

# CCAC

Constitutional Court  
Art Collection





# PROMOTING JUSTICE, HUMAN RIGHTS AND RECONCILIATION THROUGH ARTISTIC EXPRESSION

The Constitutional Court Art Collection (CCAC) is more than an aesthetic addition to the Constitutional Court building. It is a unique collection of South African and international artworks that stimulates and enriches education, critical debate and research on the roles of the Constitution and the Constitutional Court of South Africa. The Collection eloquently displays the themes of transition, social justice, human rights, constitutional values, reparation and reconciliation.

In 1994 when the first eleven Justices were appointed to the Court, Justice Albie Sachs and Justice Yvonne Mokgoro were given the

portfolio of décor. They were asked to use a budget of R10,000 to decorate the courtroom (at that time housed in temporary office space) with the dignity befitting the people that would move through it. Justices Sachs and Mokgoro used that budget to commission a single artwork – *Humanity*, by Joseph Ndlovu. It now hangs in the lower gallery of the Constitutional Court.

Since then, hundreds of artworks have been donated to the Collection. Many other works are integrated into the architectural fabric of the building itself, which became the permanent home of the Constitutional Court in 2005. ●

# THE HONOURABLE PIUS LANGA ON THE COURT

The Justices of the Constitutional Court of South Africa have the privilege of working in a beautiful environment. Every day, as we try to answer difficult questions concerning fundamental human rights, the moving works of art and uplifting design of our building constantly remind us of what should never be forgotten: that justice is for people and that all people are united in their inherent human dignity. My hope is that this spirit of shared humanity, so clearly conveyed by the Court's collection, will continue to inspire judges and ordinary people alike in our collective pursuit of justice. ●



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Pius Langa  
Former Chief Justice  
Constitutional Court of South Africa

# THE HONOURABLE RUTH BADER GINSBURG ON THE COLLECTION

The Constitution of the Republic of South Africa marks the birth of a new nation dedicated to “democratic values, social justice and fundamental human rights.” It is fitting that the judicial guardian of the Constitution, the Constitutional Court, is housed in a building notable for its accessibility to the public, as the Court itself is. Constructed on the site of the Old Fort Prison where Nelson Mandela and Mohandas Gandhi were once locked up, the Court incorporates part of that fearsome edifice. Empty cells, barbed wire and some of the artwork serve as reminders of past tears and travail, and the long struggle for freedom. Overall, however, the building’s design expresses high hope for, and abiding

faith in, “a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.” The Constitution, Court building and artwork share an animating theme: “Everyone has inherent dignity and the right to have their dignity respected and protected.”

The art displayed in the Court is a perfect match for the building’s design. The Collection affords the visitor, and all who work at the Court, a moving and delightful impression at every step and turn. Imbued with the spirit of emancipated humanity, it is the most vibrant collection I have seen in any courthouse in the world.

None of the Renaissance iconography typically shown in tribunals of justice and no austere portraits of judges of yesteryear (invariably white and invariably male) fill the Constitutional Court's foyers, corridors and rooms. Instead, the art is of, by, and for "the people of South Africa," now "united in [their] diversity."

Approaching the building, one sees on the façade the Court's name, in bright colors, in the many tongues spoken in South Africa. The arrangement conveys to the entrant: whatever your race, language or station, you are welcome here. Inside, the talent and spirit of the nation's artists and crafters combine to create a brilliant homage to what South Africa is becoming: "a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law."

Some of the artmakers are internationally renowned; others perhaps do not even think of themselves as artists, they simply make beautiful things. Among the most evocative works in the collection is the famed *Blue Dress* by Judith Mason,

a gentle memorial to an executed ANC combatant whose naked body, covered only with a scrap of blue plastic, had been found as a result of Truth and Reconciliation Commission proceedings. Willem Boshoff's granite tablets recording each day of the decades Nelson Mandela and the other Rivonia defendants spent in prison similarly remind viewers of the years of division, oppression and pain under apartheid. Emblematic of the transformation of the nation from a racist, authoritarian state into a constitutional democracy are the carpets, alive with color, woven by rural women using designs adapted from paintings by the artists Simphiwe Zulu, Romeo Zamane Makhanya and Sfiso Ka-Mkame; the finely wrought security gates; the woven chandeliers; the carved doors; the slightly irregular round table at which the Justices confer; and the Court's logo symbolising "justice under a tree." Throughout, one sees the imprint of the hands, eyes and imaginations of all the people whom the Constitution, and laws made thereunder, exist to serve. ●

Ruth Bader Ginsburg  
Associate Justice  
Supreme Court of the United States



**Judith Mason**  
*The Man Who Sang and  
The Woman Who Kept Silent*  
1998  
mixed media and oil on canvas







# ART AND JUSTICE

**Handspring Puppet Company**  
*The Dogs of War*  
1997  
mixed media

# THE HONOURABLE ALBIE SACHS ON ART AND JUSTICE

Art and justice are usually represented as dwelling in different domains: art is said to relate to the human heart, justice to human intelligence. Rationality is sometimes seen as inimical to art, and passion as hostile to justice. The CCAC shows how art and human rights overlap and reinforce each other. At the core of the Bill of Rights and of the artistic endeavour represented in the Court is respect for human dignity. It is this that unites art and justice. ●

