was this wall with the Skotnes/Budaza painted wood triptych. It was up. Arthur said he's going to ask somebody he knows what he thinks of it. I think he did it over the weekend. There was some delay. I know I was very nervous. He said, "Thumbs up!" He says, "It's very good. It will dignify the Court." And that was the open sesame; that Arthur felt my... first of all, this person felt my judgement was good. I wouldn't put trashy stuff up there. Secondly, we could go with serious South African art that was not representational and obvious.

Then, if I remember correctly, the next was a visit to Linda Goodman. I'd spoken at one of her auctions, I think, encouraging people to buy art, because it drives you crazy and you're passionate about it, but it's also a good investment. So, I was quite, kind of, friendly with her, and she was supportive of the struggle. She said she had this tapestry by Willie Bester—The Conversation—and would we be interested. I'd actually opened an exhibition of three people in Cape Town, Willie was one. I'm trying to remember the other two. The one was a carver from Khayelitsha: the work just wasn't up to scratch. I think the second one was, he died about two years ago, his works are now selling for a lot of money.

SV A Capetonian artist?

AS Yes

SV Peter Clarke?

AS Peter Clarke, yes, whom I knew from before and so I could speak enthusiastically about Peter Clarke. I loved this guy Willie Bester's work, but I said some fairly sharp things about the other artist who wasn't really ready and people froze. They just, "How dare I?", you know. I was used to that from Mozambique. We used to be very open in our critiques. In any event, so the Willie Bester Conversation became a very, very important acquisition. That we put up right at entrance to the Court. I felt that, if anything conveyed that sense of basic humanity and fairness and balance in Africa, it was that. The fact that Willie had grown up in a township, which was in the background, made it even stronger.

She [Linda Goodman] also donated, with the consent of the artist, a work by the Englishman... The crime in the hotel...

SV Robert Hodgins?

AS ... Robert Hodgins, yes. I could see why it wasn't selling, because people like his warm, glowing work and this was too mysterious. Then also, a nude, I call it "Self-Portrait", by William Kentridge. So already with those works there, we've got the core. The emphasis is on the human person and the Bill of Rights, in a sense, is about human dignity. The rule I applied at the time (and Yvonne went along very comfortably. We saw eye-to-eye on things. I would discuss everything with her but she, sort of, left the initiative to me) was, no art that is denunciatory. There's a need for denunciatory art—angry

art—in the world but not in the Court.

That came through, quite strongly, when, some years later, Diane Victor offered us a set of, I think they were prints—very strong feminist prints—and we said, “No.” There are so many cases dealing with gender that come to the Court and people shouldn’t feel, “We don’t stand a chance. Their mind is made up. Just look at the art”, and then they’re in the dock before they’ve even been heard. So that was the one [rule], and secondly, it was to make the bulk of the work the human form—Bill of Rights—and once that was done, we could allow a certain amount of abstract work to come in. But not pure, conceptual abstract art. You can call that an “Albie conceit”, if you like, but it was also a rejection of the notion of pure rationality in the law, detached from emotion, disembodied. Indirectly, I think I was aware of making a point like that.

SV Oh no! Really?

AS Yes. That was probably the most revolutionary picture that we had. So, it wasn’t just your female nude to be looked at. It was the vulnerability if you like. When I mentioned to William’s brother, I said, “We have a beautiful nude, self- portrait of William”, he said, “Well, if it’s beautiful, then it can’t be my brother!”

SV I joke often when I give tours. I always used to bring up Jacob Zuma’s *The Spear* and, you know, why there’s such a difference between the two works; how the Kentridge work is so much about vulnerability, and it is, kind of, an admission—a self exposure. And then my joke would be, “Every time I shake William Kentridge’s hand, I have to stop thinking about the portrait, lest I blush!”

AS Then, you know, there’s a saying: “Every picture tells a thousand stories.” I say, “There’s a thousand stories about every picture.” Because we had no funding. We had to take what we could get. If I travelled, I always bought something back. So, a lot of the batiks and craft stuff and so on that didn’t go into the mainstream but, somehow, filled the building and gave it diversity, came from my travels. I would open an exhibition. The time I pushed the hardest was for the guy with an Afrikaans name... he won all our competitions...

SV I’m trying to think of who’s in the collection with an Afrikaans name.

AS ... he did the woodcuts... Vorster...

SV Andrew Verster?