Albie Sachs  
Former Justice  
Constitutional Court of South Africa

**Joseph Ndlovu**

*Humanity*

1995

fibre



The CCAC provides a visual interface for the public entering the highest court in South Africa. It allows stories of the past to be told in a way that crosses gender, race, age and class boundaries: it is a unique and eclectic creative expression of our humanity. It represents an invaluable historical perspective on the journey of a nation's democracy to equality through artistic expression. While the Collection began as a partly decorative scheme for a newly founded Constitutional

Court and its building, it has evolved into an important expression about art and justice, and provides an educational opportunity for the thousands of visitors each year to the Constitutional Court, including many schoolchildren. Nearly all of the over 400 artworks in the Collection have been donated by South African artists and philanthropists. The CCAC is a living monument to justice, human rights and reconciliation. ●



# CONSTITUTIONAL COURT OF SOUTH AFRICA

The Constitutional Court was established in 1994 following South Africa's first democratic elections and the adoption of the interim Constitution. South Africa underwent a historically significant transition from an authoritarian and repressive apartheid regime, founded on a system of parliamentary sovereignty, to a constitutional democracy committed to the creation of a just society based on human dignity, equality and freedom.



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In 1994, South Africa's judiciary was overwhelmingly white and male, and seen by many as complicit in the apartheid regime. It was therefore agreed upon that a new court, representative of South Africa's diverse population and untainted by the past, should be established to protect, interpret and enforce the new Constitution.

The Constitution is the supreme law of the land in South Africa. It contains a Bill of Rights that enshrines the fundamental human rights of all people in the country, and it also divides the powers and functions of government between the legislature, the executive and the judiciary, as well as between the local, provincial and national spheres of government. No other law may conflict with the Constitution; all organs of state are bound by it and are obliged to "respect, protect, promote and fulfill" the rights enshrined in the document. ●



# THE SITE

The setting of the Constitutional Court and its incorporation within the larger Constitution Hill historic site has symbolic importance. The Court, a potent representation of the democracy that replaced apartheid, was erected on the ruins of the Old Fort, a notorious prison that housed political activists including Mohandas Gandhi, Nelson Mandela, and many others. The Court is in dialogue with the prison that it replaced, and its location symbolises the triumph of hope over a troubled past.



**These bricks, which once incarcerated us, now hold up the ideals of justice, freedom and democracy.**



In demolishing the Awaiting Trial Block to make space for the Constitutional Court building, the architects were conscious not to erase the memory of the past. Many of the careful decisions in designing the space reflect this choice, including the 150,000 bricks that were recycled to build the Court. These bricks, which once incarcerated us, now hold up the ideals of justice, freedom and democracy.

At the ceremony announcing the winner of the Court's architectural competition, then President Nelson Mandela said:

"The Constitutional Court building, indeed the entire Constitution Hill precinct, will stand as a beacon of light, a symbol of hope and celebration. Transforming a notorious icon of repression into its opposite, it will ease the memories of suffering inflicted in the dark corners, cells and corridors of the Old Fort prison. Rising from the ashes of that ghastly era, stand as an affirmation that South Africa is indeed a better place for all." ●

# BUILDING WITH ART





**The design brief for the new Constitutional Court stipulated that the building have meaning and significance: that it express our collective social, political and cultural achievement in the context of democracy and contribute to an ever-evolving national cultural identity.**

Meaning and experience were constantly interrogated in the design process and were the major themes of a debate that helped to refine the architectural response to the project.

In the design development of the Court, the fundamental intention was for the building to be unified with the South African context expressed in and promised by the country's new Constitution. The architects responded to this brief on an urban and architectural scale, as well as in terms of the elements of the building (the bits and pieces making the whole). Artists and craftspeople were

invited to participate in the building's make-up by submitting proposals for these elements, some quite small (like the nosings on the stairs in the Exhibition Gallery) and some much larger interventions (such as the west-elevation sun screens).

The traditional supply chain for such elements was replaced by artists and craftspeople who conceptualised and customised many of the building components. These had to respond to functional (building performance) requirements and physical environments, but also bring meaning – human energy, creativity and a vibrant aesthetic – to the building. ●

**Sister,  
a plastic bag may not be the whole armour of God,  
but you were wrestling with flesh and blood,  
and against powers,  
against the rulers of darkness,  
against spiritual wickedness in sordid places.  
Your weapons were your silence and a piece of rubbish.  
Finding that bag and wearing it  
until you were disinterred is such a frugal,  
common-sensical, house-wifely thing to do,  
an ordinary act...  
At some level you shamed your capturers,  
and they did not compound their abuse of you  
by stripping you a second time.  
Yet they killed you.  
We only know your story because a sniggering man  
remembered how brave you were.  
Memorials to your courage are everywhere;  
they blow about in the streets  
and drift on the tide  
and cling to thorn bushes.  
This dress is made from some of them.  
Hamba kahle.  
Umkhonto.**

**Judith Mason**  
*The Man Who Sang and  
The Woman Who Kept Silent*  
1998  
mixed media





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