AS Yes, Andrew Verster. He asked me to open an exhibition. It was an exhibition of gay and lesbian artists in Cape Town, and I was very happy to open it. He said there’s a piece of his somewhere or another that I can get. I went to see it and it was very dark and I felt, it’s a lovely picture but we need stuff that jumps out of the wall. So, at his next exhibition, which I couldn’t open, I said, “Andrew you know that picture that you gave us its very—” He said, “It’s too dark, isn’t it?” I said, “Yes.” He said, “Ok,

take any one you want from here." So, I took the triptych...

SV Yes, the *Hotlands* series. It's incredible.

AS Yes, and they had that tropical quality that's a part of our country.

SV Yes, it's so Durban.

AS The "*Blue Dress*"... I've told that story many times.

SV May I stop you for a moment? One of the things I've thought about is that, in that donating process, I think artists project, in wanting to give something that tells the story and that gives some sense of that pain. Even the Peter Clarke work, which is rooted in the story of the Trojan Horse. Do you think that was a trend? That artists wanted to give something that was politically aligned?

AS No. Peter asked me to choose. I'd known him. I went up to the little house he was staying in, in Ocean View. I'd taken one of woodcuts with me into exile. It was a girl on the swing. For years, when I lived in North London, it was there. It ended up with Stephanie Kemp, my former wife. He was soft spoken. He had his own style. He did beautiful work. It came from the community; you could just tell. I come back 24 years later and: soft spoken, his own style. Maybe developed a little bit, technically in space and so on but so distinctively Peter. I felt we needed his work. I wanted it, as his friend. And I was concerned about the fact that the people who could offer their work, most easily, would white who were well-off to begin with. So partly as a counterweight, I gave fifteen Malangatana drawings, which I'd bought from him, and one of which he'd given to me, to the Court. Then, I arranged for the National Gallery, under Marilyn Martin, to send us Sekoto and I made a selection. I chose the works that I felt would work best in that public space that you walk past. Marilyn left. Others took over. They demanded the work back.

SV That was when I first started at the Court.

AS Ok. We hadn't kept, not in any detail, any records really of the transactions but it was really going to be there indefinitely. The work just wasn't being seen at the gallery, but they insisted on getting it back. So now it's lying unseen in the gallery. Unfortunate.

In terms of the installations, there's a very fine work—I don't think it made it into the book—Pat Mautloa: it's a tapestry.

SV It's in the clerk's meeting room.

AS Yes. We commissioned that.

SV Also faces; faces in a crowd.

AS Then quite an interesting episode was when Chippy Olver was the Director General of Tourism. Somehow, I got to hear that there was a guy, Leonard Shapiro from Kimberley then, who knew about a co-operative that was working with a prisoner based on early engravings. Tourism [the Ministry of] was also going to support that and to support a group from... I thought it was Mpumalanga, but I think it's from Limpopo. In any event, the women came down, the walls were empty, and I said to them those were the walls. To the women from Limpopo, "Do your vision of Johannesburg. We don't want crocodiles and spears and rivers and cows and elephants. How do you see Johannesburg?" It's true, there was an architect working with him. So, I think he juggled the shapes a little bit to give them more coherence but very powerful abstract...

SV Peter Delaporte is his name.

AS Ok... and then the other work had to be, I think, enlarged a bit and that was women, they also came up to the Court, except for the prisoner. So that was an interesting thing.

The last thing, similar to that, it was two—what do you call them? —pieces of embroidery. By an alternative arts group from...

SV Bethesda?

AS Nieuw Bethesda. Again, there was a woman from England, well known in England, very involved with that group. We put them in, I know, close to Kate O'Regan's building and we paid, not a huge amount. We paid something for it, and it was nice for them. They were so thrilled, and they came up and they were chattering away. It wasn't like this quiet Court, you know, a sort of loud Cape community group speaking.

Another interesting one is the other Ndlovu.

SV Sipho?

AS Sipho. There, I got a phone call from Hayden Proud. He said, "There's a very interesting artist", and he brought some work around. He said, "it wasn't... the gallery had no funding", I think he said, "but the Court might be interested". I think, actually, it didn't pass Hayden's aesthetic criteria and they should have bought it. Just for that diversity. So, I was given a contact number for Sipho. He was staying in servants' quarters up in Vredehoek. I drove him down to the gallery. I saw the work. I could see the value immediately, for the collection. If we'd started with that, it would have been bad. It's got a cartoonish-like character but once we had this rich collection of work... He's very skilled and there's a strong narrative vision there. As long as it didn't appear in too frontal a, kind of, position. He was absolutely overjoyed. I think I put in my own money. It wasn't a huge amount, but for him, I think it was a lot. I'm very sure it was my own money.

I felt we lacked landscape, and, for me, landscape is such a strong thing in South Africa and the artist whose work I really admired was from Greenpoint. It's that Karoo scene...

SV It's on the tip of my tongue...

AS Is it Laubscher?

SV Yes, Erik Laubscher

AS I had met Erik. He stayed downstairs and Marjorie Wallace, who painted my portrait, and Jan Rabie, her husband, stayed upstairs. They were very kind to me in a very difficult time: in between my banning orders and when things were really heavy in the country. She's painting and I met Eric and his French wife, and I loved his semi-abstract, semi-desert portraits. I came to see him, and I said, "Could he donate something?", and he said, "No", he lives by his art. So, I said, "How much would that painting cost?", and he said, "R21 000". And, it so happened, that BBC wanted me to fly to London and appear on one of their programs to comment on their elections: were they free and fair? A very British kind of a thing, rather smug. So, I said, "Ok." I was just on the air for about ten minutes after midnight and I said, "I want R21 000 plus my fair." He did throw in a little etching or sketch in addition.

We went to see Eduardo Villa: very warm, very friendly. A lot of his work was, for me, too tensely abstract for the Court. But he showed us three beautiful, curved pieces, which he donated, aged 92, to the Court. Then we thought they'd look very beautiful over the pond in the water, but they rusted, so they had to be moved. I'm not sure now, are they in the courtyard?

SV They are right next to Justice Cameron's chambers, in that little courtyard. Actually, they were quite badly rusted a while ago and with the help of Karel Nel, I restored them; sanded off some of the rust and repainted them.

AS I think they were supposed to be on something of a plinth, I don't know if they are now...

SV They are.

AS Ok. Then, a very special story about John Baloyi. I forget what it was, but something took me up to Limpopo and I really liked his work. It was quite strong, and I was obviously very interested in the work of... Who's the great?

SV Noria Mabasa?

AS No, no, the man. He was called Venda but, in fact, he was Tsonga- speaking.

SV It's also on the tip of my tongue. Nelson Mukhubu?

AS No.

SV Do we have a work of his in the Court?

AS He was the best known of all those artists.

SV John Baloyi?

AS Yes!

There was a huge trunk, and it would have been fantastic. He'd done little bits of carving and so on, but we didn't know where we would put it, how we would get it. It would've been great on Constitution Hill. In any event, we didn't get that. He was becoming a little bit, kind of, gaga then.

The Law Society said they'd like to donate something to the Court and they had beautiful photographs of game parks. I absolutely groaned. It's not only that they weren't nice, it's that they were just fighting everything we were trying to do. So, I said, "Mr Swanepoel," whatever his name was, "can you give us the money and I can find a work?" Then, there was a guy, an Afrikaans guy, who had been selling a lot of Venda art north of Johannesburg and I went to his, sort of, farm there and I saw the "Spirit", the "Ghost". Is it now still at the bottom of the gallery?

SV Yes.

AS It's just such a powerful beautiful piece of work. So, we used their money for it. Then, maybe, on another occasion I saw Godzilla and I used the money I earned teaching at Oxford during their summer vacation; they would have human rights courses at the new college, being taught. We stayed with a colleague, the name doesn't read, it's not a phonetic name. In any event, I used that money. It took us ages to get it trucked down and then about twenty security guards to get it off the van. It hasn't been properly positioned—it's quite difficult. Then, to preserve it, it was given this heavy lacquer that takes a lot away from it.

Nobody wanted it in the Court area; it was too strong. So, it, kind of, haunts us

The Dumile: that involved a whole relationship with Dumile over many years. Seeing exquisite works that he did, just disappear. Seeing him at the moment of triumph, destroying work that he'd done and now it looked like, even after his death, his work was doomed. But then I went up to the Talix gallery and, visiting it with Dumile's daughter, Miriam, and getting her permission to have the work cast and enlarged, brought it to South Africa. I said, "That will help establish his name, his fame and bring him income and give him stature." Because the money was... I had to give \$70 000 USD, which I got sitting next to somebody at a party in New York. Told the story, and he said he's a very good pickpocket and he worked for the Diamond Foundation. They did work, mainly on HIV, but there were some discretionary funds, and he liked the story of South Africa. The daughter had never met her father coming there. Talix then enlarged it and that required two South African artists living in the US. One is Vanessa Solomon and the other... his name is mentioned at the back there (gesturing

to the book *Art and Justice*). He'd been living in the States for forty years. He'd become quite a well-recognised artist there, who'd adored Dumile's work. Had a lot of understanding of his aesthetic and vision. Eventually, it was cast, and we had to get funding to bring it down to New York. It was shown at a museum in Harlem for the first time. I think Thabo Mbeki actually launched it. I think Thabo actually knew Dumile quite well. Then we had to get South African, Safmarine, I think, to ship it to Johannesburg. Then we had a launch, and I was hoping Hugh Masekela would play his trumpet for that but I think he expected funds. He made his money in music, so we didn't have that fun.

The other big sculpture is *Moving into Dance*. I'd seen the little maquette— Orlando De Almeida—who was from Mozambique, Portuguese origin. I loved it in its quality and theme, and it fitted in well. I said, "Could it be enlarged?" and because it wasn't in the Court, it was a donation to the Hill, so external money could be used. It was then Gilbertson who came up with the money. Meanwhile, the guy who donated the maquette to the Court, it was actually in my office, asked if he could borrow it for an exhibition and I said, "Fine", and he never gave it back. I lost a friend and I felt a bit cheated about way he'd gone about it but he remarried, he seemed to be happy and he went on with his life. So those were the three big sculptures outside.

The one that was done by... the statement by Mandela...

SV Wilma Cruise?

AS Yes... was done by Wilma. Wilma Cruise came up and our artworks committee accepted. By this stage now, the architect, Janina Masojada, had become a key person in the art selection.

Then the tablets. Willem Boshoff's wife, Anel, had been my law clerk. I remember when I went to visit them the first time, I couldn't find any road signs— King George the Sixth Street—because he'd taken them all down with his anti- British installation. A very extraordinary artist. Linda [Goodman] said she thought he was greatest South African artist and that included Kentridge. Some of his work was being exhibited by Michael Stevenson and I'm not sure if it was just one example but, in any event, the Rivonia tablets came from there, Michael got paid, I don't know by whom or how much, it was anonymous, and that very, very powerful work came in.

There were other Mandela works, one was offered by a Chicago artist...

SV Amos Miller?

AS Amos Miller, married to a South African. I really liked it. My colleague Richard Goldstone couldn't bear it. It was up near his chambers. He only knew Mandela smiling but this was a Mandela, not quite often seen, with the weight of the world on his shoulders. Then we got two works from Natalie Knight.

SV Jane and Billy Makhubela?

AS Yes, I think, one paid for, one donated and it just added to the diversity of the representations. So, there isn't an heroic sculpture of Mandela but quite a strong Mandela presence.

I knew the father of a woman artist who used river mud.

SV Thea Soggot?

AS Soggot, yes, Thea. I'd met her and Arthur Chaskalson had work by her, which I liked very much, and she donated. Very fine work. It seems to have disappeared now.

SV It's still up. We had a conservation report at one stage that warned against anything above the air vents and so, I think, for a short while things were taken down but, I think, those two have been returned.

AS There was one day when Angela...

SV I think I know who you're talking about... Angela Zehnder?

AS ... she came up with a horrible machine...

SV A light meter?

AS Oooh, it was a horrible machine. I hated it! It was going cluck, cluck, cluck, cluck. Terrible. You know, like huge reading! Of course, the building is so marvellous because it lets in so much light but then the light was the enemy of artwork and yet the artwork... I would have preferred to keep it and let it die than to just hide it away. So, we did put filter on some and then put the paper works in a relatively hidden area.

Regi Bardavid. I'm walking down Church Street and I bump into someone I know. He says, "Oh, here's my friend Regi, the artist." So Regi says, "Oh", I must come and see her work, "I'm in Joburg" and I saw that triptych. It was so moving, so powerful. So, you'll see behind you is a Regi.

SV Oh, is that who it is? It's wonderful.

AS She went into abstract work and she's doing very well with it. Selling quite a lot.

SV She's Zimbabwean?

AS No, she grew up in the Congo with an Italian mother and an Egyptian father, I think. Then her husband was shot dead by a robber...

SV You have given me so much more than I could have expected. So, please stop if you are

exhausted. Thank you.

AS No, if you've got more questions...

SV No, I haven't got any more questions. Thank you Albie.

Recording ends.

